

The Corporation of the Town of Huntsville
COMMITTEE OF ADJUSTMENT
Meeting held on **Tuesday, May 20, 2008** at **9:00** a.m.
In the Council Chambers, Town Hall

ATTENDANCE:

Chair: W.A. Beatty
Members: John Davis
Mary Jane Fletcher
Brian Thompson (arrived at 9:10 a.m.)
George Young
Staff: Chris Madej, Manager of Planning
Kirstin Maxwell, Planning Technician
Katie Newman, Planner
Terry Sararas, Director of Development Services
Jacquie Tschekalin, Senior Planner
Absent: Claude Doughty
Also present: Fran Coleman (arrived at 9:55 a.m.)

1. CONVENE

Moved by John Davis and seconded by George Young

THAT: We hereby convene as a meeting of the Committee of Adjustment at 9:00 a.m..

Carried.

2. ADOPTION OF AGENDA

Moved by George Young and seconded by John Davis

THAT: The Committee of Adjustment agenda dated May 20, 2008 be adopted as printed and circulated.

Carried.

3. DISCLOSURE OF CONFLICTS OF INTEREST

Member Davis declared a conflict in item 4.) pages 8 thru 13.

4. MINUTES

a) Committee of Adjustment Meeting Minutes – April 15, 2008
Moved by George Young

THAT: We hereby adopt the minutes of the Committee of Adjustment of April 15, 2008.

Carried.

5. CONSENTS

Chair Beatty provided a brief overview of the purpose and procedure of the Hearings and declared the Hearings to be public meetings of Committee.

a) B/29/2008/HTE (Rogers)

Jacque Tschekalin, Senior Planner, described the purpose of the application.

Comments received to date:

No objections were noted by MTO, Fire, Public Works or Building.

District noted that the property contains a wetland area, and the Town may wish to impose site plan control. Planning noted that the lot containing the wetland had already been built on, and no further remedies are required.

Planning also noted that the application complies with the intent of the Official Plan as well as meeting current and proposed zoning by-law requirements.

Chair Beatty called upon the applicant or their representative to provide additional comments.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed severance.

Chair Beatty asked if there were any questions from Committee Members.

Moved by John Davis and seconded by George Young

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER SUBSECTION 53(12) OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, THAT A PROVISIONAL CONSENT BE GRANTED FOR APPLICATION NO.

**B/29/2008/HTE – ROGERS
PART OF LOT 5, CONCESSION B
GEOGRAPHIC TOWNSHIP OF STEPHENSON
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

CONDITIONAL ON:

- 1) A registerable description of the severed lot being submitted to the Secretary-Treasurer, (including all rights-of-ways and easements), along with a registered copy of the reference plan.
- 2) The Owners' taxes being in good standing.
- 3) A consent finalization fee in the amount of \$150.00 being paid to the Town of Huntsville.

REASONS: The application will then meet the requirements of all commenting agencies. Carried.

Committee of Adjustment Meeting Minutes, May 20, 2008

Member Thompson joined the meeting at 9:10 a.m.

b) B/15/2008/HTE Amended (Peachman)

Katie Newman, Planner, described the purpose of the application.

Comments received to date:

No objections were noted by the Public Works Dept., the Fire Dept, or the Building Dept.

The District of Muskoka commented that;

- a 3 metre road widening across both the severed and retained lands be dedicated to the District for road widening purposes;
- the lands be subject to a 51 (26) agreement with regard to the location of wells in relation to the District road;
- access permits be obtained prior to the development of the property.

A Planning Report was submitted by Lanny Dennis of Wayne Simpson and Associates in support of the application.

This application conforms to the policies of the Official Plan and the Provincial Policy Statement.

Chair Beatty called upon the applicant or their representative to provide additional comments.

Lanny Dennis, Agent for the Applicant, stated that he was available to answer any questions.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed severance.

Chair Beatty asked if there were any questions from Committee Members.

Moved by George Young and seconded by John Davis

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER SUBSECTION 53(12) OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, THAT A PROVISIONAL CONSENT BE GRANTED FOR APPLICATION NO.

**B/15/2008/HTE – PEACHMAN
PART OF LOT 20, CONCESSION 9
GEOGRAPHIC TOWNSHIP OF BRUNEL
TOWN OF HUNTSVILLE**

CONDITIONAL ON:

- 1) A registerable description of the severed lot being submitted to the Secretary-Treasurer, (including all rights-of-ways and easements), along with a registered copy of the reference plan;
- 2) The Owners' taxes being in good standing;
- 3) 5% cash-in-lieu of Parkland being paid to the Town of Huntsville for the severed lands;
- 4) The lands being subject to an agreement with the District of Muskoka pursuant to Section 51 (26) of the Planning Act R.S.O. 1990, as amended, respecting the location of wells on the property in relation to the District road;
- 5) A 3 metre road widening across the frontage of both the severed and retained lands be dedicated to the District of Muskoka;
- 6) A single access permit be acquired from the District of Muskoka on the proposed severed lands to service both the severed and retained lands;
- 7) A consent finalization fee in the amount of \$100.00 being paid to the Town of Huntsville.

REASONS: The application will then meet the requirements of all commenting agencies.

Carried.

6. CONCURRENT CONSENTS AND REZONINGS

Chair Beatty provided a brief overview of the purpose and procedure of the Hearings and declared the Hearings to be public meetings of Committee and Council to deal with severance and concurrent consent and rezoning applications.

Terry Sararas, Director of Development Services, reported that proper notice was given pursuant to the requirements and timelines of the Planning Act and the Huntsville Official Plan.

(a) B/21/2008/HTE & Z/13/2008/HTE (Peereboom)

Katie Newman, Planner, described the purpose of the applications.

Comments received to date:

No objections were noted by the Fire Dept., the Building Dept., the Public Works Dept., or the Ministry of Transportation.

The District of Muskoka commented that there is a tributary and associated wetlands traversing the proposed retained lands and that even though there appears to be sufficient area outside of these features to permit development, the Town may wish to utilize appropriate development control techniques (such as a restrictive zoning category) to ensure protection of these features.

This application conforms to the policies of the Official Plan and the Provincial Policy Statement.

Chair Beatty called upon the applicant or their representative to provide additional comments.

Taeke Peereboom, Applicant, stated that he was available to answer any questions.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed severance.

Chair Beatty asked if there were any questions from Committee Members.

Member Davis asked for clarification on the access to the retained lands.

Member Fletcher asked about environmental restrictions on the retained lands and it was noted that the retained lands are currently developed with a single family dwelling and that the tributaries in question would not be affected by any development on the severed lands or any additional development on the retained lands.

Moved by John Davis and seconded by George Young

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER SUBSECTION 53(12) OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, THAT A PROVISIONAL CONSENT BE GRANTED FOR APPLICATION NO.

**B/21/2008/HTE – PEEREBOOM
PART OF LOT 13, CONCESSION 7
GEOGRAPHIC TOWNSHIP OF STEPHENSON
TOWN OF HUNTSVILLE**

CONDITIONAL ON:

- 1) A registerable description of the severed lot being submitted to the Secretary-Treasurer, (including all rights-of-ways and easements), along with a registered copy of the reference plan;
- 2) The Owners' taxes being in good standing;
- 3) 5% cash-in-lieu of Parkland being paid to the Town of Huntsville for the severed lands;
- 4) A satisfactory Lot Suitability Report being completed for the severed lot;
- 5) The severed lands being zoned for their intended use;
- 6) A consent finalization fee in the amount of \$150.00 being paid to the Town of Huntsville.

REASONS: The application will then meet the requirements of all commenting agencies.

Carried.

b) B/22/2008/HTE & Z/15/2008/HTE (Main)

Katie Newman, Planner, described the purpose of the applications.

Comments received to date:

No objections were noted by the Fire Dept., the Building Dept., the Public Works Dept., the Ministry of Transportation, or the District of Muskoka.

This application conforms to the policies of the Official Plan and the Provincial Policy Statement.

Chair Beatty called upon the applicant or their representative to provide additional comments.

Robert Main, Applicant, stated that he was available to answer any questions.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed severance.

Chair Beatty asked if there were any questions from Committee Members.

Member Fletcher asked for the frontage requirements on a Rural One property under the zoning by-law and Ms. Newman noted it was 120m.

Moved by George Young and seconded by John Davis

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER SUBSECTION 53(12) OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, THAT A PROVISIONAL CONSENT BE GRANTED FOR APPLICATION NO.

**B/22/2008/HTE – MAIN
PART OF LOT 2, CONCESSION 5
GEOGRAPHIC TOWNSHIP OF CHAFFEY
TOWN OF HUNTSVILLE**

CONDITIONAL ON:

- 1) A registerable description of the severed lot being submitted to the Secretary-Treasurer, (including all rights-of-ways and easements), along with a registered copy of the reference plan;
- 2) The Owners' taxes being in good standing;
- 3) 5% Cash-in-lieu of Parkland being paid to the Town of Huntsville for the severed lands;
- 4) The severed and retained lands being zoned for their intended use;
- 5) A satisfactory Lot Suitability Report being completed for the retained lot;
- 6) That the applicant allows the consent which was conditionally approved on June 13, 2007 under file no. B/09/2007/HTE to lapse;

Committee of Adjustment Meeting Minutes, May 20, 2008

7) A consent finalization fee in the amount of \$150.00 being paid to the Town of Huntsville.

REASONS: The application will then meet the requirements of all commenting agencies.

Carried.

c) B/72/2007/HTE & Z/43/2007/HTE (Snow)

Katie Newman, Planner, described the purpose of the applications.

Comments received to date:

No objections were noted by the Fire Dept., the Building Dept., the Public Works Dept., and the Ministry of Transportation.

The District of Muskoka commented that Mainhood Lake is considered to be "Moderately Sensitive" with regard to the District policies concerning Phosphorus Sensitivity. Section F.25 and F.26 of the District Official Plan require that Site Plan Control be utilized to ensure that there is no negative impact on the water quality as a result of development of the subject property. In addition, there appears to be an area of Type One Fish Habitat (most significant fish habitat) located on the proposed retained lands. The rest of the shoreline on both the retained and severed lands is Unknown Fish Habitat. In situations where the fish habitat is unidentified, the Ministry of Natural Resources advises that these areas should be treated as Type 1 habitat, pending further assessment. Therefore, the District has asked that upon completion of such an assessment, appropriate development controls should be utilized.

This application conforms to the policies of the Official Plan and the Provincial Policy Statement.

Chair Beatty called upon the applicant or their representative to provide additional comments.

Ford Snow, Applicant, stated that the Planning Department recommendations were too stringent and asked for an amendment to the 51(26) conditions to reflect a 4m wide access path to the waterfront and a 10m beach amenity area.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed severances.

Chair Beatty asked if there were any questions from Committee Members.

Member Fletcher stated that she thought the Planner's recommendations were appropriate.

Member Young asked for clarification of the conditions of the 51(26) agreement. It was noted that the decision includes the requirements for a 2m wide path and a 30 m buffer strip from the shoreline, with a dock area but no swimming area.

Member Thompson asked if it would be in the applicant's best interest to defer the application pending a qualified biologist's report concerning the waterfront.

Moved by George Young and seconded by Brian Thompson

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER SUBSECTION 53(12) OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, THAT THE HEARING RESPECTING

**B/72/2007/HTE – SNOW
PART OF LOT 11, CONCESSION 7
GEOGRAPHIC TOWNSHIP OF STEPHENSON
TOWN OF HUNTSVILLE**

BE ADJOURNED AND THE DECISION OF THE COMMITTEE BE RESERVED PENDING A PROFESSIONAL REPORT ON THE SHORELINE AREA RELATED TO DEVELOPMENT POTENTIAL FOR A SWIMMING/AMENITY AREA.

REASONS: Further consideration of the application is required.

Carried.

d) B/19/2008/HTE & Z/10/2008/HTE (Shaver)

Jacque Tschekalin, Senior Planner, described the purpose of the applications.

Comments received to date:

No objections were noted by MTO, Fire, Public Works or Building.

District requested a 3m road widening, and an agreement to restrict the location of any well on the properties.

The neighbour noted concern about the continued use of the well on her property at 233 Brunel Road. As a result, a new well is to be drilled and the old one disconnected as a condition of completing the consent.

Planning would also note that application complies with the Official Plan as well as meeting the intent of zoning by-law requirements.

Chair Beatty called upon the applicant or their representative to provide additional comments.

John P. Gallagher, Agent for the Applicant, stated that the applicant had met with District and Town staff prior to the applications being submitted. The well to the north will be disconnected as part of the re-development plans for the old farmhouse. The right-of-way will be retained. A qualified septic installer provided a letter to the town confirming ample septic area on the severed lands. The applicant has no objections to the District requirements or the disconnection of the well.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed severances.

Imre DeYonge, 40 Maple Heights Drive, had concerns about his continued right of way access and the development of the abutting woodland

John Gallagher noted that the right of way cannot be removed and that a dwelling of approximately 30ft x 40ft is proposed for the severed lands.

Chair Beatty asked if there were any questions from Committee Members.

Member Thompson asked for clarification on the well easement and road widening.

Moved by George Young and seconded by John Davis

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER SUBSECTION 53(12) OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, THAT A PROVISIONAL CONSENT BE GRANTED FOR APPLICATION NO.

**B/19/2008/HTE – SHAVER
PART OF LOT 13, CONCESSION 14
GEOGRAPHIC TOWNSHIP OF BRUNEL
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

CONDITIONAL ON:

- 1) A registerable description of the severed lot being submitted to the Secretary-Treasurer, (including all rights-of-ways and easements), along with a registered copy of the reference plan.
- 2) The severed and retained lands being rezoned for their intended use.
- 3) The Owner entering into an agreement with the District Municipality of Muskoka pursuant to Section 51(26) of the Planning Act respecting road widening and the location of wells on the property in relation to the District Road.
- 4) A new well being established, and the existing water supply being disconnected, on the retained lot.
- 5) 5% Cash-in-lieu of Parkland being paid to the Town of Huntsville for the severed lands.

Committee of Adjustment Meeting Minutes, May 20, 2008

- 6) A satisfactory Lot Suitability Report being completed for the severed lot.
- 7) The Owners' taxes being in good standing.
- 8) A consent finalization fee in the amount of \$150.00 being paid to the Town of Huntsville.

REASONS: The application will then meet the requirements of all commenting agencies.

Carried.

- e) B/16/2008/HTE & Z/06/2008/HTE (Snell)
Jacquie Tschekalin, Senior Planner, described the purpose of the applications.

Comments received to date:

No objections were noted by MTO, Fire, Public Works or Building.

District notes that the property is located on Mary Lake and requested that the severed lot be placed under site plan control.

Several phone calls were received from surrounding landowners but once the application was explained none had concerns.

Planning noted that the application complies with the Official Plan as well as meeting the intent of zoning by-law requirements.

Chair Beatty called upon the applicant or their representative to provide additional comments.

Lanny Dennis, Wayne Simpson & Associates, Agent for the Applicant, elaborated on the history of the property and stated that he was available to answer any questions.

Chair Beatty asked if anyone present wished to provide comment or ask questions regarding the proposed severances.

Chair Beatty asked if there were any questions from Committee Members.

Moved by John Davis and seconded by George Young

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER SUBSECTION 53(12) OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, THAT A PROVISIONAL CONSENT BE GRANTED FOR APPLICATION NO.

**B/16/2008/HTE – SNELL
PART OF LOT 32, CONCESSIONS 9 and 10
GEOGRAPHIC TOWNSHIP OF STEPHENSON
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

CONDITIONAL ON:

- 1) A registerable description of the severed lot being submitted to the Secretary-Treasurer, (including all rights-of-ways and easements), along with a registered copy of the reference plan.
- 2) The severed and retained lands being rezoned for their intended use.
- 3) 5% Cash-in-lieu of Parkland being paid to the Town of Huntsville for the severed lands.
- 4) A satisfactory Lot Suitability Report being completed for the severed lot.
- 5) The Owners' taxes being in good standing.
- 6) A consent finalization fee in the amount of \$150.00 being paid to the Town of Huntsville.

REASONS: The application will then meet the requirements of all commenting agencies.

Carried.

7. ADJOURNMENT

Moved by George Young and seconded by John Davis

THAT: We hereby adjourn as a meeting of the Committee of Adjustment at 10:05 a.m.

Carried.

Chair