

The Corporation of the Town of Huntsville
COMMITTEE OF ADJUSTMENT
Meeting held on **Tuesday, September 16, 2008** at **9:00** a.m.
In the Council Chambers, Town Hall

ATTENDANCE:

Chair: John Davis
Members: Claude Doughty
Mary Jane Fletcher
Brian Thompson
George Young
Staff: Peter Brown, Director of Public Works
Kirstin Maxwell, Planning Technician
Katie Newman, Planner
Kelly Pender, CAO
Terry Sararas, Director of Development Services
Jacquie Tschekalin, Senior Planner
Absent: W.A. Beatty
Also present: Fran Coleman (arrived at 9:50)

1. CONVENE

Moved by Claude Doughty

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

Carried.

2. ADOPTION OF AGENDA

Moved by Claude Doughty

THAT: The Committee of Adjustment agenda dated September 16, 2008 be adopted as printed and circulated.

Carried.

3. DISCLOSURE OF CONFLICTS OF INTEREST

Chair Davis declared a conflict on item 6.b) B/34/2008/HTE Grainger due to family reasons.

4. MINUTES

Moved by Claude Doughty

THAT: We hereby adopt the minutes of the Committee of Adjustment of August 19, 2008.

Carried.

5. CONSENTS

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

a) B/40/41/2008/HTE (Grasser/Mahn)

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

Comments received to date:

No objections were noted by the Building Department, the Fire Department, or the CAO.

The Public Works Department commented that a Certificate of Permission must be obtained from the Town to allow for access to the subject lands via the unopened road allowance.

The District of Muskoka commented that they have no objection to the proposed right-of-way and consent subject to: the severed lands merging with the lands to which they are being added; an entrance permit being obtained for access onto Muskoka Road 3; and that the existing entrance must be upgraded to District standards.

Planning noted that the applications conform to the policies of the Official Plan and the Provincial Policy Statement.

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

Savas Varadas, Wayne Simpson & Associates, Agent for the Applicant, stated that he was available to answer any questions.

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

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

Claude Doughty asked about the requirement for an entrance permit off the unopened road allowance, and Peter Brown, Director of Public Works replied that the District required an entrance permit to access Aspdin Road, but that the Town did not require one as there would be a certificate of permission.

Moved by Claude Doughty

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/40/2008/HTE – GRASSER
PART OF LOT 21, CONCESSION 1
GEOGRAPHIC TOWNSHIP OF STISTED
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) The applicant obtaining a certificate of permission to cross the unopened road allowance between Lot 20 and Lot 21, Concession 1;
- 4) 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.

Moved by Claude Doughty

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/41/2008/HTE – MAHN
PART OF LOT 21, CONCESSION 2
GEOGRAPHIC TOWNSHIP OF STISTED
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) The applicant obtaining a certificate of permission to cross the unopened road allowance between Lot 20 and Lot 21, Concession 1;
- 4) A consent finalization fee in the amount of \$150.00 being paid to the Town of Huntsville.

The severed lands are to join in title to the lands to which they are being added.

Subsection 3 of Section 50 of the Planning Act, R.S.O. 1990, as amended, applies to any subsequent conveyance of or in relation to the land subject to this consent.

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

Carried.

6. CONCURRENT CONSENTS AND REZONINGS

Chair Davis 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/22/2008/HTE AMENDED & Z/43/2008/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 CAO, or the District of Muskoka.

Planning noted that the application conforms to the policies of the Official Plan and the Provincial Policy Statement.

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

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

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

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

Claude Doughty asked for confirmation on the lot frontages from the previous application.

Moved by Claude Doughty

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) A satisfactory lot suitability report being completed for the retained lands;
- 5) The severed and retained lands being rezoned for their intended use; and
- 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.

Moved by Mary Jane Fletcher

That we hereby appoint as Claude Doughty as Chair respecting application B/34/2008/HTE and Z/33/2008/HTE.

Carried.

Chair Davis left the room at 9:19 a.m. and Claude Doughty took the chair.

b) B/34/2008/HTE & Z/33/2008/HTE (Grainger)

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

Comments received to date:

MTO noted no objection, however, the intersection at Stephenson Rd and Hwy 11 will be closed but a preferred design option (which may impact the development of these sites) has not yet been selected.

District noted that the Town should be satisfied that issues relating to potential noise or water quality issues related to the proximity to the highway have been addressed, and that the proposed uses are compatible with existing surrounding uses.

No objections were noted by the CAO, Building, Fire or Public Works. No other inquiries were received.

Planning noted that: the property is subject to site plan control; development will be limited to lands more than 90m from the highway; the proposed use appears to be compatible with surrounding development; and, supported approval of these applications.

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

Albert Grainger, Applicant, stated that he was available to answer any questions.

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

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

Moved by Mary Jane Fletcher

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/34/2008/HTE – GRAINGER
PART OF LOTS 21 & 22, CONCESSION 8
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) The recommendations contained in Section 1.2 of the report prepared by Gartner Lee Limited, dated August 14, 2008, being implemented.
- 4) The owner entering into an agreement with the Town of Huntsville under Section 51(26) of the Planning Act, to be registered on the title of the severed and retained lots requiring that recommendations contained in the report prepared by Gartner Lee Limited, dated August 14, 2008, be implemented and adhered to.
- 5) A satisfactory Lot Suitability Report being completed for the severed and retained lots.
- 6) 5% cash-in-lieu of Parkland being paid to the Town of Huntsville for the severed lot and retained lot 1.
- 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.

Vice-Chair Doughty left the chair.

Chair Davis entered the room at 9:25 a.m.

c) B/32/2008/HTE & Z/32/2008/HTE (Hidden Valley)

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

Comments received to date:

District recommended a Holding symbol be applied to this site until a site servicing agreement has been reached with the District.

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

Additional information was requested from 4 abutting property owners, and comments were received from 2. One of the owners noted concern about the impact of the proposal on wildlife, and about blasting.

Another owner, Ms. Deanna Foell, submitted a letter noting several concerns. While she supports the proposal in general terms, she had questions about specific components of the development. Most of her concerns relate to the development directly behind her dwelling, and are the result of her intimate knowledge of the property behind her land and the development constraints it presents.

Planning noted that the majority of the outstanding issues appear to relate to development of the site, however, additional exceptions may be required, depending on how some of the outstanding concerns are resolved. As a result, Planning supported approval of the conditional consent, but recommended that the zoning amendment not be forwarded to Council until it can be confirmed that no additional zoning exceptions will be required. This will also provide the applicant with an opportunity to satisfy District servicing concerns, so no holding will be required.

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

Greg Corbett, Planscape, Agent for the Applicant, gave an in-depth review of the proposal, noting the proponent had attempted to keep as much vegetation as possible and situate the buildings around existing vegetation.

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

Evan Collins, 17 Dairy Lane, Huntsville, Ontario, P1H 1L4, stated the proposal meets and follows the intent of the Official Plan as it was developed, it would be beneficial for the ski hill and should be supported.

Committee of Adjustment Meeting Minutes, September 16, 2008

Joseph Klein, General Manager of Deerhurst Resort, stated he felt that the development would be a strong contribution to the Hidden Valley area and was in favour.

Tim Wood, 154 Glen Manor, Toronto, stated that he was a member of the Hidden Valley Ski Area Board of Directors. He explained that when the ski hill was looking for viable ways to continue operations they found a development partner to put forth this proposal and felt it would strengthen the financial base of the ski hill.

Jordan Keith, President of Hidden Valley Property Owners' Association, 268 Woodland Drive, stated that they supported the application.

John P. Gallagher, Agent for Ms. Foell, elaborated on her concerns, notably: steep slope setbacks; buffering behind her lot and the proposed parking and internal road areas; blasting; vegetation; and the proposed gazebo.

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

George Young asked Mr. Wood if this development would allow the ski hill to open 7 days a week and Mr. Wood replied that if it was financially viable it would.

Claude Doughty stated that he had concerns with the grade of the proposed internal road.

Mary Jane Fletcher asked if this development would include any sidewalks being constructed on Deerhurst Drive or Ski Club Rd and Mrs. Tschekalin replied that none had been considered.

Brian Thompson asked for confirmation that at no point the Town would be requested to assume this internal road and Mrs. Tschekalin replied that it would be a condo development and the road would be owned and maintained by the corporation.

Terry Sararas stated that the meeting today was the public meeting for the severance and zoning amendment and while the consent application could be approved, the zoning would have to go to Council with recommendations as to any zoning changes.

Moved by Claude Doughty

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/32/2008/HTE – HIDDEN VALLEY
PART OF LOTS 31 & 32, CONCESSION 1
GEOGRAPHIC TOWNSHIP OF CHAFFEY
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 lands being rezoned for their intended use.
- 3) 5% cash-in-lieu of Parkland being paid to the Town of Huntsville for the severed lot.
- 4) The Owners' taxes being in good standing.
- 5) 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. MINOR VARIANCES

a) A/06/2008/HTE (Bull)

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

Comments received to date:

No objections were noted by the Fire Department, Public Works Department, the CAO or the Building Department, no other comments were received.

Planning had no objection to the granting of the minor variance to reduce the westerly side yard setback to 2 m.

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

Ian Bull, Applicant, stated that he was available to answer any questions.

Chair Davis asked if anyone present wished to provide comment or ask questions regarding the proposed minor variance

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

Moved by Claude Doughty

THAT a minor variance be granted to:

- **Reduce the westerly side yard setback from 6 m to 2 m, as shown on Schedule "A".**

REASONS:

1. The variance will allow for the construction of the proposed detached garage.
2. The general intent of the by-law is being maintained.
3. The variance is minor in nature.
4. The general intent of the Official Plan is being maintained.

Carried.

b) A/08/2008/HTE (Simmonds)

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

Comments received to date:

No objections were noted by the Fire Department, Public Works Department, the CAO or Community Services.

The Building Department commented that the applicant should be aware that human habitation is not permitted in the boathouse.

Comments were received by the neighbouring property owners in support of the application.

Planning had no objection to the granting of the minor variance subject to the lands being re-vegetated and being placed under site plan control.

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

Lanny Dennis, Wayne Simpson and Associates, Agent for the Applicant, stated he was available to answer any questions.

Chair Davis asked if anyone present wished to provide comment or ask questions regarding the proposed minor variance.

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

Moved by Claude Doughty

THAT a minor variance be granted to:

- **Permit the redevelopment of a 33.2 sq. m roofed deck;**
- **Increase the maximum allowable projection into the water from 10 m to 12 m for a boatport only;**

- Increase the maximum lot coverage for all accessory buildings and structures from 5 % to 6.6%;
- To allow for a proposed dryland boathouse with a maximum area of 15.61 sq. m to be located within 7.5 m of the shoreline, all as shown on Schedule "A".

Conditional on the subject lands being subject to site plan control and the revegetation of the shoreline to the satisfaction of the Director of Development Services.

REASONS:

1. The variance will permit the redevelopment of the shoreline.
2. The general intent of the by-law is being maintained.
3. The variance is minor in nature.
4. The general intent of the Official Plan is being maintained.

Carried.

9. ADJOURNMENT

Moved by Claude Doughty

THAT: We hereby adjourn as a meeting of the Committee of Adjustment at 10:37 a.m.

Carried.

Chair