

Corporation of the Town of Huntsville

COMMITTEE OF ADJUSTMENT

Meeting held on **Tuesday, May 18, 2010** at **9:00** a.m.
in the Huntsville Civic Centre, Municipal Council Chambers

ATTENDANCE:

Chair: Councillor John Davis

Members: Councillor Mary Jane Fletcher
Councillor Brian Thompson

Staff: Virda Green, Permit Coordinator
Sean O'Callaghan, Planner
Katie Newman, Planner

Absent: Mayor Claude Doughty
Councillor Bill Beatty
Councillor George Young

1. CONVENE

Moved by Mary Jane Fletcher and seconded by Brian Thompson.

THAT: We hereby convene as a meeting of the Committee of Adjustment at 9:07 a.m.

Carried.

2. ADOPTION OF AGENDA

Moved by Mary Jane Fletcher and seconded by Brian Thompson.

THAT: The Committee of Adjustment agenda dated May 18th, 2010, be adopted as printed and circulated.

Carried.

3. DISCLOSURE OF CONFLICTS OF INTEREST

- Nil -

4. MINUTES

Moved by Mary Jane Fletcher and seconded by Brian Thompson.

THAT: We hereby adopt the minutes of the Committee of Adjustment Meeting of April 20, 2010.

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/21-32/2010/HTE (Honerich/Carnochan)

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

Comments received to date:

No objections were noted by Fire Department. No other comments received.

Chair Davis asked if anyone present had any questions or comments regarding the proposal.

-Nil-

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

-Nil-

Moved by Mary Jane Fletcher 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 A PROVISIONAL CONSENT BE GRANTED FOR APPLICATION NO.

**B/21/2010/HTE – HONDERICH/CARNOCHAN
PART OF LOT 33, CONCESSION 3
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 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.

Moved by Mary Jane Fletcher and seconded by Brain Thompson

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/22/2010/HTE – HONDERICH/CARNOCHAN
PART OF LOT 33, CONCESSION 3
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 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

Moved by Mary Jane Fletcher and seconded by Brain Thompson

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/23/2010/HTE – HONDERICH/CARNOCHAN
PART OF LOT 33, CONCESSION 3
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 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

b. B/31/2010/HTE (Hastie)

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

Comments received to date:

No objections were noted by Geomatics, the Fire Department, MTO, the Lake Vernon Association or the Huntsville Lake of Bays Lakes Council.

Planning had no objection to the proposal as it meets the intent of the Zoning By-Law and Official Plan.

Mrs. Hastie was in attendance and addressed Committee as to the reasons for the proposal.

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

Chair Davis asked if the proposed changes would affect the shoreline. Ms. Newman confirmed that no problems were anticipated but if any concerns should arise, they would be addressed at the time of Site Plan.

Moved by Mary Jane Fletcher 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 A PROVISIONAL CONSENT BE GRANTED FOR APPLICATION NO.

**B/31/2010/HTE – HASTIE
PART OF LOTS 27 AND 28, CONCESSION 8
GEOGRAPHIC TOWNSHIP OF STISTED
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.

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

c. B34/201/HTE Terziano

Katie Newman, Planner explained the purpose and effect of the proposal.

Comments received to date:

No objections were noted by Geomatics, the Fire Department, MTO or the District of Muskoka.

Patrick Mason, from Wayne Simpson and Associates spoke on behalf of their client, Mr. Terziano. He noted that the easement would be surveyed upon approval to ensure no

further easements were required and confirmed the location of the Storm Water Management pond. It was also noted that the direction and amount of drainage, would remain the same.

Councillor Fletcher questioned what the impact of a deferral of the proposal would be

Patrick Mason noted that there would have a negligible impact, if the application is deferred; however, he asked that the application be approved. He also noted that he was unaware that there was a pending application for a site plan agreement on the property, but the application indicated that the lots would be merged.

Councillor Fletcher recommended that the proposal be deferred to clarify the proposal.

Councillor Thompson also required clarification of the proposal.

Councillor Thompson and Councillor Fletcher requested that the application be deferred to confirm whether the lots would merge or not and what if any additional easements would be required.

Move by Brian Thompson and seconded by Mary Jane Fletcher:

THAT: HAVING HAD REGARD TO THE MATTERS [RESCRIBED UNCDER SUBSECTION 53(12) OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, THAT THE HEARING RESPECTING APPLICATION NO.

**B/34/2010/HTE – TERZIANO
PART OF LOT 12, CONCESSION 14
GEOGRAPHIC TOWNSHIP OF BRUNEL
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

BE ADJOURNED AND THE DECISION OF THE COMMITTEE BE RESERVED PENDING:

Confirmation whether the lots will merge or not and what if any additional easements are required.

REASONS: Further consideration of the application is required.

Carried

d. B/35/10/HTE (Jones)

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

Comments received to date:

No objections were noted by Geomatics, the Fire Department, MTO, or the Huntsville Lake of Bays lakes Council.

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

- Nil-

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

Chair Davis asked if the properties were developed.

Staff noted that both properties were developed and that the services are currently installed and being used across the proposed easement.

Moved by Brian Thompson and seconded 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/35/2010/HTE – JONES
PART OF LOT 27, 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 Owners' taxes being in good standing.
- 3) A site inspection fee of \$200.00 and 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.

6. CONCURRENT CONSENTS and ZONING AMENDMENTS

Chair Davis declared the Hearings to be public meetings of Committee and Council to deal with concurrent consent and rezoning applications. He reported that proper notice was given pursuant to the requirements and timelines of the Planning Act and the Huntsville Official Plan.

a. B/24/2010/HTE & Z/15/2010/HTE (Tanzos)

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

Comments received to date:

No objections were noted by the Ministry of Transportation of Ontario.

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

Chair Davis asked if anyone present wished to comment or ask questions regarding the proposal.

-Nil-

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

Councillor Thompson questioned the road frontage for the proposed development. Staff explained that the lot would meet the minimum frontage for a local road, however, it would not meet the frontage requirement for the Rural One Zone, therefore an exception for frontage is required.

Moved by Mary Jane Fletcher 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 A PROVISIONAL CONSENT BE GRANTED FOR APPLICATION NO.

**B/05/2010/HTE – Tanzos
PART OF LOT 11, CONCESSION 12
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 Owners' taxes being in good standing.
- 4) A site inspection and report fee in the amount of \$200.00 and 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/26/27/2010/HTE & Z/16/2010/HTE (Butikofer)

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

Comments received to date:

No objections were noted by Geomatics, the Fire Department, MTO and the District of Muskoka.

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

John Gallagher was present to answer any questions. He clarified the proposal for Committee.

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

Chair Davis asked the size of the proposed severed lots. Mr Gallagher noted that the lots were approximately 1 ha in size and was in character with other lots in the area.

Mary Jane asked for an explanation of the frontage on the retained lot. Staff provided clarification.

Moved by Mary Jane Fletcher and seconded by Brain Thompson

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/26/27/2010/HTE –Butikofer
PART OF LOTS 17 AND 18, CONCESSION 2
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) The Owners' taxes being in good standing.
- 4) 5% Cash-in-lieu of parkland being paid to the Town of Huntsville on the severed lands.
- 5) The owner entering into an agreement with the District Municipality of Muskoka pursuant to Section 51(26) of the Planning Act, R.S.O. 1990, as amended, respecting the provision of municipal services.
- 6) A site inspection and report fee in the amount of \$200.00 and 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/10/2010/HTE (Lupton)

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

Comments received to date:

No objections were noted by the Fire Department or Geomatics.

Planning had no objection to the proposal as it appears to meet the intent of the Zoning By-law and the Official Plan.

Chair Davis called upon the applicant to provide additional comments.

-Nil-

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

-Nil-

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

Chair Davis inquired as to the location of the driveway and where the buffering was located. Mr. Lupton indicated the location of the driveway and the buffering.

Councillor Thompson questioned the set back from the front lot line and access to entrance of garage. Katie Newman indicated both for Committee.

Moved by Mary Jane Fletcher and seconded by Brian Thompson

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER THE PLANNING ACT, R.S.O. 1990, AS AMENDED, A MINOR VARIANCE BE GRANTED TO:

**A/10/2010/HTE - LUPTON
PART OF LOT 14, CONCESSION 8
GEOGRAPHIC TOWNSHIP OF CHAFFEY
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

THAT: a minor variance be granted to:

Reduce the front yard setback and the setback from Type One Fish Habitat to 14m for a proposed deck addition and addition to the existing dwelling only; as shown on Schedule "A" attached hereto.

REASONS:

1. The variance will permit the construction of an addition and a deck extension.
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.

c. A/11/2010/HTE (Boudrow)

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

Comments received to date:

No objections were noted by the Fire Department or Geomatics.

Planning had no objection to the proposal as it appears to meet the intent of the Zoning By-Law and Official Plan.

Patrick Mason, Wayne Simpson and Associates was present to answer any questions, with regard to the location of the garage in the front yard.

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

-Nil-

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

- Nil -

Moved by Brian Thompson and seconded by Mary Jane Fletcher.

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER THE PLANNING ACT, R.S.O. 1990, AS AMENDED, A MINOR VARIANCE BE GRANTED TO:

**A/11/2010/HTE - BOUDROW
PART OF LOT 19, CONCESSION 4
GEOGRAPHIC TOWNSHIP OF CHAFFEY
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

THAT: a minor variance be granted to:

Allow for the proposed garage to be located in front of the dwelling.

REASONS:

1. The variance will permit the proposed garage to be located in front of the dwelling.
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.

d. A/13/2010/HTE (Lennox)

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

Comments received to date:

No objections were noted by Geomatics and the Fire Department.

Planning had no objection to the proposal as it appears to meet the intent of the Zoning By-Law and Official Plan.

Chair Davis asked if anyone present wished to provide comment or ask questions with regard to the proposal.

- Nil -

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

Councillor Thompson if there was development on the lot. Staff noted that this proposal was in advance to the development of the lot.

Chair Davis asked if the abutting lots were developed. Staff noted they were bush lots. No comments from neighbours were received.

Moved by Mary Jane Fletcher and seconded by Brian Thompson

THAT: a minor variance be granted to:

**A/13/2010/HTE - LENNOX
PART OF LOT 16, CONCESSION 1
GEOGRAPHIC TOWNSHIP OF STEPHENSON
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

Reduce the front yard setback to 7m and to reduce the northerly side yard setback to 4.5m for all principal and accessory buildings and structures.

REASONS:

1. The variance will allow for the development of the lot.
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.

d. A/14/2010/HTE (Gurwitz)

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

Comments received to date:

No objections were noted by Geomatics or the Fire Department.

Planning had no objections to the proposal.

Duncan Ross there to answer questions and to clarified the decking proposal.

Ms. Newman clarified setbacks. Duncan Ross clarified the location of the sewage system, and stated that the owner was unsure if the existing sewage system would be used or if a new one would be installed in a different location.

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

- Nil -

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

Moved by Brian Thompson and seconded by Mary Jane Fletcher

THAT: HAVING HAD REGARD TO THE MATTERS PRESCRIBED UNDER THE PLANNING ACT, R.S.O. 1990, AS AMENDED, A MINOR VARIANCE BE GRANTED TO:

**A/14/2010/HTE - GURWITZ
PART OF LOT 8, CONCESSION 13
GEOGRAPHIC TOWNSHIP OF BRUNEL
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

THAT a minor variance be granted to:

Reduce the front yard setback from 20m to 19.37m from the high water mark for the existing accessory building.

REASONS:

1. The variance will recognize the existing front yard setback.
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.

8.ADJOURNMENT

Moved by Mary Jane Fletcher and seconded by Brian Thompson

THAT: We hereby adjourn as a meeting of the Committee of Adjustment at 10.03 a.m.

Carried.

Chair