

The Corporation of the Town of Huntsville

COMMITTEE OF ADJUSTMENT

Meeting held on **Tuesday, October 20, 2009** at **9:00 a.m.**
in the Huntsville Civic Centre, Municipal Council Chambers, Town Hall

ATTENDANCE:

Chair: Councillor W.A. Beatty

Members: Councillor John Davis
Councillor Mary Jane Fletcher
Councillor Brian Thompson
Councillor George Young

Staff: Kirstin Maxwell, Planning Technician
Katie Newman, Planner
Jacquie Tschekalin, Development Coordinator

Absent: Mayor Claude Doughty

1. CONVENE

Moved by John K. 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 John K. Davis and seconded by George Young

THAT: The Committee of Adjustment agenda dated October 20, 2009, be adopted as printed and circulated.

Carried.

3. DISCLOSURE OF CONFLICTS OF INTEREST

- Nil -

4. MINUTES

Moved by John K. Davis and seconded by George Young

THAT: We hereby adopt the minutes of the Committee of Adjustment Meeting of September 15, 2009.

Carried.

5. CONSENTS

a. B/46/2009/HTE (Millward)

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

Comments received to date:

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

The District commented they had no objection subject to the severed lands merging with the benefiting lands.

A report in support of the application was received from E.J. Williams Surveying.

Planning had no objections to the granting of the proposed lot addition on the basis that it meets the intent of the Official Plan and the Zoning By-Law.

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

Ted Williams, E.J. Williams Surveying Limited, Agent for the Applicant, stated he was available to answer any questions.

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

- Nil -

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

Councillor Davis asked about the road allowance that runs between the two properties and Ms. Newman explained that the road allowance had been closed, and that a right-of-way had already been established.

Moved by John K. 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/46/2009/HTE – MILLWARD
PART OF LOT 6, CONCESSION 14
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) A site inspection fee in the amount of \$200.00 being paid to the Town of Huntsville.
- 3) The Owners' taxes being in good standing.
- 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.

b. **B/48/2009/HTE (Middleton and Todd)**

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

Comments received to date:

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

Geomatics noted that the address for the developed retained lot will remain the same.

The District of Muskoka commented they had no objection, provided that the lands are subject to an agreement with the District regarding the provision of municipal services and that the applicant pays the applicable local improvement charge upon the creation of the new lot.

Planning noted that the two existing sheds to the rear of the dwelling may be located across or on the easterly side lot line. Planning had no objection to the proposal subject to confirmation that the sheds are in compliance with zoning or the relocation of said sheds to bring them into compliance with zoning requirements.

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

Will Todd, Applicant, stated he was available to answer any questions.

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

Jon Snelson, 97 Town Line Road West, stated that to his knowledge there were no municipal services available at that spot on Town Line Road West.

Ms. Newman explained that the existing house on the retained lot had municipal services and that the District requested an agreement for servicing be registered on title and that the severed lot be serviced.

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

Moved by George Young and seconded by John K. 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/48/2009/HTE – MIDDLETON and TODD
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 Owner bringing into compliance or confirming, through a qualified professional, that all existing structures are located in compliance with zoning requirements.
- 3) A site inspection fee in the amount of \$200.00 being paid to the Town of Huntsville.
- 4) 5% Cash-in-lieu or parkland being paid to the Town of Huntsville on the severed lands.

- 5) 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 provision of municipal services;
- 6) The Owners' taxes being in good standing.
- 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/51/2009/HTE (Thorley)

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

Comments received to date:

No objections were noted by Geomatics, the Building Department, the CAO, Public Works, the Fire Department, the Township of Lake of Bays or the District of Muskoka.

A Planning report in support of the application was received by Lanny Dennis of Wayne Simpson & Associates.

Planning had no objections to the granting of the proposed right-of-way on the basis that it meets the intent of the Official Plan and the Zoning By-Law.

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

- Nil -

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

A discussion occurred concerning the width of the proposed right-of-way and crossing the road allowance. Ms. Newman clarified that the proposed right-of-way is an existing right-of-way to another property; its width was not a concern; and that the applicant would need to obtain certificates of permission to cross the unopened road allowance, from both the Town of Huntsville and the Township of Lake of Bays.

Moved by John K. 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/51/2009/HTE – THORLEY
PART OF LOT 35, CONCESSION 1
GEOGRAPHIC TOWNSHIP OF CHAFFEY
TOWN OF HUNTSVILLE, DISTRICT OF MUSKOKA**

CONDITIONAL ON:

- 1) A registerable description of the rights-of-way being submitted to the Secretary-Treasurer, along with a registered copy of the reference plan.
- 2) The Owners' taxes being in good standing.
- 3) The Owners' obtaining a Certificate of Permission to cross the unopened road allowance.
- 4) A site inspection fee in the amount of \$200.00 being paid to the Town of Huntsville.
- 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/19/2009/HTE (Lange)

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

Comments received to date:

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

Planning had no objection to granting the proposed minor variance on the basis that it meets the intent of the Official Plan and the Zoning By-Law.

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

Detlef Lange, Applicant, stated he was available to answer any questions.

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

- Nil -

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

Moved by George Young and seconded by John K. Davis

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

Reduce the westerly side yard setback from 6m to 2m for the proposed detached one-storey garage only.

REASONS:

1. The variance will permit the construction of a one-storey 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/20/2009/HTE (McFarlane)

Jacquie Tschekalin, Development Coordinator, described the purpose of the application.

Comments received to date:

No objections were noted by the CAO, the CBO, Public Works, the Fire Department, or Geomatics, and no other comments or inquiries were received.

Planning noted that while the building could be moved over, the current site is nestled into the rocks and works well with regard to visual impact both from the lake and from the neighbouring property. The top of the garage appears to have been converted to a Bunkie by the previous owner, however, the structure has been in place since 1976; again, due to the rock in the area, it has been nestled into the natural features which makes the second floor level with the ground at the back, and causing little impact on the neighbours. The owner will be required to apply for a building permit to allow the upper floor of the garage to be used for habitable purposes. Planning supported approval of the application.

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

Bob List, List Planning, Agent for the Applicant, stated that the abutting property owner to the north provided a letter of support of the minor variance, and that he was available to answer any questions.

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

- Nil -

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

Moved by John K. Davis and seconded by George Young

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

Reduce the northerly side yard setback from 6m to 1m for a single family dwelling and to 5m for an existing 2 storey garage, which may contain a private cabin.

REASONS:

1. The variance will permit the re-development of a single family dwelling, and recognize the location of the existing 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.

9. ADJOURNMENT

Moved by John K. Davis and seconded by George Young

THAT: We hereby adjourn as a meeting of the Committee of Adjustment at 9:40 a.m.

Carried.


Chair