

THE CORPORATION OF THE TOWNSHIP OF SEGUIN
COMMITTEE OF ADJUSTMENT
Draft - MINUTES OF MEETING
Thursday June 14th, 2006–7:00 PM
Council Chamber

Members Present: Alvar Smith (Chair)
 Councilor Doug Sainsbury
 Susan Adams
 Brian Bannerman
 Howard Hood
 Bernard Robbins
 Councilor Bill Jameson

Staff Present: Ali Chapple (Secretary-Treasurer)
 Wes Crown (Director of Planning)
 Bobby Gauthier (Student Planner)

Chair A. Smith called the meeting to order at 7:01 p.m.

1.0 MINUTES

MOTION: 2006-63 Moved by: Bernard Robbins
 Seconded by: Howard Hood

THAT the minutes of the Special Public Hearing held June 8th, 2006 be adopted as circulated.

CARRIED.

2.0 DISCLOSURE OF PECUNIARY INTEREST(S)

Brian Bannerman, declared a conflict of interest with respect to the Oickle Application, file A-2006-0011-H, and noted he would excuse himself from the hearing and all discussions on this application.

3.0 MEETING

3.1 Minor Variance Application A-2006-003-H (Selke)

Location: 40 Fox Hollow Trail

Presenter: Hugh Taylor, Lawyer (Sugg, Fitton & Taylor LLP)

- Brief presentation and questioning.

Public Audience: None

MOTION 2006-64: Moved by: Bernard Robinson
Seconded by: Bill Jameson

THAT,

THAT MINOR VARIANCE APPLICATION No. A-2006-0003-H (SELKE), A REQUEST TO INCREASE THE MAXIMUM PROJECTION OF A DOCK FROM 15 METRES TO 15.45 METRES (0.45 METRE MINOR VARIANCE), BE APPROVED AS SATISFYING THE FOUR TESTS OF SECTION 45(1) OF THE PLANNING ACT. THE APPLICATION MAINTAINS THE INTENT OF THE OFFICIAL PLAN, MAINTAINS THE INTENT OF THE ZONING BY-LAW, IS APPROPRIATE TO THE DEVELOPMENT OF THE LAND, AND IS MINOR.

SUBJECT TO THE FOLLOWING CONDITIONS,

- 1) THAT THE VARIANCE DOES NOT TAKE EFFECT UNTIL THE OWNER HAS EXECUTED AND RETURNED TO THE SECRETARY-TREASURER OF THE TOWNSHIP'S COMMITTEE AN "ACKNOWLEDGEMENT" REGARDING "A SENSIBLE WATER-FRONT LIGHTING GUIDE" AND INFORMATION ON "BEST MANAGEMENT PRACTICES TO AVOID ANY POTENTIALLY HARMFUL EFFECTS TO FISH HABITAT."***

FOR THE FOLLOWING REASONS,

IT WAS THE OPINION OF THE COMMITTEE THAT THIS APPLICATION IS CONSIDERED APPROPRIATE FOR THE SITE AND SURROUNDING AREA. THE COMMITTEE ALSO CONCURRED THAT THIS APPLICATION MAINTAINS THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW AND THE OFFICIAL PLAN, AND IS SUITABLE DEVELOPMENT OF THE PROPERTY AS THE RESULTING DEVELOPMENT WILL HAVE MINIMAL IMPACT ON LAKE ROSSEAU OR THE SURROUNDING AREA.

CARRIED.

3.2 Minor Variance Application A-2006-0010-H Application (Cook)

Location: 32 Fox Hollow Trail

Written comments received and read into the public record (see file for details):

Agencies: None

Others: None

Presenter: Scott Cook

Public Audience: Erica Cook & Scott Cook

- Brief presentation and questioning.

MOTION 2006-65: Moved by: Howard Hood
Seconded by: Bill Jameson

THAT,

THAT MINOR VARIANCE APPLICATION No. A-2006-0010-H (COOK), A REQUEST TO PERMIT THE USE AND LOCATION OF DECK AND SCREENED-IN PORCH BY (a) REDUCING THE REQUIRED FRONT YARD SETBACK FROM 20 METRES TO 13.7 METRES, (b) REDUCING THE REQUIRED FRONT YARD SETBACK FOR DECKS FROM 17 METRES TO 11 METRES AND (c) INCREASING THE MAXIMUM SIZE OF A NEW ADDITION FROM 20% TO 26% OF GROSS FLOOR AREA, BE APPROVED AS SATISFYING THE FOUR TESTS OF SECTION 45 OF THE PLANNING ACT.

SUBJECT TO THE FOLLOWING CONDITIONS,

- 1) THAT THE VARIANCE DOES NOT TAKE EFFECT UNTIL THE OWNER HAS EXECUTED AND RETURNED TO THE SECRETARY-TREASURER OF THE TOWNSHIP’S COMMITTEE AN “ACKNOWLEDGEMENT” REGARDING “A SENSIBLE WATER-FRONT LIGHTING GUIDE” AND INFORMATION ON “BEST MANAGEMENT PRACTICES TO AVOID ANY POTENTIALLY HARMFUL EFFECTS TO FISH HABITAT.”***

FOR THE FOLLOWING REASONS,

IT WAS THE OPINION OF THE COMMITTEE THAT THIS APPLICATION IS CONSIDERED APPROPRIATE FOR THE SITE AND SURROUNDING AREA. THE COMMITTEE ALSO CONCURRED THAT THIS APPLICATION MAINTAINS THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW AND THE OFFICIAL PLAN, AND IS SUITABLE DEVELOPMENT FOR THE PROPERTY AS THE RESULTING DEVELOPMENT WILL HAVE MINIMAL IMPACT ON LAKE ROSSEAU OR THE SURROUNDING AREA.

3.3 Minor Variance Application A-2006-0011-H Application (Oickle)

Location: 16 Timmins Drive

Member Brian Bannerman, having declared a conflict of interest with respect to this matter excused himself from the hearing and left the chamber and did not participate in any discussions on this application

Written comments received and read into the public record (see file for details):

Agencies: None
Others: None

Presenter: None

Public Audience: Stewart Oickle & Marie Oickle

- Brief presentation and questioning.

MOTION 2006-66: Moved by: Bernard Robbins

Seconded by: Bill Jameson

THAT,

THAT MINOR VARIANCE APPLICATION No. A-2006-0011-F TO FOLEY ZONING BY-LAW No. 93-1000, A REQUEST TO REDUCE THE REQUIRED FRONTAGE FROM 60 METRES TO 13.1 METRES, BE DEFERED UNTIL THE SPECIES AT RISK ISSUE IS ADDRESSED.

FOR THE FOLLOWING REASONS,

IT IS OUR PLANNING OPINION THAT THIS DEVELOPMENT SATISFIES THE FOUR TESTS AS OUTLINED IN SECTION 45(1) OF THE PLANNING ACT. THE MINOR VARIANCE MAINTAINS THE INTENT OF THE OFFICIAL PLAN, THE ZONING BY-LAW AND THE INTERIM CONTROL BY-LAW. THE VARIANCE IS ALSO MINOR. HOWEVER, WITHOUT SOME PROOF REGARDING THE IMPACT OF THE DEVELOPMENT ON THE SIGNIFICANT HABITAT OF ENDANGERED OR THREATENED SPECIES, IT IS DIFFICULT TO DETERMINE WHETHER OR NOT THE DEVELOPMENT IS APPROPRIATE TO THE SURROUNDING LANDS AND WHETHER OR NOT THE DEVELOPMENT IS CONSISTENT WITH THE PROVINCIAL POLICY STATEMENT.

THE PLANNING DEPARTMENT THEREFORE RECOMMENDS THAT THIS APPLICATION BE DEFERRED UNTIL THE REQUIREMENTS OF SECTIONS 2.1.3 AND 2.1.4 OF THE PPS ARE ADDRESSED.

CARRIED.

3.4 Minor Variance Application A-2006-0012-H Application (Paton)

Location: 36 Lynx Lane

Written comments received and read into the public record (see file for details):

Agencies: None

Others: None

Presenter: None

Public Audience: None

MOTION 2006-67: Moved by: Bernard Robbins

Seconded by: Bill Jameson

THAT,

THAT MINOR VARIANCE APPLICATION No. A-2006-0011-F TO FOLEY ZONING BY-LAW No. 93-1000, A REQUEST TO REDUCE THE REQUIRED FRONTAGE FROM 60 METRES TO 13.1 METRES, BE DEFERRED UNTIL THE SPECIES AT RISK ISSUE IS ADDRESSED.

FOR THE FOLLOWING REASONS,

IT IS OUR OPINION THAT THE PROPOSED MINOR VARIANCE SATISFIES THE FOUR TESTS AS OUTLINED IN SECTION 45(1) OF THE PLANNING ACT. THE APPLICATION MAINTAINS THE INTENT OF THE OFFICIAL PLAN, MAINTAINS THE INTENT OF THE ZONING BY-LAW, IS APPROPRIATE TO THE DEVELOPMENT OF THE LANDS, AND IS MINOR. HOWEVER, A COMPLETE AND RESPONSIBLE DECISION CAN NOT BE REACHED UNTIL THE APPLICANT COMPLETES A STUDY OR RECEIVES RECOMMENDATIONS FROM THE MINISTRY OF NATURAL RESOURCES THAT THE PROPOSED DEVELOPMENT WOULD NOT ADVERSELY AFFECT THE CURRENT FISH HABITAT IN THE AREA.

THEREFORE IT IS PLANNING STAFF'S RECOMMENDATION THAT THIS APPLICATION BE DEFERRED PENDING THE APPROPRIATE STUDIES OR RECOMMENDATION FROM THE PROPER APPROVAL AUTHORITIES.

CARRIED.

3.5 Minor Variance Application A-2006-0013-H Application (Robinson)

Location: 1 Round Island (Lake Joseph)

Written comments received and read into the public record (see file for details):

Agencies: None

Others: Brian Shaw, Martha Woods

Presenter: Margret Walton, Planner

Public Audience: Brian Shaw, Martha Woods, David Massey & Don Robinson

MOTION 2006-68: Moved by: Bernard Robbins

Seconded by: Doug Sainsbury

THAT,

THAT MINOR VARIANCES BE GRANTED PURSUANT TO APPLICATION A- 2006-0013-H TO BYLAW No. Z200-97 FOR A REDUCTION IN THE REQUIRED SHORELINE SETBACK FROM 20 METRES TO A MINIMUM SHORELINE SETBACK OF 10.3 METRES FOR THE CONSTRUCTION OF A NEW COTTAGE.

SUBJECT TO THE FOLLOWING CONDITIONS,

- 1) THE APPLICANT ENTER INTO A SITE PLAN AGREEMENT WITH THE TOWNSHIP OF SEGUIN. THE SITE PLAN SHALL INCLUDE THE FOLLOWING INFORMATION AND ANY MEASUREMENTS ARE TO BE CONFIRMED BY AN ONTARIO LAND SURVEYOR:

A) THE SHORELINE BE BUFFERED FROM THE EDGE OF THE SHORELINE TO A DISTANCE OF 10.3 METRES FROM THE SHORELINE TO PREVENT OVERLAND WATER RUNOFF AND TO PROTECT THE VIEW FROM THE LAKE TO THE SATISFACTION OF THE MUNICIPALITY. THIS WILL INCLUDE THE NEED FOR ADDITIONAL NATIVE PLANTINGS, WHICH SHALL BE DETAILED ON THE SITE PLAN.

- 2) THAT THE VARIANCE DOES NOT TAKE EFFECT UNTIL THE OWNER HAS EXECUTED AND RETURNED TO THE SECRETARY-TREASURER OF THE TOWNSHIP'S COMMITTEE AN "ACKNOWLEDGEMENT" REGARDING "A SENSIBLE WATER-FRONT LIGHTING GUIDE" AND INFORMATION ON "BEST MANAGEMENT PRACTICES TO AVOID ANY POTENTIALLY HARMFUL EFFECTS TO FISH HABITAT."
- 3) UPON SATISFACTION OF ALL OF THE PRECEDING CONDITIONS CONTAINED HEREIN, THAT THE OWNER OBTAIN FROM THE TOWNSHIP'S BUILDING OFFICIALS WITHIN ONE-YEAR OF THE DATE OF THE TOWNSHIP COMMITTEE DECISION REGARDING THIS APPLICATION ALL NECESSARY PERMITS OR APPROVALS.

FOR THE FOLLOWING REASONS,

IT WAS THE OPINION OF THE COMMITTEE THAT THIS APPLICATION IS CONSIDERED APPROPRIATE FOR THE SITE AND SURROUNDING AREA. THE COMMITTEE ALSO CONCURRED THAT THIS APPLICATION MAINTAINS THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW AND THE OFFICIAL PLAN, AND IS SUITABLE DEVELOPMENT FOR THE ENJOYMENT OF THE PROPERTY AS THE RESULTING DEVELOPMENT WILL HAVE MINIMAL IMPACT ON LAKE JOSEPH OR THE SURROUNDING AREA.

CARRIED.

3.6 Minor Variance Application A-2006-0015-H Application (O,Donnell)

Location: 15 Rockcliff Drive

Written comments received and read into the public record (see file for details):

Agencies: None
Others: None

Presenter: Brian O'Donnell & Janice O'Donnell

Public Audience: Brian O'Donnell & Janice O'Donnell

MOTION 2006-69: Moved by: Doug Sainsbury

Seconded by: Susan Adams

THAT,

THAT MINOR VARIANCE BE GRANTED PURSUANT TO APPLICATION A- 2006-0015-H TO INTERIM CONTROL BYLAW No. 2005-073 FOR AN INCREASE IN THE MAXIMUM ALLOWABLE EXPANSION TO A NON-COMPLYING STRUCTURE FROM THE REQUIRED 20% TO A PROPOSED 34%.

SUBJECT TO THE FOLLOWING CONDITIONS,

1) THE APPLICANT ENTER INTO A SITE PLAN AGREEMENT WITH THE TOWNSHIP OF SEGUIN. THE SITE PLAN SHALL INCLUDE THE FOLLOWING INFORMATION AND ANY MEASUREMENTS ARE TO BE CONFIRMED BY AN ONTARIO LAND SURVEYOR:

A) THE SHORELINE BE BUFFERED FROM THE EDGE OF THE SHORELINE TO A DISTANCE OF 12 METRES FROM THE SHORELINE TO PREVENT OVERLAND WATER RUNOFF AND TO PROTECT THE VIEW FROM THE LAKE TO THE SATISFACTION OF THE MUNICIPALITY. THIS WILL INCLUDE THE NEED FOR ADDITIONAL NATIVE PLANTINGS, WHICH SHALL BE DETAILED ON THE SITE PLAN.

2) THAT THE VARIANCE DOES NOT TAKE EFFECT UNTIL THE OWNER HAS EXECUTED AND RETURNED TO THE SECRETARY-TREASURER OF THE TOWNSHIP'S COMMITTEE AN "ACKNOWLEDGEMENT" REGARDING "A SENSIBLE WATER-FRONT LIGHTING GUIDE" AND INFORMATION ON "BEST MANAGEMENT PRACTICES TO AVOID ANY POTENTIALLY HARMFUL EFFECTS TO FISH HABITAT."

3) UPON SATISFACTION OF ALL OF THE PRECEDING CONDITIONS CONTAINED HEREIN, THAT THE OWNER OBTAIN FROM THE TOWNSHIP'S BUILDING OFFICIALS WITHIN ONE-YEAR OF THE DATE OF THE TOWNSHIP COMMITTEE DECISION REGARDING THIS APPLICATION ALL NECESSARY PERMITS OR APPROVALS.

FOR THE FOLLOWING REASONS,

IT WAS THE OPINION OF THE COMMITTEE THAT THIS APPLICATION IS CONSIDERED APPROPRIATE FOR THE SITE AND SURROUNDING AREA. THE COMMITTEE ALSO CONCURRED THAT THIS APPLICATION MAINTAINS THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW AND THE OFFICIAL PLAN, AND IS SUITABLE DEVELOPMENT FOR THE ENJOYMENT OF THE PROPERTY AS THE RESULTING DEVELOPMENT WILL HAVE MINIMAL IMPACT ON CLEAR LAKE OR THE SURROUNDING AREA.

CARRIED.

3.7 Minor Variance Application A-2006-0016-H Application (Jeffery)

Location: 10 Ditchburn Drive

Written comments received and read into the public record (see file for details):

Agencies: None

Others: None

Presenter: David Goodfellow

Public Audience: David Goodfellow, Crystal Michelle

MOTION 2006-69: Moved by: Bernard Robbins
 Seconded by: Howard Hood

THAT,

THAT MINOR VARIANCE APPLICATION No. A-2006-0016-H (JEFFERY), A REQUEST TO REDUCE THE FRONT YARD SETBACK FROM 20 METRES TO 13 METRES (7 METRE MINOR VARIANCE), BE APPROVED AS SATISFYING THE FOUR TESTS OF SECTION 45(1) OF THE PLANNING ACT. THE APPLICATION MAINTAINS THE INTENT OF THE OFFICIAL PLAN, MAINTAINS THE INTENT OF THE ZONING BY-LAW, IS APPROPRIATE TO THE DEVELOPMENT OF THE LAND, AND IS MINOR.

SUBJECT TO THE FOLLOWING CONDITIONS,

- 1) ***THE APPLICANT ENTER INTO A SITE PLAN AGREEMENT WITH THE TOWNSHIP OF SEGUIN. THE SITE PLAN SHALL INCLUDE THE FOLLOWING INFORMATION AND ANY MEASUREMENTS ARE TO BE CONFIRMED BY AN ONTARIO LAND SURVEYOR:***
 - ***THE SHORELINE BE BUFFERED FROM THE EDGE OF THE SHORELINE TO A DISTANCE OF 13 METRES FROM THE SHORELINE TO PREVENT OVERLAND WATER RUNOFF AND TO PROTECT THE VIEW FROM THE LAKE TO THE SATISFACTION OF THE MUNICIPALITY. THIS WILL INCLUDE THE NEED FOR ADDITIONAL NATIVE PLANTINGS, WHICH SHALL BE DETAILED ON THE SITE PLAN.***
- 2) ***THAT THE VARIANCE DOES NOT TAKE EFFECT UNTIL THE OWNER HAS EXECUTED AND RETURNED TO THE SECRETARY-TREASURER OF THE TOWNSHIP'S COMMITTEE AN "ACKNOWLEDGEMENT" REGARDING "A SENSIBLE WATER-FRONT LIGHTING GUIDE" AND INFORMATION ON "BEST MANAGEMENT PRACTICES TO AVOID ANY POTENTIALLY HARMFUL EFFECTS TO FISH HABITAT."***
- 3) ***UPON SATISFACTION OF ALL OF THE PRECEDING CONDITIONS CONTAINED HEREIN, THAT THE OWNER OBTAIN FROM THE TOWNSHIP'S BUILDING OFFICIALS WITHIN ONE-YEAR OF THE DATE OF THE TOWNSHIP COMMITTEE DECISION REGARDING THIS APPLICATION ALL NECESSARY PERMITS OR APPROVALS.***

A. Smith, Chair

A. Chapple, Secretary-Treasurer