

THE CORPORATION OF THE TOWNSHIP OF SEGUIN  
COMMITTEE OF ADJUSTMENT  
MINUTES OF MEETING  
Wednesday, May 13, 2009 - 4:00 PM  
Council Chambers

Members Present: Alvar Smith (Chair)  
Susan Adams  
Brian Bannerman  
Doug Sainsbury  
Todd Hrycyna  
Bernard Robbins  
Paul Taylor

Staff Present: Chris Madej, Director of Planning  
Adam Kozlowski, Secretary Treasurer/Intermediate Planner  
Craig Jeffery, Clerk  
Laverne Gleeson, Planning Assistant

1.0 MINUTES

MOTION: 2009-016

Moved by: Bernard Robbins  
Seconded by: Susan Adams

THAT the Committee of Adjustment for The Corporation of the Township of Seguin (the "Committee") hereby accepts as read and circulated the Minutes of its last hearing that took place April 8<sup>th</sup>, 2009.

CARRIED.

2.0 DISCLOSURE OF PECUNIARY INTEREST

None.

3.0 CORRESPONDENCE

None.

4.0 APPLICATIONS

4.1 Minor Variance Application A-2009-0003-H (JOHNSON)

Location: 29 Rockcliffe Drive  
Purpose: To recognize an existing “wood shed” extension onto an existing detached garage; and to recognize a 2-tier “sun deck” located at the water’s edge.

Agencies: None  
Others: Correspondence from Kim Johnson, Applicant  
Presenter: None  
Audience: None

MOTION: 2009-017

Moved by: Doug Sainsbury  
Seconded by: Todd Hrycyna

That the Committee hereby APPROVES Application A-2009-0003-H (JOHNSON) as meeting all four tests of Section 45 of the Planning Act, and grants variance from the following section of the Zoning By-law:

- *Section 4.1.5 a) Minimum side yard setback = 5 metres*, where the shed attached to the garage is located 0.4 metres from the lot line, requiring a variance of 4.6 metres
- *Section 4.1.5 c) Minimum front yard setback = 20 metres*, where the 2-tier sun deck is not a permitted use within the 20 metre front yard setback, requiring variance to recognize this use, and the existing 0 metre setback to the shoreline of Clear Lake.

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) That an Ontario Land Surveyor provide written confirmation that the existing wood shed extension of the garage is located no closer than 0.4 metres from the interior side lot line, in accordance with the decision of the Committee of Adjustment.
- 2) That the wood shed *roof eave overhang* be brought into compliance with the reduced 0.4 metre setback.
- 3) That the owner apply for and obtain a building permit from the Township’s Chief Building Official within 1 year of the date of Notice of Decision from the Committee of Adjustment.

CARRIED.

#### 4.2 Minor Variance Application A-2009-0004-M (FARKAS)

Location: 148 South Seguin Estates Road  
Purpose: To construct a 58.4 square metre, 1.5 storey garage having a height of 5.1 metres

Agencies: None  
Others: None  
Presenter: None  
Audience: Gail & Gabe Farkas, Applicants

MOTION: 2009-018

Moved by: Susan Adams  
Seconded by: Brian Bannerman

That the Committee hereby APPROVES Application A-2009-0004-M (FARKAS) as meeting all four tests of Section 45 of the Planning Act, and grants variance from the following section of the Zoning By-law:

- *Section 4.1.3 - Maximum Height for accessory structures (4.5 metres)*, where the garage has a proposed height of 5.1 metres, requiring a variance of 0.6 metres and;
- *Section 4.1.5 a) Minimum Side Yard Setback (5 metres)*, where the garage is proposed to be located 2.5 metres from the side lot line, requiring a variance of 2.5 metres and;
- *Section 4.1.5 b) Minimum Rear Yard Setback (10 metres)*, where the garage is proposed to be located 5.5 metres from the rear lot line, requiring a variance of 4.5 metres and;
- *Section 6.3, Table 6.3 - Maximum lot coverage (8% or 148.24 square metres)*, where the total lot coverage of the proposed garage and existing cottage + deck, boathouse, and raised walkway would be 10.5% (or 194.7 square metres), requiring a variance of 2.5% (or 46.4 square metres) of additional coverage.

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) That human habitation is not permitted within the upper ½ storey of the proposed garage.
- 2) That an Ontario Land Surveyor provides written verification to the Planning Department that the proposed garage is in conformity with the Committee's decision, and that the garage is no closer than 2.5 metres to the interior side lot line, 5.5 metres from the rear lot line, and no higher than 5.1 metres (measured from grade to the mid-point of the roof between the eaves and peak).
- 3) That the owner apply for and obtain a building permit from the Township's Chief Building Official within 1 year of the date of Notice of Decision from the Committee of Adjustment.

CARRIED.

4.3 Minor Variance Application A-2009-0006-H (ELLIOTT)

Location: 1 Bungay Island #8  
Purpose: To permit the reallocation of 37.2 square metres of docking from a proposed boat port to another section of Bungay Island, and to recognize the reduction of the overall docking on the island from 610 square metres to 530 square metres

Agencies: None  
Others: None  
Presenter: Greg Corbett, Planscape  
Audience: None

MOTION: 2009-019

Moved by: Bernard Robbins  
Seconded by: Susan Adams

That the Committee hereby APPROVES Application A-2009-0006-H (ELLIOTT) as meeting all four tests of Section 45 of the Planning Act, and grants variance from the following section of the Zoning By-law:

- **4.28.2 (e) Docks and Boat Lifts (Maximum dock and decking permitted = 168 m<sup>2</sup>)** where the Applicant has proposed a total reduced dock and deck area of 530 sq. m, requiring variance to recognize the remaining 362 sq. m. above the current Zoning By-law standard.

SUBJECT TO THE FOLLOWING CONDITION:

- 1) That the owner apply for and obtain a building permit from the Township's Chief Building Official within 1 year of the date of Notice of Decision from the Committee of Adjustment.

CARRIED.

**4.4 Minor Variance Application A-2009-0008-H (LITKOWICH)**

Location: 105 Clear Lake Road  
Purpose: To permit the construction of a 126 square metre prefabricated storage garage, proposed to have a height of 5.45 metres and requiring a height variance of 0.95 metres.

Agencies: None  
Others: None  
Presenter: None  
Audience: None

**MOTION: 2009-020**

Moved by: Paul Taylor  
Seconded by: Todd Hrycyna

That the Committee hereby APPROVES Application A-2009-0008-H (LITKOWICH) as meeting all four tests of Section 45 of the Planning Act, and grants variance from the following section of the Zoning By-law:

- **Section 4.1.3 (Accessory Buildings, Structures and Uses) Lot Coverage and Height**

Maximum Height: 4.5 metres  
Proposed: 5.45 metres  
Variance: 0.95 metres

**SUBJECT TO THE FOLLOWING CONDITION:**

- 1) That the owner apply for and obtain a building permit from the Township's Chief Building Official within 1 year of the date of Notice of Decision from the Committee of Adjustment.

**CARRIED.**

**4.5 Minor Variance Application A-2009-0009-H (READ)**

Location: 9A Bobcat Road  
Purpose: To to demolish an existing cottage and replace with a new structure, having a gross floor area of 316.5 square metres, and contributing to an overall lot coverage of 13.4%.

Agencies: None  
Others: None  
Presenter: None  
Audience: None

**MOTION: 2009-021**

Moved by: Doug Sainsbury  
Seconded by: Paul Taylor

That the Committee hereby DEFERS Application A-2009-0009-H (READ) at the request of the Applicant, until no later than the August 12, 2009 Committee of Adjustment Hearing. In accordance with Township of Seguin By-law No. 2009-012 "Schedule A", a \$300 deferral fee shall apply prior to rescheduling this application; a \$250 re-circulation fee shall apply to an amended application requiring new Notice of Public Meeting.

**CARRIED.**

5.0 OTHER BUSINESS

- 5.1 Staff Reports - Brian Bannerman, Bernard Robbins and Paul Taylor have requested a hard copy of all reports for Committee meetings.
- 5.2 Planning Department presentation re: Minor Variance etc. Applications to Committee of Adjustment. Presentation provided Committee members with overview of the role of Committee and members; Committee function as a quasi-judicial body independent of Municipal Council; assessment of applications based on the "4 Tests" of variance; pecuniary interest; site inspection; and public meeting etiquette.

6.0 ADJOURNMENT

The Committee adjourned at 5:17 p.m.

MOTION: 2009-022

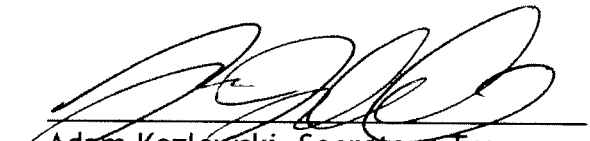
Moved by: Bernard Robbins  
Seconded by: Susan Adams

That the Committee does hereby adjourn this hearing at 5:17 p.m. on May 13<sup>th</sup>, 2009. The Committee will hold its next hearing at 4:00 p.m. on Wednesday, June 10<sup>th</sup>, 2009, unless the Secretary-Treasurer of the Committee has not received complete applications for the Committee's consideration.

CARRIED.

Respectfully Submitted:

  
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A. Smith, Chair

  
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Adam Kozłowski, Secretary-Treasurer