

**THE CORPORATION OF THE TOWNSHIP OF SEGUIN
COMMITTEE OF ADJUSTMENT
MINUTES OF MEETING
Wednesday, November 10, 2010 - 4:00 PM
Council Chambers**

Members Present: Alvar Smith - Chair
Susan Adams - Deputy Chair
Brian Bannerman
Todd Hrycyna
Bernard Robbins
Doug Sainsbury

Staff Present: Adam Kozlowski, Secretary-Treasurer
Lori West, Planning Assistant

Absent:

1.0 CALL MEETING TO ORDER

MOTION: 2010-066

Moved by: Bernard Robbins
Seconded by: Brian Bannerman

THAT we hereby convene as a Committee of Adjustment for The Corporation of the Township of Seguin at 4:00 p.m. on Wednesday, November 10, 2010.

CARRIED.

2.0 MINUTES

MOTION: 2010-067

Moved by: Brian Bannerman
Seconded by: Bernard Robbins

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 on Wednesday, October 13, 2010.

CARRIED.

3.0 DISCLOSURE OF PECUNIARY INTEREST

None.

4.0 APPLICATIONS

4.1 Minor Variance Application A-2010-0040-F (FORD)

Location: CON 4 PT LOT 33 PT SHORE RD;RP PSR 198 PART 1 RP;42R17481
PARTS 1 TO 3 PCL;9440
Address: 11 Summerland Beach Road

Purpose: The applicant proposes to reconstruct an existing non-complying deck (shoreline setback = 8.53 metres, side yard setback = 0.6 metres) on a seasonal dwelling and add 1 foot to the overall width, requiring variance from the following sections of the Zoning By-law.

1) Section 6.3 Table 6.2 Front yard set back = 20 metres (existing = 8.53 metres). The proposed deck would be set back 8.22 metres from the front lot line, requiring variance of 11.78 metres (or 0.31 metres from existing).

2) Section 6.3 Table 6.2 Side yard setback = 5 metres (existing = 0.6 metres). The deck extension would be setback 0.3 metres from the side lot line, requiring variance of 4.7 metres (or 0.3 metres from existing).

Agencies: None
Others: None
Presenter: Robert & Virginia Ford
Audience: None

MOTION: 2010-068

Moved by: Susan Adams
Seconded by: Bernard Robbins

That the Committee of Adjustment hereby **approves** Variance Application **A-2010-0040-F (FORD)** to permit the construction of a new 46.5 square metre deck proposed to be setback 8.22 metres from the shoreline and 0.3 metres from the side lot line, subject to the following condition:

- 1) 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-2010-0041-H (SENST)

Location: CON 5 & 6 PT LOT 9 RP;42R8611 PART 4
Address: 54 Oakfield Drive

Purpose: The applicant intends to construct a 57.6 square metre addition onto a seasonal dwelling, and requests variance from the following section of the Zoning By-law:

1) Section 6.3, Table 6.3 Maximum lot coverage = 7.5 % (existing lot coverage = 8.4%). The proposed addition would result in lot coverage of 10%, requiring variance of 2.5% (or 1.6% above existing).

Agencies: None
Others: None
Presenter: Graham Senst
Audience: None

MOTION: 2010-069

Moved by: Doug Sainsbury
Seconded by: Todd Hrycyna

That the Committee of Adjustment hereby **approves** Variance Application **A-2010-0041-H (SENST)** to permit the construction of a 57.6 square metre cottage addition resulting in total lot coverage of 10%, subject to the following condition:

1) 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-2010-0042-H (HIRSH)

Location: CON 7 PT LOT 31 RP 42R10300;PART 3 PCL 23282 SS
Address: 67 Hamer Bay Rd.

Purpose: The applicant has constructed a 158 square metre accessory structure (lean-to storage shed) approximately 7 metres from the interior side lot line, and requires variance from the following section of the Zoning By-law:

1) Section 8.3 Table 8.2 Minimum side yard setback = 10 metres. The storage building is located 7 metres from the side lot line, requiring variance of 3 metres.

Agencies: None
Others: None
Presenter: Sandy Kundo - Agent
Audience: None

MOTION: 2010-070

Moved by: Todd Hrycyna
Seconded by: Doug Sainsbury

That the Committee of Adjustment hereby **approves** Variance Application **A-2010-0042-H (HIRSH)** to recognize a 158 square metre storage building located 7 metres from the west interior side lot line, subject to the following conditions:

- 1) The Owner enter into a Site Plan Agreement with the Township, and produce drawings depicting existing development features of the subject lands (including but not limited to building and structure locations, stormwater management and drainage control features, signage, driveways and parking areas). Site Plan Approval shall be required prior to issuance of any building permit required in Condition #2.
- 2) The Owner apply for and obtain any necessary building permit(s) 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-2010-0043-H (STANMORE)

Location: CON 4 PT LOT 24 RP 42R14748;PARTS 2 & 3 TOGETHER
WITH R-O-W
Address: 392 Stanley House Road

Purpose: The applicant intends to construct a 107 square metre addition onto a seasonal dwelling, requiring variance to the following section of the Zoning By-law:

1) Section 6.3, Table 6.3 Maximum lot coverage = 6.25%. The dwelling addition would result in total lot coverage of 7.9%, requiring variance of 1.65% (or 1.5% above existing coverage).

Agencies: None
Others: Jeff Lovegrove - Contractor
Presenter: Savas Varadas, Wayne Simpson & Associates - Agent
Audience: None

MOTION: 2010-071

Moved by: Bernard Robbins
Seconded by: Susan Adams

That the Committee of Adjustment hereby **approves** Variance Application **A-2010-0043-H (STANMORE)** to permit the construction of a 107 square metre cottage addition resulting in total lot coverage of 7.9 %, subject to the following condition:

1) 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-2010-0044-H & A-2010-0045-H (MACKINNON)

Location: CON 7 PT LOTS 29 & 30 RP;42R8318 PARTS 3 & 4 REM PCL;11828 SS
Address: 154 Hamer Bay Rd.

Purpose: The applicant intends to relocate and expand an existing non-conforming and non-complying boathouse; and to add a covered drive-through carport and walkway at the rear of the dwelling. These proposed additions and expansions require variance to the following sections of the Zoning By-law:

1) Section 4.28.1 g) maximum upper ½ storey eave height = 3.1 metres. The upper ½ storey addition would be attached to the non-conforming second storey, where the eave would be located 5.35 metres above the high water mark, requiring variance of 2.25 metres.

2) Section 6.3 Table 6.3 Maximum lot coverage = 6.75%. The proposed boathouse redevelopment and subsequent carport & walkway addition would result in total lot coverage of 7.8%, requiring variance of 1.05%.

Agencies: None
Others: None
Presenter: Kelly Dixon - Agent
Audience: None

MOTION: 2010-072

Moved by: Brian Bannerman
Seconded by: Susan Adams

That the Committee of Adjustment hereby **approves** Variance Application **A-2010-0044-H (MACKINNON)** to permit construction of a 67.5 square metre covered “drive-through car port” and covered walkway at the rear of the dwelling, in conjunction with the proposed expanded boathouse resulting in lot coverage of 7.8%, subject to the following condition:

1) 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.

MOTION: 2010-073

Moved by: Susan Adams
Seconded by: Brian Bannerman

That the Committee of Adjustment hereby **approves** Variance Application **A-2010-0045-H (MACKINNON)** to permit the relocation and expansion of a 2 storey boathouse to 113.4 square metres, and having a 1.5 storey addition with an eave height of 5.35 metres, subject to the following condition:

1) 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.

4.6 Minor Variance Application A-2010-0046-H (NISSEL)

Location: CON 5 PT LOT 22 RP 42R6928;PART 2 & RP 42R14322 PART 1;PCL 22148 S/S LAKE JOSEPH
Address: 73 Steeles Road

Purpose: The applicant intends to expand a non-complying and non-conforming boathouse footprint and add a peaked roof above one slip, with no attic or second storey, and requests variance to the following sections of the Zoning By-law:

- 1) Section 4.18 b) Non conforming uses, exterior extensions = not permitted (existing). The applicant requires variance to **increase the height of the boathouse from “existing” (3.25 metres) to a proposed 5 metres (mid point of new peaked roof)**. Note: this height would comply with maximum boathouse height provisions for lots with >60 metres.
- 2) Section 4.18 b) Non conforming uses, exterior extensions = not permitted (existing), and Section 4.28.1 Table 4.4 Maximum boathouse length = 11 metres. **Existing non-complying boathouse length = 11.1 metres, proposed to expand to 15.2 metres, requiring variance of 4.2 metres.**
- 3) Section 4.18 b) Non conforming uses, exterior extensions = not permitted (existing) and Section 4.28.1 Table 4.4 Maximum boathouse footprint = 121 square metres. **Proposed boathouse footprint = 158.1 square metres, requiring variance of 37.1 square metres.**
- 4) Section 6.3 Table 6.3 Maximum lot coverage = 8%. **The boathouse footprint expansion would result in a total lot coverage of 13.4% (existing non-complying coverage = 12%), requiring variance of 5.4% (or 1.4% above “existing”).**

Agencies: None
Others: Matt Taylor - Agent
Presenter: David Nissel - Owner
Audience: None

MOTION: 2010-074

Moved by: Doug Sainsbury
Seconded by: Todd Hrycyna

That the Committee of Adjustment hereby **approves** Variance Application **A-2010-0046-H (NISSEL)** to replace a damaged dock and expand an existing “non-complying” and “non-conforming” single storey boathouse with a total footprint of 158.1 square metres, 5 metres high (mid point of the peaked roof), and length of 15.2 metres, resulting in a total lot coverage of 13.4%, subject to the following condition:

- 1) 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.

4.7 Minor Variance Application A-2010-0003-H (SEMBAY)

Location: Plan M274 Lot 7 & 8 PCL 11884 SS
Address: 208 North Sandy Plains Road

Purpose: The Application was to redevelop the subject lands as follows: merge lots 7 & 8 (208 and 212 North Sandy Plains Road) and reside in the existing dwelling on Lot 7 while the new dwelling is under construction on Lot 8 (the lot merger would create a non-conforming situation of 2 dwellings located on one lot, on a temporary basis). Upon completion of the new dwelling, the temporary dwelling on Lot 7 would be demolished.

The variance was approved subject to the following conditions;

- 1) That Lot 7 and Lot 8, Plan M-274 merge in title to form a single parcel, and that the owner provides legal confirmation of the lot merger to the Township.
- 2) That the existing dwelling and shed on Lot 7 be removed within 1 year of the merger of Lot 7 and Lot 8, Plan M-274.
- 3) That the owner apply for and obtain a building permit for the proposed dwelling within 1 year of the merger of Lot 7 and Lot 8, Plan M-274.
- 4) Notwithstanding the proposed lot coverage increase, that the proposed dwelling shall comply with all other provisions of the Zoning By-law.

The applicant has fulfilled conditions 1 and 3, but due to unanticipated construction timelines, requests a revision to condition #2 to allow additional time to reside in the existing cottage during construction of the new dwelling

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

MOTION: 2010-075

Moved by: Todd Hrycyna
Seconded by: Doug Sainsbury

Whereas the Committee of Adjustment hereby **APPROVES** modification to the wording of Condition 2) of variance application A-2010-0003-H, as originally approved on February 10, 2010, to read as follows:

- 2) THAT THE EXISTING DWELLING AND SHED ON LOT 7 BE REMOVED WITHIN 6 MONTHS OF GRANTING OF OCCUPANCY OF THE NEW DWELLING

CARRIED.

5.0 OTHER BUSINESS

The Committee holiday dinner will be held on December 8, 2010, 5:30 pm at Crossroads Restaurant in Rosseau.

6.0 ADJOURNMENT

MOTION: 2010-076

Moved by: Bernard Robbins
Seconded by: Susan Adams

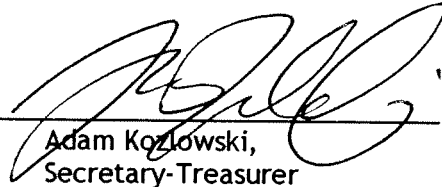
That the Committee does hereby **adjourn** this hearing at 5:00 p.m. on Wednesday November 10, 2010. The Committee will hold its next hearing at 4:00 p.m. on Wednesday, January 12, 2011, unless the Secretary-Treasurer has not received complete applications for the Committee's consideration.

CARRIED.

Respectfully Submitted:



Alvar Smith, Chair



Adam Kozłowski,
Secretary-Treasurer