AGENDA

for the

COMMITTEE OF ADJUSTMENT

Friday, May 17th, 2019

11:00 a.m.

at

Township of The Archipelago, Council Chamber
9 James Street, Parry Sound, ON P2A 1T4

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1. **MEETING CALLED TO ORDER**

2. **APPROVAL OF AGENDA**

19-05-ADJ-

NOW THEREFORE BE IT RESOLVED that the agenda for the May 17th, 2019, Committee of Adjustment hearing be approved.

3. **DISCLOSURE OF CONFLICT OF INTEREST**

4. **ADOPTION OF MINUTES**

19-05-ADJ-

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment hearing held on April 26th, 2019, be approved as circulated.

Pages: 1 – 3

5. **DELEGATIONS**

Nil

6. HEARING OF APPLICATIONS

i) **CORSETTI, Leo and Cathy - Application No. A02-19**
Lot 3 on Plan M-240, including Part 1 on Plan 42R-15177, and Part 1 on Plan 42R-16929, in the geographic Township of Conger

CIVIC ADDRESS: 150 Crane Lake Water, The Archipelago

Pages: 4 - 12

PURPOSE AND EFFECT OF THE APPLICATION:

The applicant is seeking relief from Section 5.22 c)i)i) Non-Complying Buildings and Structures – Horizontal Extension Permitted, of Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that any enlargement does not exceed 50% of the total ground floor area of the main dwelling.

The purpose of the proposed application is to permit the enlargement of an existing 129.7 square metre (1396 square feet) main dwelling. The effect of the proposed variance would be to permit the construction of a 96.9 square metre (1043 square feet) addition, being 32.1 square metres (345 square feet) larger than that which is allowed.

7. CORRESPONDENCE

Nil

8. UNFINISHED BUSINESS

Nil

9. ADMINISTRATION

Nil

10. ADJOURNMENT

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment hearing of May 17th, 2019, be discontinued at _____ .

M I N U T E S
of the
COMMITTEE OF ADJUSTMENT HEARING
for the
TOWNSHIP OF THE ARCHIPELAGO
held on
Friday, April 26th, 2019
at
The Township of The Archipelago's Council Chamber

MEMBERS PRESENT:

P. Frost - Chair
G. Andrews
L. Emery
E. Manners
S. Sheard
D. Ashley
A. Barton
B. Liverance
I. Mead
G. Walker

STAFF PRESENT:

C. Henderson, Secretary-Treasurer
J. Nawroth, Assistant Secretary-Treasurer
N. Bellchamber, A/Chief Administrative Officer
M. Weaver, Clerk

APOLOGIES:

Nil

1. Meeting Called to Order

The meeting was called to order at 11:01 a.m.

2. Approval of Agenda

Resolution 19-04-ADJ-01

Moved by D. Ashley
Seconded by S. Sheard

NOW THEREFORE BE IT RESOLVED that the agenda for the April 26th, 2019 Committee of Adjustment hearing be approved as circulated.

Disposition Carried

3. Disclosure of Conflict of Interest

Nil

4. Adoption of Minutes

Resolution 19-04-ADJ-02

Moved by G. Walker
Seconded by L. Emery

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment meeting held on February 22, 2019, be approved.

Disposition Carried

5. Delegations

Nil

6. Hearing of Minor Variance Applications

i) **DODGE, Laura Fischer – Application No. A03-19**
Island 324A, (Bijou Island), being Parcel 16753 PSNS
in front of the Geographic Township of Harrison

Pointe au Baril Islands Neighbourhood

CIVIC ADDRESS: 1 A324 Island, The Archipelago

PURPOSE AND EFFECT OF THE APPLICATION:

The owner is seeking relief from Section 5.22 c) iii) Reconstruction of Non-Complying Buildings and Structures, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that nothing shall prevent the reconstruction of any non-complying building that existed prior to the date of the passing of this by-law, provided the reconstruction of such building does not increase the total floor area of the lawfully used building.

The purpose of the proposed application is to allow for the construction of two overhang additions to the main dwelling; one being 5.45 square metres (58.7 square feet) in size over the entrance, and the second being 3.93 square metres (42.3 square feet) in size to cover a laundry area.

The effect of the proposed variance would be the construction of the overhang additions onto the legally, non-complying main dwelling. The total lot coverage would be increased to 271.1 square metres (2918 square feet), being 9.38 square metres (101 square feet) over the existing lot coverage.

Cale Henderson; Secretary Treasurer, explained the nature of the application. Mr. Blenkarn, agent working on behalf of the owner, was in attendance.

Resolution 19-04-ADJ-03

Moved by G. Andrews
Seconded by A. Barton

NOW THEREFORE BE IT RESOLVED that Application No. A03-19, to grant a variance from Section 5.22 c) iii), to allow for the construction of two overhang additions to the main dwelling; one being 5.45 square metres (58.7 square feet) in size over the entrance, and the second being 3.93 square metres (42.3 square feet) in size to cover a laundry area, be **approved**.

Disposition Carried

7. Correspondence

Nil

8. Administration

Nil

9. Unfinished Business

Nil

10. Adjournment

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment meeting of April 26th, 2019, be discontinued at 11:19 a.m.

_____ _____

CHAIR DATE

_____ _____

SECRETARY-TREASURER DATE

TO: Chair Frost and Members of the Committee of Adjustment

FROM: Cale Henderson, Manager of Development & Environmental Services

DATE: May 17th, 2019

RE: Minor Variance Application A02-19 (CORSETTI, Leonard)

LOCATION: **150 Crane Lake Water**
Lot 3 on Plan M-240, including Part 1 on Plan 42R-15177, and Part 1 on Plan 42R-16929, in the geographic Township of Conger

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RECOMMENDATION

Staff recommends that Application No. A02-19 be approved.

PROPOSAL

The applicant is seeking relief from Section 5.22 c)i)i) Non-Complying Buildings and Structures – Horizontal Extension Permitted, of Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that any enlargement does not exceed 50% of the total ground floor area of the main dwelling.

The purpose of the proposed application is to permit the enlargement of an existing 129.7 square metre (1396 square feet) main dwelling. The effect of the proposed variance would be to permit the construction of a 96.9 square metre (1043 square feet) addition, being 32.1 square metres (345 square feet) larger than that which is allowed.

A02-19 MINOR VARIANCE SUMMARY			
Addition	Permitted	Proposed	Variance
Ground Floor Area	64.9 m^2 (698 ft^2)	96.9 m^2 (1043 ft^2)	32.1 m^2 (345 ft^2)

The application is attached as Appendix A and the site plan is attached as Appendix B.

PLANNING INFORMATION

Official Plan Neighbourhood:	Crane Lake
Zoning:	Inland Lakes Residential (IR)
Existing & Neighbouring Uses:	Residential
Property Size:	0.48 ha (1.18 ac)
Frontage:	60 m (200 ft)

ANALYSIS

Property Characteristics

Staff inspected the property on May 7, 2019. The property is located on Crane Lake and is accessed from the newly approved extension of South Crane Lake Road. The property is developed with a main dwelling and other small accessory structures. The main dwelling is considered legally non-complying as it does not comply with the minimum required front yard and side yard setbacks. The required front yard setback for a main dwelling is 7.5 metres (24.6 ft) and the existing setback is 7.2 metres (23 ft). The required side yard setback is 6 metres (19.6 ft) and the existing setback is 4.5 metres (15 ft) due to the existing screened-in porch.

Planning Act Requirements

When considering this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

a) is minor in nature;
b) is desirable for the appropriate development or use of the land, building or structures;
c) maintains the general intent and purpose of the Zoning By-law; and,
d) maintains the general intent and purpose of the Official Plan;

The application must meet all of the above tests.

i) Official Plan

Section 14.15 of the Official Plan states:

> *'The aesthetics of the Township's waterfront lands will be preserved using detailed land use regulations and control during the consent, subdivision, site plan and building application processes. Principles that will be applied to afford a measure of aesthetic control will include: screening, setbacks and building locations.'*

Further, Section 14.22 of the Official Plan states:

> *'New buildings and structures will be sited to minimize their impact on existing development so that maximum privacy is provided.'*

The proposed addition is not going to encroach any closer to the side lot line, the enlargement is going to extend toward the centre of the lot. Further, the proposed addition will maintain a minimum front yard setback of 7.5 metres (24.6 ft). As a result, the proposed addition will not impact the aesthetics or privacy of the area.

Conclusion

The proposed addition appears to maintain the intent of the Official Plan.

ii) Zoning By-law

The subject property is located within the 'Inland/Lakes Residential (IR)' Zone of Comprehensive Zoning By-law No. A2000-07, as amended. Section 5.22 c) of the Zoning By-law has been drafted to provide some flexibility with the expansion of legal non-complying main dwellings, while ensuring those expansions do not significantly intensify the impacts of existing encroachments or allow for an increase in the level of encroachment.

Section 5.22 c) i) i. and ii. of the Zoning By-law states:

Any new buildings or structures must meet the minimum yard setback specified elsewhere in this By-law and must comply with the setback requirements of the zone categories with the exception of the following:

The enlargement or extension of a legal non-complying main dwelling that does not comply with the front yard or side yard requirements may be permitted after the passing of this By-law, provided the expansion or extension:

i. *does not exceed 50% of the total ground floor area of the main dwelling;*
ii. *if the addition is proposed in the front or side yard, the addition can be up to a maximum 50% of the length of the front or side wall, depending on the yard of encroachment;*

The existing cottage is 129.7 square metres (1396 ft^2) in area. The applicant is proposing to add a 96.9 square metre (1043 ft2) addition onto the existing cottage, which is an addition 75% of the area of the existing dwelling. The by-law restricts the addition, due to the main dwelling being non-complying, to a maximum expansion of 50% of the existing. No part of the addition will encroach into the side yard setback or front yard setback and will not intensify the impacts of the existing encroachments. Further, the western lot line abuts Crown land and the existing dwelling does not impact a neighbouring property.

Conclusion

As no portion of the floor area of the proposed addition encroaches further into the side yard or front yard setbacks and does not create any further impact, the proposed variance appears to comply with the Comprehensive Zoning By-law.

iii) Desirable for Appropriate Development

The proposed increase in size will allow for an expansion of the existing cottage at the same location without any significant impacts, as a result, the proposal can be considered appropriated development.

iv) Minor in Nature

There is no precise definition as to what constitutes minor. Minor is a relative term and must be interpreted in the particular circumstances involved in conjunction with the other tests.

The proposed 96.9 square metre (1043 ft2) addition requires a variance of 32.1 square metres (345 ft2). Although the proposed increase in floor area is larger than what is permitted, the addition will not increase or intensify the impact on the area. As a result, the proposed variance to increase the ground floor area appears to be minor in nature.

CONCLUSIONS – MINOR VARIANCE

1) The requested variance would appear to be minor in nature.

2) The requested variance can be considered to allow for appropriate residential development.

3) The requested variance would appear to maintain the intent of Comprehensive Zoning By-law A2000-07, as amended.

4) The requested variance would appear to conform to the intent of the relevant Official Plan policies.

Respectfully submitted,

Cale Henderson, MCIP, RPP
Manager of Development & Environmental Services

APPENDIX 'A'
APPLICATION

9 James Street
Parry Sound, Ontario
P2A 1T4
Phone: 705-746-4243
Fax: 705-746-7301
web: www.thearchipelago.on.ca

Committee of Adjustment Application

Application for Minor Variance or for Permission
under Section 45 of the Planning Act
R.S.O. 1990, c.P. 13, as amended

Rec'd March 26/19 JL

OFFICE USE ONLY

Date Received March 26/19 | Complete Application ☐ Yes ☐ No | Application No. A02-19

Date Accepted _____ | Applicable Fee Paid ☐ Yes ☐ No

1. Applicant / Agent Information

Name of Applicant / Agent
Leonard Corsetti

Address

City _____ Province / State ON Postal / Zip Code _____

Home Phone No. _____ Business Phone No. _____ email _____

2. Owner(s) Information

Name of Owner(s)
Leonard and Cathy Corsetti

Address

City _____ Province / State ON Postal / Zip Code _____

Home Phone No. _____ Business Phone No. _____ email ca _____

Please advise to whom all communication should be directed. ☒ Owner ☐ Applicant / Agent

3. Purpose and Type of Application

☐ Minor Variance from Comprehensive Zoning By-law

☒ Permission to extend a legal non-conforming use

From what section of the Zoning By-law is relief being sought?
Section 5.22 (c)(i) Horizontal Extension

What is the nature and extent of the relief being sought?

Add addition to existing legal non-conforming cottage.

Why is it not possible to comply with the provisions of the Zoning By-law?
Cottage at the time of construction was within the setbacks. Setbacks have changed and made cottage legal non-conforming.

4. Location and Description of the Subject Land (Please provide a copy of the Transfer/Deed of Land)

Assessment Roll Number 4905-090-006-00605 Lot 3 Concession _____ Island No. _____

Registered Plan of Subdivision No. (if any) Plan No. M-240 Lot No. 3

Reference Plan No. (if any) Plan No. 42R-15177 Part No. 1

Parcel No. _____ Other Description RP 42R-16929 Part 1

Dimensions of Subject Property:

Depth (metres) 85.7m Frontage (metres) 55m +/- Hectares 0.46

5. Land Use and Zoning

What was the date of acquisition of the subject land? January 1997

What are the existing uses of the subject land? Cottage/Seasonal

How long have the existing uses been carried out on the subject land? Long time

What are the proposed uses of the subject land? Cottage/Seasonal

What are the existing uses of abutting properties? Cottage/Seasonal

What is the current Official Plan designation of the subject land? Water front

What is the current zoning of the subject land? Inland Lakes Residential

6. Buildings and Structures (on or proposed for the subject land)

EXISTING: List all existing buildings and structures					DISTANCE FROM LOT LINES (metres)			
Building / Structure Type	Date of Construction	# of Storeys / Height	Ground Floor Area (m^2)	Total Floor Area (m^2)	Front	Rear	Side	Side
Cottage	unknown	1	129.7	129.7	7.2m +/-	70.6m +/-	4.5m +/-	31.5m +/-
Bunkie	unknown	1	9.3	9.3	7.8 +/-	85.3m +/-	7.2n +/-	47.6m+/-
Shed	unknown	1	4.5	4.5	18.3m +/-	65.0m +/-	9.2m +/-	35.1m +/-
Privy	unknown	1	2.3	2.3	32m +/-	50.7m +/-	15.9m +/-	28.6m +/-

PROPOSED: List all proposed buildings and structures				PROPOSED DISTANCE FROM LOT LINES (metres)			
Building / Structure Type	# of Storeys / Height	Ground Floor Area (m^2)	Total Floor Area (m^2)	Front	Rear	Side	Side
Cottage Addition	1	~~96.3~~ 96.9	~~96.3~~ 96.9	7.7m+/-	68m +/-	14.2m +/-	21.9m +/-

7. Service Information (check appropriate box)

Access

☐ Provincial Highway ☐ Municipal road, maintained all year ☐ Municipal road, maintained seasonally

☒ Other public road ☐ Right-of-way ☐ Water Access (see below)

If access to the subject land is by private road, or if by "other public road" or "right-of-way", indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.

If access to the subject land is by water, describe the parking and docking facilities and the approximate distance of these facilities from the subject land and the nearest public road.

Seasonal private road - maintained by the cottagers in the area.

7. Service Information (cont'd) (check appropriate box)

Water (check appropriate box)

☐ Privately owned and operated individual well ☐ Privately owned and operated communal well

☒ Lake ☐ Other Means _____

Sewage Disposal (check appropriate box)

☒ Privately owned and operated individual septic system ☒ Privy

☐ Privately owned and operated communal septic system ☐ Other Means _____

8. History

Has the owner previously applied to the Committee of Adjustment for relief in respect of the subject property? ☐ Yes ☒ No If yes, please provide Application No., if known _____

Is the subject property the subject of an application for approval of a plan of subdivision or a consent?

☐ Yes ☒ No If yes, please provide Application No., if known _____

9. Plans (to assist in the preparation of plans, please refer to the attached sample sketch)

Location Plan

Every application shall be accompanied by a location plan, drawn to an appropriate scale, properly dimensioned and showing thereon:

- the boundaries of the parcel of land that is the subject of the application, the part of the parcel that is the subject of the application, the location of all adjacent properties and/or islands, transportation routes, etc.;
- the distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge;
- existing and proposed uses on the subject land (e.g. residential, agricultural, cottage, commercial etc.);
- existing uses of all lands within 120 metres (400 feet) of the subject land.

Site Plan

Every application shall be accompanied by a site plan, drawn to an appropriate scale, properly dimensioned and showing thereon:

- the boundaries and dimensions of the subject land and the part that is the subject of this application;
- the location and dimensions of existing and proposed buildings and structures and their distances from lot lines;
- the approximate location of all natural and artificial features on the subject land and adjacent lands that, in the opinion of the applicant, may affect the application, such as railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks, landscaped open spaces, planting strips, parking areas, loading areas, driveways and walkways;
- the existing uses on adjacent lands;
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a publicly travelled road, a private road or a right-of-way;
- if access to the subject land is by water only, the location of the parking and boat docking facilities used;
- the location and nature of any easement affecting the subject land.

Additional information, including architectural drawings and elevations, shall be furnished by the applicant at the request of the Township.

10. Affidavit or Sworn Declaration

Dated at the MISSISSAUGA this 22nd day of MARCH, 2019.

I, Leonard Corsetti of the City of Mississauga in the

County/District/Regional Municipality of Peel solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**.

DECLARED BEFORE ME at the City of Mississauga.

in the Regional Mun. of Peel this 22nd day of March, 2019.

Kenia Afolabi
A Commissioner of Oaths

Signature of Owner or authorized Applicant / Agent

Kenia Afolabi

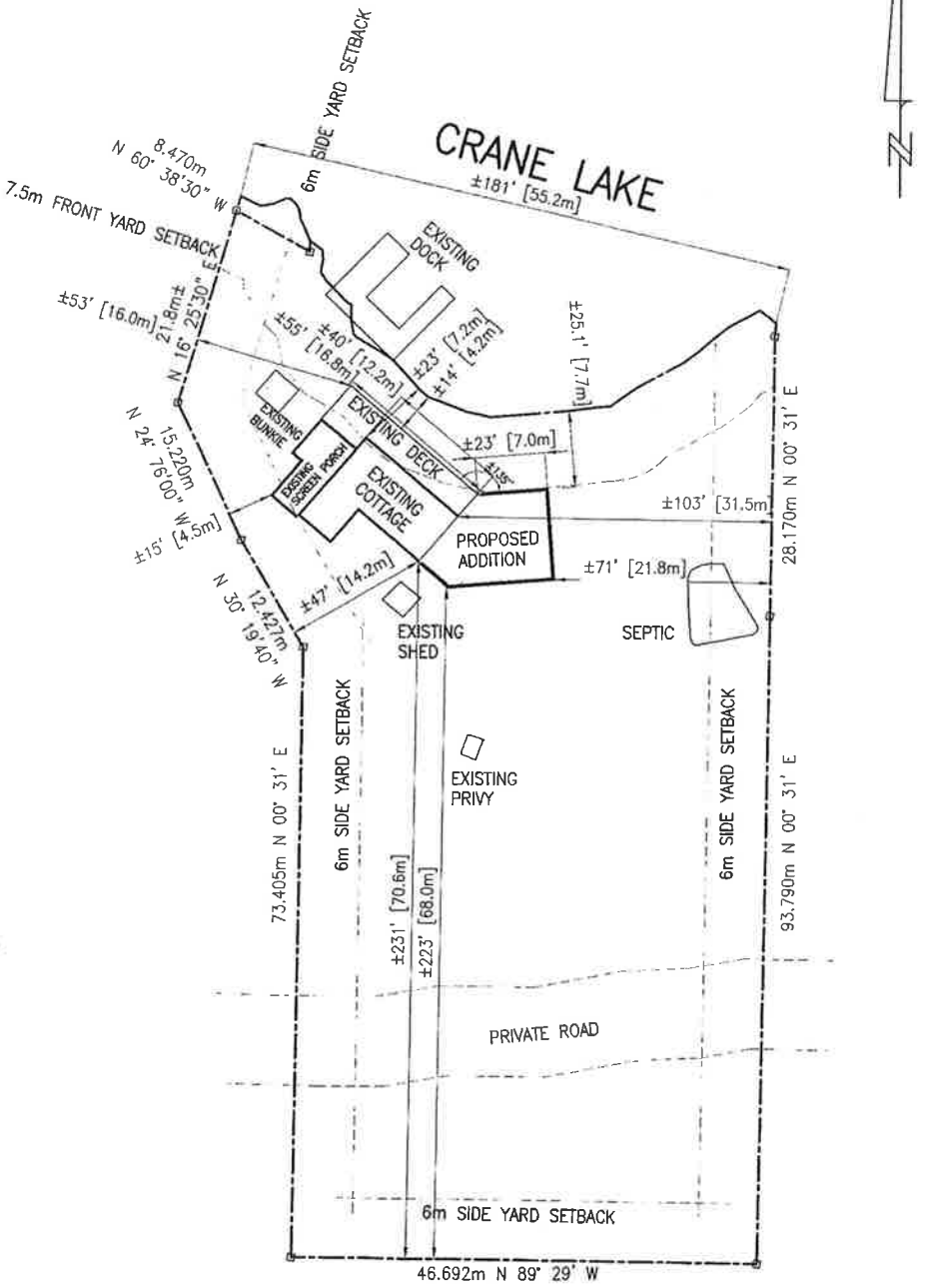
PART OF LOT 3
GEOGRAPHIC TOWNSHIP OF CONGER
TOWNSHIP OF ARCHIPELAGO
DISTRICT MUNICIPALITY OF MUSKOKA

SCALE 1" = 40'

40 30 20 10 0 40 feet 80 120

LEO & CATHY CORSETTI PROPERTY
150 CRANE LAKE WATER
PLAN M240 LOT 3
42R-15177 PART 1 RP 42R-16929 PART 1
Roll# 4905-090-006-00605

AREA ANALYSIS

TOTAL LOT AREA:	4775 m²	51390 S.F.
TOTAL ALLOWABLE: 140m² + 3% (143.2m²) =	283.2m²	3048 S.F.
EXISTING COTTAGE COVERAGE AREA:	129.7 m²	1396 S.F.
EXISTING PRIVY COVERAGE AREA:	2.3 m²	25 S.F.
EXISTING SHED COVERAGE AREA:	4.5 m²	48 S.F.
EXISTING BUNKIE COVERAGE AREA:	9.3 m²	100 S.F.
NEW ADDITION COVERAGE AREA:	96.9 m²	1043 S.F.
TOTAL LOT COVERAGE	242.7 m²	2612 S.F.
ALLOWABLE COVERAGE REMAINING :		436 S.F.

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