



A G E N D A
for the
COMMITTEE OF ADJUSTMENT

Friday, June 21st, 2019

11:00 a.m.

at

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

1. **MEETING CALLED TO ORDER**

2. **APPROVAL OF AGENDA**

19-06-ADJ-

NOW THEREFORE BE IT RESOLVED that the agenda for the June 21st, 2019, Committee of Adjustment hearing be approved.

3. **DISCLOSURE OF CONFLICT OF INTEREST**

4. **ADOPTION OF MINUTES**

19-06-ADJ-

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment hearing held on May 17th, 2019, be approved as circulated.

Pages: 1 – 3

5. **DELEGATIONS**

Nil

6. HEARING OF APPLICATIONS

- i) **CORBETT, William and Christine – Application No. A04-19**
Island B661, being Parcel 8812 PSSS
in front of the geographic Township of Cowper

CIVIC ADDRESS: 1 B661 Island, The Archipelago

Pages: 4 - 16

PURPOSE AND EFFECT OF THE APPLICATION:

The applicants are seeking relief from Section 6.1.3c) Maximum Lot Coverage of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which limits the maximum allowable lot coverage to 225 square metres (2422 square feet), for a property that is 0.28 hectares (0.7 acres) in size. The maximum lot coverage for this property, recognized by the Committee of Adjustment decision dated April 20, 2012, is 240.88 square metres (2593 square feet).

The purpose and effect of the proposed variance is to replace an existing boathouse, previously recognized as 70 square metres (753.5 square feet), with a new 94.3 square metre (1015.1 square feet) boathouse, and to recognize the Maximum Lot Coverage on the island as being 258.3 square metres (2780.4 square feet), due to a previous miscalculation.

7. CORRESPONDENCE

Nil

8. UNFINISHED BUSINESS

Nil

9. ADMINISTRATION

Nil

10. ADJOURNMENT

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment hearing of June 21st, 2019, be discontinued at _____.

MINUTES
of the
COMMITTEE OF ADJUSTMENT HEARING
for the
TOWNSHIP OF THE ARCHIPELAGO
held on
Friday, May 17th, 2019
at

The Township of The Archipelago's Council Chamber

MEMBERS PRESENT:

P. Frost - Chair
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
J. Villeneuve, Mgr. Corporate Services
M. Kearns, Mgr. Operational Services

APOLOGIES:

G. Andrews

1. Meeting Called to Order

The meeting was called to order at 11:05 a.m.

2. Approval of Agenda

Resolution 19-05-ADJ-01

Moved by A. Barton
Seconded by B. Liverance

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

Disposition Carried

Grant Walker arrived at 11:07 am.

3. Disclosure of Conflict of Interest

Nil

4. Adoption of Minutes

Resolution 19-05-ADJ-02

Moved by I. Mead
Seconded by E. Manners

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment meeting held on April 26th, 2019, be approved as amended (B. Liverance was absent from the meeting).

Disposition Carried

5. Delegations

Nil

6. Hearing of Minor Variance 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

Crane Lake Neighbourhood

CIVIC ADDRESS: 150 Crane Lake Water, The Archipelago

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.

Cale Henderson; Secretary Treasurer, explained the nature of the application. Mr. Corsetti was in attendance.

Resolution 19-05-ADJ-03

Moved by I. Mead
Seconded by G. Walker

NOW THEREFORE BE IT RESOLVED that Application No. A02-19, to grant a variance from Section 5.22 c)i)i), for 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, for a main dwelling that will be 226.6 square metres (2439.2 square feet) in size, be **approved**, subject to the following:

- i) the owners be informed that the addition may warrant the review of the existing septic system.

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 May 17th, 2019, be discontinued at 11:17 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: June 21, 2019
RE: Minor Variance Application No. A04-19
(CORBETT, William)
LOCATION: Island B-661 (Zoraya Island), being Parcel 8812 PSSS, Cowper

RECOMMENDATION

Staff recommends that Application No. A04-19 be approved.

PROPOSAL

The applicants are seeking relief from Section 6.1.3c) Maximum Lot Coverage of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which limits the maximum allowable lot coverage to 225 square metres (2422 square feet), for a property that is 0.28 hectares (0.7 acres) in size. The maximum lot coverage for this property, recognized by the Committee of Adjustment decision dated April 20, 2012, is 240.88 square metres (2593 square feet).

The purpose and effect of the proposed variance is to replace an existing boathouse, previously recognized as being 70 square metres (753.5 square feet) in size, with a new 94.3 square metre (1015.1 square feet) boathouse, and to recognize the Maximum Lot Coverage on the island as being 258.3 square metres (2780.4 square feet), due to a previous miscalculation.

	Recognized April 20, 2012 CofA Decision	Proposed	Variance
Lot Coverage	240.88 m ² (2593 ft ²)	258.3 m ² (2780 ft ²)	17.42 m ² (187.5 ft ²)

A copy of the application and location map is attached as Appendix A.

PLANNING INFORMATION

Official Plan Neighbourhood:	Long Sault-Amanda
By-law No. A2000-07:	Coastal/Island Residential (CR)
Existing & Neighbouring Uses:	Residential
Property Size:	0.283 ha (0.70 ac)
Access:	Water

BACKGROUND

In 2012, the current owner applied for a variance to increase maximum permitted lot coverage, which was approved by the Committee of Adjustment on April 20, 2012. The approval was based on the lot coverage numbers submitted by the applicant. The calculation of the existing floor area of the boathouse omitted the overhang which, per the Zoning By-law, is counted toward both the floor area and lot coverage. The owners are proposing to rebuild the existing boathouse and to enclose the existing overhang and include as part of new boathouse. The variance would be considered a 'technical' variance, as the actual lot coverage would not technically change. However, the minor variance would both recognize the actual lot coverage and enable the issuance of a building permit.

ANALYSIS

Property Characteristics

Staff completed a site visit on June 11, 2019. The subject property is a small island located immediately north-west of Lent Island. The property, as it is small and has limited vegetation, is characterized by its development, specifically the boathouse and main dwelling. A large portion of the shoreline is barren rock and with the current water levels, the existing boathouse is partially submerged.

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) 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 variance would recognize an additional 17.42 m² (187.5 ft²), facilitating the reconstruction of the boathouse, which would include the area under the existing overhang. Technically, the actual, existing lot coverage would not change, as the Zoning By-law recognizes overhangs that exceed 1.2 metres (4 ft) as part of both the floor area and lot coverage.

The proposal would be considered a 'technical' variance and appears to be minor in nature.

ii) Desirable for Appropriate Development

The proposal would recognize the existing lot coverage, rectifying the inconsistency with the Committee of Adjustment decision from April 20, 2012 and will not have any significant impacts on the surrounding area.

The variance appears to be desirable for appropriate development.

iii) Zoning By-law

The subject property is located within the Coastal/Island Residential (CR) Zone of the Comprehensive Zoning By-law No. A2000-07, as amended. Section 6.1.3 c) restricts lot coverage to a maximum of 140 m² + 3% of the lot area, or 225 m².

The Committee of Adjustment decision from 2012 permitted a lot coverage of 240.88 m² (2593 ft²). Currently, the actual lot coverage is 258.3 m² (2780 ft²) and the proposal would technically not change the existing lot coverage. As a result, the variance maintains the intent of the Zoning By-law.

iv) Official Plan

The Official Plan recognizes the importance of the waterfront area to the Township, with the goal to preserve the unique and high quality of the natural environment, which leads to an experience that is aesthetically appealing to property owners and to visitors who use the area.

To this end, Section 14.6 of the Official Plan States:

'Development must be appropriate for an area in terms of its density or prematurity.'

Further, Section 14.21 of the Official Plan States:

'The aesthetics of the Township's waterfront lands will be preserved using detailed land use regulations and control....Principles that will be applied to afford a measure of aesthetic control will include: screening, setbacks and building locations.'

Specific to development extending beyond the shore, Section 14.29 of the Official Plan States:

'Buildings, structures or works extending beyond the high water mark or located at the shoreline shall be designed and located in a suitable manner so as to have regard for:

- a) *Critical fish and wildlife habitat;*
- b) *Navigation;*
- c) *Privacy;*

- d) *Aesthetics; and,*
- e) *Other shoreline and environmental policies.'*

The existing boathouse does not appear to have any impacts on critical fish and wildlife habitat or navigation. Further, as the boathouse exists and the proposal is to recognize the existing floor area and permit its replacement, the proposal does not appear to have any additional significant impacts on privacy or aesthetics.

Section 14.30 of the Official Plan states:

'The use of structures to store and/or moor boats along or at the shoreline of properties is a planning concern in The Archipelago, particularly where the said structures are large and/or obtrusive on the natural landscape. The Zoning By-law implementing this policy may provide for size limitations for such structures and appropriate setback and height regulations.

Docks, boathouses and boatports that exceed the regulations set out in the Zoning By-law will be reviewed and assessed in accordance with the following criteria:

- a) *the size of the structure relative to the shoreline frontage and area of the property;*

The applicant is proposing to replace the existing boathouse, which is 94.3 square metres (1015.1 square feet) in size, on a 0.283 ha (0.7 acre) property, having approximately 85 m (285 ft) of frontage. The boathouse will have a width of 9.3 metres (30.5 ft) and a depth of 11.3 metres (37 ft).

- b) *the need for such a structure;*

The applicant would like to maintain and rebuild the existing boathouse and benefit from its current size.

- c) *the visibility of the structure from adjoining channels and properties;*

The boathouse exists and the proposal will not significantly increase the existing visual impacts.

- d) *the public reaction to the oversized structure as determined in the processing of a planning application to allow for the structure;*

Any comments received will be provided to the Committee of Adjustment for its consideration at the meeting.

- e) *the elevation of the boathouse and/or boatport and special design and locational features used to lessen its impact;*

No designs of the proposed boathouse have been provided.

- f) *the location and size of the structure relative to existing buildings and structures on the adjoining land;*

The boathouse is located on the north west side of the island. The property is already developed with a main dwelling, a sleeping cabin and other accessory structures.

g) the proposed internal uses of the boathouse space; and,

The internal use of the proposed boathouse space is to continue to store boats and marine-related equipment.

h) the neighbourhoods policies that may affect limits of shoreline structures.

There are no neighbourhood policies applicable that affect limits of shoreline structures.

All oversized boathouses will be subject to site plan control.'

As the boathouse exists and the property is not permitted any additional development, a site plan agreement does not appear necessary.

Conclusion

The proposed variance appears to conform with the intent of the relevant Official Plan policies.

CONCLUSIONS – MINOR VARIANCE

- 1) The requested variance would appear to be minor in nature.
- 2) The proposed variance can be considered to allow for appropriate residential development.
- 3) The proposed variance would appear to maintain the intent of Comprehensive Zoning By-law A2000-07, as amended.
- 4) The requested variance would appear to conform with 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

OFFICE USE ONLY			
Date Received <u>April 5/19</u>	Complete Application	<input type="checkbox"/> Yes <input type="checkbox"/> No	Application No. <u>A04-19</u>
Date Accepted _____	Applicable Fee Paid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>\$1000.00</u>	

1. Applicant / Agent Information

Name of Applicant / Agent

John Jackson Planner Inc.

Address

70 Isabella Street, Unit #110

City Parry Sound

Province / State Ontario

Postal / Zip Code P2A 1M6

Home Phone No. _____

Business Phone No. 705-746-5667

email JJPlan@cogeco.net

2. Owner(s) Information

Name of Owner(s)

William Corbett

Address

City _____

Province / State _____

Postal / Zip Code _____

Home Phone No. _____

Business Phone No. _____

email _____

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?

CR Zone Standards 6.1.3

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

Maximum Lot Coverage _____

Why is it not possible to comply with the provisions of the Zoning By-law?

Previous minor variance approval set limits on maximum coverage
 (We believe this limit was an error at the time)

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

Assessment Roll Number 4905-10000602300 Lot _____ Concession _____ Island No. B-661

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

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

Parcel No. 8812;S/S Other Description COWPER ISLAND B661

Dimensions of Subject Property:

Depth (metres) ±35

Frontage (metres) ±282

Hectares 0.283

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5. Land Use and Zoning

What was the date of acquisition of the subject land? 2010 _____

What are the existing uses of the subject land? Seasonal _____

How long have the existing uses been carried out on the subject land? 20+ years _____

What are the proposed uses of the subject land? Seasonal _____

What are the existing uses of abutting properties? Seasonal _____

What is the current Official Plan designation of the subject land? Recreational _____

What is the current zoning of the subject land? Coastal Residential (CR) _____

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
Dwelling		±6	140	140	6			
Guest Cabin		±4	24	24	5.1			
Boathouse		±6	70	70	N/A			

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
Replace Boathouse	±6	94.3	94.3				

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.

Point Pleasant Marina

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 Holding Tank

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 A02-12

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 Town of Parry Sound this 18th day of March, 2019

I, John Jackson of the Town of Parry Sound in the

County/District/Regional Municipality of Parry Sound 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.**

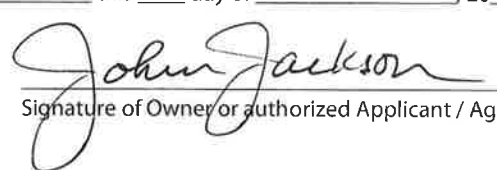
DECLARED BEFORE ME at the Town of Parry Sound

in the District of Parry Sound this 18th day of March, 2019.



A Commissioner of Oaths

Patrick James Christie, a Commissioner, etc.,
Province of Ontario, for John Jackson Planner Inc.,
Expires October 12, 2021.



Signature of Owner or authorized Applicant / Agent


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11. Authorizations

Authorization of Owner(s) for Agent to Make the Application

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to make this application, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be provided by all registered owners of the subject property.


I/We, William Corbett, am/are the owner(s) of the land that is the subject of this application and I/we authorize John Jackson to make this application on my/our behalf.

Date March 6, 2019 Signature of Owner 
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____

Authorization of Owner(s) for Agent to Provide Personal Information

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to provide personal information, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be given by all registered owners of the subject property.


I/We, William Corbett, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize John Jackson as my/our agent for this application, to provide any of my/our personal information that will be included in this application or collected during the process of the application.

Date March 6, 2019 Signature of Owner 
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____

12. Consent of the Owner(s) to the Use and Disclosure of Personal Information

All registered owners of the subject property must provide their consent concerning the disclosure of personal information, as set out below.

I/We, William Corbett, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the *Planning Act* for the purposes of processing this application.

Date March 6, 2019 Signature of Owner 
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____

Committee of Adjustment Application No. A04-19 (Corbett)

