



A G E N D A
for the
COMMITTEE OF ADJUSTMENT

Thursday, May 20th, 2021

1:00 p.m.

at

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

1. MEETING CALLED TO ORDER

2. APPROVAL OF AGENDA

21-05-ADJ-

NOW THEREFORE BE IT RESOLVED that the agenda for the Thursday, May 20th, 2021, Committee of Adjustment hearing be approved.

3. DISCLOSURE OF CONFLICT OF INTEREST

4. ADOPTION OF MINUTES

21-03-ADJ-

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment hearing held on February 19th, 2021, be approved as circulated.

Pages: 1 – 3

5. DELEGATIONS

Nil

6. HEARING OF APPLICATIONS

- i) **McCLINTOCK, Emily & Thomas – Application No. A01-21**
Island 212A (Vernon Island), being Parcel 9853 PSNS, in front of
the Geographic Township of Harrison

CIVIC ADDRESS: 1 A212 Island, The Archipelago

Pages: 4 - 25

PURPOSE AND EFFECT OF THE APPLICATION:

The applicants are seeking relief from 'Section 5.3f) Boathouses and Boatports of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which states that a boathouse, on a lot zoned residential, shall be permitted within 3 metres (9.8 feet) inland of the highwater mark and adjacent navigable waters.

The purpose of the proposed application is to permit the demolition of an existing boathouse and storage building, to facilitate the construction of a boathouse in the same area, on this 2.1 hectare (5.2 acre) island and to be situated further inland than the maximum allowable 3 metre (9.8 feet) regulation.

The effect of the proposed variance would be the demolition of a 13.1 square metre (140 square feet) storage building and the 21.8 square metre (235 square feet) boathouse, both located over the lakebed, and replace them with a 69.7 square metre (750 square feet) boathouse to be located 6.12 metres (20.1 feet) beyond the 3 metre maximum inland encroachment.

The variance is being sought because the owners wish to construct a replacement building for an existing use that will not be flooded with the higher water levels.

- ii) **MASCIANTONIO, Angelo & Monica – Application No. A04-21**
118 Blue Heron Trail, Naiscoot Lake
Lot 66 on Plan M-322, being Parcel 11767 PSNS
In the geographic Township of Harrison

CIVIC ADDRESS: 118 Blue Heron Trail, The Archipelago

Pages: 26 - 37

PURPOSE AND EFFECT OF THE APPLICATION:

The applicants are seeking relief from Section 7.1.3 f) Minimum Side Yard Setback, of Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the minimum side yard setback is 6 metres.

The purpose of the proposed application is to permit a variance of 3.1 metres (10.2 feet) from the minimum side yard setback of 6 metres (20 feet). The effect of the proposed variance would be to permit the construction of a 26.2 square metre (282 square feet) bedroom addition onto the 96 square metre (1033.4 square feet) main dwelling, which will have a side yard setback of 2.9 metres (9.5 feet).

The owners have stated that this side of the cottage is the only side that both bedrooms can be expanded equally, which will result in the best layout, and that an expansion on this side of the cottage would not result in major roof reconstruction.

- iii) **DERMOTT, Jamie and PHAN, Yen – Application No. A05-21**
Concession 6, Part Lot 43, being Part 14 on Plan PSR-1156, including Part 8 on Plan 42R-8763, designated as Parcel 16783 PSSS, in the geographic Township of Conger

CIVIC ADDRESS: 454 Georgian Bay Water, The Archipelago

Pages: 38 - 58

PURPOSE AND EFFECT OF THE APPLICATION:

The applicants are seeking relief from Section 5.36 a) i) Sleeping Cabins-Wards 1,2,3 and 4, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, that stipulates the maximum Total Floor Area of each sleeping cabin, does not exceed 50.16 square metres (540 square feet) in size.

The purpose of the proposed application is to permit a variance of 7.07 square metres (76 square feet) to allow for the construction of a new sleeping cabin, on this 1.82 hectare (4.5 acre) parcel of land. The effect of the variance would be a sleeping cabin having a total floor area of 57.23 square metres (616 square feet).

The owners have stated that the request for the larger sleeping cabin is because there is insufficient storage area in the main dwelling, and want to utilize the sleeping cabin for sleeping quarters for their boys, as well as for storage.

- iv) **HARRIS, Michael and RAK, Carol – Application No. A05-21**
Part of Island B-469 (Delhaven Island), being Part 3 on Plan 42R-20317, in front of the geographic Township of Cowper

CIVIC ADDRESS: 1 B469 Island, The Archipelago

Pages: 59 - 82

PURPOSE AND EFFECT OF THE APPLICATION:

The owners are seeking relief from Section 6.1.3 h) Maximum Height, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the Maximum Height of a main dwelling located in Ward 4, is 6 metres (20 feet).

The purpose of the proposed application is to permit a variance of 1.16 metres (3.8 feet) from the Maximum Height of 6 metres (20.0 feet) for the southerly wall, as well as a variance of 2.6 metres (8.5 feet) from the Maximum Height of 6 metres (20.0 feet) for the easterly wall. The effect of the proposed variance would be to allow the construction of a one-storey, main dwelling having a ground floor area of 285.3 square metres (3071 square feet), and a maximum height of 7.16 metres (23.5 feet) for the south wall and a maximum height of 8.6 metres (28.2 feet) for the east wall.

The owners have stated that the elevation of the suitable location chosen for the main dwelling is the cause for the average height to exceed that which is allowable.

7. CORRESPONDENCE

Nil

8. UNFINISHED BUSINESS

Nil

9. ADMINISTRATION

Nil

10. ADJOURNMENT

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment hearing of Thursday, May 20th, 2021, be discontinued at _____.

MINUTES
of the
COMMITTEE OF ADJUSTMENT HEARING
for the
TOWNSHIP OF THE ARCHIPELAGO
held on
Friday, March 12, 2021
at
The Township of The Archipelago's Council Chamber
Via Zoom – 9 James Street, Parry Sound, ON P2A 1T4

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

APOLOGIES:

NIL

1. Meeting Called to Order

The meeting was called to order at 1:01 p.m.

2. Approval of Agenda

Resolution 21-03-ADJ-01

Moved by G. Walker
Seconded by B. Liverance

NOW THEREFORE BE IT RESOLVED that the agenda for the March 12th, 2021 Committee of Adjustment hearing be approved as circulated.

Disposition Carried

3. Disclosure of Conflict of Interest

NIL

4. Adoption of Minutes

Resolution 21-03-ADJ-02

Moved by L. Emery
Seconded by S. Sheard

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment meeting held on February 22nd, 2021, be approved.

Disposition Carried

5. Delegations

Nil

6. Hearing of Minor Variance Applications

- i) **WESTLAKE, Richard & Joan – Application No. A03-21**
Concession 8, Part Lot 32, being Parcel 6087 PSNS, in the Geographic Township of Harrison

CIVIC ADDRESS: 45 Rattlebear Drive, The Archipelago

PURPOSE AND EFFECT OF THE APPLICATION:

The owners are seeking relief from Section 6.1.3 h) Maximum Height, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the maximum height of a main dwelling located in Ward 1, outside of Pointe au Baril Station, fronting Sturgeon Bay, is 6 metres (20 feet).

The purpose of the proposed application is to permit a variance of 2.0 metres (6.6 feet) from the Maximum Height of 6 metres (20.0 feet), and to allow the conversion of the existing cottage to a sleeping cabin. The effect of the proposed variance would be to allow the construction of a 253.8 square metre (2731.4 square feet) main dwelling, having a maximum height of 8.0 metres (26.2 feet), and the reduction of the existing cottage to a sleeping cabin, being 46.45 square metres (500 square feet) in size.

Cale Henderson; Secretary Treasurer, explained the nature of the application. The owners, Richard and Joan Westlake attended in support of the application.

Resolution 21-03-ADJ-03

Moved by G. Andrews
Seconded by L. Emery

Now Therefore Be It Resolved that Application No. A03-21, to allow for the construction of a 253.8 square metre (2731.4 square feet) main dwelling, having a maximum height of 8.0 metres (26.2 feet), as well as the conversion and reduction of the existing cottage to a sleeping cabin, being 46.45 m² (500 ft²) in size, be approved, subject to the following conditions:

- a) that building permits for these works be secured within 2 years from the date of the decision; and,
- b) the main dwelling must be built substantially to that which was applied for.

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 March 12th, 2021, be discontinued at 1:30 p.m.

CHAIR

DATE

SECRETARY-TREASURER

DATE



TO: Chair Frost and Members of the Committee of Adjustment

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

DATE: May 20, 2021

RE: Minor Variance Application A01-21
(McCLINTOCK, Emily and Thomas)

LOCATION: **Island 212A (Vernon Island), being Parcel 9853 PSNS,
in front of the geographic Township of Harrison**

RECOMMENDATION

Staff recommends that Application No. A01-21 be approved.

PROPOSAL

The applicants are seeking relief from 'Section 5.3f) Boathouses and Boatports of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which states that a boathouse, on a lot zoned residential, shall be permitted within 3 metres (9.8 feet) inland of the highwater mark and adjacent navigable waters.

The purpose of the proposed application is to permit the demolition of an existing boathouse and storage building, to facilitate the construction of a boathouse in the same area, on this 2.1 hectare (5.2 acre) island and to be situated further inland than the maximum allowable 3 metre (9.8 feet) regulation.

The effect of the proposed variance would be the demolition of a 13.1 square metre (140 square feet) storage building and the 21.8 square metre (235 square feet) boathouse, both located over the lakebed, and replace them with a 69.7 square metre (750 square feet) boathouse to be located 6.12 metres (20.1 feet) beyond the 3 metre maximum inland encroachment.

The variance is being sought because the owners wish to construct a replacement building for an existing use that will not be flooded with the higher water levels.

PLANNING INFORMATION

Official Plan Neighbourhood:	Pointe au Baril Islands
By-law No. A2000-07:	Coastal/Island Residential (CR)
Property Size:	2.0 hectares (5.0 acres)
Access:	Water

- 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 owners are proposing to remove an existing storage building and dryland boathouse building and replace them with a single boathouse building. In addition, the proposed new boathouse building will move further inland, beyond the maximum permitted distance inland for a boathouse of 3 metres. Below is a summary of the extent of the variance:

	Permitted	Proposed	Variance
5.3 f) Maximum distance Inland	3 m (9.8 ft)	6.12 m (20.1 ft)	3.12 m (10.2 ft)

The variance would allow for the two existing buildings to be combined and have a maximum inner extent of 6.12 m (20.1 ft), which the applicants have stated is 3.7 m (12.25 ft) inland, further than what currently exists.

The majority of the proposed building will continue to be over the lake bed; however it will continue to be a dryland boathouse, facilitating the storage of canoes and kayaks.

Conclusion

The proposal to move the boathouse further inland would have minimum impact on the surrounding area and allow for the use of the subject buildings similarly to the historic uses of the existing buildings, which dates back to the early 1900's. As a result, the proposal would appear to be minor in nature.

ii) Desirable for Appropriate Development

The proposal would result in the existing buildings being replaced with a single boathouse, which will be used to store canoes, kayaks and a rowboat. The owners have indicated that water levels and wave uprush has caused issues, and moving the building inland would address this issues.

Conclusion

The proposal 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 5.3 'Boathouse & Boatports' outlines the provisions for boathouses. The subject property is permitted a boathouse, as it has a lot area greater than 8000 m² (1.97 ac). Further, the proposed boathouse appears to comply with all other requirements of Section 5.3 (i.e. floor area, height, etc.), except for the maximum distance of 3 metres (9.8 ft) inland from the highwater mark.

The general purpose and intent of this provision is to ensure the majority of the boathouse is over the lakebed, which is the intended purpose of boathouses. However, with that being said, there are no requirements for boathouses to have a "wet" slip. The current buildings are located over a combined crib/concrete foundation and do not have a "wet" slip. As the proposal essentially replaces what currently exists, while providing for improved storage and protection against wave uprush, the proposal appears to comply with the intent of the Zoning By-law.

Conclusion

The proposed variance would appear to maintain 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 14.23 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.'

In addition to the above general policies of the Official Plan, Section 14.33 provides for policies specific to Boathouses. It 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 structure is proposed to have a total floor area of 69.7 m² (750 ft²) and the single ownership island has a lot area of approximately 2.1 ha (5.2 ac). The boathouse is well below the maximum permitted size of 120 m² (1294 ft²) and a portion of the area is due to the roof overhang on the west side of the building, which exceed 1.25 m and is therefore counted towards floor area.

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

The owners wish to rebuild the existing building to facilitate storage of canoes, kayaks and a rowboat.

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

The building will be visible; however, due to it replacing existing buildings and its modest size, it will not create any additional visual impacts.

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

No correspondence has been received.

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

The proposed boathouse will have a very low sloped roof and a height above the high water mark of approximately only 3.7 metres (12 ft). The maximum permitted height above the high water mark is 6 metres (19.7 ft).

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

The proposed boathouse is to be located in the same general location of the existing buildings. No other buildings are located in the immediate area.

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

The proposed boathouse is to be used for storage of canoe, kayaks, rowboat and other marina related items, which matches the uses of the existing buildings.

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

No other neighbourhood policies appear to be applicable.

All oversized boathouses will be subject to site plan control.

As the proposed boathouse is replacing existing buildings and is not considered oversized, a site plan agreement does not appear to be 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



1 wiltshire ave, suite 207,
toronto ON, M6N2V7
info@ima.ca
416-682-9001

Cover Letter

re: Committee of Adjustment - McClintock Boathouse

November 25th, 2020

The 2.1HA property in question is known as Vernon Island (*a.k.a. Island 212A*) amongst the Pointe au Baril Islands in Georgian Bay. This island is accessed by water only and is conjoined on one side by a shallow marsh to Macklin Island (*a.k.a. Island 254A*). It is zoned as coastal residential (**CR**) and so too are the other islands in the surrounds with the exception of a few smaller natural state (**NS**) zoned islands to the immediate south. Refer to zoning map attached.

The owners, TK & Emily McClintock enjoy the property as a seasonal residence in the summer where they cottage often along with their children and their families. The intention of the owners is to one day sever the lot into two approximately 1HA properties. See sheet coa-03 with proposed lot severance line indicated.

Currently there are 6 buildings on the property. A main cottage, a cabin that is currently under construction, a small bunkie without plumbing, a cabana building, and **two small outbuildings** that are used as marine storage and boat storage for two canoes, a kayak and a rowboat.

Currently the small marine storage/boathouse buildings are in a state of disrepair. Hastening their decline has been the high water that on multiple occasions this summer has been above the floor level.

We are proposing to make a single new dry-land boathouse building of approximately **33'-11" x 16'-1"** (**545ft²/(50.6m²)**) that replaces these two existing outbuildings (whos collective area is about 366m²) and to move it inland by just over 12'-3" from where the existing building are. The intent is to avoid both future flooding events and potential ice damage that a cribbed building would be subject to if it were placed further over the lakebed.

It is our understanding that a boathouse of this size and design is permitted on the site regardless of the existing buildings that are being replaced. However locating it in this way would violate **§ 5.3 (f)**, as the footprint would extend further inland than the permitted 3m (it would instead be about 9.1m).

We wish to be provided relief from this bylaw as our intent is to construct a replacement building for an existing use that responds to the new environmental conditions being experienced on Georgian Bay.

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 _____	Complete Application	<input type="checkbox"/> Yes <input type="checkbox"/> No	Application No. <u>A01-21</u>
Date Accepted _____	Applicable Fee Paid	<input type="checkbox"/> Yes <input type="checkbox"/> No	

1. Applicant / Agent Information

Name of Applicant / Agent
Ian MacDonald Architect Inc.

Address
1 Wiltshire Ave. Suite 207

City Toronto Province / State ON Postal / Zip Code M6N2V7

Home Phone No. 41667377050 Business Phone No. 4166829001 email ian@ima.ca

2. Owner(s) Information

Name of Owner(s)
Thomas and Emily McClintock

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?

5.3 (f)

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

We wish to build further inland from the 176.44m high water mark than is allowed for.

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

see cover letter attached

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

Assessment Roll Number 4905-14001006600 Lot _____ Concession _____ Island No. 212a

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

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

Parcel No. _____ Other Description _____

Dimensions of Subject Property:

Depth (metres) _____ Frontage (metres) _____ Hectares 2.1HA

5. Land Use and Zoning

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

What are the existing uses of the subject land? coastal island residential

How long have the existing uses been carried out on the subject land? 100+ years

What are the proposed uses of the subject land? unchanged

What are the existing uses of abutting properties? coastal island residential / natural state

What is the current Official Plan designation of the subject land? Pointe Au Baril Islands Neighbourhood

What is the current zoning of the subject land? (CR) Coastal island 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
Main Dwelling	early 1900s	1	253.6	"	17.7m			
Bunkie	early 1900s	1	19.1	"	6.9m			
Small Cottage (under const.)	ongoing	1	58.4	"	11m			
Storage building	early 1900s	1	13.1	"	over lake			
Boathouse/storage	early 1900s	1	21.8	"	over lake			
Cabana	early 1900s	1	20.8	"	over lake			

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
boathouse	1	166 m ²	166 m ²		over lake			
<i>per email</i>			<i>69.7m²</i>					

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.

Two docking sites on the island with cribbed fixed docks near shore and with floating finger docks. 4.4nm to Payne's 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 _____

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 city of Toronto this 25 day of November, 2020

I, Benjamin Argus of the _____ in the

County/District/Regional Municipality of _____ 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 Toronto

in the province of Ontario this 25th day of November, 2020.

[Signature]
Commissioner of Oaths
Robin Spurr

[Signature]
Signature of Owner or authorized Applicant / Agent

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, Thomas and Emily McClintock, am/are the owner(s) of the land that is the subject of this application and I/we authorize _____ to make this application on my/our behalf.

Date 11.5.2020 Signature of Owner Thomas McClintock

Date 11.5.2020 Signature of Owner Emily Nord McClintock

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, Thomas and Emily McClintock, 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 Ian MacDonald Architect Inc. 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 11.5.2020 Signature of Owner Thomas McClintock

Date 11.5.2020 Signature of Owner Emily Nord McClintock

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, Thomas and Emily McClintock, 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 11.5.2020 Signature of Owner Thomas McClintock

Date 11.5.2020 Signature of Owner Emily Nord McClintock

Date _____ Signature of Owner _____

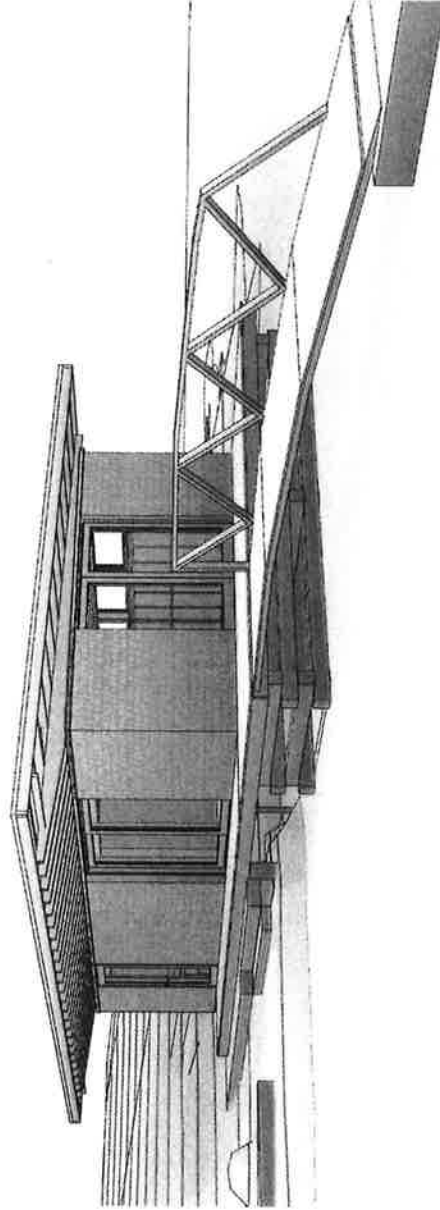
Date _____ Signature of Owner _____

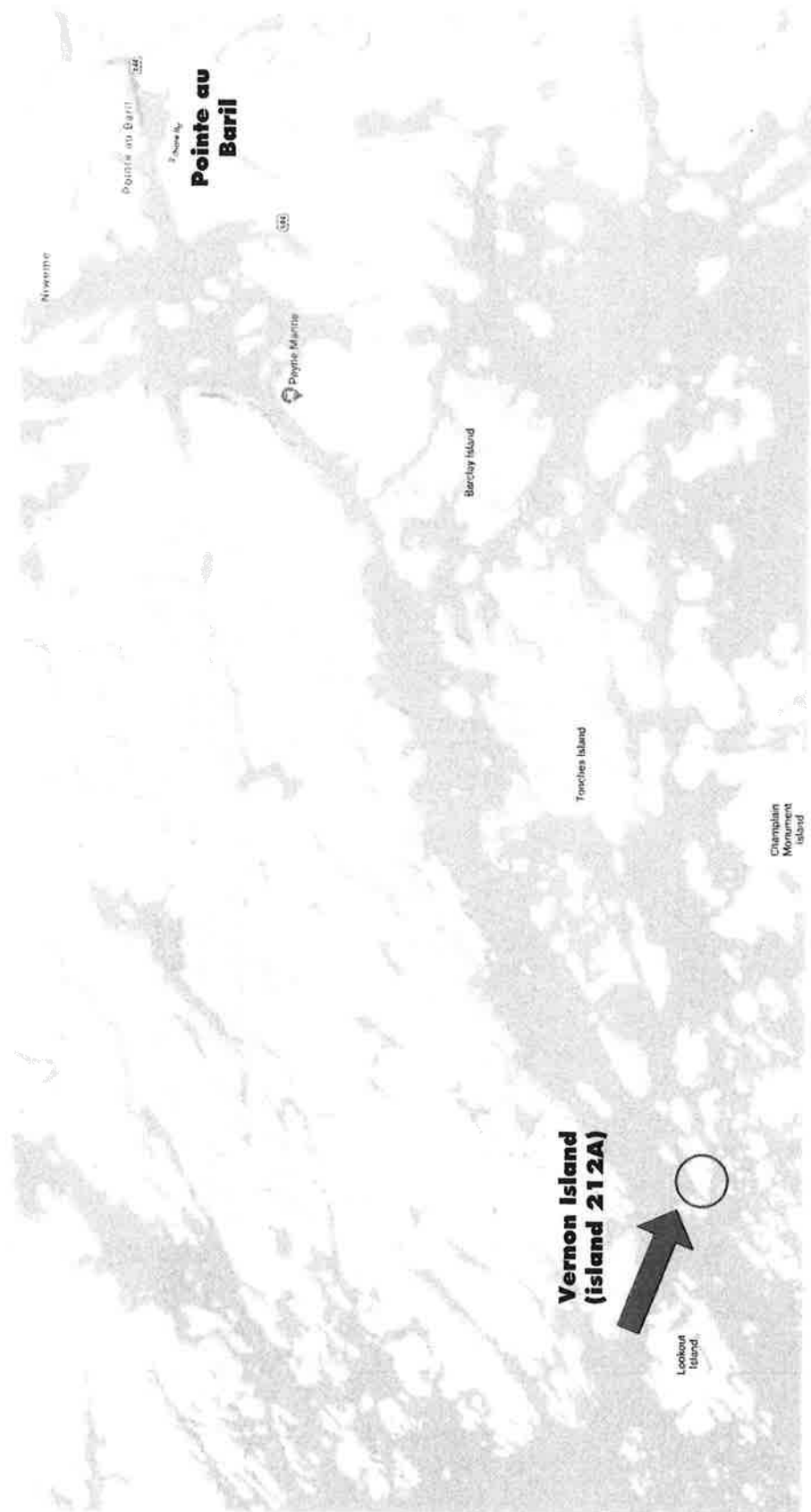
15

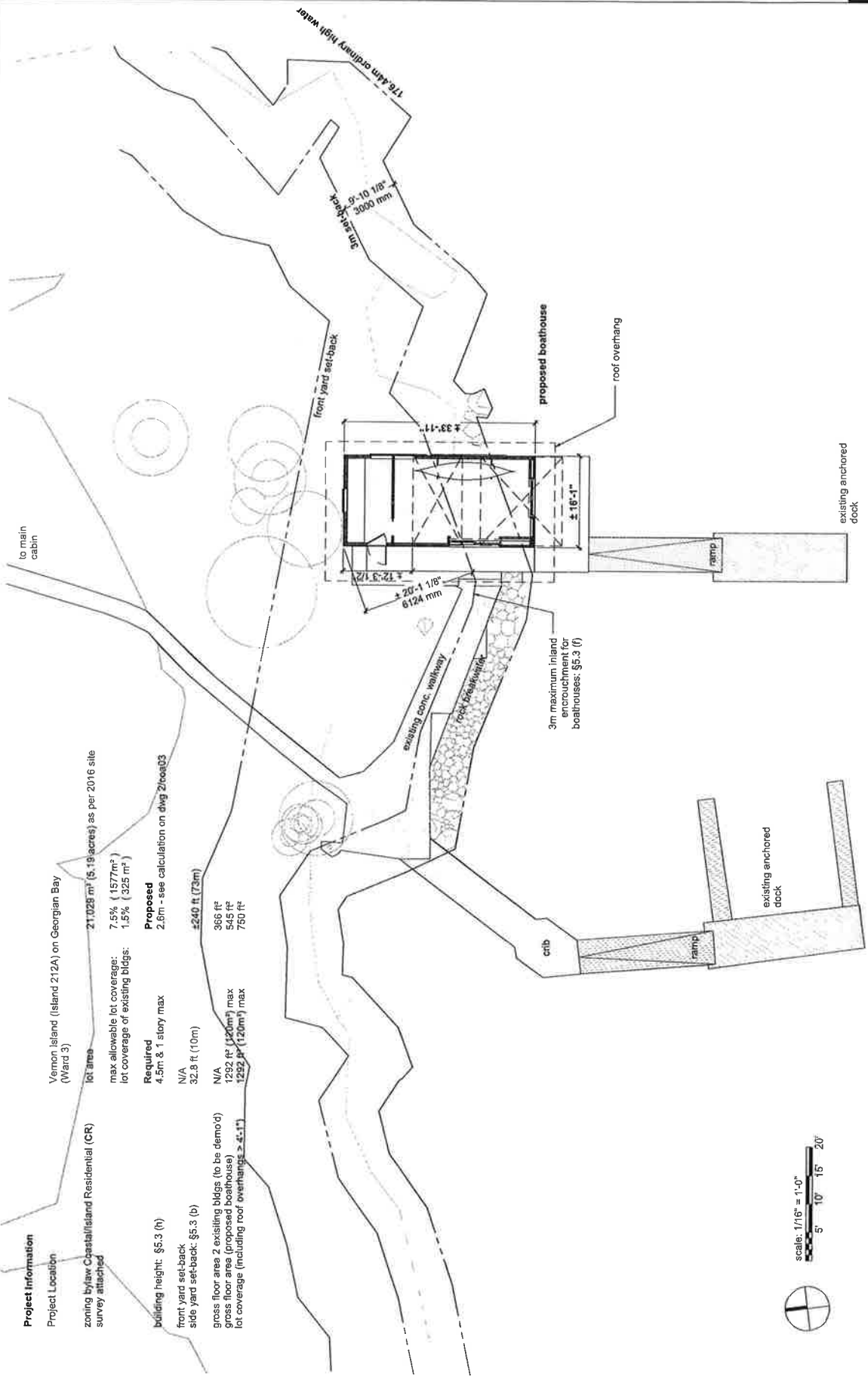


COA application 2020-11-25
boathouse for Emily & T.K. McClintock

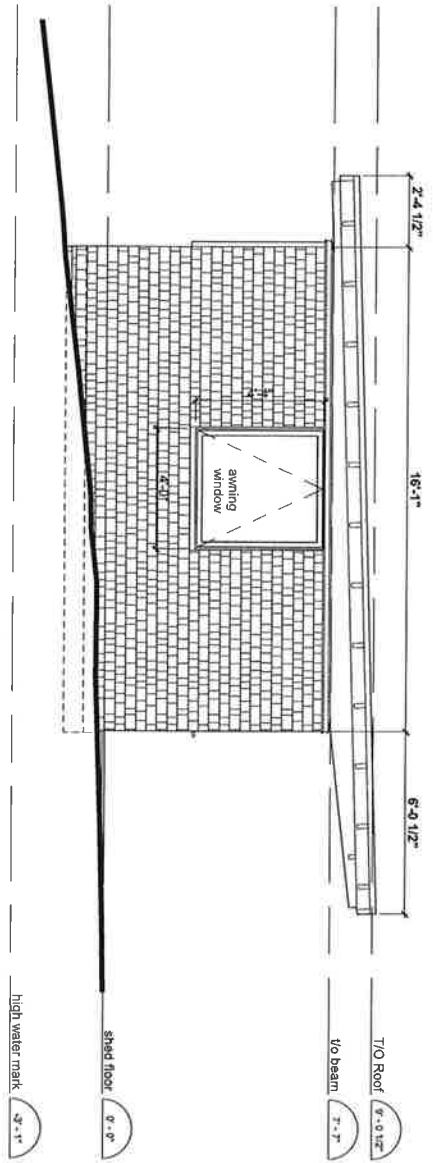
Project No. 1802b
Vernon Island, Georgian Bay



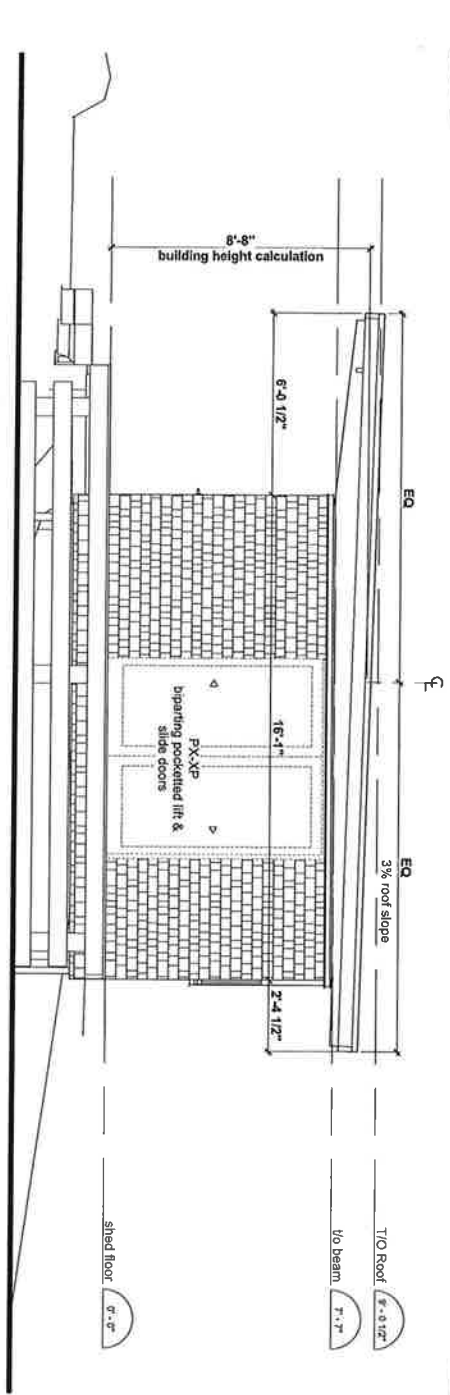




1 COA - north elevation
1/4" = 1'-0"

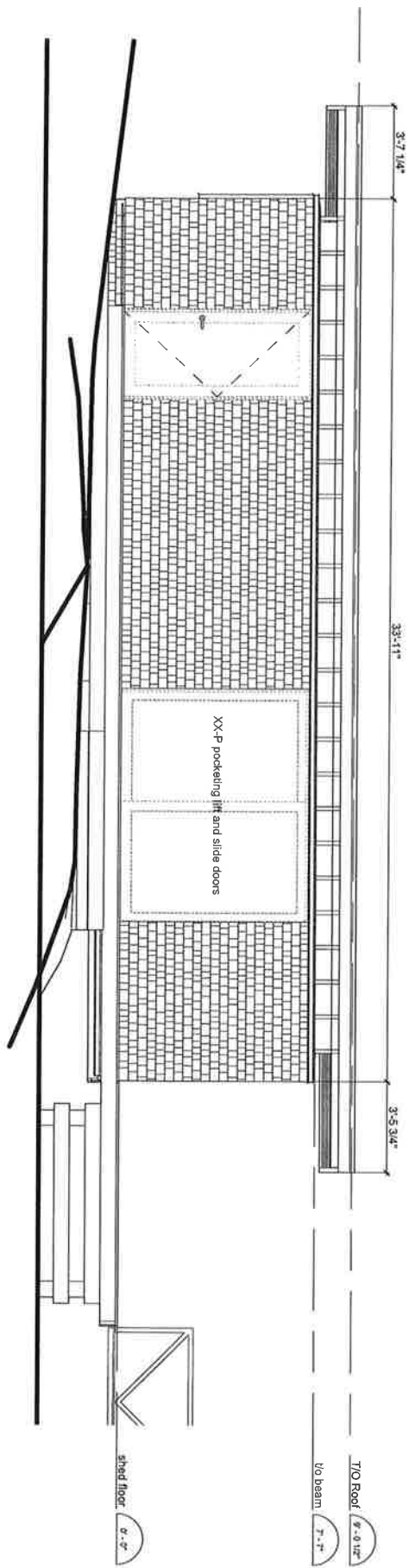


2 COA - south elevation
1/4" = 1'-0"

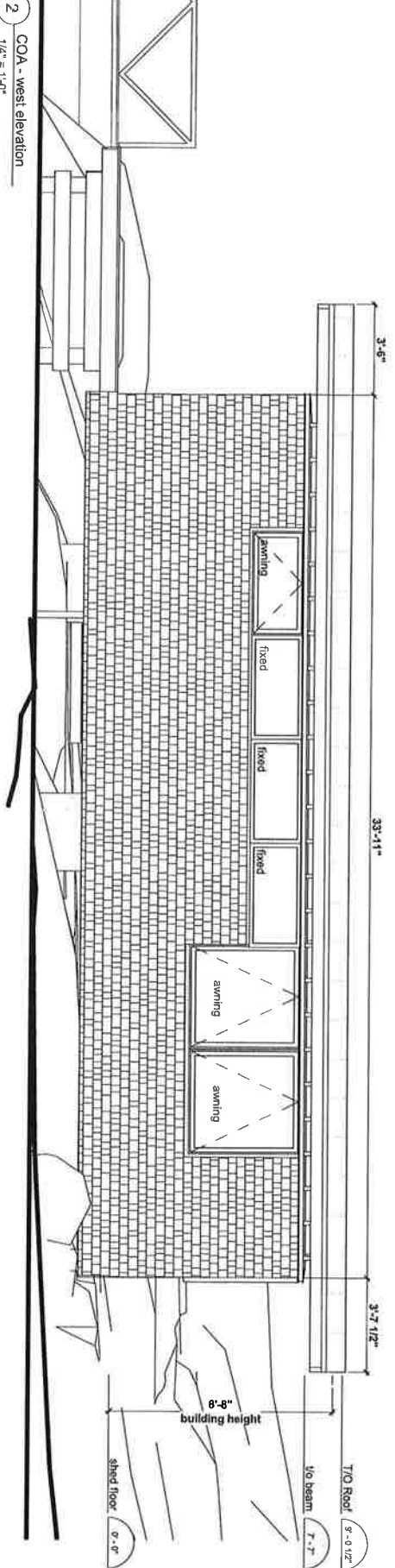


<p>elevations Project No. 1802b</p>		<p>No. Issue 1 COA application</p>		<p>Date 2020-11-25</p>			<p>1. These Current Documents are the property of the Architect. These drawings shall not be retransmitted in whole or in part without the written approval of the Architect. 2. Changes are not to be made for construction. Contractors to verify all existing conditions and dimensions required and report any discrepancies to the Architect before commencing work. The Architect will review field changes submitted by the Contractor for proper submission only. 3. The drawings shall be read in the context of all the other drawings and specifications which constitute the Contract Documents.</p>
<p>Date 11/16/20 Checked By: [Signature] 1/4" = 1'-0"</p>		<p>Drawn By: [Signature] Author: [Signature] Checker: [Signature]</p>		<p>Shed floor 0'-0"</p> <p>T/O Roof 6'-0 1/2"</p> <p>to beam 7'-7"</p>			

21



1 COA - east elevation
1/4" = 1'-0"



2 COA - west elevation
1/4" = 1'-0"

elevations
Project No. 1802b

Date: 11/16/20
Scale: 1/4" = 1'-0"

Drawn By: [blank]
Checked By: [blank]

No. 1
Issue 1
COA application

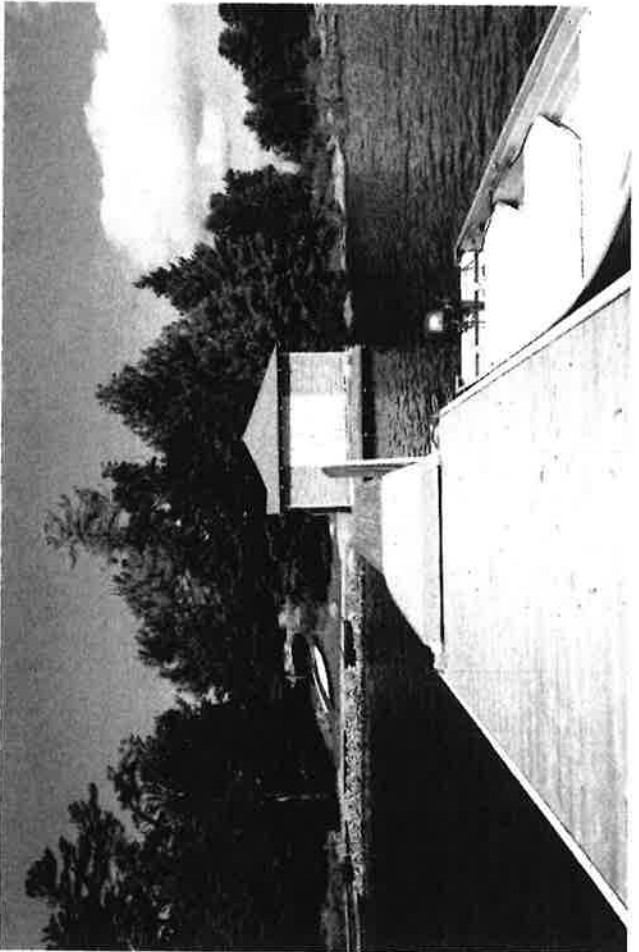
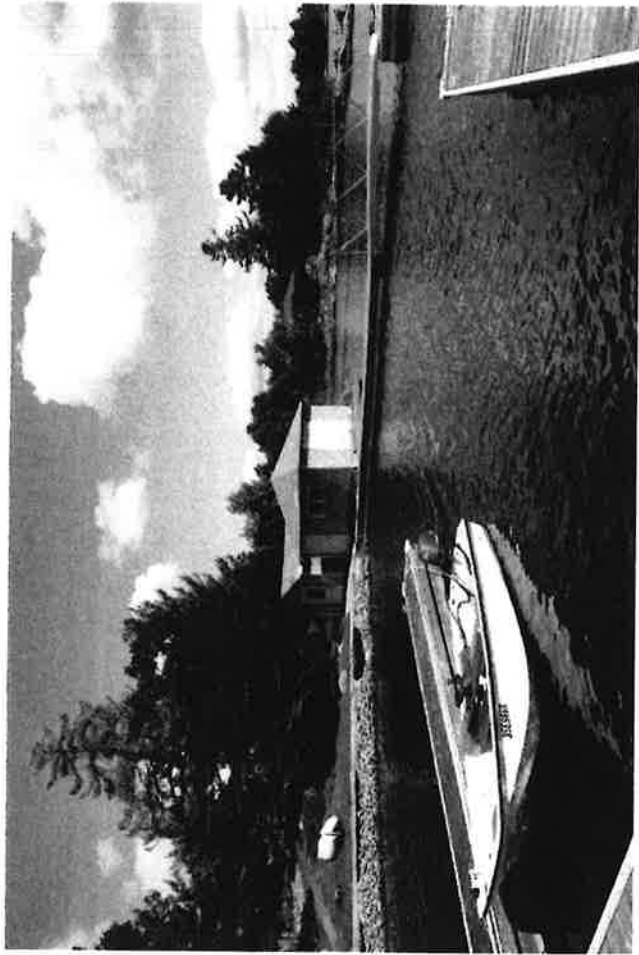
Date: 2020-11-25



1. These Contract Documents are the property of the Architect. Their drawings shall not be reproduced in whole or in part without the written approval of the Architect.
2. Changes and modifications shall be made by the Architect. Contractors shall verify all drawings before commencing work. This drawing and file are those drawings submitted by the Contractor for design consideration only.
3. This drawing shall be read in the context of all the other drawings and specifications which constitute the Contract Documents.

coa04
boothouse for Emily & T.K. McClintock

22



existing outbuildings



existing outbuildings



high water event - summer 2020



TO: Chair Frost and Members of the Committee of Adjustment
FROM: Cale Henderson, Manager of Development & Environmental Services
DATE: May 20, 2020
RE: Minor Variance Application No. A04-21 (MASCIAntonio, Angelo & Monica)
LOCATION: 118 Blue Heron Trail, Naiscoot Lake
Lot 66 on Plan M-322, being Parcel 11769 PSNS,
in the geographic Township of Harrison

RECOMMENDATION

Staff recommends that Application No. A04-21 be approved.

PROPOSAL

The applicants are seeking relief from Section 7.1.3 f) Minimum Side Yard Setback, of Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the minimum side yard setback is 6 metres.

The purpose of the proposed application is to permit a variance of 3.1 metres (10.2 feet) from the minimum side yard setback of 6 metres (20 feet). The effect of the proposed variance would be to permit the construction of a 26.2 square metre (282 square feet) bedroom addition onto the 96 square metre (1033.4 square feet) main dwelling, which will have a side yard setback of 2.9 metres (9.5 feet).

The owners have stated that this side of the cottage is the only side that both bedrooms can be expanded equally, which will result in the best layout, and that an expansion on this side of the cottage would not result in major roof reconstruction.

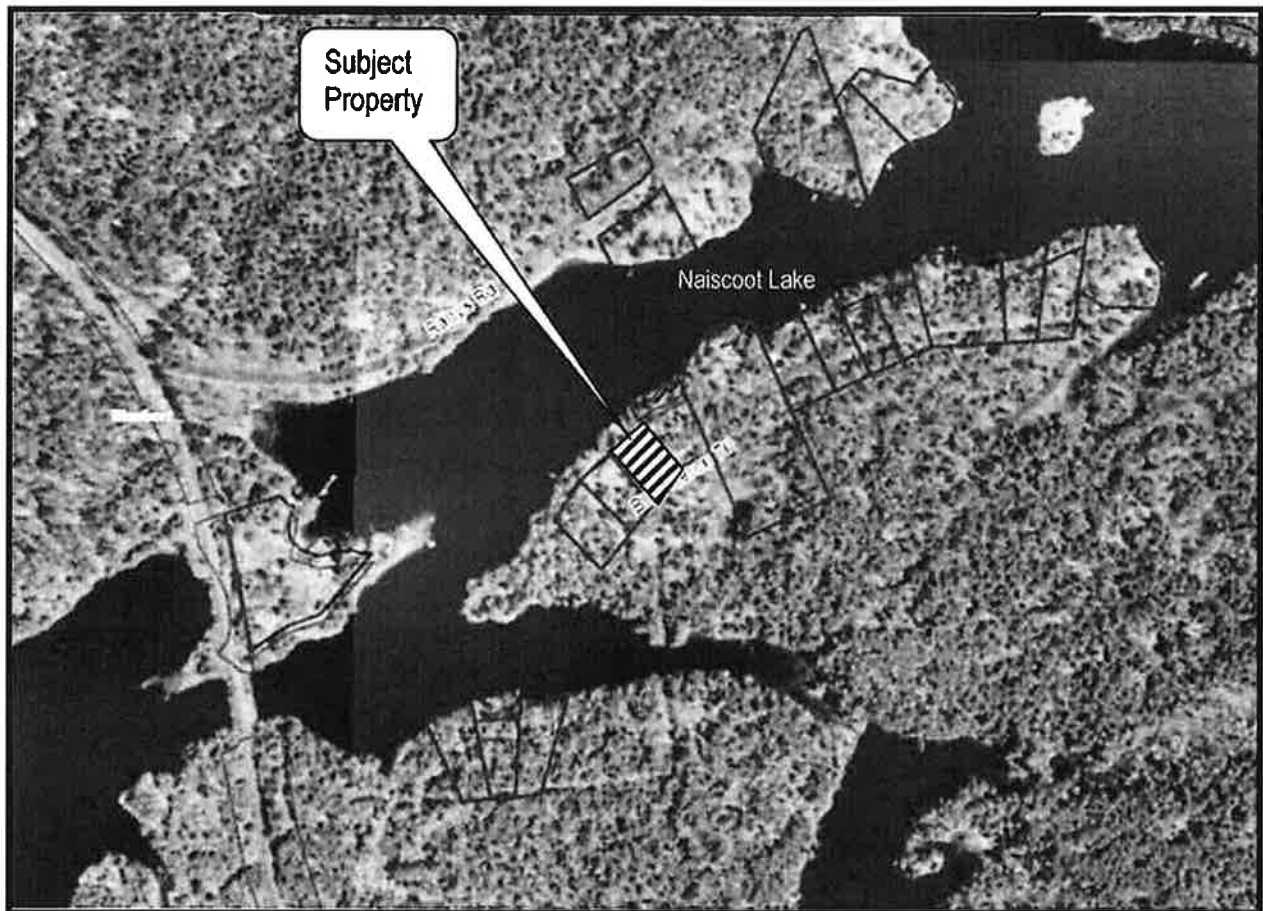
	Required	Proposed	Variance
Side Yard Setback	6.0 metres (20 feet)	2.9 metres (9.5 feet)	3.1 metres (10.2 feet)

A copy of the application is attached as Appendix 'A', and a site plan & sketches are attached as Appendix 'B'.

PLANNING INFORMATION

Official Plan Neighbourhood:	Naiscoot Lake Neighbourhood
By-law No. A2000-07:	Inland Lakes Residential (IR)
Existing Uses:	Residential
Property Size:	0.28 ha (0.7 ac)
Frontage:	45.6 m (150 ft)
Access:	Private Road

LOCATION MAP



ANALYSIS

Property Characteristics

Staff inspected the subject property in the spring. The subject property is located near the end of Blue Heron Trail, on the south side of Naiscoot Lake. The property has an area of 0.28 ha (0.7 ac) and frontage of 45.6 m (150 ft), which appears to be slightly below the average area for lots on Naiscoot Lake. The property is currently developed with a modest cottage and accessory buildings and structures.

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

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 the property owners and visitors who use the area. In this regard, Section 14.23 of the Township's 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 states:

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

With respect to these two policies, the proposed addition is on the east side of the existing cottage. Although the distance from the side lot line is reduced to 2.9 metres (9.5 feet), there appears to be an appropriate distance between the proposed development and existing development on the adjacent property. However, there is minimal vegetative screening to help buffer development and the existing cottage and proposed addition will continue to be visible from the adjacent property.

Conclusion

The variance from the side yard setback will have a minimal impact on the aesthetics of the area. Overall, the proposed variance 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. The proposed addition, other than the proposed setback of 2.90 metres (9.5 feet) would comply with all provisions of the Zoning By-law.

The purpose of a side yard setback is to ensure there is a buffer and privacy from the development on one lot, to the built form on an abutting property. As previously indicated, the lands to the east are developed, however, due to the topography and location of existing development on the adjacent property, there does not appear to be any significant impacts due to the reduced side yard setback.

Conclusion

The variance appears to maintain the general intent of Comprehensive Zoning By-law No. A2000-07, as amended.

iii) Desirable for Appropriate Development

The proposed addition is to provide added living space for the owners. The increase in size is modest; being only approximately 26.2 square metre (282 square feet), and will add two bedrooms onto the existing cottage.

Conclusion

As the proposal will allow for the continued use of the existing cottage and meet their growing needs, without any significant impacts, the proposed variance appears to be considered desirable for appropriate 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 and in conjunction with the other tests.

A reduction in a side yard setback requirement is particularly difficult in a waterfront situation where the lots are not overly wide. In this situation, due to the proximity of the existing cottage to the side lot line, the addition does not appear to be impactful.

Conclusion

The proposed development can be considered to be minor in nature.

CONCLUSIONS – MINOR VARIANCE

- 1) The requested variance appears to conform to the intent of the relevant Official Plan policies.
- 2) The requested variance appears to maintain the intent of Comprehensive Zoning By-law No. A2000-07, as amended.
- 3) The requested variance appears to be considered to allow for appropriate residential development.
- 4) The requested variance appears to be minor in nature.

Respectfully submitted,



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

**APPENDIX 'A'
APPLICATION**

COVER LETTER

118 Blue Heron Trail, Archipelago

The attached proposal is to expand the two bedrooms to accommodate a larger family (grown children and grandkids).

This side of the cottage is the only location that both bedrooms can be expanded equally which will result in the best layout for beds, etc..

In addition, the existing structure can be expanded on this side of the cottage without major roof reconstruction.

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

TOWNSHIP
THE
ARCHIPELAGO
MAR 05 2021
PLANNING
BUILDING
A04-21

Date Received <u>March 5, 2021</u>		OFFICE USE ONLY		Application No. <u>PLANNING</u>	
Date Accepted _____		Complete Application	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> BUILDING	
		Applicable Fee Paid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

1. Applicant / Agent Information

Name of Applicant / Agent
ANGELO MASCIANTONIO
Address _____
City _____ Province / State _____ Postal / Zip Code _____
Home Phone No. _____ Business Phone No. _____

2. Owner(s) Information

Name of Owner(s)
ANGELO MASCIANTONIO
MONICA MASCIANTONIO
Address _____
City _____ Province / State _____ Postal / Zip Code _____
Home Phone No. _____ Business Phone No. _____ mail _____

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?
SIDE YARD MINIMUMS SECTION 7.1.3

What is the nature and extent of the relief being sought?
SIDE YARD SET BACK

Why is it not possible to comply with the provisions of the Zoning By-law?
NO OTHER SUITABLE LOCATION

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

Assessment Roll Number 4905-140-005-05908-0000 Lot 66 Concession Island No. _____
Registered Plan of Subdivision No. (if any) Plan No. M- _____ Lot No. _____
Reference Plan No. (if any) Plan No. 42R- _____ Part No. _____
Parcel No. _____ Other Description _____

Dimensions of Subject Property:

Depth (metres) 67.23 Frontage (metres) 45.6 Hectares .283

5. Land Use and Zoning

What was the date of acquisition of the subject land? JULY 30/2015

What are the existing uses of the subject land? COTTAGE

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

What are the proposed uses of the subject land? COTTAGE

What are the existing uses of abutting properties? COTTAGES

What is the current Official Plan designation of the subject land? COTTAGE

What is the current zoning of the subject land? COTTAGE

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
MAIN DWELLING	1970	1	96	96	12	40.0	5.3	25.5
GARAGE/STORAGE	2007	1	29	29	16.5	40.0	23.5	15.8
SCREENED DECK	?	N/A	18	18	2.5	51.2	2.1	37.6

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
BEDROOM ADDITION	1	26.2	26.2	11.0	39	3.6 2.9	33.2

7. Service Information (check appropriate box)

Access

- Provincial Highway
 Municipal road, maintained all year
 Municipal road, maintained seasonally
 Other public road
 Right-of-way (PRIVATE ROAD)
 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.

N/A

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 Town of Oakville, Ontario this 26th day of February, 2021

I, Angelo Masciantonio of the _____ in the

County/District/Regional Municipality of _____ 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 Oakville

in the Province of Ontario this 26th day of February, 2021.

Mary Zuelke
A Commissioner of Oaths

Angelo Masciantonio
Signature of Owner or authorized Applicant / Agent

Notary Services Ontario
700 Dorval Drive, Suite 115
Oakville, ON L6K 3V3
www.notaryontario.ca

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

Date _____ 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, _____, 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 _____ 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 _____ 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, ANGELO & MONICA MASCIANTONIO, 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 FEB 23/2021 Signature of Owner  X

Date FEB 23/2021 Signature of Owner  X

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

APPENDIX 'B'
Site Plan and Sketches



TO: Chair Frost and Members of the Committee of Adjustment
FROM: Cale Henderson, Manager of Development & Environmental Services
DATE: May 20, 2021
RE: Minor Variance Application No. A05-21 (DERMOTT/PHAN)
LOCATION: 454 Georgian Bay Water – North Moon Channel Neighbourhood
Concession 6, Part Lot 43, being Part 14 on Plan PSR-1156, including Part 8 on
Plan 42R-8763, designated as Parcel 16783 PSSS, in the geographic Township
of Conger

RECOMMENDATION

Staff recommends that Application No. A05-21 be approved.

PROPOSAL

The applicants are seeking relief from Section 5.36 a) i) Sleeping Cabins-Wards 1,2,3 and 4, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, that stipulates the maximum Total Floor Area of each sleeping cabin, does not exceed 50.16 square metres (540 square feet) in size.

The purpose of the proposed application is to permit a variance of 7.07 square metres (76 square feet) to allow for the construction of a new sleeping cabin, on this 1.82 hectare (4.5 acre) parcel of land. The effect of the variance would be a sleeping cabin having a total floor area of 57.23 square metres (616 square feet).

The owners have stated that the request for the larger sleeping cabin is because there is insufficient storage area in the main dwelling, and want to utilize the sleeping cabin for sleeping quarters for their boys, as well as for storage.

A05-21 MINOR VARIANCE SUMMARY			
	Permitted Floor Area	Proposed Floor Area	Variance
Sleeping Cabin	50.16 m ² (540 ft ²)	57.23 m ² (616 ft ²)	7.07 m ² (76 ft ²)

The application is attached as Appendix A, the site plan is attached as Appendix B, and the correspondence received is attached as Appendix C.

PLANNING INFORMATION

Official Plan Neighbourhood:	North Moon Channel Neighbourhood
Zoning:	Coastal/Island Residential (CR)
Existing & Neighbouring Uses:	Residential
Property Size:	1.8 ha (4.48 ac)
Frontage:	45 m (148 ft)
Access:	Water Access

ANALYSIS

Property Characteristics

Staff inspected the property on April 15, 2021. The property fronts a small bay, shared with 5 other residential properties. The property is located at the centre of the small bay, and has a shallow sandy shoreline. Municipal records indicate that the previous owners obtained provincial approval to dredge the shallow bay in 1999 in order to maintain boat access.

The property is currently developed with a modest cottage 103 m² (1109 ft²) and accessory structures. Other than the area surrounding the existing cottage and a small area for the future sleeping cabin, the property is well forested, comprised predominantly with hardwood (maple, oak, birch, etc.)

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

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.

To this end, Section 14.23 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.'

Section 14.10 and 14.11 of the Official Plan recognizes sleeping cabins as being an integral component of the seasonal residential land use and permits sleeping cabins as accessory uses so long as they remain subordinate and incidental to the main dwelling.

Section 14.10 of the Official Plan states:

'Sleeping or guest cabins are permitted accessory uses so long as they remain subordinate and incidental to the main dwelling subject to the requirements of the Zoning By-law implementing this Plan. The Zoning By-law will include regulations that ensure that sleeping cabins are:

- a) subordinate in size to any residential use;*
- b) retained as an accessory function (i.e. no cooking facilities); and,*
- c) restricted in number so as to preserve the residential use.*

These regulations may be neighbourhood-specific to respond to the varying circumstances that have evolved in different regions in the Township.'

Official Plan Amendment No. 50 built upon the above policies and established a policy framework for proposed changes to the sleeping cabin regulations within Comprehensive Zoning By-law No. A2000-07, as amended. Official Plan Amendment No. 50 demonstrates Council's intent to protect sleeping cabin regulations within the Comprehensive Zoning By-law, from indiscriminate and inappropriate minor variances.

Section 14.11 of the Official Plan states:

'Sleeping cabins are an integral component of the seasonal residential land use within the Township. The historical development of Georgian Bay has typically seen the construction of a principal cottage with two or three sleeping cabins for the use of the extended family. This heritage component of the development of the islands is reflected in the Comprehensive Zoning By-law regulations.

Council is concerned that those undertaking new development or redevelopment of a property may seek to unduly exploit by-law regulations through a proliferation of minor variances to the sleeping cabin regulations. The result of a number of minor variances to sleeping cabin regulations could result in more obtrusive structures or a greater number of cabins than the intent of the by-law regulations.

Through the review of the Comprehensive Zoning By-law, sleeping cabin regulations were examined with a neighbourhood approach used as a solution to the number of cabins allowed, the individual cabin floor area and the total floor area of cabins permitted.

Site specific variations to the sleeping cabin regulations should generally proceed through a zoning by-law amendment process to properly assess the requested regulatory change. In some circumstances, a minor variance may be warranted to address minor regulatory changes for the site relating to sleeping cabins.

Council will have regard for the general impact of the requested amendment; assess the extent of the change to the regulation being varied from the adjacent waterbody, the impact on the neighbourhood because of the change, and the cumulative effect of variances for sleeping cabins to evaluate the appropriateness of the change from the intent of the regulations.

Sleeping cabins that are proposed to be:

- i) larger than the regulated maximum total floor area for each sleeping cabin; or*
- ii) larger than the total floor area on a lot collectively; or*
- iii) greater in height than the regulated maximum height; or*
- iv) increased in the number of sleeping cabins for the site,*

will be assessed in accordance with the following criteria:

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

The applicants are proposing a sleeping cabin having a floor area of 57.23 m² (616 ft²), the subject property has an area of 1.8 ha (4.48 ac) and a frontage of 45 m (148 ft). The area of the property appears to be slightly larger than the average of the area; however, due to the triangle shape of the lot, the frontage appears to be below average for the area.

- b) a demonstrated need for the regulation change;*

The applicant has stated that the request for the larger sleeping cabin is to increase storage, as there is insufficient storage in the existing main, and increased sleeping accommodations for their children.

- c) the proposal will not have a significant adverse impact on the aesthetics of the area when viewed from adjacent properties or from waterways;*

The proposed sleeping cabin, due to the 30-metre proposed setback, screening and location, will not be significantly visible from the surrounding area.

- d) the elevation of the sleeping cabins relative to existing landscaping and tree coverage to ensure buffering and screening from the waterways;*

The proposed sleeping cabin is proposed to be setback 30 metres and will comply with the maximum height requirements of 5 metres. Overall, the proposed sleeping cabin would appear to have appropriate tree coverage to ensure buffering and screening from the waterways.

- e) special design features or landscaping that can be implemented to reduce the visual impact of the larger structure and increased number of structures;*

Other than ensuring the vegetation is maintained fronting the sleeping cabin, no additional measures appear to be required to reduce visual impacts.

- f) the internal use of the sleeping cabin and the assurance that the cabin will not be used for anything other than what the by-law permits;*

The proposed sleeping cabin appears to be proposed with a single bedroom, living room and a games room. Should the application be approved, it is recommended that no cooking facilities are permitted within the sleeping cabin.

- g) the conformity of the request with other by-law regulations or neighbourhood policies; and*

Other than the size of the proposed sleeping cabin, it appears to conform to other by-law regulations and policies.

h) detailed drawings will accompany any application to clearly demonstrate mitigation measures to reduce the visible impact of the modified cabin'.

An elevation drawing and building layout were provided with the application.

Conclusion

Overall, the above criterion primarily focuses on the visual impact of the development. As indicated above, the development will not be visible from surrounding properties or the waterways. Further, the proposed sleeping cabin would appear to continue to be subordinate and accessory to the main use. The proposal appears to maintain the intent and general purpose of the Official Plan.

ii) Zoning By-law

The subject property is located within the 'Coastal/Islands Residential (CR)' Zone of Comprehensive Zoning By-law No. A2000-07, as amended. Section 5.36 a) i) of the Zoning By-law restricts sleeping cabins to a maximum total floor area of 50.16 square metres (540 ft²). The intent of limiting the size of sleeping cabins is to ensure they remain accessory and subordinate to the main dwelling on the property.

Conclusion

The proposed sleeping cabin appears to remain subordinate and accessory to the main dwelling and the proposed variance appears to maintain the intent of the Comprehensive Zoning By-law.

iii) Desirable for Appropriate Development

Sleeping cabins are an integral component to the character of the Township of The Archipelago. The historical development within the Township has been 2 or 3 smaller sleeping cabins for the use of family, guests and visitors, who will continue to rely entirely on the primary cottage dwelling. The proposal would result in one sleeping cabin with a floor area of 57.23m² (616 ft²).

Conclusion

The proposal appears to be desirable for appropriate 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 maximum size of sleeping cabins is restricted to 50.16 square metres (540 ft²). The applicants are proposing a 57.23 m² (616 ft²) sleeping cabin, requiring a variance of 7.07 m² (76 ft²). This represents an increase of 14 percent. The proposed sleeping cabin would appear to contain one bedroom, a living room and a games room.

Conclusion

The proposed variance appears to be minor in nature.

Correspondence

Two letters (attached as Appendix C) were received. One letter indicates concern with the intended use of the sleeping cabin as a separate cottage. The other letter is concerned with the additional boat traffic within the small bay fronting the subject property. In addition, concerns were raised with the installation of a bathroom and the building being used by a separate family.

Sleeping cabins are permitted washroom facilities; however, appropriate services in accordance with the Ontario Building Code would be required. Sleeping cabins are also permitted to be used by guests, who are not family; however, it is important that the sleeping cabin remain accessory and subordinate to the main dwelling. The primary tool or restriction to ensure this is achieved is limiting the size and prohibiting the cooking facilities.

CONCLUSIONS – MINOR VARIANCE

- 1) The requested variance appears to be minor in nature.
- 2) The requested variance appears to allow for appropriate development.
- 3) The requested variance appears to maintain the intent of Comprehensive Zoning By-law A2000-07, as amended.
- 4) The requested variance appears 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

The Dermott Family Cabin

454 Georgian Bay Water

We would like to express our appreciation for your consideration to review our application for a slight variation on our request for a Bunkie.

We would like you to consider this variance for our family to expand the living quarters on the Bunkie to be built adjacent to the main dwelling. Our boys are getting bigger and older and as the years go on, we would like them to have a place they can use for themselves. We do not ever plan to rent our space as we spend most of our summer at the cottage and having only owned it for 4 years we plan to Will this property for our children to use. We will be seeking local businesses to help build our Bunkie as we have already hired a local Mactier business to install our septic and barge supplies to our property (Dion Construction). Our property is located at 454 Georgian Bay Water. Our property size is 4.5 acres with one main cabin and a shed. The main cabin consists of 3 bedrooms and is lacking storage space. We are planning to use the Bunkie as storage and sleeping quarters for boys. We have upgraded the hydro service to 200 amp. We have recently installed a new septic system so we can maintain the filtration of sewage. The septic was upsized in order to accept another building and another bedroom. We appreciate the Council's time in reviewing our application for a variance.

45

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>March 16, 2021</u>	Complete Application	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date Accepted	_____	Applicable Fee Paid	<input type="checkbox"/> Yes <input type="checkbox"/> No
		Application No.	<u>A05-21</u>

1. Applicant / Agent Information

Name of Applicant / Agent _____

Address _____

City _____

Province / State _____

Postal / Zip Code _____

Home Phone No. _____

Business Phone No. _____

email _____

2. Owner(s) Information

Name of Owner(s) _____

Jamie Dermott

Yen Phan

Address _____

454 Georgian Bay water

City Archipelago

Province / State Ontario

Postal / Zip Code P0C 1H0

Home Phone No. 705-718-8520

Business Phone No. _____

email yjdermott@hotmail.com

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 5.36(A) Section 5.36(B) ~~X~~

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

The relief being sought is for added square footage and height.

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

The overall layout of the square footage does not allow us to include proper size furniture based on location of egress doors, storage as well as a games area.

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

Assessment Roll Number 4905-090-011-01215 Lot 43 Concession 6 Island No. N/A

Registered Plan of Subdivision No. (if any) Plan No. M - N/A Lot No. N/A

Reference Plan No. (if any) Plan No. 42R - PSR 1156 PT 8 42R 8763 Part No. 14

Parcel No. 16783 P555 Other Description _____

Dimensions of Subject Property:

Depth (metres) 141.75 Frontage (metres) 74.98 Hectares 1.82

5. Land Use and Zoning

What was the date of acquisition of the subject land? May 1, 2018

What are the existing uses of the subject land? Seasonal/Recreational dwelling

How long have the existing uses been carried out on the subject land? 45 years

What are the proposed uses of the subject land? Seasonal/Recreational dwelling

What are the existing uses of abutting properties? Seasonal/Recreational dwelling

What is the current Official Plan designation of the subject land? Seasonal/Recreational dwelling

What is the current zoning of the subject land? Seasonal/Recreational dwelling

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
Main Dwelling	1975	1	103	103	10	91	60	20
Shed	1975	1	9	9	20	90	65	25

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
Bunkie	1	57.23	57.23	30	102	14	65

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.

Parking at Woods Bay Marina, Mactier. Travel by boat to 454 Georgian Bay Waters. Docking available at subject property.

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 City of Barrie this 18 day of March, 2021

I, Yen Phan of the City of Barrie in the

County/District/Regional Municipality of _____ 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 Barrie

in the _____ of _____ this 18 day of March, 2021.

A Commissioner of Oaths

Yen Phan
Signature of Owner or authorized Applicant / Agent

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

Date _____ 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, _____, 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 _____ 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 _____ 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, Yen Phan and James Dermott, 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 15/21 Signature of Owner [Signature]

Date March 15/21 Signature of Owner [Signature]

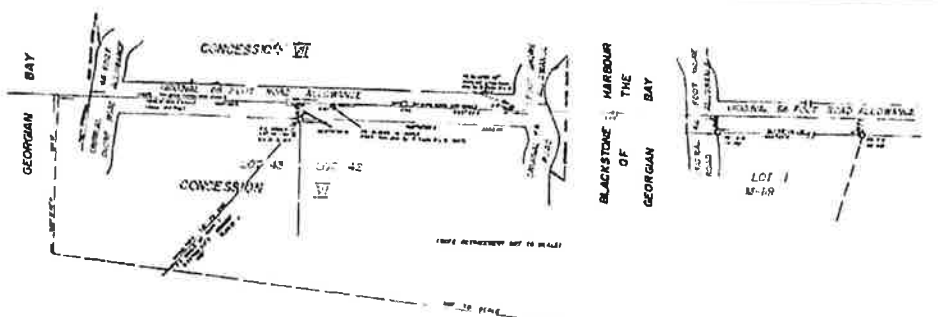
Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

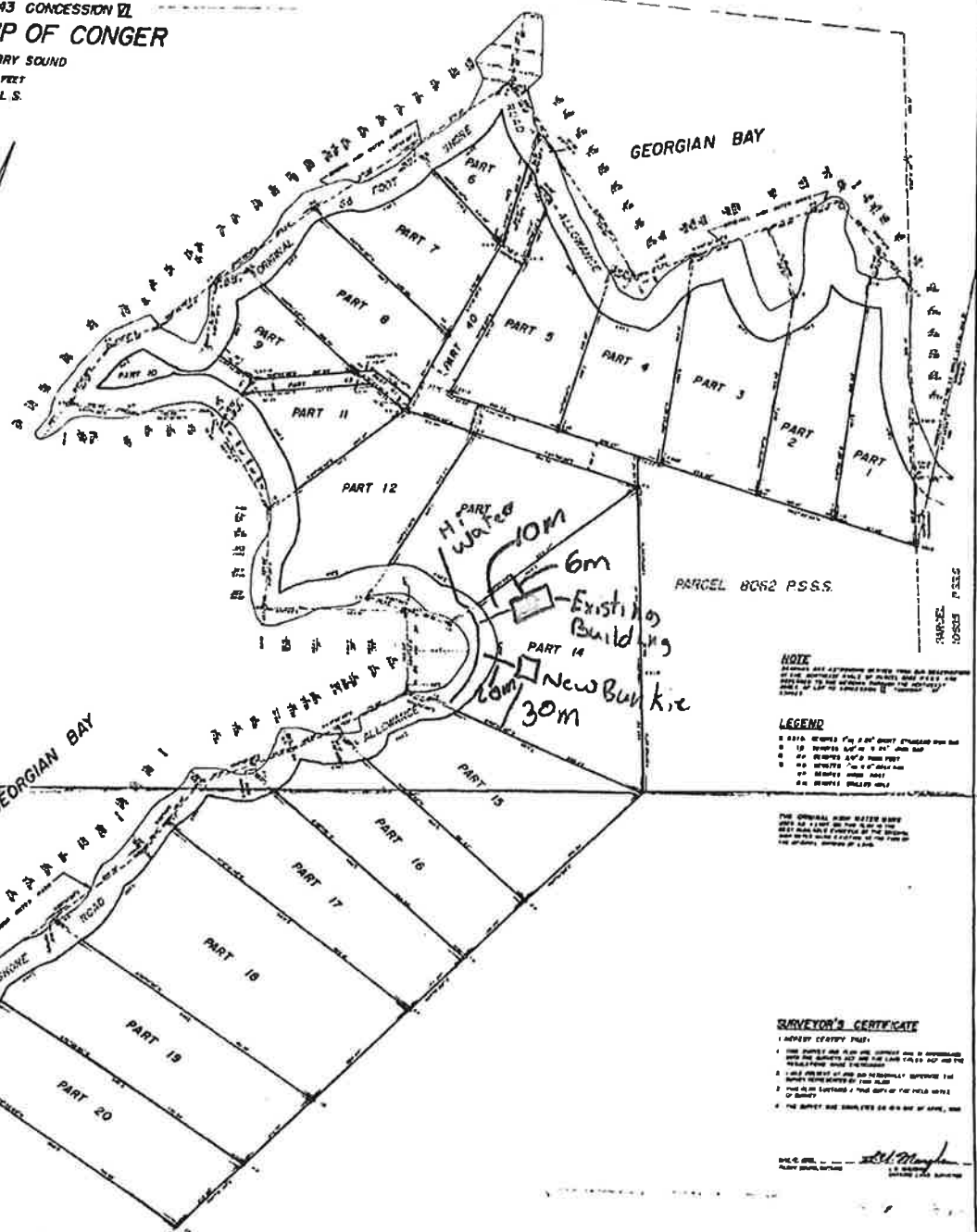
APPENDIX 'B'
SITE PLAN AND SKETCHES

PLAN PSR-1156

DATE: 11/16/68
 PROJECT NO: 64910
 TOWN: July, 1862, 1948
 DISTRICT: 100
 CONTOUR: 100
 PLAN NO: 1156
 PLAN DATE: 11/16/68



PLAN AND FIELD NOTES OF SURVEY OF
 PART OF LOT 43 CONCESSION VI
 TOWNSHIP OF CONGER
 DISTRICT OF PARRY SOUND
 SCALE 1 INCH = 100 FEET
 L.U. MAUGHAN, O.L.S.
 1968



NOTE
 ALL DIMENSIONS ARE GIVEN IN METERS UNLESS OTHERWISE SPECIFIED.
 ALL DIMENSIONS ARE GIVEN TO THE CENTER OF THE LINE UNLESS OTHERWISE SPECIFIED.

LEGEND
 1. 100 METERS 1" = 100' DIST. FROM THE BAY
 2. 10 METERS 1" = 10' DIST. FROM THE BAY
 3. 5 METERS 1" = 5' DIST. FROM THE BAY
 4. 2 METERS 1" = 2' DIST. FROM THE BAY
 5. 1 METERS 1" = 1' DIST. FROM THE BAY

THE ORIGINAL BOUNDARIES WERE SURVEYED BY JAMES W. MAUGHAN, O.L.S. IN 1948 AND ARE SHOWN BY DASHED LINES ON THIS PLAN.

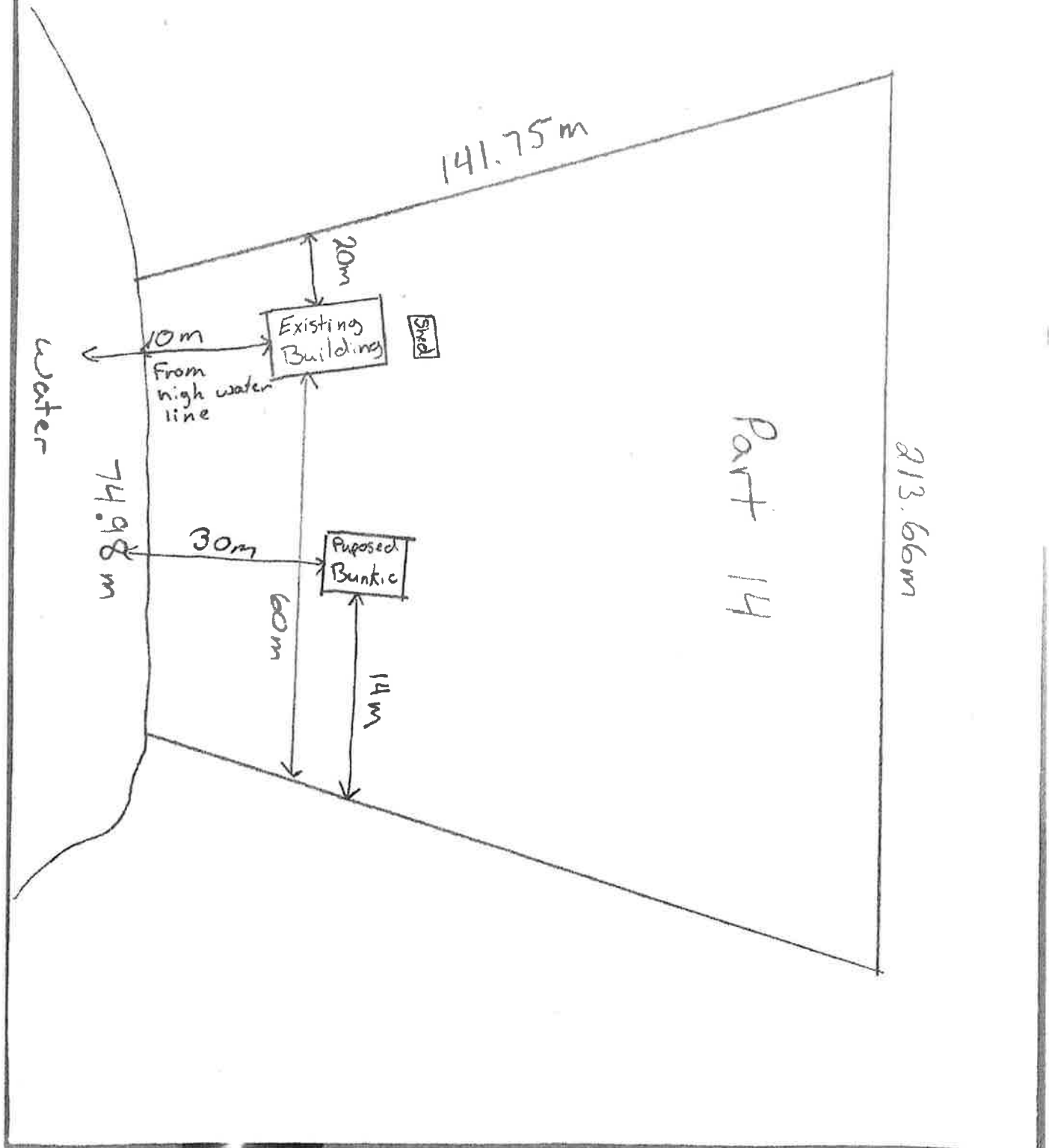
SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT:
 1. THE PLAN IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY RECORDS AND THAT THE DIMENSIONS AND BEARINGS THEREON ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 2. I HAVE BEEN FULLY AND INDIVIDUALLY ADVISED BY THE SURVEYOR GENERAL OF THE DISTRICT OF THE NATURE AND EXTENT OF THE DUTY OF THE FIELD NOTES OF SURVEY.
 3. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE ACT AND REGULATIONS THEREUNDER.

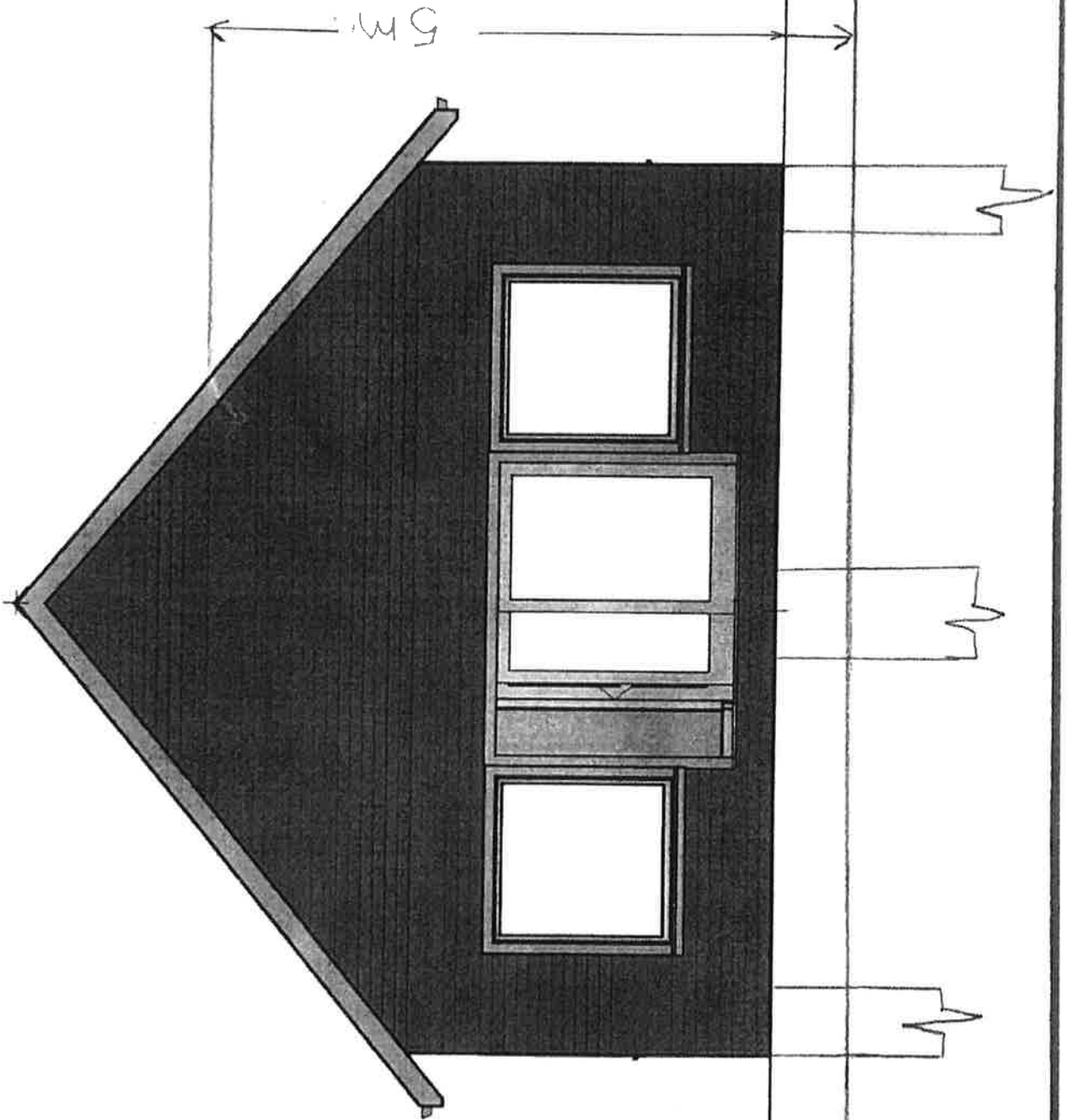
L. U. MAUGHAN, O.L.S.
 Surveyor General
 11/16/68

51

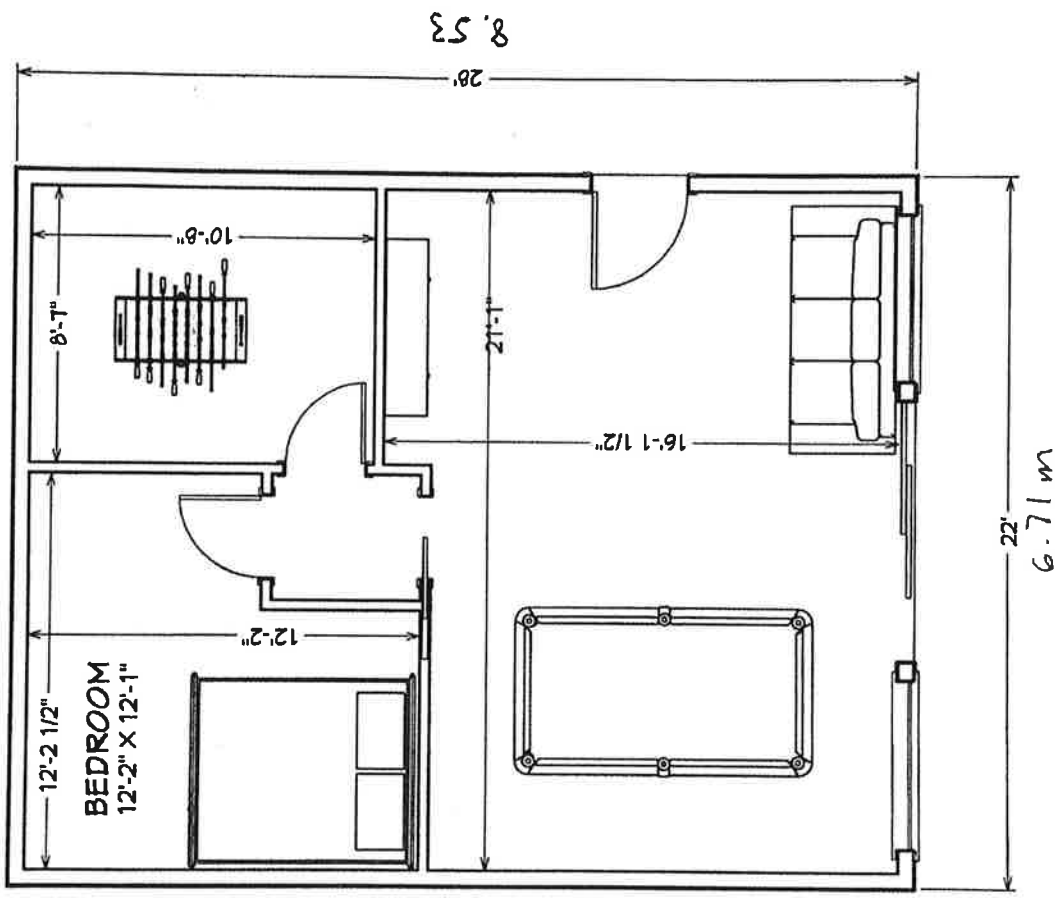
454 Georgian Bay Water
Plan Number 42R-PSR 1156 PT 842R 8763
Parcel Number 16783 PSSS
Lot 43

Total Hectares
1.82





Dermott



LIVING AREA 616 SQ FT
57.23m²

22'
6.71 m

28'
8'-5 3/8"

APPENDIX 'C'
CORRESPONDENCE RECEIVED

Subject: Application A05-21

From: Richard Snyder

Date: 5/9/2021, 12:18 PM

To: "chenderson@thearchipelago.on.ca" <chenderson@thearchipelago.on.ca>

We oppose application A05-21, for the variance on property 454 Georgian Bay Water. We are concerned that the intended use of this structure will be a dwelling that will be used as a separate cottage.

Please submit this opposition on May 20 at the hearing. We would request to be notified of the outcome.

Richard and Paula Snyder

Owners of 455 and 456 Georgian Bay Water.

Sent from my iPhone

50.

5/10/2021, 10:38 AM

Subject: Application: A05-21

From:

Date: 5/9/2021, 8:13 PM

To: chenderson@thearchipelago.on.ca

Cale, please accept this submission in regards to application A05-21 at 454 Georgian Bay Water

I am writing this submission to announce that I am regretfully against this permit being granted.

As you're approaching the dock at 454 Georgian Bay Water the channel(north side)brings traffic within feet of my dock(453 Georgian Bay Water). Although this has never been a problem in the past, I'm concerned that if the cabins intentions change into housing for friends and extended family there's a possibility of disruption with boat traffic where our family swims and enjoys privacy.

Thanks for your time.

The Hamilton's at 453 Georgian Bay

Matt Hamilton

57

Subject: Application A05-21

From:

Date: 5/9/2021, 9:46 PM

To: chenderson@thearchipelago.on.ca

Cale, I wanted to include a quick FYI. The Dermotts have explained to myself and my wife that this cabin is solely be built for friends that are a family of 4. It's also been mentioned that a washroom will be added after the inspection.

I'm not usually too involved in what my neighbours are doing but if this goes ahead and another family is being housed in the cabin then it's most likely going to affect our privacy.

Thx

Matt Hamilton





TO: Chair Frost and Members of the Committee of Adjustment
FROM: Cale Henderson, Manager of Development & Environmental Services
DATE: May 20, 2021
RE: Minor Variance Application No. A07-21
(HARRIS/RAK)
LOCATION: 1 B469 Island (Delhaven Island)
Part of Island B-469, being Part 3 on Plan 42R-20317, in front of the geographic Township of Cowper

RECOMMENDATION

Staff recommends that Application No. A03-21, be approved.

PROPOSAL

The owners are seeking relief from Section 6.1.3 h) Maximum Height, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the Maximum Height of a main dwelling located in Ward 4, is 6 metres (20 feet).

The purpose of the proposed application is to permit a variance of 1.16 metres (3.8 feet) from the Maximum Height of 6 metres (20.0 feet) for the southerly wall, as well as a variance of 2.6 metres (8.5 feet) from the Maximum Height of 6 metres (20.0 feet) for the easterly wall. The effect of the proposed variance would be to allow the construction of a one-storey, main dwelling having a ground floor area of 285.3 square metres (3071 square feet), and a maximum height of 7.16 metres (23.5 feet) for the south wall and a maximum height of 8.6 metres (28.2 feet) for the east wall.

The owners have stated that the elevation of the suitable location chosen for the main dwelling is the cause for the average height to exceed that which is allowable.

A copy of the original application is attached as Appendix A.

PLANNING INFORMATION

Official Plan Neighbourhood:	Long Sault – Amanda Neighbourhood
Zoning:	Coastal/Island Residential/Divided (CR/D)
Neighbouring Uses:	Vacant
Property Size:	1.98 hectares (4.91 acres) & 243 m (797 ft)
Frontage:	243 m (797 ft)
Access:	Water

ANALYSIS

Property Characteristics

Staff inspected the subject property on April 15, 2021. The property is located on Delhaven Island, which is a large outer island, approximately 1.3 kilometers west of Bear's Head. There are three lots on the island, all of which appear to be owned by the applicants. The subject lot is developed with a modest 74.3 m² (800 ft²) cottage, which is being converted to an accessory fitness building to support the construction of the new cottage.

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. In this case, quantitatively, the variance would represent an increase of 1.16 metres (3.8 feet) on the southerly wall and 2.6 m (8.5 ft) for the easterly wall.

The height restriction of 6 metres (20 feet) was established to minimize the visual impact of structures on the shoreline. Due to the front yard setback of 16.4 m (54 ft) and the existing mature vegetation, the easterly wall will not be significantly visible from the water and does not appear to have any impacts to the aesthetics of the area. The southerly wall, which would be considered the primary front of the cottage, is visible from the water; however, it is setback approximately 14.2 m (47 ft) with a moderate amount of vegetation to help buffer and screen the development. The proposed building is only one storey and will not contain a basement. The variance is due to the topography and the location of the building on a rock ridge, as opposed to the design of the building.

Conclusion

The proposed variance would appear to be minor in nature, provided the existing vegetation along the shore, fronting both the southerly and easterly walls is maintained.

ii) Desirable for Appropriate Development

The applicants have indicated that the height of the building is due to the terrain and to avoid the need to blast the granite bedrock to lower the building. Further, the proposed building is a one storey cottage on a extensively treed outer island.

60

Conclusion

The proposed increase in height appears to represent appropriate development.

iii) Zoning By-law

The subject property is zoned 'Coastal/Island Residential/Divided (CR/D)' in Comprehensive Zoning By-law No. A2000-07, as amended. The property is located within the Long Sault – Amanda Neighbourhood in Ward 4, wherein dwellings are limited to a maximum height of 6 metres from final grade. The requested variance would increase the height to 8.6 m (28.2 ft) for the easterly wall and 7.16 m (23.5 ft) for the southerly wall.

The maximum height provision has been included in the Zoning By-law in order to limit the visual impact of development, particularly from the water. The greater height restriction has been applied to a portion of Ward 1 and all of Wards 2, 3 and 4. The majority of the properties affected are islands, where the impact from the water can be much greater. There is limited tree cover on the outer islands to assist in buffering development; however, the subject property appears to contain sufficient tree cover and screening to buffer the proposed increase in height.

Conclusion

All other aspects of the proposed development would appear to comply with the requirements of Comprehensive Zoning By-law No. A2000-07, as amended. The requested variance would appear to maintain the intent of the Comprehensive Zoning By-law.

iv) Official Plan

Section 14.26 of the Official Plan states:

'The determination of height, when applied to residential structures, will be defined so that steeply pitched roof designs are discouraged.'

The proposed cottage has a low sloped roof and the requirement for the variance is due to the topography, not the roof slope.

Section 14.27 of the Official Plan states:

'New buildings on islands and mainland areas in all of Wards 2, 3 and 4 on Georgian Bay and those properties in Ward 1 fronting on Sturgeon Bay, excluding Pointe au Baril Station Neighbourhood, will be subject to a more stringent height restriction than the inland areas in Wards 1, 5 and 6. Wards 2, 3 and 4 will be subject to a height restriction that recognizes the objective of mitigating the impact of buildings and structures on the natural landscape.'

Section 14.28 of the Official Plan contains specific policy regarding proposed modifications to the allowable height standards and states that:

'Proposals to change the allowable height set out in the Zoning By-law on lands affected by the greater height restriction, will be primarily assessed from the water, in the case of mainland properties, and from all exposed directions from

the water, in the case of islands and peninsulas; this will include an assessment of:

a) the anticipated impacts on neighbours as a result of the proposed increase in size or height;

The proposal does not appear to have significant impacts on the neighbours.

b) the degree by which areas of natural vegetation help to buffer the building in the proposed location;

The eastern shoreline of the subject property is very well treed and the southerly shoreline is reasonably well treed, both with mature pines.

c) the nature of the relief being requested; e.g. is other relief being sought or is the proposed height within or does it exceed the former 9 metre height restriction;

No other relief is being sought and the proposal is within the former 9 metre height restriction.

d) the need for the increase in terms of whether there is any reasonable alternative construction;

The applicants have stated that the increase in height is due to the terrain and their desire to avoid blasting. The narrow design of the cottage, with a length of approximately 31.7 m (104 ft), spanning a rock ridge is the primary, contributing factor.

e) the degree of hardship created by the greater height restrictions; and

The owner would either need to blast rock to lower the cottage, or chose a flatter location on the property that could better accommodate the length of the cottage.

f) detailed drawings showing plan, elevation and cross-sectional views depicting:

- i) how the building will relate to the exterior areas of the lot or island;*
- ii) the areas of natural vegetation that are to be protected; and*
- iii) any proposed changes in grading or alteration in elevation or contour of the land, including the predevelopment grade, if the final grade is to be altered.*

The purpose of the height restrictions, establishing a 6 metre limit, was to minimize the presence of built form on the Georgian Bay coastline and to preserve as much of the natural shoreline as possible. It would appear that the 6 metre height limit on this site can be increased due to the existing vegetation and minimal visual impacts.

Conclusion

Based on the aforementioned, the proposal would appear to satisfy the criteria set out in Section 14.25 of the Official Plan and the requested variance would appear to conform to the relevant policies of the Official Plan.

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 to the intent of the relevant Official Plan policies.

Respectfully submitted,



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

APPENDIX 'A'
APPLICATION



Report to Committee of Adjustment

Township of The Archipelago

Applicant: Harris

Island: B-469 – Delhaven

May 11, 2021

Background

Michael Harris and Carol Rak are the owners of Delhaven Island.

It may be recalled that seven or eight years ago, the former owners made application to divide Delhaven Island in to three lots.

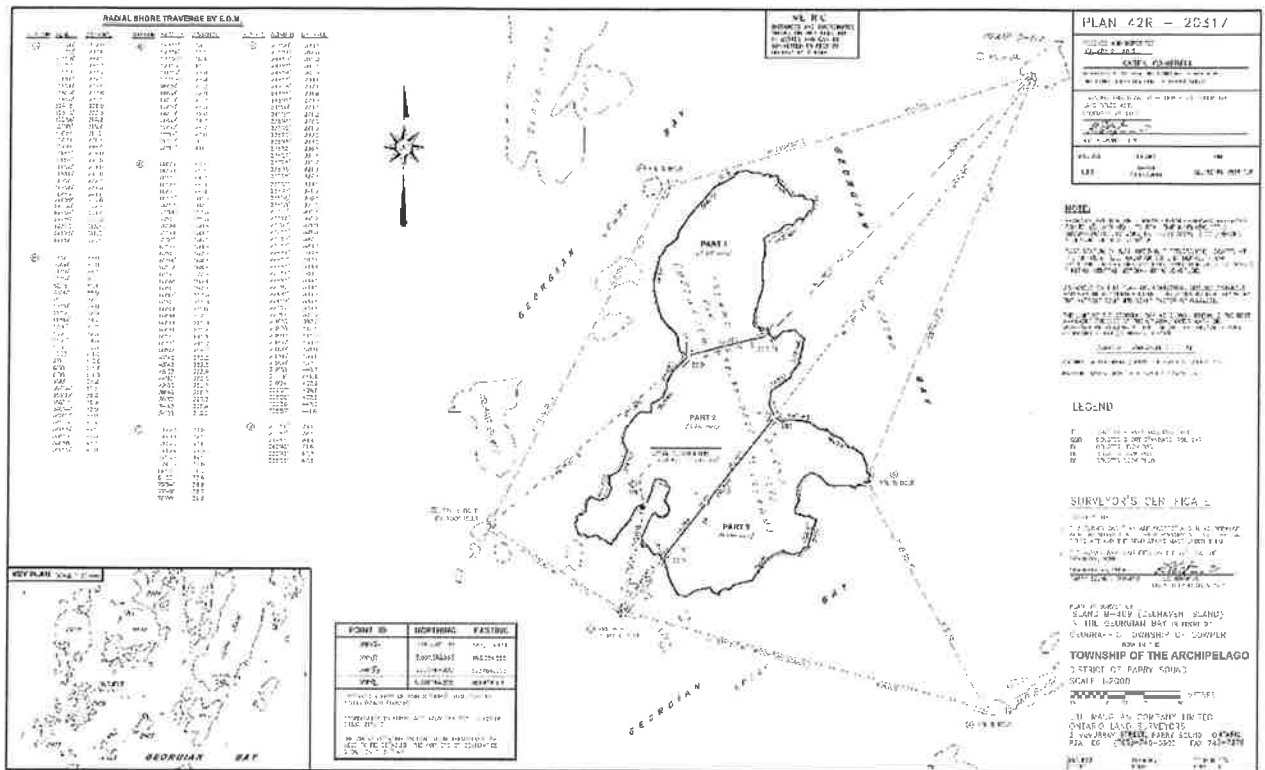
This was approved subject to the two vacant lots being subject to a future site evaluation.

Michael and Carol have no interest in the land division at this time (and if they had their wish, they would have preferred to acquire the island as a single parcel).

The new owners are proposing to construct a new cottage on the southerly lot (Part 3).

The intention is to convert the existing cottage and out buildings to strictly accessory structures.

The new cottage that is being built will be located along the centre ridge of the island such that the height, as defined in the By-Law will exceed the maximum height by almost a metre. The ultimate height when measuring from the average natural grade will be close to seven (7) metres when the maximum height is 6 metres.



History of Height Provisions

From 1980 to 1998, the general zoning relating to height provisions set the maximum height for the whole of The Archipelago. It was 9 metres during this period.

At this time, Council was concerned about development on the outer islands in the Pointe au Baril Islands neighbourhood. There was a policy in this neighbourhood that “discouraged new development on outer islands where exposure” is high.

In response to this concern, Council proposed to add further restrictions on heights for approximately 116 outer islands in Pointe au Baril.

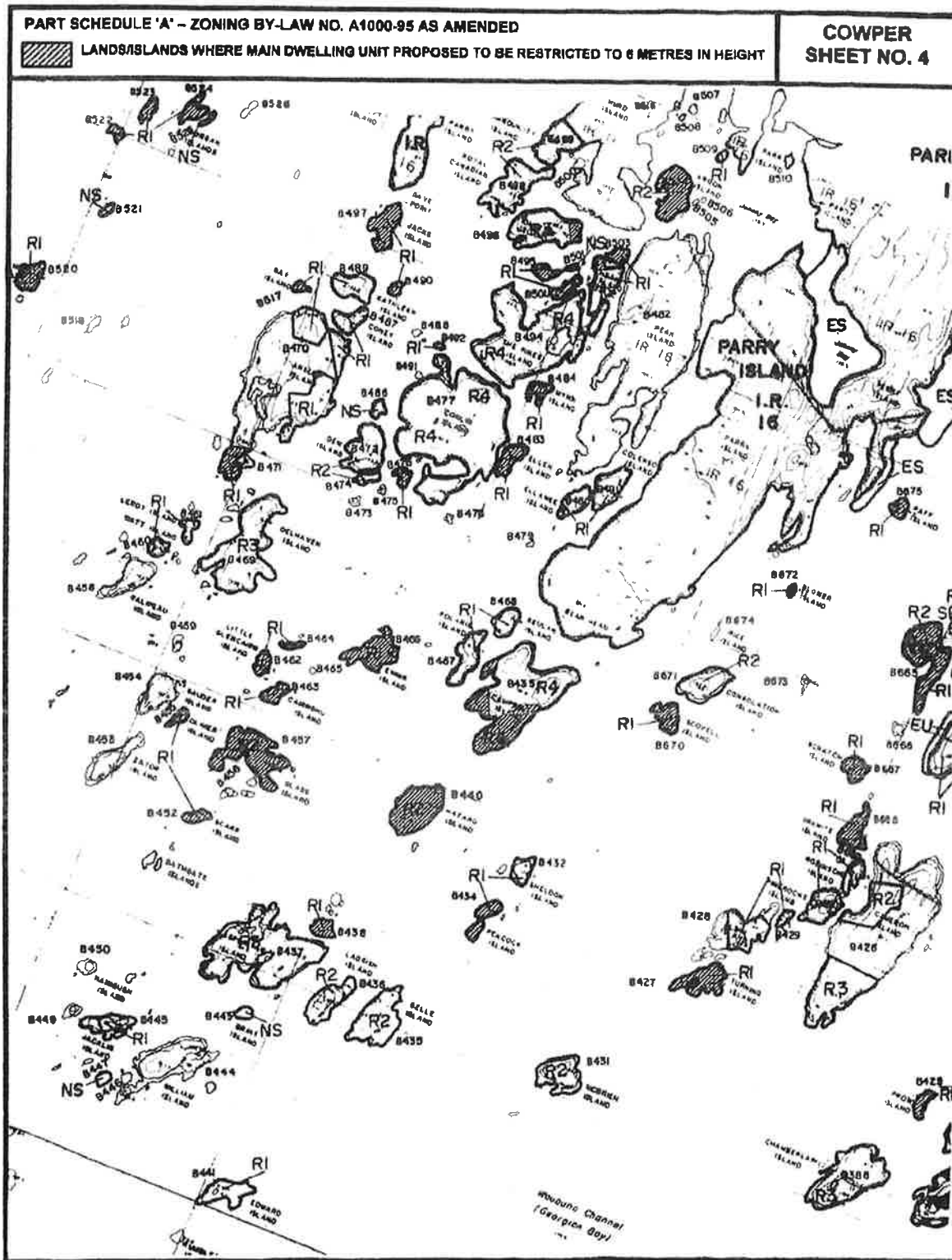
This initiative created a significant amount of opposition by these property owners given the arbitrary and discriminating restrictions that were proposed to be imposed.

Council understood the nature of the objections and decided to embark upon an exercise to assess all islands and parts of islands throughout the whole of Georgian Bay neighbourhoods to determine where the greater height restrictions should apply.

This larger assessment attracted a further flurry of opposition.

As a result, Council decided that it would simply not discriminate between islands and impose a 6 metre height restriction for all Wards 2, 3 and 4 properties on Georgian Bay.

The sketch below shows that Delhaven Island was a heavily treed island that would not have been subject to the 6 metre height restriction during these earlier assessments.



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Official Plan Amendment No 37

“Development Impact”

Official Plan Amendment No, 37 outlines the background and new policy that introduced a new development control to limit height of buildings on the water access properties on Georgian Bay. A copy of O.P.A. No. 37 is attached.

The following policies outline the principles and direction for height matters.

- “14.26 The determination of height, when applied to residential structures, will be defined so that steeply pitched roof designs are discouraged.
- 14.27 New buildings on islands and mainland areas n all of Wards 2, 3 and 4 on Georgian Bay and those properties in Ward 1 fronting on Sturgeon Bay, excluding Pointe au Baril Station Neighbourhood, will be subject to a more stringent height restriction than the inland areas in Wards 1, 5 and 6. Wards 2, 3 and 4 will be subject to a height restriction that recognizes the objectives of mitigating the impact of buildings and structures on the natural landscape.
- 14.28 Proposals to change the allowable height set out in the Zoning By-Law on lands affected by the greater height restriction, will be primarily assessed from the water, in the case of mainland properties, and from all exposed directions from the water, in the case of islands and peninsulas; this will include an assessment of:
- a) the anticipated impacts on neighbours as a result of the proposed increase in size of height;
 - b) the degree by which areas of natural vegetation help to buffer the building in the proposed location;
 - c) the nature of the relief being requested; e.g. is other relief being sought or is the proposed height within or does it exceed the former 9 metre height restriction;
 - d) the need for the increase in terms of whether there is any reasonable alternative construction;
 - e) the degree of hardship created by the greater height restrictions; and
 - f) detailed drawings showing plan, elevation and cross-sectional views depicting:
 - i) how the building will relate to the exterior areas of the lot or island;
 - ii) the areas of natural vegetation that are to be protected; and
 - iii) any proposed changes in grading or alteration in elevation or contour of the land, including the predevelopment grade, if the final grade is to be altered.”

The Harris Cottage

When one assesses the Harris cottage against the applicable policy the following comments are relevant.

1. The roof design is not a steep pitch (see drawings).
2. Delhaven is well treed and the cottage will be well screened (see photographs).
3. The relief being requested is relatively minor and will likely be imperceptible by neighbours.
4. Because of the location of the cottage on the southern knoll of the island and because the owners do not wish to alter the rock through blasting, the technical measurement of height is taken to the resulting natural grade causing the slight overage.
5. The most desirable option for accommodating a less impactful development of the cottage is believed to be through the variance process.
6. The applicants have provided detailed drawings and elevations in support of the variance.

The Four Tests

Application for minor variance are subject to the four tests under section 45 of the Planning Act.

"the committee of adjustment may authorize minor variances [] where in its opinion the (variance) is:

- desirable for the appropriate development of the land;
- the intent and purpose of the (zoning) By-Law is maintained;
- the intent and purpose of the official plan is maintained; and
- The application is minor."

Based upon the above, analysis, it is respectfully submitted that the proposed relief to the height provision meets the four tests pursuant to section 45 of the Planning Act.

Respectfully,

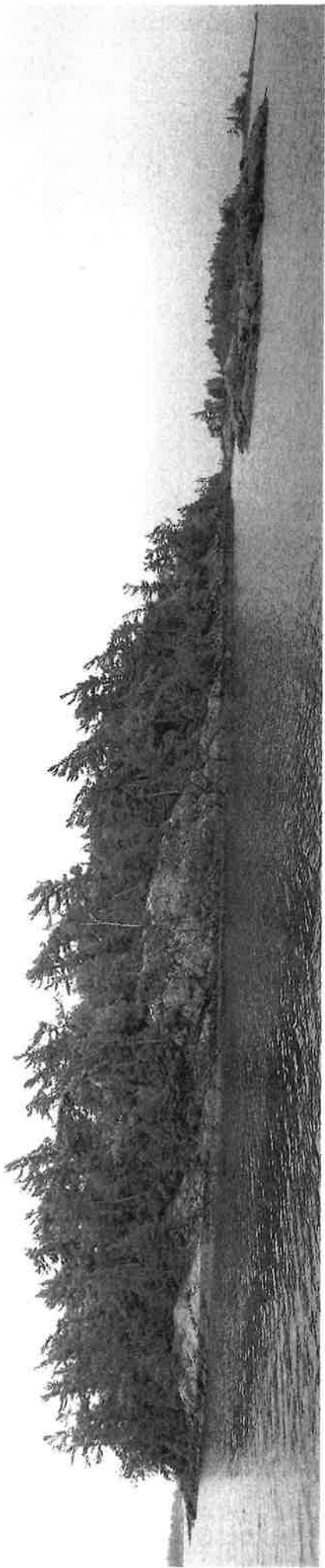


John Jackson

JJ:js

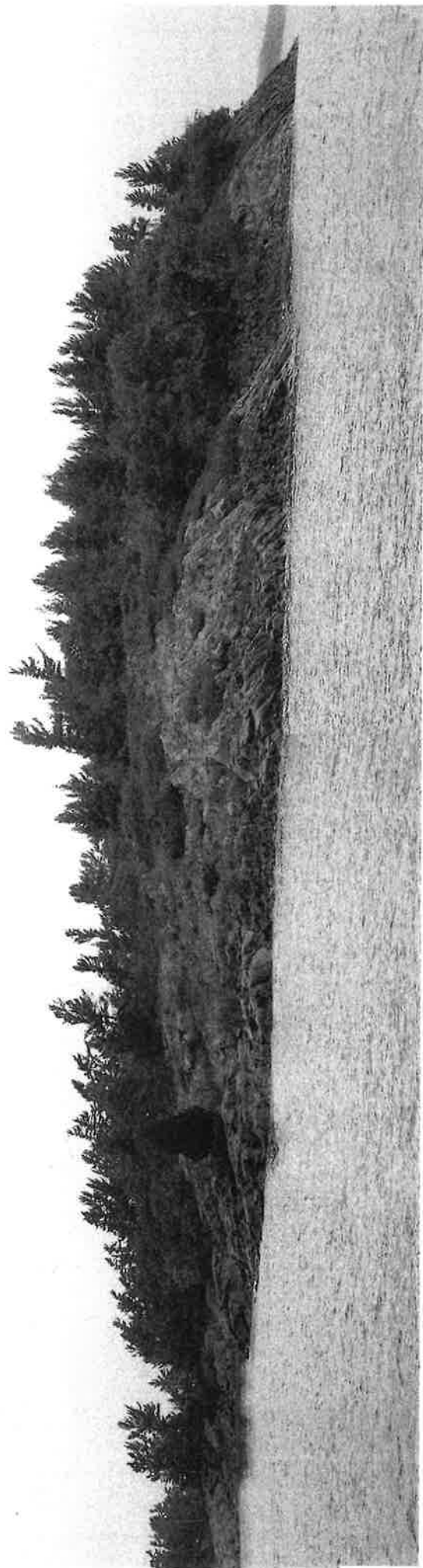


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H





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

Print Form

MAR 18 2021

PLANNING
 BUILDING

OFFICE USE ONLY			
Date Received	<u>Mar 18/21</u>	Complete Application	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date Accepted		Applicable Fee Paid	<input type="checkbox"/> Yes <input type="checkbox"/> No
		Application No.	<u>A07-21</u>

1. Applicant / Agent Information

Name of Applicant / Agent

John Jackson Planner Inc (Agent)

Address

70 Isabella Street, Unit 110

City Parry Sound

Province / State ON

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)

Michael Harris and Carol Rak

Address

City _____

Province / State ON

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?

6.1.3 h) Height

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

Zoning Provisions allows 6 metres in height. Dwelling is proposed to be 7.16 metres in height.

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

Suitable location for the proposed building causes the average height to exceed allowable by 1.16 metres

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

Assessment Roll Number 4905- 10000501900 Lot _____ Concession _____ Island No. B469

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

Reference Plan No. (if any) Plan No. 42R - 20317 Part No. 3

Parcel No. _____ Other Description Delhaven Island

Dimensions of Subject Property:

Depth (metres) ±120 Frontage (metres) ±243 Hectares 1.98

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5. Land Use and Zoning

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

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

How long have the existing uses been carried out on the subject land? 80+ Years

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

What are the existing uses of abutting properties? Seasonal Residential (Cottage)

What is the current Official Plan designation of the subject land? Waterfront

What is the current zoning of the subject land? Coastal/Island Residential - Divided (CR/D)

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
Fitness Pavillion		1	74.3	74.3	±22			
Shed		1	4.4	4.4	±36			
Shed		1	12.04	12.04	±35.6			

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
Dwelling	6.9	253.8	253.8	16.39		27.87	

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.

Glenn Burney Marina

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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**

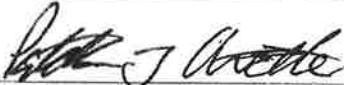
Dated at the Town of Parry Sound this 17 day of March, 2021

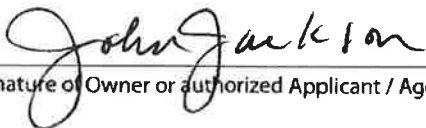
I, John Jackson of the Town of Parry Sound in the

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 17 day of March, 2021.


A Commissioner of Oaths


Signature of Owner or authorized Applicant / Agent

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

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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, Michael Harris and Carol Rak, 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 17, 2021 Signature of Owner 
Date March 17, 2021 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.


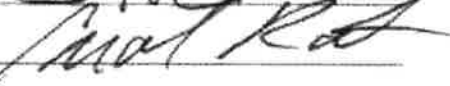
I/We, Michael Harris and Carol Rak, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize John Jackson as my/our agent for this application, to provide any of my/our personal information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

Date March 17, 2021 Signature of Owner 
Date March 17, 2021 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**

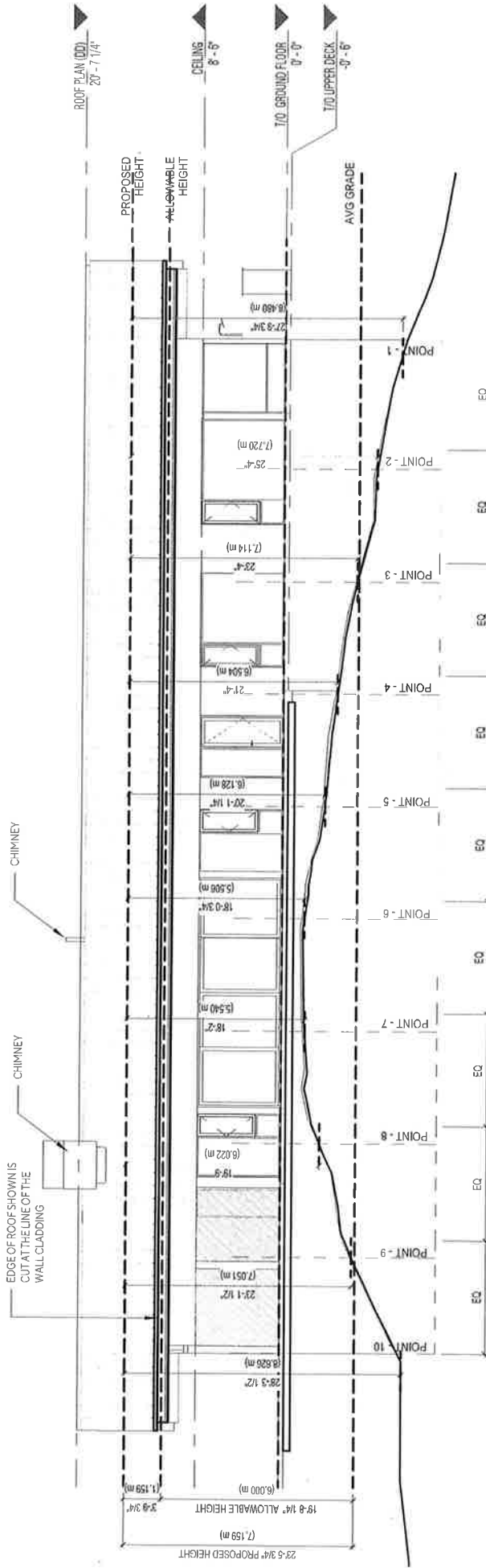
All registered owners of the subject property must provide their consent concerning the disclosure of personal information, as set out below.

I/We, Michael Harris and Carol Rak, 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 17, 2021 Signature of Owner 
Date March 17, 2021 Signature of Owner 
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____

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APPENDIX 'B'
SITE PLAN AND SKETCHES



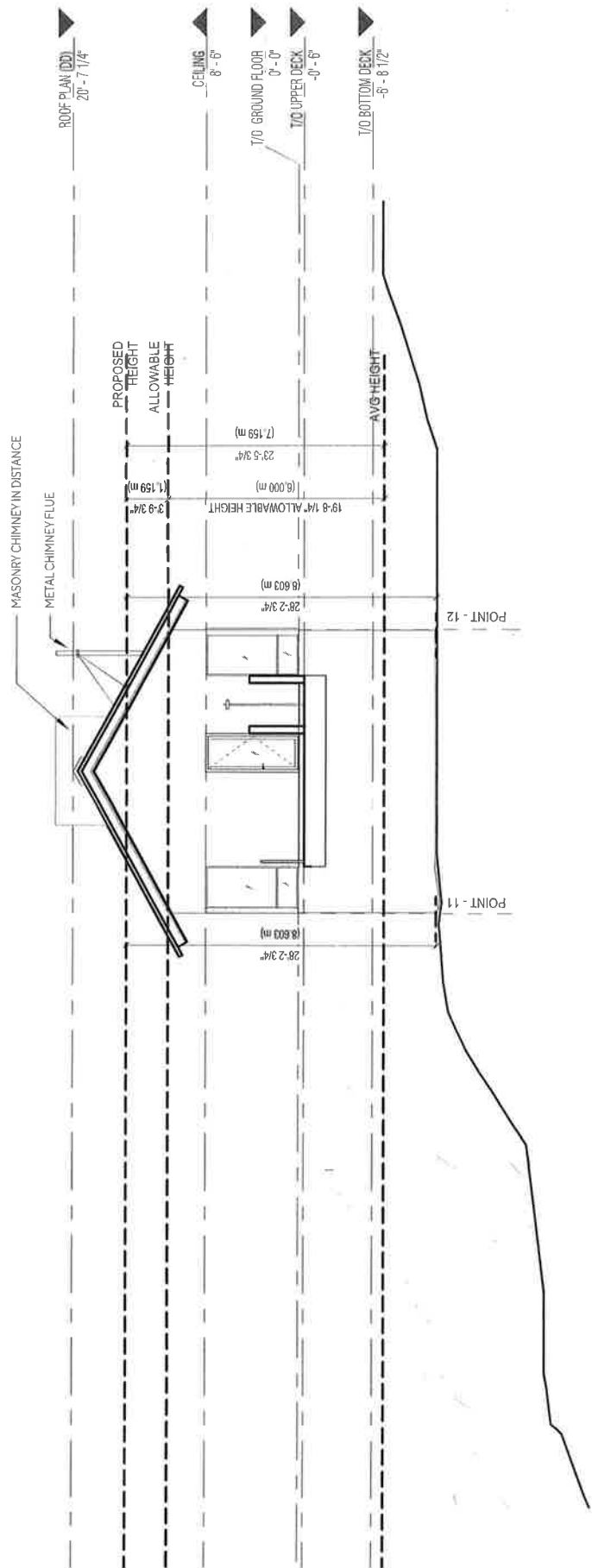
SOUTH ELEVATION - ZONING REVIEW
 P-200

Project Name DELHAVEN ISLAND
 Project Add. PARRY SOUND, ONTARIO
 Project No. 2011
 Scale 3/32" = 1'-0"
 Date 2021-03-18

WILLIAM BOWEN ARCHITECTURE, INC.
 200-255 Victoria Ave Toronto ON M5B 2Y6
 T: 416-291-2031 F: 416-291-2032



Handwritten signature or mark.



EAST ELEVATION - ZONING REVIEW

P-201

Project Name DELHAVEN ISLAND
 Project Add. PARRY SOUND, ONTARIO
 Project No. 2011
 Scale 3/32" = 1'-0"
 Date 2021-03-18

WALTERS & FLAHERTY INC. 6056-020
 202-541-Norow Ave. Toronto, ON M2B 2P6
 T. 416-224-1331 E. info@wfla.ca

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