



A G E N D A
for the
COMMITTEE OF ADJUSTMENT

Friday, February 21st, 2020

11:00 a.m.

at

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

1. **MEETING CALLED TO ORDER**

2. **APPROVAL OF AGENDA**

20-02-ADJ-

NOW THEREFORE BE IT RESOLVED that the agenda for the February 21st, 2020, Committee of Adjustment hearing be approved.

3. **DISCLOSURE OF CONFLICT OF INTEREST**

4. **ADOPTION OF MINUTES**

20-02-ADJ-

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment hearing held on November 22nd, 2019, be approved as circulated.

Pages: 1 – 3

5. **DELEGATIONS**

Nil

6. HEARING OF APPLICATIONS

- i) **BLACK, Georgina – Application No. A11-19**
Concession 11, Part Lot 11, being Part 1 on Plan 42R-14497
together with R-O-W, Parcel 26601 PSSS
in the geographic Township of Conger

CIVIC ADDRESS: 32 Armstrong-Jacklin Road

Pages: 4 - 22

PURPOSE AND EFFECT OF THE APPLICATION:

The applicants are seeking relief from 'Section 5.22 c)iii) of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the total floor area of lawfully used, non-complying buildings, cannot be increased.

The purpose of the application is to allow for the construction of a 39.7 square metre (427.3 square feet) second floor addition onto an existing 34.7 square metre (373.5 square feet) cabin (Cabin 'C'), which currently encroaches into the front yard. The layout of the addition will result in a 17.37 square metre (187 square feet) overhang of the second floor, incorporating the area below into the total floor area calculation as well. The proposal includes the construction of an attached, uncovered deck. The effect of the application would be a cabin with a total floor area of 91.77 square metres (987.8 square feet) and a 4 square metre (43 square feet) attached, uncovered deck, having a front yard setback that will remain at 3.863 metres (12.67 feet).

- ii) **HENSCHEL, Rob – Application No. A02-20**
Part Lot 26, Concession 10, being Part 10 on PSR-900, including
Part 1 on Plan 42R-19592
in the Geographic Township of Conger

CIVIC ADDRESS: 46 North Fork Road

Pages: 23 - 38

PURPOSE AND EFFECT OF THE APPLICATION:

The applicant is seeking relief from Section 7.1.3 f) Minimum Side Yard Setback, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the Minimum Side Yard Setback 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 Minimum Side Yard Setback. The effect of the proposed variance would be to allow a 27.3 square metre (294 square feet) screen room addition to the main cottage, which would have a side yard setback of 4.0 metres (13.1 feet) from the side lot line.

The owner has stated that the lot is small with limited usable space. A screen room addition will allow for more enjoyment of the property.

7. CORRESPONDENCE

Nil

8. UNFINISHED BUSINESS

Nil

9. ADMINISTRATION

i) Appointment of Chair and Acting Chair

20-02-ADJ-

NOW THEREFORE BE IT RESOLVED that pursuant to Section 44(7) of the Planning Act, R.S.O. 1990, c.P.13, as amended, by a majority vote of the members present, _____ is elected as Chair, and _____ is elected as acting Chair of The Committee of Adjustment for the Township of The Archipelago for 2020.

10. ADJOURNMENT

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment hearing of February 21st, 2020, be discontinued at _____.

MINUTES
of the
COMMITTEE OF ADJUSTMENT HEARING
for the
TOWNSHIP OF THE ARCHIPELAGO
held on
Friday, November 22nd, 2019
at
The Township of The Archipelago's Council Chamber

MEMBERS PRESENT:

E. Manners – A/Chair
L. Emery
G. Andrews
S. Sheard
D. Ashley
A. Barton
B. Liverance
I. Mead
G. Walker

STAFF PRESENT:

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

APOLOGIES:

P. Frost

1. Meeting Called to Order

The meeting was called to order at 11:04 a.m.

2. Approval of Agenda

Resolution 19-11-ADJ-01

Moved by G. Walker
Seconded by B. Liverance

NOW THEREFORE BE IT RESOLVED that the agenda for the November 22nd, 2019 Committee of Adjustment hearing be approved as circulated.

Disposition Carried

3. Disclosure of Conflict of Interest

NIL

4. Adoption of Minutes

Resolution 19-11-ADJ-02

Moved by I. Mead
Seconded by G. Andrews

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment meeting held on October 25th, 2019, be approved.

Disposition Carried

5. Delegations

Nil

6. Hearing of Minor Variance Applications

- i) **Stratos Limited – Application No. A08-19**
Island 400A, designated as Parcel 17705 PSNS
in front of the geographic Township of Shawanaga

Pointe au Baril Islands Neighbourhood

CIVIC ADDRESS: 1 A400 Island, The Archipelago

PURPOSE AND EFFECT OF THE APPLICATION:

The owner is seeking relief from Section 6.1.3 e) Minimum Front Yard Setback, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the minimum front yard setback shall be 7.5 metres (25 feet).

The purpose of the proposed application is to allow for a 23.8 square metre (256 square feet) addition onto the existing 15 square metre (161 square feet) sleeping cabin, that will require a variance of 1.7 metres (5.6 feet).

The effect of the proposed variance would be a 38.8 square metre (417.7 square feet) sleeping cabin, having a front yard setback of 5.8 metres (19 feet).

Cale Henderson; Secretary Treasurer, explained the application was deferred in October in order that Mr. and Ms. Abromeit-Kremser could attend to answer questions of the Committee. Mr. and Ms. Abromeit-Kremser; owners, were in attendance.

Resolution 19-11-ADJ-03

Moved by G. Andrews
Seconded by I. Mead

NOW THEREFORE BE IT RESOLVED that Application No. A08-19, to allow for a 23.8 square metre (256 square feet) addition onto the existing 15 square metre (161 square feet) sleeping cabin, that will have a front yard setback of 5.8 metres (19 feet), **be approved**.

Disposition Carried

7. **Correspondence**

Nil

8. **Administration**

Nil

9. **Unfinished Business**

Nil

10. **Adjournment**

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment meeting of November 22nd, 2019, be discontinued at 11:20 a.m.

CHAIR

DATE

SECRETARY-TREASURER

DATE



TO: Chair French and Members of the Committee of Adjustment

FROM: Cale Henderson, Manager of Development & Environmental Services
Jane Nawroth, Assistant Secretary-Treasurer

DATE: February 21, 2020

RE: Minor Variance Application No. A11-19 (BLACK)

LOCATION: **32 Armstrong-Jacklin Road**
Blackstone Lake

RECOMMENDATION

Staff recommends that Application No. A11-19 be approved.

PROPOSAL

The applicants are seeking relief from Sections 5.22 c) iii) Non-Complying Buildings and Structures of the Township's Comprehensive Zoning By-law No. A2000-07, as amended. Section 5.22 c) iii) states that nothing shall prevent the reconstruction of a legal non-complying building that existed prior to the date of the passing of this By-law providing the total floor area of the lawfully used building does not increase.

The purpose of the application is to allow for the construction of a 39.7 square metre (427.3 square feet) second floor addition onto an existing 34.7 square metre (373.5 square feet) cabin (Cabin 'C'), which currently encroaches into the front yard. The layout of the addition will result in a 17.37 square metre (187 square feet) overhang of the second floor, incorporating the area below into the total floor area calculation as well. The proposal includes the construction of an attached, uncovered deck. The effect of the application would be a cabin with a total floor area of 91.77 square metres (987.8 square feet), maintaining a front yard setback of 3.86 metres (12.7 feet), and a 4 square metre (43 square feet) attached, uncovered deck, having a front yard setback that will remain at 3.863 metres (12.67 feet).

A11-19 MINOR VARIANCE SUMMARY				
	Existing Floor Area	Proposed Expansion	Total Floor Area	Front Yard Setback
Cabin 'C'	34.7 m ² (373.5 ft ²)	39.7 m ² (427.3 ft ²) Second Storey 17.37 m ² (187 ft ²) Area beneath overhang	91.77 m ² (987.8 ft ²)	3.863 m (12.67 ft)

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

PLANNING INFORMATION

Official Plan Neighbourhood:	Blackstone Lake
Zoning:	Resort Commercial Exception-6 (RC-6)
Existing & Neighbouring Uses:	Marina Commercial and Residential
Property Size:	0.239 ha (0.59 acres)
Access:	Armstrong-Jacklin Road

ANALYSIS

Property Characteristics

Staff inspected the property on February 11, 2020. The property is located on the north-eastern end of Blackstone Lake. The subject cabin is located in the north end of the lot along the shoreline. The property is situated across from a peninsula of land, creating a sheltered bay. The property contains some mature tree cover at the shoreline.

Planning Act Requirements

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

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

The application must meet all of the above tests.

i) Official Plan

Section 14.23 of the Official Plan states:

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

Further, Section 14.25 of the Official Plan states:

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

The proposed addition, which is a second storey on an existing, modest-sized cabin, does not appear to significantly increase the existing visual impacts on the surrounding area. The cabin will be less than 9 metres (29.5 feet) in height, and will not encroach any further into the front yard setback. The increase in floor area includes a portion of overhang area created by the second storey addition. A 4 square metre (43 square feet) open deck is proposed for the front of the cabin, that will have a 4.116 metre (13.5 feet) setback. The closest neighbours, with a view of the property, are approximately 260 and 600+ metres away, and do not appear to be significantly impacted due to the location of the existing cabin; tucked up into the sheltered bay.

Conclusion

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

ii) Zoning By-law

The subject property is zoned 'Resort Commercial Exception 6 (RC-6)' in Comprehensive Zoning By-law No. A2000-07, as amended. The exception zoning states there may be a maximum of 4 rental cottages on the property, which currently contains 3 cabins and 1 shed. It also stipulates the minimum lot size and frontage of the property.

Section 5.22 c) iii) iii) of the Zoning By-law states:

i) Reconstruction of Buildings or Structures

Nothing in this By-law shall prevent the reconstruction of any non-complying building or structure that existed prior to the date of the passing of this Bylaw provided:

iii. the reconstruction of such building or structure does not further contravene the by-law regulations.

The purpose of the application is to allow for the construction of a 39.7 square metre (427.3 square feet) second floor addition onto an existing 34.7 square metre (373.5 square feet) cabin (Cabin 'C'), which currently encroaches into the front yard. The layout of the addition will result in a 17.37 square metre (187 square feet) overhang of the second floor, incorporating the area below into the total floor area calculation as well. The proposal includes the construction of an attached, uncovered deck.

The effect of the application would be a cabin with a total floor area of 91.77 square metres (987.8 square feet) and a 4 square metre (43 square feet) attached, uncovered deck, having a front yard setback that will remain at 3.863 metres (12.67 feet).

The additional development would appear to maintain the intent of the Zoning By-law. Further, the proposed construction will not further encroach into the front yard setback. The addition is proposed to be less than the 9 metre (29.5 feet) maximum height requirement and would not appear to create any significant visual or environmental impacts on the surrounding area.

Conclusion

The proposed variance appears to maintain the intent of the Comprehensive Zoning By-law.

iii) Desirable for Appropriate Development

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

iv) Minor in Nature

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

The proposed construction requires a minor variance because it currently encroaches into the front yard. The proposed new construction would be permitted, if the cabin had a 7.5 metre front yard setback.

The owners have proposed a second storey, as there is a rock outcrop right behind the existing cabin, preventing her from moving it back.

The proposal does not appear to create any significant additional impacts, as the existing cabin is relatively well screened, and the proposed second storey will not exceed the height of the surrounding vegetation, or the adjacent development.

Conclusion

The proposed variance appears to be minor in nature.


CONCLUSIONS – MINOR VARIANCE

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

Respectfully submitted,



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



Jane Nawroth
Assistant Secretary-Treasurer

**APPENDIX 'A'
APPLICATION**



Gerald Porter
12 Spring Lane
Seguin, ON P2A 0B2
tel 705.378.0855
cell 705.346.1857
e-mail gerald@geraldporter.ca
www.geraldporter.ca

MINOR VARIANCE DESCRIPTION

BLACK COTTAGE 32 ARMSTONG - JACKLIN RD, ARCHIPELAGO

PROPERTY IS ZONED RC-6 WHICH ALLOWS FOUR RENTAL COTTAGES WITH A MAXIMUM FLOOR AREA OF 100 SQ.M. PER COTTAGE.

SITE PRESENTLY HAS THREE COTTAGES, ONE WHICH WE ARE PROPOSING TO ALTER. A SECOND FLOOR IS PROPOSED STEPPED BACK FROM THE LAKE IN ORDER THAT IT MORE CLOSELY COMPLIES WITH THE REQUIRED SETBACK.

VARIANCE IS REQUESTED BECAUSE OF THE EXISTING LAKE SETBACK WHICH IS 3.86 M AND NOT THE REQUIRED 7.5 M. THE COTTAGE IS PUSHED UP AGAINST A ROCK HILL AT THE REAR PREVENTING US FROM MOVING THE BUILDING BACK.

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

TOWNSHIP
ARCHIPELAGO
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

~~NOV 29 2019~~
DEC 17 2019

PLANNING

OFFICE USE ONLY

Date Received November 20/19 Complete Application Yes No Application No. A11-19

Date Accepted _____ Applicable Fee Paid Yes No

1. Applicant / Agent Information

Name of Applicant / Agent
Gerald Porter

Address _____

City _____ Province / State _____ Postal / Zip Code _____

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

2. Owner(s) Information

Name of Owner(s)
Georgina Helen Black

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?
10.1.2.d

What is the nature and extent of the relief being sought?
Existing cottage is 3.863 M from the waters edge. Bylaw stipulates 7.5 M as minimum. We wish to add a full story to the unit but stepping back the second floor.

Why is it not possible to comply with the provisions of the Zoning By-law?
Cottage is against a rock outcrop which prevents us from moving it back

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

Assessment Roll Number 4905-0900-0304-120 Lot 11 Concession 11 Island No. _____

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

Reference Plan No. (if any) _____ Plan No. 42R-14497 Part No. 1

Parcel No. _____ Other Description _____

Dimensions of Subject Property:

Depth (metres) _____ Frontage (metres) 95.095 Hectares .238

5. Land Use and Zoning

What was the date of acquisition of the subject land? Nov. 15, 2007

What are the existing uses of the subject land? Family cottage

How long have the existing uses been carried out on the subject land? Nov. 15, 2007

What are the proposed uses of the subject land? Family Cottage

What are the existing uses of abutting properties? Cottages

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

What is the current zoning of the subject land? RC-6

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

EXISTING - List all existing buildings and structures					DISTANCE FROM LOT LINES (metres)			
Building / Structure Type	Date of Construction	# of Storeys / Height	Ground Floor Area (m ²)	Total Floor Area (m ²)	Front	Rear	Side	Side
Cottage A	1980	1	40.65	40.65	11.6 M	30.9 M	20 M	19 M
Cottage B	1980	1	25	25	8.384 M	20.7 M	21 M	17.5 M
Cottage C	1980	2	51.74	91.44	3.863 M	6.81 M	39.6 M	11.3 M
Shed	1980	1	11.47	11.47	34.8 M	8.2 M	8.0 M	8.0 M

PROPOSED - List all proposed buildings and structures				PROPOSED DISTANCE FROM LOT LINES (metres)			
Building / Structure Type	# of Storeys / Height	Ground Floor Area (m ²)	Total Floor Area (m ²)	Front	Rear	Side	Side
Cottage A	1	40.65	40.65	11.6	30.9	20	19
Cottage B	1	25	25	8.384 M	20.7 M	21 M	17.5 M
Cottage C	2	51.74	91.44	3.863 M	6.81 M	39.6 M	11.3 M
Shed	1	11.47	11.47	34.8 M	8.2 M	8.0 M	8.0 M

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.

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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

~~Water~~ 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 29th day of November, 2019.

I, Gerald Porter of the township of Seguin 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 town of Parry Sound this 29 day of November, 2019.

Wendy D. Hawes
A Commissioner of Oaths

B. Pil
Signature of Owner or authorized Applicant / Agent



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11. Authorizations

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

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

I/We, Charles Georgina H. Black, am/~~are~~ the owner(s) of the land that is the subject of this application and I/~~we~~ authorize GERALD PORTER to make this application on my/our behalf.

Date 23rd Sept 2019 Signature of Owner CH Black
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, GEORGINA H. BLACK, 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 GERALD PORTER 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 23rd Sept 2019 Signature of Owner CH Black
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

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, Georgina H. Black, 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 Sept. 23., 2019 Signature of Owner G.H. Black

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

APPENDIX 'B'
SITE PLAN AND SKETCHES

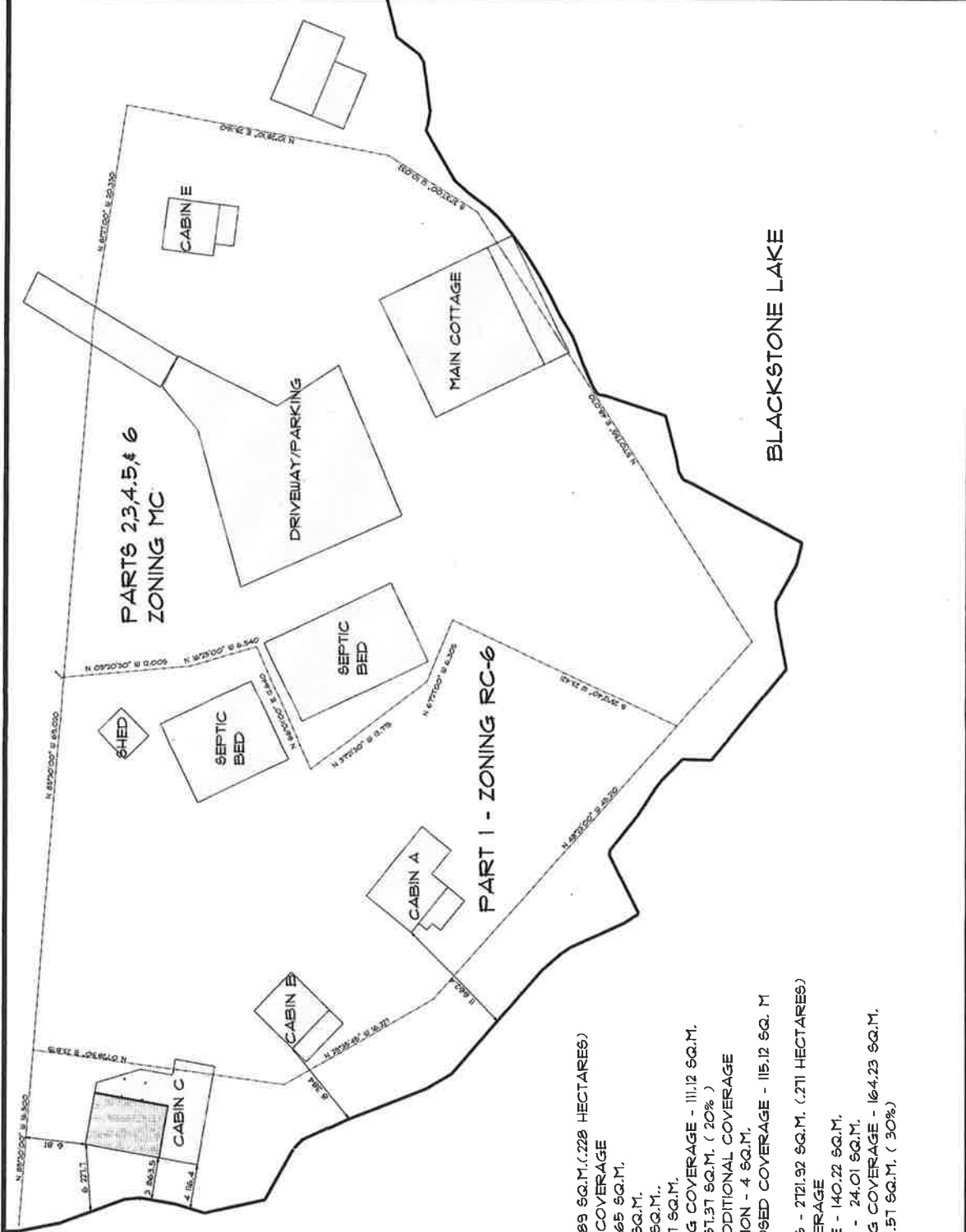


Gerald Porter
 tel 705 378 0865
 cell 705 345 1857
 www.gporterdesign.com
 Home & College Design
 Site Plans • Permit Drawings
 Construction Management

BCIN # 23474

BLACK CABIN - SITE PLAN

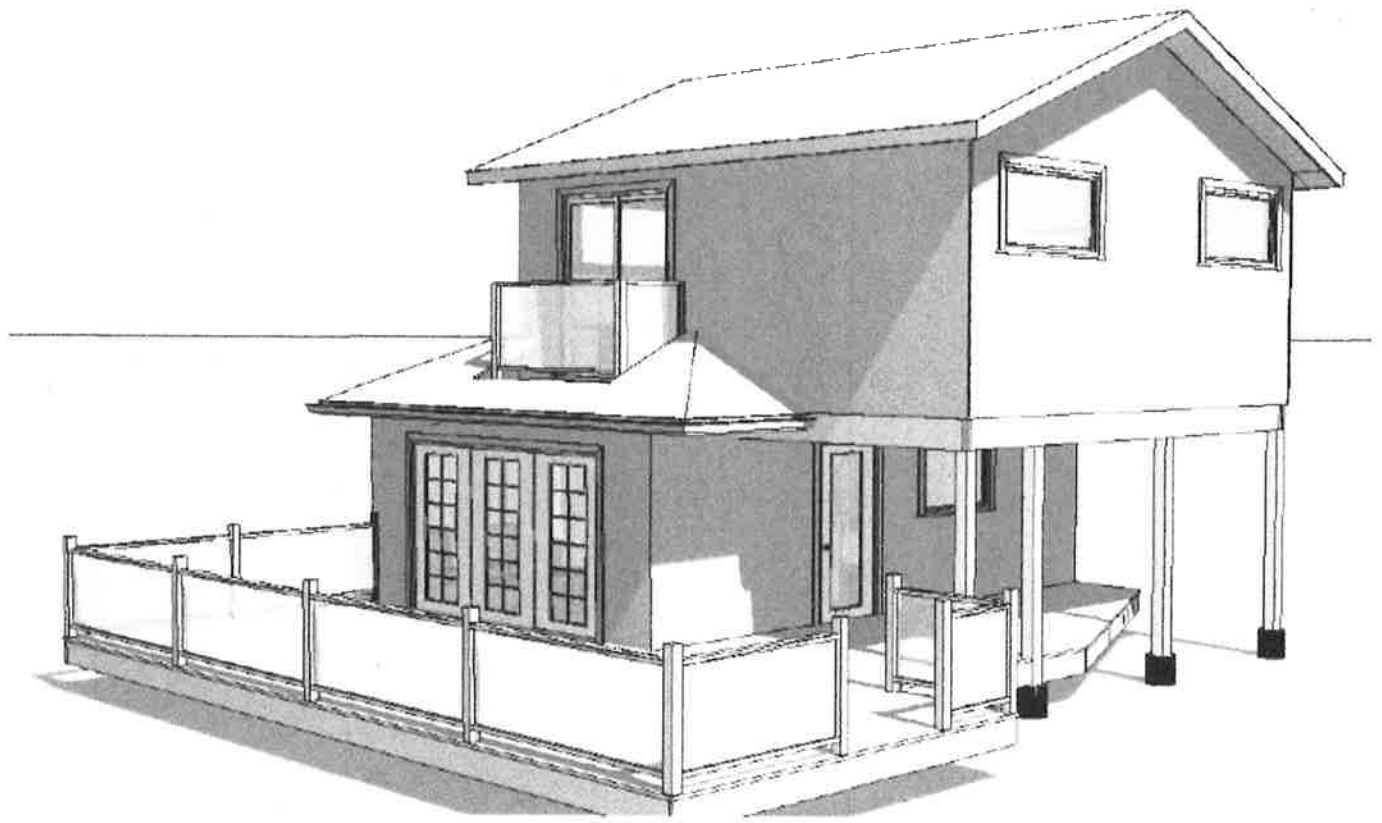
A-1



BLACKSTONE LAKE

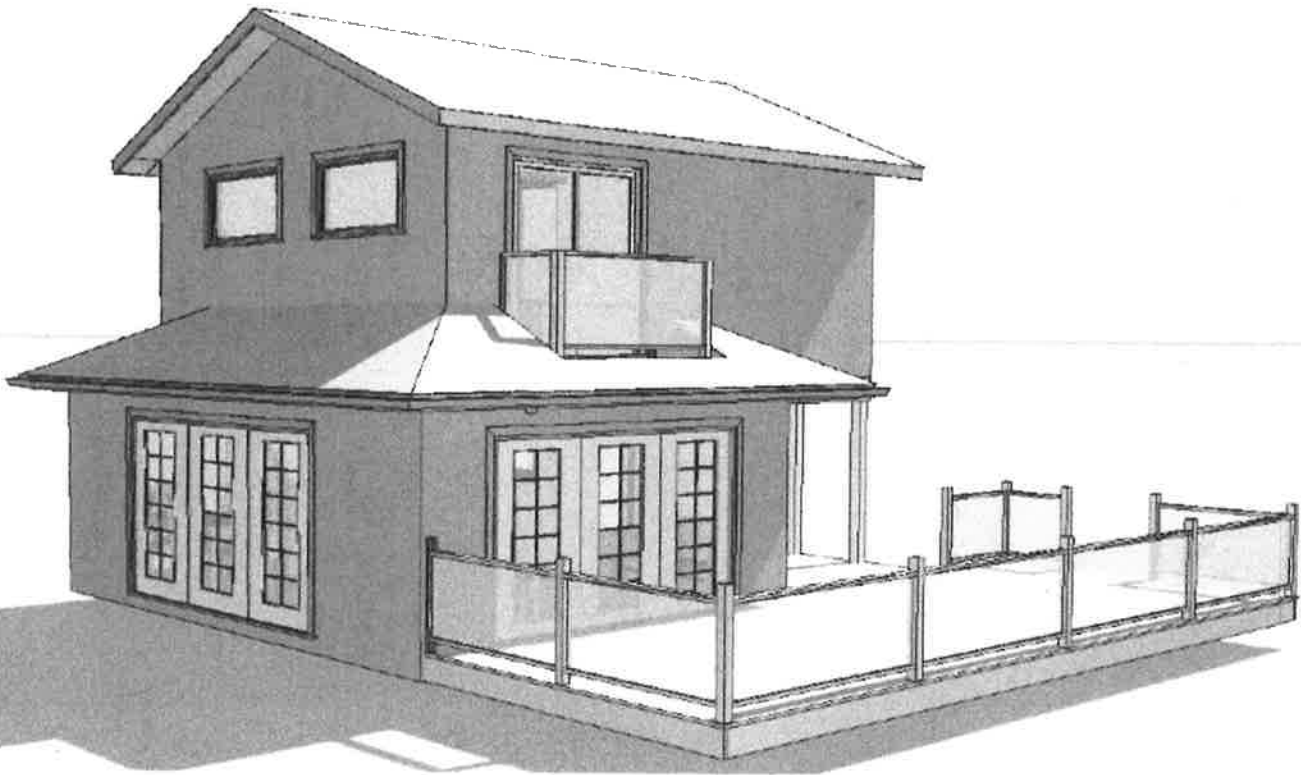
SITE INFO

- SITE SIZE
- PART 1 - 7286.89 SQ.M. (.228 HECTARES)
- EXISTING SITE COVERAGE
- CABIN A - 40.65 SQ.M.
- CABIN B - 25 SQ.M.
- CABIN C - 34 SQ.M.
- SHED - 11.47 SQ.M.
- TOTAL EXISTING COVERAGE - 111.12 SQ.M.
- ALLOWED - 451.37 SQ.M. (20%)
- PROPOSED ADDITIONAL COVERAGE
- PORCH ADDITION - 4 SQ.M.
- TOTAL PROPOSED COVERAGE - 115.12 SQ. M
- PARTS 2,3,4,5,6 - 2721.92 SQ.M. (.271 HECTARES)
- EXISTING COVERAGE
- MAIN COTTAGE - 140.22 SQ.M.
- CABIN E - 24.01 SQ.M.
- TOTAL EXISTING COVERAGE - 164.23 SQ.M.
- ALLOWED - 813.57 SQ.M. (30%)



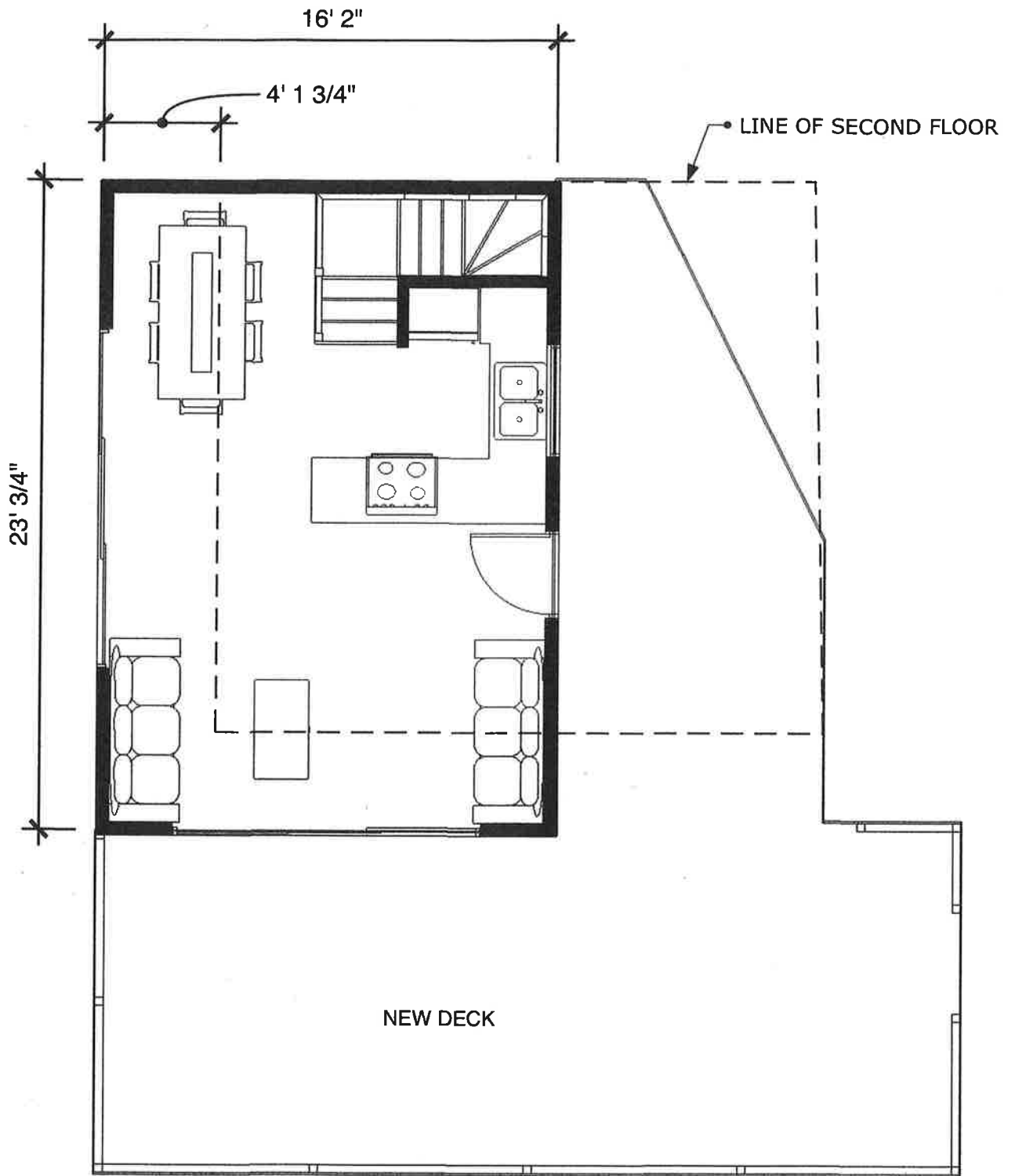
Gerald Porter
706.776.1888
116.336.1497
www.geraldporter.co

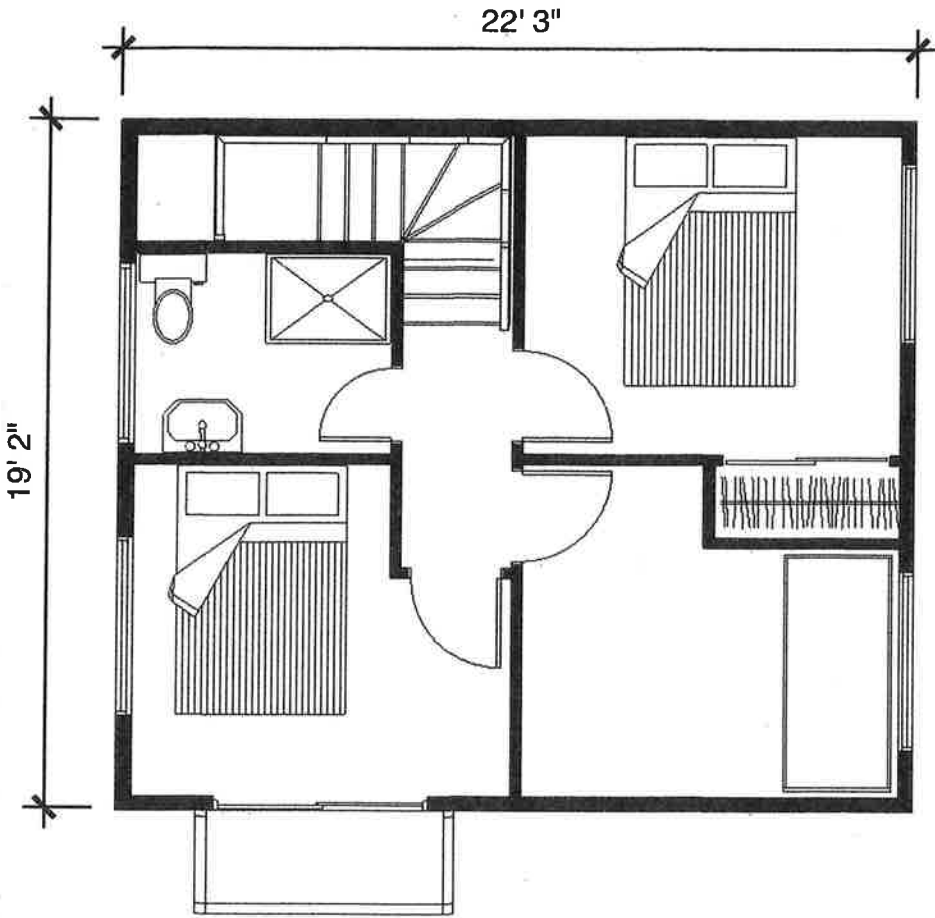
BLACK COTTAGE



S-11

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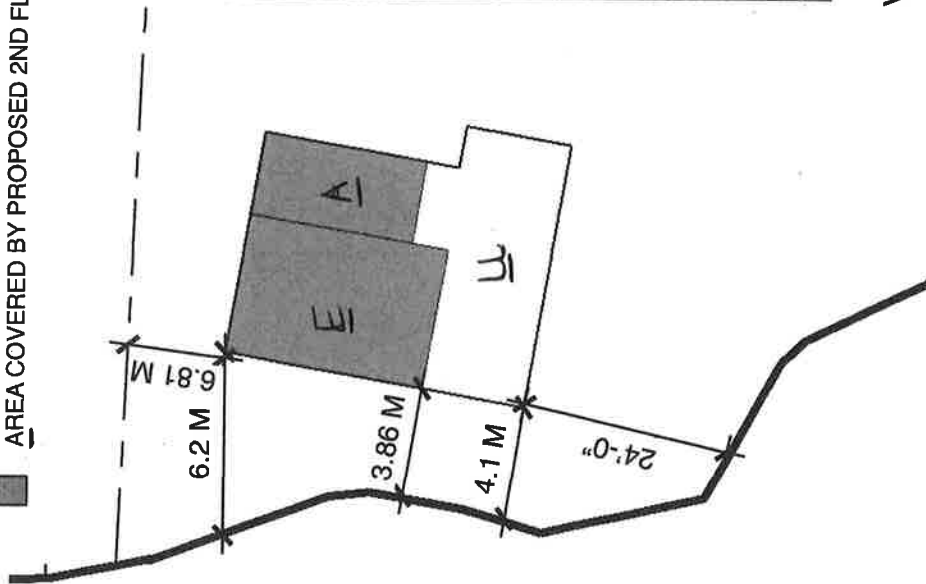


PLAN 1b SECOND

EXISTING FOOTPRINT

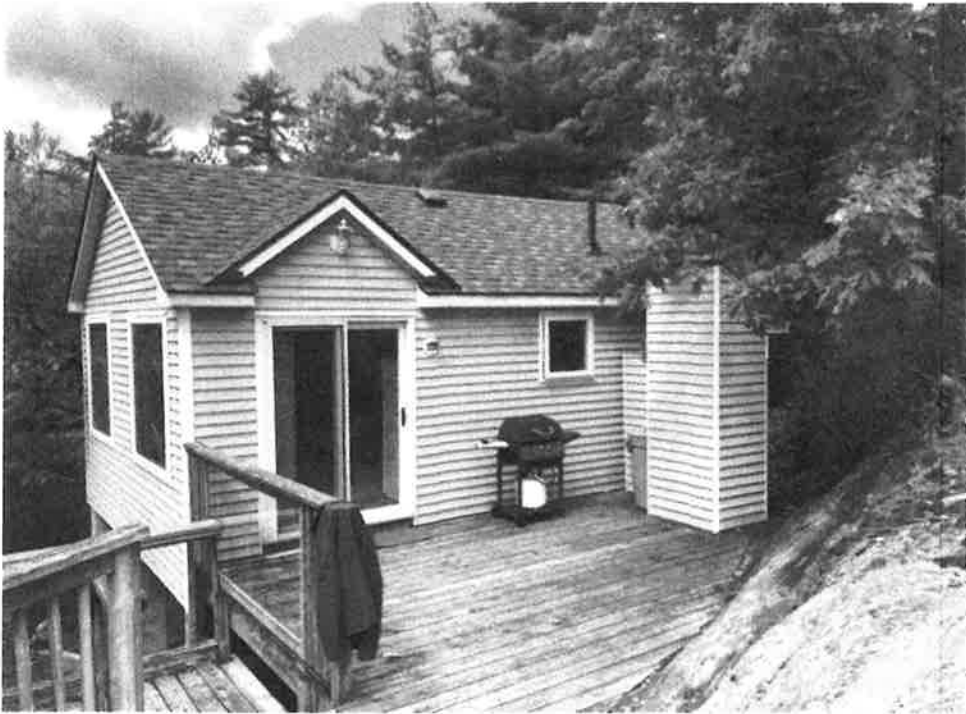
UNCOVERED DECK

AREA COVERED BY PROPOSED 2ND FLOOR



VIEW FROM THE LAKE

PARTIAL SITE PLAN - CABIN C



VIEW FROM THE REAR

S-8



TO: Chair Frost and Members of the Committee of Adjustment

FROM: Cale Henderson, Manager of Development & Environmental Services
Jane Nawroth, Assistant Secretary-Treasurer

DATE: February 21st, 2020

RE: Minor Variance Application No. A02-20 (HENSCHTEL, Robert and Valerie)

LOCATION: 46 North Fork Road
Part Lot 26, Concession 10, being Part 10 on PSR-900
including Part 1 on Plan 42R-19592
in the Geographic Township of Conger

RECOMMENDATION

Staff recommends that Application No. A02-20 be approved.

PROPOSAL

The applicant is seeking relief from Section 7.1.3 f) Minimum Side Yard Setback, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the Minimum Side Yard Setback, 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 Minimum Side Yard Setback. The effect of the proposed variance would be to allow a 27.3 square metre (294 square feet) screen room addition to the main cottage, which would have a side yard setback of 4.0 metres (13.1 feet) from the side lot line.

The owner has stated that the lot is small with limited usable space. A screen room addition will allow for more enjoyment of the property.

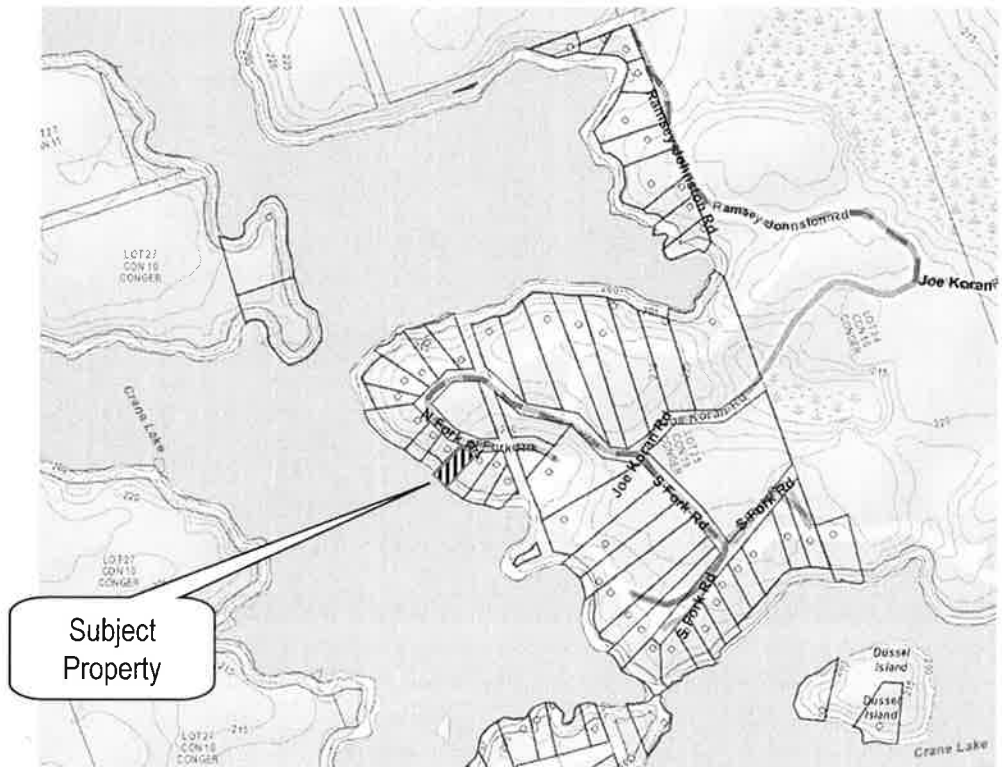
	Required	Proposed	Variance
Side Yard Setback	6.0 metres (20 feet)	4.0 metres (13 feet)	2.0 metres (7.0 feet)

A copy of the application, including a letter of support from the abutting neighbours, is attached as Appendix 'A', and a site plan & sketches are attached as Appendix 'B'.

PLANNING INFORMATION

Official Plan Neighbourhood:	Crane Lake
By-law No. A2000-07:	Inland/Lakes Residential (IR)
Existing Uses:	Residential
Property Size:	0.21 ha (0.52 ac)
Frontage:	31 m (102 ft)
Access:	Joe Koran Road/North Fork Road

LOCATION MAP



ANALYSIS

Property Characteristics

Staff inspected the subject property on February 11, 2020. The subject property is located on a main channel in Crane Lake, accessible by North Fork Road. The existing cottage is situated almost in the middle of the lot, and approximately 24.9 metres (81.7 feet) from the water's edge. The land slopes to the water rather steeply. The property contains a 93.3 square metre (1004 square feet) cottage with an attached, unenclosed deck.

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 screen room addition is on the east side of the existing cottage, and will not be visible from the water. Although the distance from the side lot line is reduced to 4.0 metres (13.0 feet), there is some tree cover between the cottage on the subject lands and the cottage on the neighbouring property that will still afford privacy. The neighbours abutting the property have submitted correspondence stating they have no issues with the screen room addition on the subject property.

Based on the site visit, the proposed addition, with the support of the neighbours, does not appear to create a significant visual impact on the neighbouring property or on the surrounding neighbourhood.

Conclusion

The variance from the side yard setback will have a minimal impact on the aesthetics of the area, and will not impact the neighbour in closest proximity. 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 screen room addition, other than

proposed setback of 4.0 metres (13.0 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. The properties in this area all have relatively narrow lots, but appear to be quite heavily treed. The screen room is being added to allow the owners some additional living space. As previously indicated, there is some tree cover between the cottages. The closest neighbour's cottage faces away from the subject property to the water, and has one side entrance with an attached deck, facing the proposed addition.

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 additional living space for the owners on a small lot with limited usable space. The increase in size is modest; being only approximately 27.3 square metres (294 square feet). The neighbours potentially impacted from the variance have submitted a letter of support.

Conclusion

As there appears to be a demonstrated need and the variance does not appear to significantly impact the surrounding area, 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, and the building in relation to the development on the abutting property, the addition of the screen room does not appear to be impactful.

Overall, the following points may be considered in assessing whether the application is minor in nature:

- The addition and proposed size of the cottage is considered typical development;
- Neighbouring properties will not be significantly impacted and support the proposal;
- The cottage is the only habitable building on the property.


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

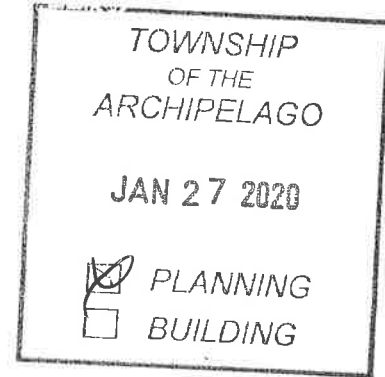


Jane Nawroth,
Assistant Secretary-Treasurer

APPENDIX 'A'
Application and Letter

1/24/2020

Rob Henschel
46 North Fork Rd.
Twp. of the Archipelago
Crane Lake



Committee of Adjustment
Twp. of the Archipelago

Dear Committee Members,

We greatly appreciate your time in considering our request for a minor variance to bylaw section 7.1.3 (f). Approval of this application we enable us to provide some increased space for our increasing family while allowing us to enjoy the property for an extend period every year.

We have discussed the addition of a screened in porch with our neighbour (Harlock's) at 48 North Fork Rd and provided them with a site plan indicating the extension of our cottage between our properties. They are in agreement with the site plan as indicate in their email dated January 9th, 2020 (included in the application package). In fact, they thought we would need more space with the additional grandchildren we have been blessed with since we purchased the cottage in 2011.

We thank you for your time, review, and consideration our application. And we hope that you enable us to increase the size of our family cottage to extend our enjoyment of the property and to accommodate our added family members.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Henschel".

Rob Henschel
46 North Fork Rd.

46 North Fork Rd.

A handwritten number "29" in black ink.

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>A02-20</u>
Date Accepted <u>January 27 2000</u>	Applicable Fee Paid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

1. Applicant / Agent Information

Name of Applicant / Agent

Brad Moore

Address _____

City _____ Province / State _____ Postal / Zip Code _____

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

2. Owner(s) Information

Name of Owner(s)

Rob Henschel

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?

7.1.3(f)

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

Side yard setback reduction from 6m

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

This is a small lot with limited usable space. A screen room out the side of the cottage will allow for more enjoyment of this recreational property

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

Assessment Roll Number 4905-09000601631 Lot 26 Concession 10 Island No. _____

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

Reference Plan No. (if any) Plan No. 42R-19592 Part No. 1

Parcel No. _____ Other Description also PSR900 Part 10

Dimensions of Subject Property:

Depth (metres) 58/74 Frontage (metres) 31.2 Hectares 0.2

5. Land Use and Zoning

What was the date of acquisition of the subject land? August 5, 2011

What are the existing uses of the subject land? recreational residential

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

What are the proposed uses of the subject land? no change

What are the existing uses of abutting properties? recreational residential

What is the current Official Plan designation of the subject land? stable area

What is the current zoning of the subject land? inland lake residential (IR)

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
existing cottage	30+years	1	56.1	56.1	29.4	30.5	5.8	7.7
cottage addition	2011	1	37.2	37.2	29.4	30.5	5.8	7.7
deck	u/k	1	21.2	21.2	21.2	9.2	9.2	8.5

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
screen room	1	27.3	27.3	23.4	39.1	4.0	20.9

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.

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 27th day of January, 2020.

I, BRAD MOORE of the TOWNSHIP OF CARLTON PLACE 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 27th day of January, 2020.

Wendy D. Hawes
A Commissioner of Oaths

Signature of Owner or authorized Applicant / Agent

Wendy D. Hawes
Treasurer/Tax Collector
ex officio Commissioner etc.,
Commissioner for taking Affidavits Act,
Section 1, subsection (2) 1.
District of Parry Sound,
for the Corporation of the
Township of The Archipelago.

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, Rob Henschel, am/are the owner(s) of the land that is the subject of this application and I/we authorize Brad Moore Harmony Design & Reno to make this application on my/our behalf.

Date January 23, 2020 Signature of Owner [Signature]
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, Rob Henschel, 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 Brad Moore (Harmony Designs) 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 January 23, 2020 Signature of Owner [Signature]
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, Rob Henschel, 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 January 23, 2020 Signature of Owner [Signature]
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____

Subject: Fwd: More Space
Date: Thursday, January 9, 2020 at 5:40:21 PM Eastern Standard Time
From: Wayne Harlock
To: Rob Henschel
CC: Cindy Brandon
Attachments: image002.png, 2019-12-19 13.25.12.jpg, 20-003 - Henschel Cottage Screened Porch Plan.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Rob and Val.

Had a look at the plan for the screened in porch and it looks great. One stipulation, we need to be invited to the grand opening! So, yes, we approve the screened in porch as outlined on drawing 20-003 for your cottage.

See you in the spring!

Wayne and Cindy

Sent from my iPhone

Begin forwarded message:

From: Cindy Brandon
Date: January 9, 2020 at 5:05:13 PM EST
To: Wayne <
Subject: Fwd: More Space

Cheers
Cindy

Begin forwarded message:

From: Rob Henschel <
Date: January 9, 2020 at 11:27:57 AM EST
To: Cindy Brandon
Subject: More Space

Hi Wayne and Cindy,

As per my previous email regarding more space!

We are considering adding a screened in porch to the side of our cottage that faces your property. The porch would be attached to existing structure following the current roof line and extend out towards your place 12 ft. Please see drawing 20-003 Screened Porch Plan where I have added a sticky note with additional details. I have also added a picture to show the side of the cottage we are planning to extend by 12 ft.

To move forward I will need to contact the Planning Department and submit an application for a minor variance to the setback of the property line. The application to the Planning Department is somewhat time sensitive, however we would like you to feel free to take your time to review, discuss, and decide whether we can proceed or not proceed with the variance application.

As you can see from the drawing the variance would still provide setbacks from the property line of approx. 16 ft. at the back and over 20 ft. at the front. Both setbacks are greater than the 3 metres; which was the allowable setback when we bought the place. However, the 3 metre standard setback has changed since then and is now 6 metres.

Wayne and Cindy your approval of these plans / construction would be needed for us to move forward with application to the Planning Department. We thank you for considering this request and ask that you respond via email; either approving the proposed plan to add the screened in porch as outlined in drawing 20-003. Or, not approving the plan to add the screened in porch as outlined in drawing 20-003.

Just so you know, your response either way has no bearing on the great relationship we have.

Sincerely,
Rob



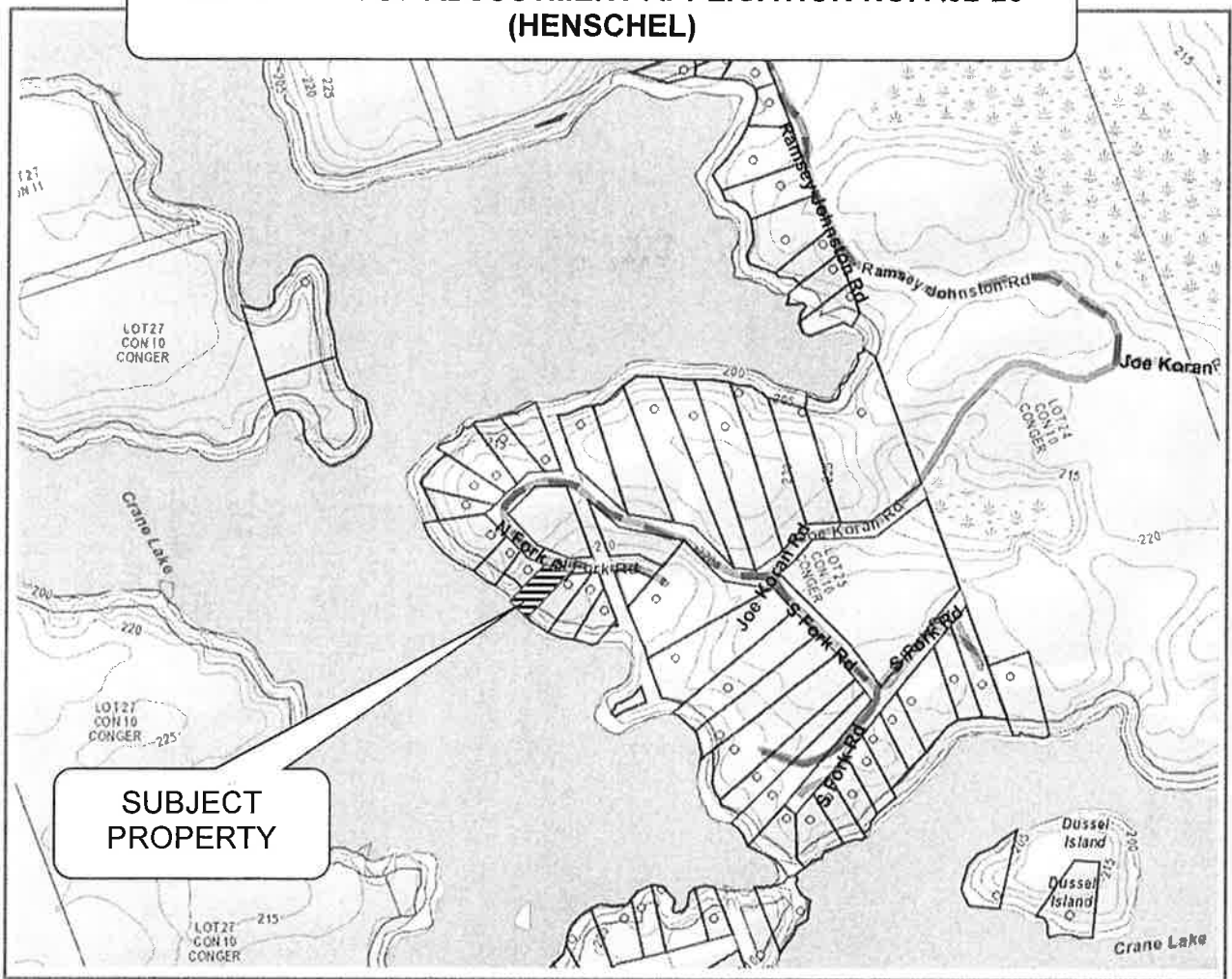
Discover the possibilities

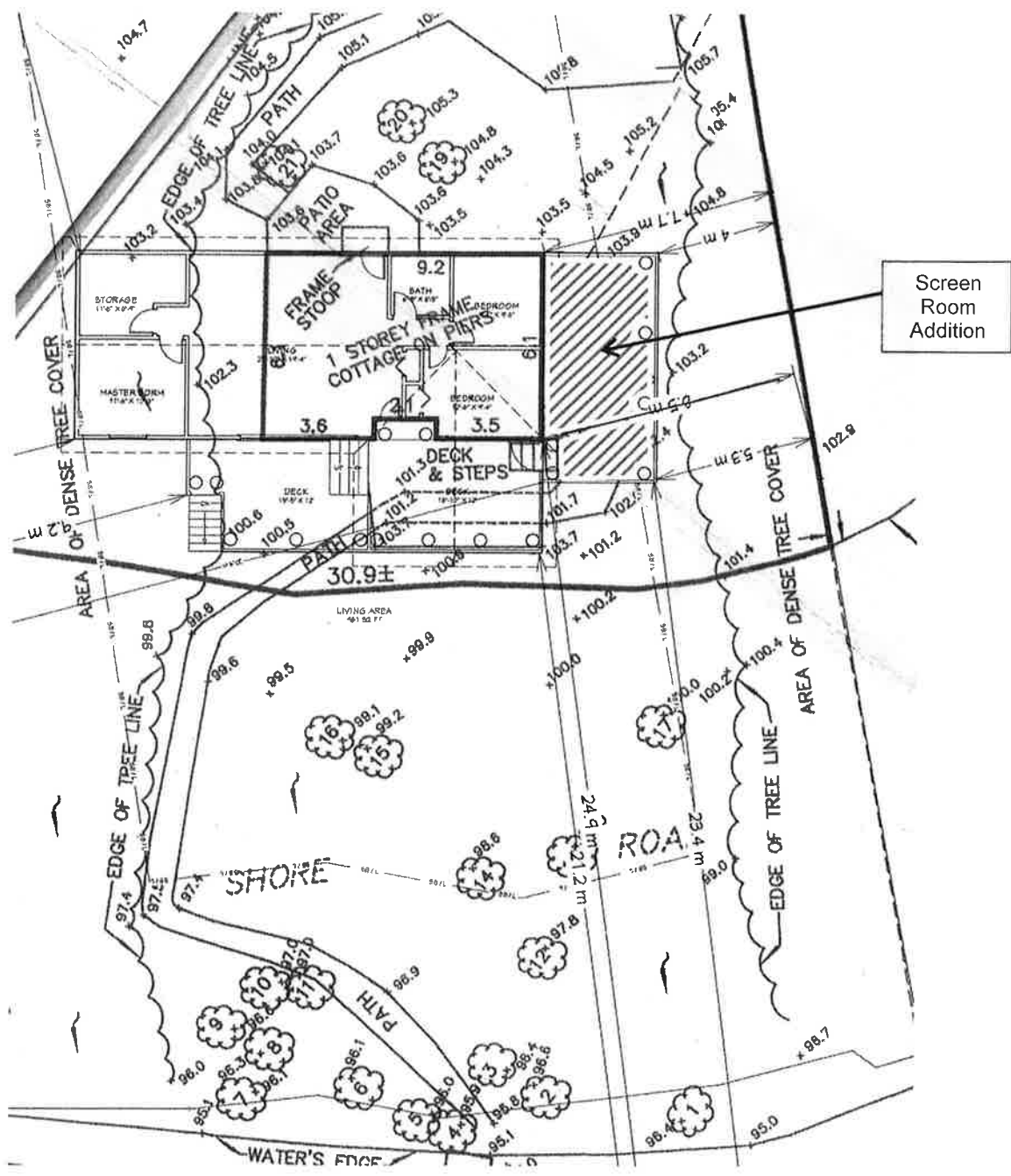
Rob Henschel
Manager Wholesale & Metering Services



APPENDIX 'B'
SITE PLAN AND SKETCH

**COMMITTEE OF ADJUSTMENT APPLICATION NO. A02-20
(HENSCHEL)**





Screen Room Addition