



A G E N D A
for the
COMMITTEE OF ADJUSTMENT

Thursday, June 18th, 2020

9:15 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**

20-06-ADJ-

NOW THEREFORE BE IT RESOLVED that the agenda for the June 18th, 2020, Committee of Adjustment hearing be approved.

3. **DISCLOSURE OF CONFLICT OF INTEREST**

4. **ADOPTION OF MINUTES**

20-06-ADJ-

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment hearing held on February 21st, 2020, be approved as circulated.

Pages: 1 – 5

5. **DELEGATIONS**

Nil

6. HEARING OF APPLICATIONS

i) **CRIGGER/YOUSEFI – Application No. A01-20**

Part of Oriole Island in Blackstone Lake, being Part 1 on Plan PSR-981, designated as Parcel 12503 PSSS, in the geographic Township of Conger

CIVIC ADDRESS: 48 Blackstone Lake Water

Pages: 6 - 21

PURPOSE AND EFFECT OF THE APPLICATION:

The applicants are seeking relief from Section 5.36 b) i) Sleeping Cabins-Wards 5 and 6, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, that stipulates the maximum Total Floor Area of each sleeping cabin, including the floor area of any basement, does not exceed 40 square metres (430.6 square feet).

The purpose of the proposed application is to permit a variance of 34 square metres (366 square feet) to allow for the construction of a new sleeping cabin, on this 0.63 hectare (1.55 acre) parcel of land. The effect of the variance would be a sleeping cabin having a total floor area of 74 square metres (797 square feet).

The applicant has stated that the request for the larger sleeping cabin is because the owners cannot extend the existing main dwelling, due to its proximity to the shoreline.

ii) **BARKS, Cecelia & Jeff – Application No. A03-20**

Part of Island B686 (Derbyshire Island), being Lot 3 on Plan M-150, Part Block B, LOC CL8997, including Part 1 on Plan 42R-13813 and Part 1 on Plan 42R-14520, in front of the geographic Township of Cowper

CIVIC ADDRESS: 1 B686 Island

Pages: 22 - 35

PURPOSE AND EFFECT OF THE APPLICATION:

The applicant is seeking relief from Section 6.1.3 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 1.0 metre (3.3 feet) from the Minimum Side Yard Setback. The effect of the proposed variance would be to allow the construction of a 35.7 square metre (384 square feet), 2-bedroom addition onto the existing 99.2 square metre (1068 square feet) main cottage, that would be situated 5.0 metres (16.4 feet) from the side lot line.

The owners are proposing to build the addition at the back of the existing cottage, away from the water and away from the nearest neighbour.

- iii) **ROBINSON, Julianne and Paul – Application No. A04-20**
Concession 3, Part Lot 41, being Part 7 on Plan PSR-102 and Part 11 on Plan 42R-8110, in the geographic Township of Conger

CIVIC ADDRESS: 12 Woods Bay Lane

Pages: 36 - 51

PURPOSE AND EFFECT OF THE APPLICATION:

The owners are seeking relief from Section 6.1.3 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 3.0 metres (10 feet) from the Minimum Side Yard Setback. The effect of the proposed variance would be to allow the construction of a 42.6 square metre (459 square feet) garage, which would have a side yard setback of 3.0 metres (10 feet).

The owners have stated that they are removing an existing 9 square metre (96.9 square feet) shed on a flat area of the property, to make room for the placement of the garage. They cannot increase the side yard setback due to rock outcroppings that would have to be removed or incorporated into the design of the building, at an additional expense.

7. **CORRESPONDENCE**

Nil

8. **UNFINISHED BUSINESS**

Nil

9. **ADMINISTRATION**

Nil

10. **ADJOURNMENT**

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment hearing of June 18th, 2020, be discontinued at _____ .

MINUTES
of the
COMMITTEE OF ADJUSTMENT HEARING
for the
TOWNSHIP OF THE ARCHIPELAGO
held on
Friday, February 21st, 2020
at

The Township of The Archipelago's Council Chamber

MEMBERS PRESENT:

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

STAFF PRESENT:

C. Henderson, Secretary-Treasurer
J. Nawroth, Assistant Secretary-Treasurer
J. Fior, Chief Administrative Officer
M. Weaver, Clerk

APOLOGIES:

I. Mead

1. Meeting Called to Order

The meeting was called to order at 11:02 a.m.

2. Approval of Agenda

Resolution 20-02-ADJ-01

Moved by L. Emery
Seconded by G. Andrews

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

Disposition Carried

3. Disclosure of Conflict of Interest

NIL

4. Adoption of Minutes

Resolution 20-02-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 November 22nd, 2019, be approved.

Disposition Carried

5. Delegations

Nil

6. Hearing of Minor Variance 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

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).

Cale Henderson; Secretary Treasurer, explained the nature of the application. Mr. Gerald Porter, agent, was in attendance in support of the application.

Resolution 20-02-ADJ-03

Moved by G. Walker
Seconded by L. Emery

NOW THEREFORE BE IT RESOLVED that Application No. A11-19, to grant a variance from Section 5.22 c)iii), to allow for the construction of a 39.7 square metre (427.3 square feet) second-storey addition, and an attached, uncovered 4-square metre (43 square feet) deck that is proposed to have a front yard setback of 4.1 metres (13.45 feet), onto an existing cabin (Cabin 'C'), which currently has a front yard setback of 3.863 metres (12.67 feet), be **approved**.

Disposition Carried

- ii) **Henschel, Robert & Valerie – 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

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.

Cale Henderson; Secretary Treasurer, explained the nature of the application. Mr. Brad Moore, Mr. Robert and Ms. Valerie Henschel, were in attendance in support of the application.

Resolution 20-02-ADJ-04

Moved by G. Andrews
Seconded by S. Sheard

NOW THEREFORE BE IT RESOLVED that Application No. A02-20, to grant a variance from Section 7.1.3 f) Minimum Side Yard Setback, 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, be **approved**.

Disposition Carried

7. **Correspondence**

Nil

8. **Administration**

i) **Appointment of Chair and Acting Chair**

Chair Peter Frost opened the floor to nominations for Chair. Bert Liverance nominated Peter Frost for Chair and Earl Manners for Vice Chair. No additional nominations were made. The nominations were carried by a show of hands.

Resolution 20-02-ADJ-05

Moved by G. Walker
Seconded by S. Sheard

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, Peter Frost is elected as Chair, and Earl Manners is elected as acting Chair of The Committee of Adjustment for the Township of The Archipelago for the year 2020.

Disposition Carried

9. Unfinished Business

Nil

10. Adjournment

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment meeting of February 21st, 2020, be discontinued at 11:22 a.m.

CHAIR

DATE

SECRETARY-TREASURER

DATE



TO: Chair Frost and Members of the Committee of Adjustment
FROM: Cale Henderson, Manager of Development & Environmental Services
DATE: June 18, 2020
RE: Minor Variance Application No. A01-20 (CRIGGER/YOUSEFI)
LOCATION: 48 Blackstone Lake Water – part of Oriole Island

RECOMMENDATION

Staff recommends that Application No. A01-20 be denied.

PROPOSAL

The applicants are seeking relief from Section 5.36 b) i) Sleeping Cabins-Wards 5 and 6, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, that stipulates the maximum Total Floor Area of each sleeping cabin, including the floor area of any basement, does not exceed 40 square metres (430.6 square feet).

The purpose of the proposed application is to permit a variance of 34 square metres (366 square feet) to allow for the construction of a new sleeping cabin, on this 0.63 hectare (1.55 acre) parcel of land. The effect of the variance would be a sleeping cabin being 74 square metres (797 square feet) in size, having a front yard setback of 26.5 metres (87 feet).

The applicant has stated that the request for the larger sleeping cabin is because the owners cannot extend the existing cottage, due to its proximity to the shoreline.

A01-20 MINOR VARIANCE SUMMARY			
	Permitted Floor Area	Proposed Floor Area	Variance
Sleeping Cabin	40 m ² (430.6 ft ²)	74 m ² (797 ft ²)	34 m ² (366 ft ²)

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

PLANNING INFORMATION

Official Plan Neighbourhood: Blackstone Lake
Zoning: Inland Lakes Residential (IR)
Existing & Neighbouring Uses: Residential
Property Size: 0.63 ha (1.55 ac)
Access: Water Access

ANALYSIS

Property Characteristics

Staff inspected the property on February 11, 2020. The property is located on the eastern side of Oriole Island in Blackstone Lake. The existing cottage is located along the shoreline, and was recently expanded to incorporate an existing sleeping cabin via a minor variance (A02-18) in 2018. Other than the area cleared around the existing development, the property is well treed, with a mature pine and hemlock forest.

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 an area of 74 m² (797 ft²), the subject property has an area of 0.63 ha (1.55 ac) and a frontage, per the definition of the Zoning By-law, of approximately 100 m (330 ft). The area and frontage of the property appears to be below the average size of properties on Blackstone Lake.

b) a demonstrated need for the regulation change;

The applicant has stated that the request for the larger sleeping cabin is because the owners cannot extend the existing cottage, due to its proximity to the shoreline. The size of the existing main cottage, which was recently expanded in 2018 by way of minor variance, is 135 m² (1456.4 ft²). Further, the owners would be permitted to build an additional sleeping cabin, as opposed to a single sleeping cabin.

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 its 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 will be at the rear of the property, at the height of the island; however, due to the existing tree coverage, it 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;

The proposed sleeping cabin is to be located behind existing vegetation, well setback from the water.

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 is proposed with two bedrooms, each being approximately 18 m² (192 ft²) in area, a living area, being approximately 22.3 m² (240 ft²), a washroom, being approximately 7.5 m² (80 ft²) and a covered porch, being approximately 9 m² (96 ft²).

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'.

A site plan and building plans were provided outlining the location and layout of the proposed development.

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. However, the minimal size of the property compared to the significant size of the proposed sleeping cabin would result in a structure that would not be considered subordinate and accessory to the main use. Further, the applicant has not clearly demonstrated a need for one, single, larger sleeping cabin. In conclusion, the considerable size and lack of need for the proposed sleeping cabin would not appear to conform with the overall intent of the relevant policies of the Official Plan.

ii) Zoning By-law

The subject property is located within the 'Inland/Lakes Residential (IR)' Zone of Comprehensive Zoning By-law No. A2000-07, as amended. Section 5.36 b) i) of the Zoning By-law restricts sleeping cabins to a maximum total floor area of 40 square metres (431 ft²). The intent of limiting the size of the sleeping cabins is to ensure they remain accessory and definitely subordinate to the main dwelling on the property.

Conclusion

Due to the size of the proposed sleeping cabin, the proposed variance does not appear 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 guests and visitors, who will continue to rely entirely on the primary cottage dwelling. The proposal would result in one larger sleeping cabin that does not appear to reflect and be in harmony with the traditional development patterns. As a result, the proposal does not appear 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 40 square metres (431 ft²). The applicants are proposing a 74 m² (800 ft²) sleeping cabin, requiring a variance of 34 m² (366 ft²). This represents an increase of 85 percent. The proposed sleeping cabin would contain two full sized bedrooms, a washroom and larger living area, resulting in a building considerably larger than what is permitted and would result in a sleeping cabin that is no longer clearly subordinate and accessory to the main use.

Conclusion

The proposed variance does not appear to be minor in nature.

Correspondence

One letter of support (attached as appendix B) was received.

CONCLUSIONS – MINOR VARIANCE

- 1) The requested variance does not appear to be minor in nature.
- 2) The requested variance does not appear to allow for appropriate development.
- 3) The requested variance does not appear to maintain the intent of Comprehensive Zoning By-law A2000-07, as amended.
- 4) The requested variance does not 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 & SKETCHES

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 OF THE ARCHIPELAGO
Print Form
JAN 14 2020
 PLANNING
 BUILDING

OFFICE USE ONLY			
Date Received _____	Complete Application	<input type="checkbox"/> Yes <input type="checkbox"/> No	Application No. _____
Date Accepted _____	Applicable Fee Paid	<input type="checkbox"/> Yes <input type="checkbox"/> No	

A01-20.

1. Applicant / Agent Information

Name of Applicant / Agent
Toby Scott
Address

City Seguin Province / State ON Postal / Zip Code _____
Home Phone No. _____ Business Phone No. _____ email _____

2. Owner(s) Information

Name of Owner(s)
Kevin Crigger
Address

City _____ Province / State ON 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?

maximum area of sleeping cabin
What is the nature and extent of the relief being sought?

exceed maximum 260 sq. ft.
Why is it not possible to comply with the provisions of the Zoning By-law?

cannot extend existing cottage due to proximity to shore

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

Assessment Roll Number 4905-490509000302709 Lot _____ 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) _____ Frontage (metres) _____ Hectares _____

5. Land Use and Zoning

What was the date of acquisition of the subject land? May 23, 2017

What are the existing uses of the subject land? Seasonal/recreational dwelling - first tier on water

How long have the existing uses been carried out on the subject land? May 23, 2017

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

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

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

What is the current zoning of the subject land? 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
Main cottage	updated 2018	1	107.4	107.4	3.5m from side			
Deck	2018	1	327		16m			
Shed		1	10		8.8m			
Main Cottage	Updated 2018	1	133		3.5m (from rear)			
Deck	2018	1	31		16m			
Shed	unknown	1	10		8.8m			

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
Sleeping Cabin (including covered porch)	1	74	74	26.5			
Sleeping Cabin	1						

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.

Anglers Inn - marina - approx 5km

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 December, 2019

I, Toby Scott of the Township _____ in the

County/District/Regional Municipality of Segeju 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 December, 2019.

Maryann Weaver
A Commissioner of Oaths

Toby Scott
Signature of Owner or authorized Applicant / Agent

Maryann Weaver, Clerk
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, Kevin Crigger, 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 December 13, 2019 Signature of Owner *Kevin Crigger*
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, Kevin Crigger, 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 *Toby Scott* 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 December 13, 2019 Signature of Owner *Kevin Crigger*
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, *Kevin Crigger*, 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 December 13, 2019 Signature of Owner *Kevin Crigger*
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____

EXISTING
DECK
350 SQFT +/-



EXISTING
COTTAGE
1420 SQFT +/-

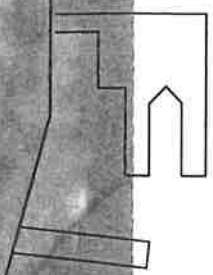


84'-0"

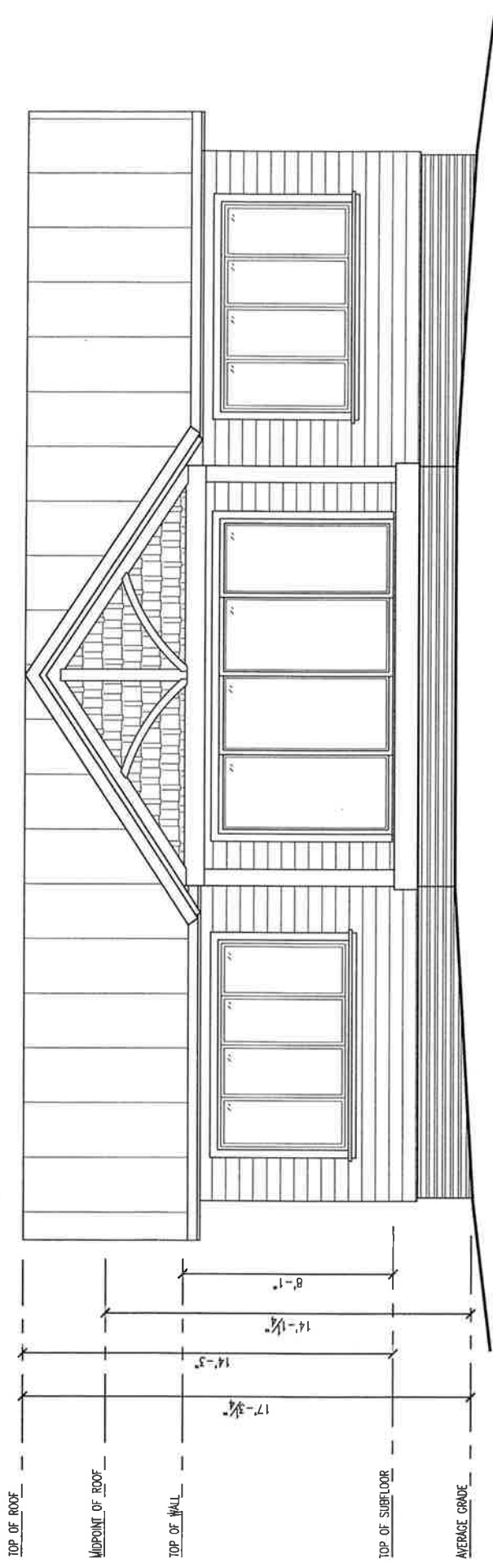


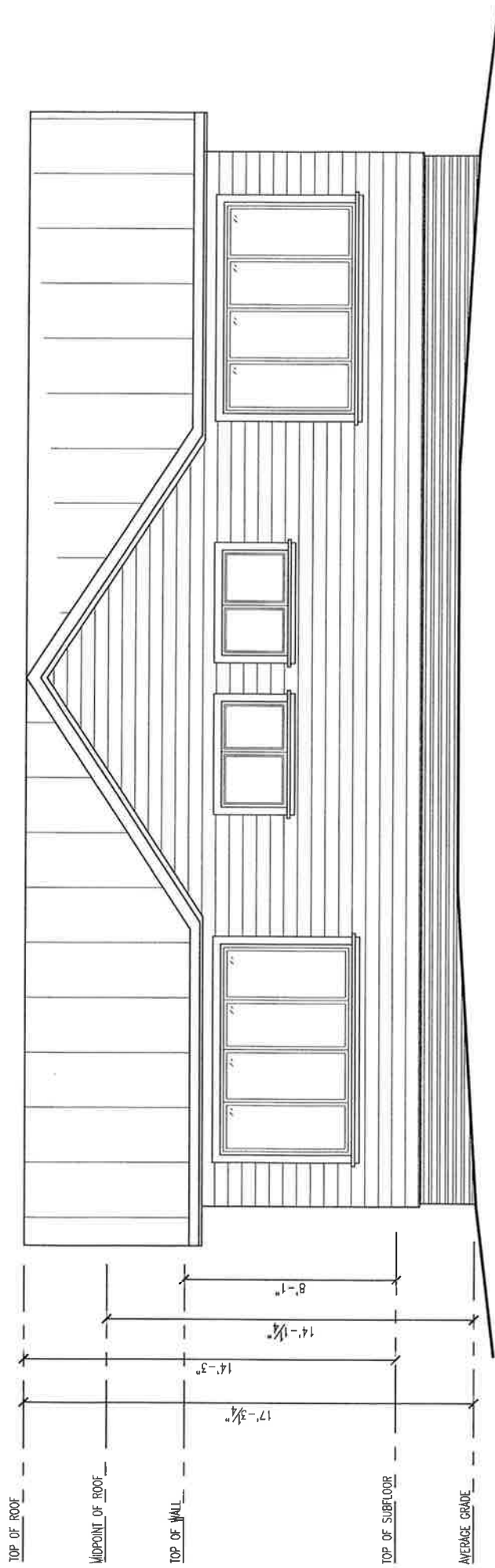
87'-0"

EXISTING
SEPTIC



49





APPENDIX 'B'
CORRESPONDENCE

Subject: Application A02-18 (48 Blackstone Lake Water)

From: Andrew Ness < >

Date: 6/8/2020, 5:35 PM

To: chenderson@thearchipelago.on.ca

With reference to:

CRIGGER/YOUSEFI APPLICATION: A02-18 PROPERTY: Part of Oriole Island in Blackstone Lake, being Part 1 on Plan PSR-981, designated as Parcel 12503 PSSS, in the geographic Township of Conger
CIVIC ADDRESS: 48 Blackstone Lake Water

I am aware of the application for variance and have no issue with it. New cabin location would be well situated on the property and does not in my opinion feel at odds with the general feel of the lake or other neighbouring properties.

Regards

Andrew Ness
100 Blackstone Lake Water

Andrew Ness Construction Mgt Inc

(



TO: Chair Frost and Members of the Committee of Adjustment
FROM: Cale Henderson, Manager of Development & Environmental Services
DATE: June 18, 2020
RE: Minor Variance Application No. A03-20 (BARKS, Cecelia & Jeff)
LOCATION: 1 – B686 Island
Part of Island B686 (Derbyshire Island), being Lot 3 on Plan M-150, Part Block B, LOC CL8997, including Part 1 on Plan 42R-13813 and Part 1 on Plan 42R-14520, in front of the geographic Township of Cowper

RECOMMENDATION

Staff recommends that Application No. A03-20 be approved.

PROPOSAL

The applicant is seeking relief from Section 6.1.3 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 1.0 metre (3.3 feet) from the Minimum Side Yard Setback. The effect of the proposed variance would be to allow the construction of a 35.7 square metre (384 square feet), 2-bedroom addition to the existing 99.2 square metre (1068 square feet) main cottage, that would be situated 5.0 metres (16.4 feet) from the side lot line.

The owners are proposing to build the addition at the back of the existing cottage, away from the water and away from the nearest neighbour.

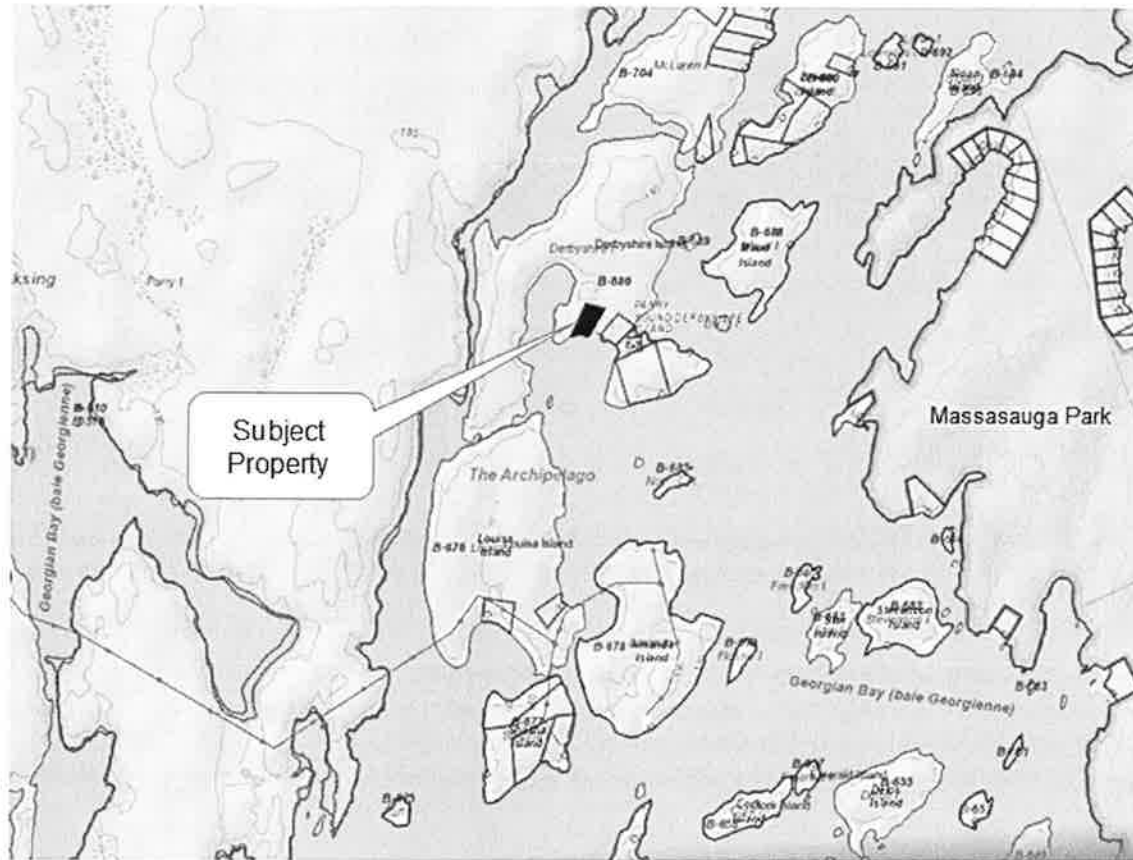
	Required	Proposed	Variance
Side Yard Setback	6.0 metres (20 feet)	5.0 metres (16.4 feet)	1.0 metres (3.3 feet)

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:	Five Mile Bay
By-law No. A2000-07:	Coastal/Island Residential (CR)
Existing Uses:	Residential
Property Size:	0.48 ha (1.19 ac)
Frontage:	55 m (180 ft)
Access:	Water

LOCATION MAP



ANALYSIS

Property Characteristics

Staff inspected the subject property in the fall. The subject property is located on Derbyshire Island in the far western end of the Five Mile Bay Neighbourhood. The property is tucked in a small bay, immediately off the main channel. The property is 0.48 ha (1.19 ac) in size, which is the typical area for a property within the Five Mile Bay Neighbourhood. The property currently contains a 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 west side of the existing cottage. Although the distance from the side lot line is reduced to 5.0 metres (16.4 feet), there is some tree coverage between the cottage and the lands to the west. Further, the lands to the west of the subject property are Crown land, and there will be no impacts to privacy or aesthetics.

Conclusion

The variance from the side yard setback will have a minimal impact on the aesthetics of the area, and will have no impacts on the surrounding 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 Coastal/Island Residential (CR) Zone of Comprehensive Zoning By-law No. A2000-07, as amended. The proposed addition, other than the proposed setback of 5.0 metres (16.4 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 west are Crown land and there will be no significant impacts due to the reduced side yard setback.

24

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 35.7 square metre (384 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, and the adjacent lands being undeveloped Crown lands, 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

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

MAR 09 2011
 PLANNING
 BUILDING

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 Yes No Application No. _____
Date Accepted _____ Applicable Fee Paid Yes No

1. Applicant / Agent Information

Name of Applicant / Agent

Cecelia & Jeff Barks

Address _____

City _____ Province / State _____ Postal / Zip Code _____

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

2. Owner(s) Information

Name of Owner(s)

Cecelia & Jeff Barks

as above

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?

6.1.3 f) - Side yard setback.

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

Proposing a 5m setback.

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

We require 1 metre from abutting crown land to meet requirements of 6 metres for a 2 bedroom addition to our cottage.

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

Assessment Roll Number 4905- 100 006 04804 Lot B086 Concession _____ Island No. 686

Registered Plan of Subdivision No. (if any) Plan No. M- 150 Lot No. 3

Reference Plan No. (if any) Plan No. 42R- 13813 Part No. _____

Parcel No. B566PSSS Other Description Derbyshire Island - Georgian Bay

Dimensions of Subject Property:

Depth (metres) 95.4 88.32 Frontage (metres) 53.95 Hectares 1.19 acres

5. Land Use and Zoning

What was the date of acquisition of the subject land? 1957

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

How long have the existing uses been carried out on the subject land? Since 1957

What are the proposed uses of the subject land? to add a 2-bedrm addition to the existing cottage

What are the existing uses of abutting properties? west-crown land east-cottage neighbour

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

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

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

EXISTING - List all existing buildings and structures					DISTANCE FROM LOT LINES (metres)			
Building / Structure Type	Date of Construction	# of Storeys / Height	Ground Floor Area (m ²)	Total Floor Area (m ²)	Front	Rear	Side	Side
Cottage	1958	1 storey	157 m ²	157 m ²	9.75 m	75 m	6 m	35 m
Shed	1983	1 storey	7.4 m ²	7.4 m ²	9.75 m	79 m	35 m	30 m
Sleeping Cabin	1970	1 storey	39 m ²	39 m ²	5 m	68.5 m	30 m	20 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
2 bedrm addition	1 storey	39 m ²	39 m ²	attached to back	71 m	5.5 m	35 m
		35.7 m 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
 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.

local marina

JB

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 4th day of Feb, 2020

I, Cecelia O'Callaghan-Barber of the Township of McDougall 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 4th day of Feb, 2020

[Signature]
A Commissioner of Oaths

[Signature]
Signature of Owner or authorized Applicant / Agent

Cale Henderson, a Commissioner,
etc., District of Parry Sound, for
The Archipelago Area Planning Board
and 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, _____, 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, Cecelia and Jeff Barks, 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.

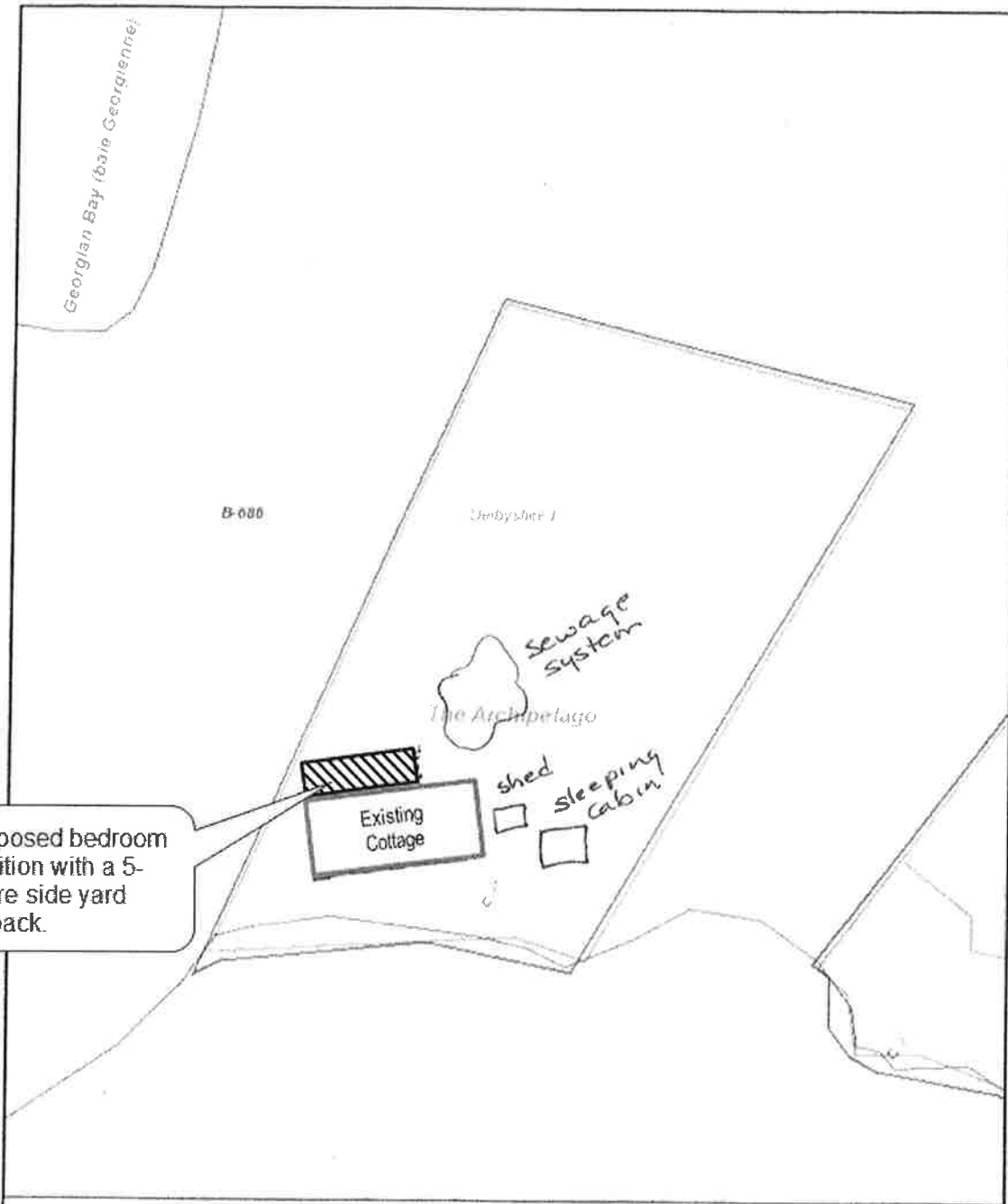
Date Feb 4/20 Signature of Owner [Signature]

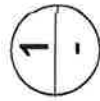
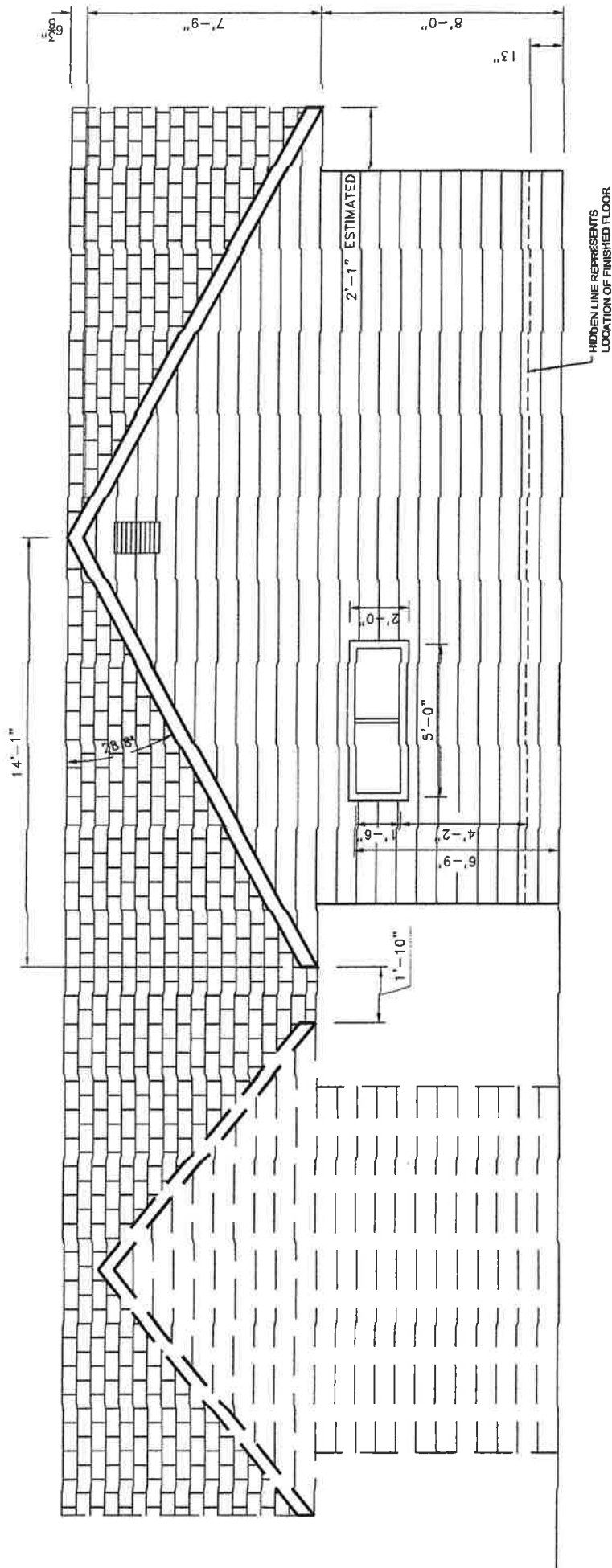
Date Feb 4/20 Signature of Owner [Signature]

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
Jane Nawroth, Assistant Secretary-Treasurer

DATE: June 18, 2020

RE: Minor Variance Application No. A04-20 (ROBINSON, Julianne and Paul)

LOCATION: 12 Woods Bay Lane
Part Lot 41, Concession 3, being Part 7 on Plan PSR-102
including Part 11 on Plan 42R-8110
in the Geographic Township of Conger

RECOMMENDATION

Staff recommends that Application No. A04-20 be approved.

PROPOSAL

The applicant is seeking relief from Section 6.1.3 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 3.0 metres (10 feet) from the Minimum Side Yard Setback. The effect of the proposed variance would be to allow the construction of a 42.6 square metre (459 square feet) garage, which would have a side yard setback of 3.0 metres (10 feet).

The owners have stated that they are removing an existing 9 square metre (96.9 square feet) shed on a flat area of the property, to make room for the placement of the garage. They cannot increase the side yard setback due to rock outcroppings that would have to be removed or incorporated into the design of the building, at an additional expense.

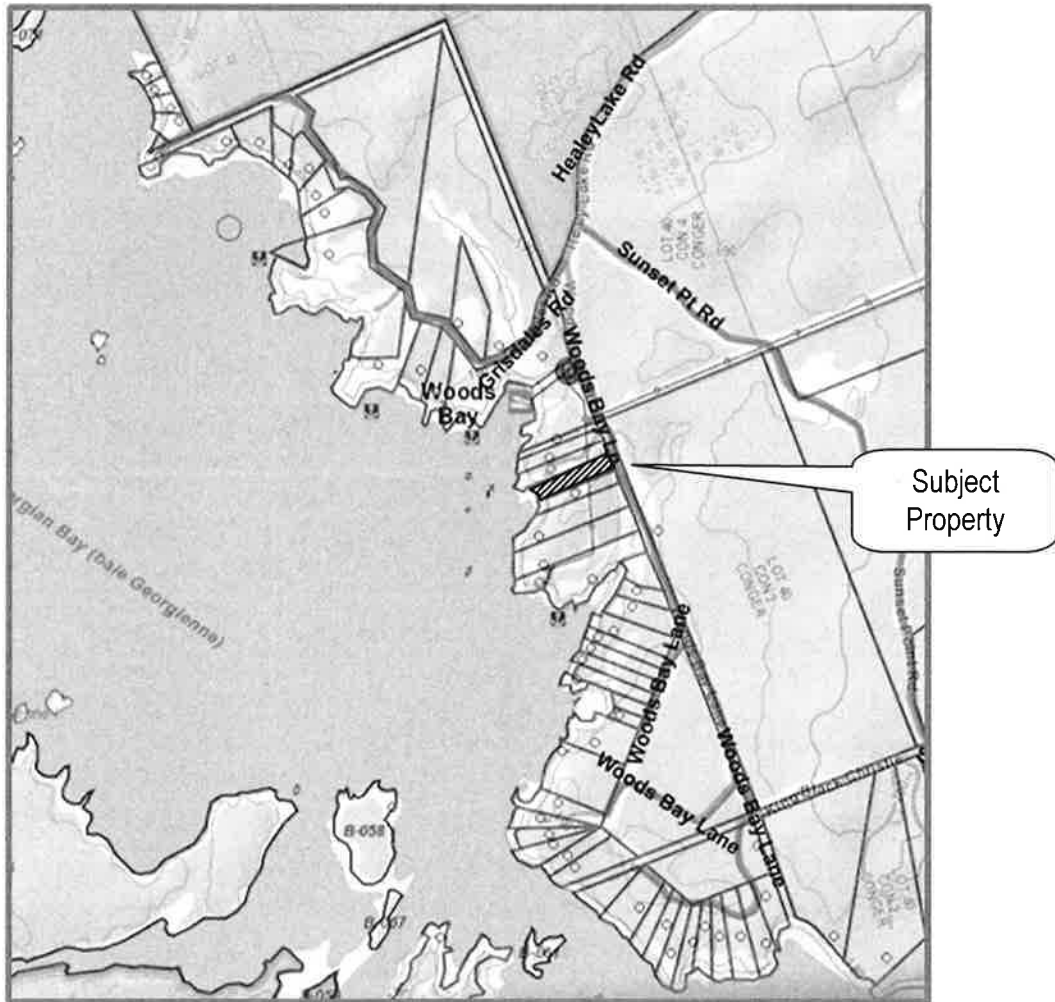
	Required	Proposed	Variance
Side Yard Setback	6.0 metres (20 feet)	3.0 metres (10 feet)	3.0 metres (10 feet)

A copy of the application, letters of support from the abutting neighbours, as well as a sketch, are attached as Appendix 'A' and Appendix 'B'.

PLANNING INFORMATION

Official Plan Neighbourhood:	Woods Bay
By-law No. A2000-07:	Coastal/Island Residential (CR)
Existing Uses:	Residential
Property Size:	0.72 hectares (1.98 acres)
Frontage:	40 metres (131 feet)
Access:	Healey Lake Road and Woods Bay Lane

LOCATION MAP



ANALYSIS

Property Characteristics

The subject property is located in Woods Bay, accessible by Woods Bay Lane. The development is situated in the front third of the lot, closer to the north side, and approximately 15 metres (49 feet) from the water's edge. The property contains a 117 square metre (1259

square feet) cottage, a 31 square metre (333.7 square feet) cabin, a 9 square metre (96.9 square feet) bunkie and a 9 square metre (96.9 square feet) shed.

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 garage is to be on the north side of the property, behind the existing cottage, and will not be visible from the water. Although the distance from the side lot line is reduced to 3.0 metres (10.0 feet), there is some tree cover between the garage on the subject lands and the cottage on the neighbouring property that will afford privacy. The neighbours abutting the property have submitted correspondence stating they have no issues with the construction of a garage on the subject property.

It appears that with the support of the neighbours, the garage 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 Coastal/Islands Residential (CR) Zone of Comprehensive Zoning By-law No. A2000-07, as amended. The proposed garage, other than proposed setback of 3.0 metres (10.0 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 garage is going to replace a small, existing workshop, and allow for additional storage space. As previously indicated, there is some tree cover between the properties. The closest neighbour's cottage faces away from the subject property to the water.

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 garage is to provide for boat storage and allow for more storage space. The size of the garage is approximately 42.6 square metres (459 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 development to the side lot line in relation to the development on the abutting property, the proposed garage does not appear to be impactful.

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

- The size of the garage and overall development is considered typical;
- Neighbouring properties will not be significantly impacted and support the proposal;
- The existing shed being removed was closer to the side lot line

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'
Letter and Application

Mr. & Mrs. J.P. Robinson



January 12, 2020

Committee of Adjustments
Township of the Archipelago
c/o Mr. Cale Henderson
9 James Street
Parry Sound ON P2A 1T4

Dear Committee Members,

As owner of the seasonal property located at 12 Woods Bay Lane, I am seeking the Committee's approval of our request for a minor variance. More particularly, my husband and I are seeking approval to replace an existing 10' x 10' workshop with a single storey 27' x 17' garage that will occupy approximately 460 square feet. Over the past 18 years, the existing workshop has grown too small for our needs, and we would also like to store our boat inside over the winter months.

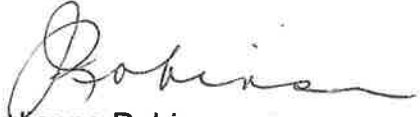
The shed is currently located on a small 100 square foot patch of land that is flat. To build a garage in the same general location with setback of 6 meters, however, would require negotiating around larger rock outcroppings that would have to be cut or built into wall and floor design at considerable additional time and expense. What we would prefer is to obtain the Committee's approval to locate the north side of the proposed garage within 3 meters of the lot line. We are working with architect John Stark who advises that the requested geographical location would be far preferable to other alternatives and would be aesthetically far more pleasing.

Accompanying this letter is the documentation we understand is required, including:

- a) application for a minor variance
- b) copy of the Transfer/Deed of land
- c) \$1,000 application fee payable to The Township of the Archipelago
- d) sworn affidavit supporting application
- e) location plan and site plan prepared by Stark Architects Inc.
- f) 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

We trust that this request is being presented in compliance with all application requirements for a minor variance. If there is anything further that may be required, please contact me at 416-248-0401 Or 416-464-6125. In the meantime, thank you for your consideration of our request.

Yours truly,

A handwritten signature in cursive script, appearing to read "Julianne Robinson".

Julianne Robinson
Owner, 12 Woods Bay Lane

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>February 20, 2020</u>	Complete Application	<input type="checkbox"/> Yes <input type="checkbox"/> No	Application No. <u>AD4-20</u>
Date Accepted _____	Applicable Fee Paid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

1. Applicant / Agent Information

Name of Applicant / Agent

JULIANNE ROBINSON

Address

City

Province / State

Postal / Zip Code

Home Phone No.

Business Phone No.

email

2. Owner(s) Information : COTTAGE

Name of Owner(s)

JULIANNE ROBINSON

Address

City

Province / State

Postal / Zip Code

Home Phone No.

Business Phone No.

em:

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 6.1.3

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

PLEASE SEE ENCLOSED LETTER

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

PLEASE SEE ENCLOSED LETTER

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

Assessment Roll Number 4905- 090-06-03334-0000 Lot 41 Concession 111 Island No. _____

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

Reference Plan No. (if any) Plan No. 42R - 8110 Part No. 11

Parcel No. _____ Other Description FORMERLY PLAN PSR-102

Dimensions of Subject Property:

Depth (metres) 181 Frontage (metres) 40 Hectares 0.72

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5. Land Use and Zoning

What was the date of acquisition of the subject land? MAY 27, 2002

What are the existing uses of the subject land? SEASONAL COTTAGE

How long have the existing uses been carried out on the subject land? WELL PRIOR TO MAY 27, 2002

What are the proposed uses of the subject land? REPLACING EXISTING SHED WITH GARAGE

What are the existing uses of abutting properties? YEAR-ROUND RESIDENTIAL

What is the current Official Plan designation of the subject land? COASTAL RESIDENTIAL (CR)

What is the current zoning of the subject land? RESIDENTIAL

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

EXISTING - List all existing buildings and structures					DISTANCE FROM LOT LINES (metres)			
Building / Structure Type	Date of Construction	# of Storeys / Height	Ground Floor Area (m ²)	Total Floor Area (m ²)	Front	Rear	Side	Side
COTTAGE	1960, 1998, 2017	1/5M	117m ²	117 220m ²	~15M	~153M	~3M	~25M
CABIN	1960, 1998	1/5M	31m ²	31 57m ²				
SHED	1998	1/5M	9m ²	9m ²				
BUNKIE	1998	1/5M	9m ²	9m ²				

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
GARAGE	1/5M	34m ²	34m ²	~25M	~148M	~3M	~25M
		42.6m 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
 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.

WOODS BAY LANE IS A PRIVATE ROAD ON TOWNSHIP LANDS, MAINTAINED BY LOCAL RESIDENTS WHO USE THE 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
- 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 12 day of February, 2020.

I, JULIANNE ROBINSON of the CITY OF TORONTO 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 _____ of _____ this 12 day of February, 2020.

[Signature]
A Commissioner of Oaths

[Signature]
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, JULIANNE ROBINSON, am/~~are~~ the owner(s) of the land that is the subject of this application and I/we authorize PAUL ROBINSON to make this application on my/our behalf.

Date FEBRUARY 7, 2020 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, JULIANNE ROBINSON, 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 PAUL ROBINSON 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 FEBRUARY 7, 2020 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, JULIANNE ROBINSON, 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 FEBRUARY 7, 2020 Signature of Owner 
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____

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APPENDIX 'B'
Sketch & Correspondence

Mr. & Mrs. Walter Brinston

November 15, 2019

Committee of Adjustments
Township of the Archipelago
9 James Street
Parry Sound ON P2A 1T4

Attention: Mr. Cale Henderson
Manager of Development & Environmental Services

Dear Committee Members,

We are the immediate neighbours to the south of Paul and Julianne Robinson whom we have known for the past seventeen years. They have informed us that they are considering removing a shed on the north side of their cottage property and would like to build a garage to accommodate a larger workshop and to house their boat over the winter. They have provided us with a copy of a site plan sketch prepared by architect John Stark, which we understand will be part of their application to the Committee. The addition will be located on their property and will not impact enjoyment of ours.

We are writing to express our support for their improvement plans. We have been good neighbours and friends since the Robinsons acquired their cottage in 2002. Based on prior experience, we are confident that the construction of a new garage will be done to the highest standards available.

I trust this letter confirms our support for the Robinsons' garage project. If the Committee or staff has any questions, please call us at

Yours truly,



Walter & Karen Brinston
Owners, 14 Woods Bay Lane

Mrs. Luann Ferreira

November 15, 2019

Committee of Adjustments
Township of the Archipelago
9 James Street
Parry Sound ON P2A 1T4

Attention: Mr. Cale Henderson
Manager of Development & Environmental Services

Dear Committee Members,

I am the neighbour to the immediate north of Paul and Julianne Robinson whom I have known for the past seventeen years. They have informed me that they are considering removing a shed on the north side of their cottage property and would like to build a garage to accommodate a larger workshop and to house their boat over the winter. They have provided me with a copy of a site plan sketch prepared by architect John Stark, which I understand will be part of their application to the Committee. The addition will be located on the Robinson property and will have not impact enjoyment of mine.

I am writing to express my support for their improvement plans. We have been good neighbours and friends since the Robinsons acquired their cottage in 2002. Based on prior experience, we are confident that the construction of a new garage will be done to the highest standards available.

I trust this letter confirms our support for the Robinsons' garage project. If the Committee has any questions, please call me at _____ ore March or _____ later.

Yours truly,



Luann Ferreira
Owner, 10 Woods Bay Lane

