



A G E N D A
for the
COMMITTEE OF ADJUSTMENT

Friday, July 16th, 2021

11:00 a.m.

at

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

1. **MEETING CALLED TO ORDER**

2. **APPROVAL OF AGENDA**

21-07-ADJ-

NOW THEREFORE BE IT RESOLVED that the agenda for the Friday, July 16th, 2021, Committee of Adjustment hearing be approved.

3. **DISCLOSURE OF CONFLICT OF INTEREST**

4. **ADOPTION OF MINUTES**

21-07-ADJ-

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment hearing held on June 18th, 2021, be approved as circulated.

Pages: 1 – 3

5. **DELEGATIONS**

Nil

6. HEARING OF APPLICATIONS

- i) **HANSEN YOUNGER, Ingrid – Application No. A12-21**
Concession 9, Part Lot 33, being Part 34 on Plan PSR-1364 and Part 1 on Plan 42R-20778, designated as Parcel 15738 PSSS,
in the Geographic Township of Shawanaga

CIVIC ADDRESS: 55 Tamarack Drive, The Archipelago

Pages: 4 - 15

PURPOSE AND EFFECT OF THE APPLICATION:

The owner is seeking relief from Section 5.22 c) i) i.ii. Non-Complying Buildings and Structures, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the enlargement or extension of a legal non-complying main dwelling that does not comply with the side yard requirements may be permitted, provided the expansion or extension does not exceed 50% of the total ground floor area, and the addition does not exceed 50% of the length of the encroaching side wall, of the main dwelling.

The purpose of the proposed application is to allow a variance of 53.52 square metres (576.1 square feet) over the maximum allowable total ground floor area of 107 square metres (1152 square feet), and a variance of 2.1 metres (6.9 feet) over the maximum allowable extension of the easterly wall length of 3.66 metres (12 feet), while maintaining the existing 1.3 metre (4.3 feet) side yard setback.

The effect of the proposed variance would be the construction of the 89.2 square metre (960.2 square feet) addition onto the legally, non-complying main dwelling, resulting in a main dwelling being 160.55 square metres (1728.2 square feet) in size, having an easterly wall being 13 metres (42.75 feet) in length.

7. CORRESPONDENCE

Nil

8. UNFINISHED BUSINESS

Nil

9. **ADMINISTRATION**

Nil

10. **ADJOURNMENT**

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment hearing of Friday, July 16th, 2021, be discontinued at _____

MINUTES
of the
COMMITTEE OF ADJUSTMENT HEARING
for the
TOWNSHIP OF THE ARCHIPELAGO
held on
Friday, June 18, 2021
at
The Township of The Archipelago's Council Chamber
Via Zoom – 9 James Street, Parry Sound, ON P2A 1T4

MEMBERS PRESENT:

P. Frost – Chair
L. Emery
E. Manners
D. Ashley
A. Barton
B. Liverance
I. Mead
G. Walker

STAFF PRESENT:

C. Henderson, Secretary-Treasurer
J. Nawroth, Assistant Secretary-Treasurer
A. Torresan, Executive Assistant

APOLOGIES:

G. Andrews
S. Sheard

1. Meeting Called to Order

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

2. Approval of Agenda

Resolution 21-06-ADJ-01

Moved by G. Walker
Seconded by B. Liverance

NOW THEREFORE BE IT RESOLVED that the agenda for the June 18th, 2021 Committee of Adjustment hearing be approved as circulated.

Disposition Carried

3. Disclosure of Conflict of Interest

NIL

4. Adoption of Minutes

i) Resolution 21-06-ADJ-02

Moved by E. Manners
Seconded by L. Emery

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment hearing held on May 20th, 2021 be approved as circulated.

Disposition Carried

ii) Resolution 21-06-ADJ-03

Moved by L. Emery
Seconded by I. Mead

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment hearing held on May 21st, 2021 be approved as circulated.

Disposition Carried

5. Delegations

NIL

6. Hearing of Minor Variance Applications

- i) **HALL, Clayton & Anne – Application No. A11-21**
Concession 9, Part Lot 1, being Summer Resort Location CT118, designated as Parts 1, 2 and 3 on Plan 42R-8462, in front of the geographic Township of Cowper

CIVIC ADDRESS: 3 Georgian Bay Water, The Archipelago

PURPOSE AND EFFECT OF THE APPLICATION:

The applicant is seeking relief from Section 6.1.3 h) Maximum Height, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the maximum height for a residential dwelling located in Ward 4, is 6 metres (19.7 feet).

The purpose of this application is to grant relief from Section 6.1.3 h), resulting in a variance of 1.0 metre (3.3 feet). The effect of the proposed variance would be to allow the 299 square metre (3219 square feet) main dwelling to remain, having

a maximum height of 7.0 metres (23.0 feet).

The owners have stated that the original design was to incorporate window wells, which impacted the calculation of total height for the building. Once construction was near completion, the owners realized they would rather not include the window wells in the design of the dwelling.

Cale Henderson; Secretary Treasurer, explained the nature of the application. The owners, Clayton and Anne Hall attended in support of the application.

Resolution 21-06-ADJ-04

Moved by A. Barton
Seconded by D. Ashley

Now Therefore Be It Resolved that Application No. A11-21, to allow for the 299 square metre (3219 square feet) main dwelling to remain, having a maximum height of 7.0 metres (23.0 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 June 18th, 2021, be discontinued at 1:26 p.m.

CHAIR

DATE

SECRETARY-TREASURER

DATE



TO: Chair Frost and Members of the Committee of Adjustment

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

DATE: July 16th, 2021

RE: Minor Variance Application A12-21 (Ingrid Hansen Younger)

LOCATION: **Skerryvore – 55 Tamarack Drive**
Concession 9, Part Lot 33, being Part 34 on Plan PSR-1364 and Part 1 on Plan 42R-20778, designated as Parcel 15738 PSSS, in the geographic Township of Shawanaga

RECOMMENDATION

Staff recommends that Application No. A12-21 be approved.

PROPOSAL

The owner is seeking relief from Section 5.22 c) i) i.ii. Non-Complying Buildings and Structures, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the enlargement or extension of a legal non-complying main dwelling that does not comply with the side yard requirements may be permitted, provided the expansion or extension does not exceed 50% of the total ground floor area, and the addition does not exceed 50% of the length of the encroaching side wall, of the main dwelling.

The purpose of the proposed application is to allow a variance of 53.52 square metres (576.1 square feet) over the maximum allowable total ground floor area of 107 square metres (1152 square feet), and a variance of 2.1 metres (6.9 feet) over the maximum allowable extension of the easterly wall length of 3.66 metres (12 feet), while maintaining the existing 1.3 metre (4.3 feet) side yard setback.

The effect of the proposed variance would be the construction of the 89.2 square metre (960.2 square feet) addition onto the legally, non-complying main dwelling, resulting in a main dwelling being 160.55 square metres (1728.2 square feet) in size, having an easterly wall being 13 metres (42.75 feet) in length.

The owner has stated that the dwelling was built in 1971 prior to the formation of The Archipelago, and most of the addition will meet the current 6 metre (20 feet) side yard setback.

A12-21 MINOR VARIANCE SUMMARY			
Addition	Permitted Expansion	Proposed Expansion	Variance
Ground Floor Area	35.7 m ² (384 ft ²)	89.2 m ² (960 ft ²)	53.52 m ² (576 ft ²)
Wall Length	3.66 m (12 ft)	5.76 m (18.75 ft)	2.1 m (6.9 ft)

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

PLANNING INFORMATION

Official Plan Neighbourhood: Skerryvore
Zoning: Coastal/Island Residential (CR)
Neighbouring Uses: Residential & Natural State (NS)
Property Size: 0.57 ha (1.41 ac)
Access: Tamarack Drive

ANALYSIS

Property Characteristics

Staff inspected the property on July 9, 2021. The property is located within the Skerryvore Neighbourhood and is accessed via a municipally maintained road, Tamarack Drive. The property is typical for the Skerryvore Community in both size and frontage. The property is developed with an existing modest cottage, constructed in 1971, prior to the formation of the Township of The Archipelago. The shoreline area is low lying and was previously partially cleared. The rear of the property is well treed, with a mix of vegetation.

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 is on the western end of the building, away of the existing encroachment, which is on the eastern end of the building. The proposed addition will maintain a minimum side yard setback of 6 m (19.7 ft). As a result, the increase in floor area and wall length will not impact the aesthetics or privacy of the southern neighbour. Furthermore, the existing vegetation (cedar hedge along the property line appears to provide for adequate screening and privacy.

Conclusion

The proposed enlargement of ground floor area and wall length 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. Section 5.22 c) i) of the Zoning By-law has been drafted to provide some flexibility with the expansion of legal non-complying main dwellings, while ensuring those expansions do not significantly intensify the impacts of existing encroachments or allow for an increase in the level of encroachment.

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

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

i) does not exceed 50% of the total ground floor area of the main dwelling;

The existing cottage is modest in size, being 71.35 square metres (768 ft²) in area. The applicant is proposing to expand the total ground floor area by 125%. Due to the size of the existing cottage and the regulations, the applicants are limited as to the extent of any enlargements. No part of the addition will encroach into the side yard setback and will not intensify the impact of the existing encroachment.

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

ii) if the addition is proposed in the front or side yard, the addition can be up to a maximum 50% of the length of the front or side wall, depending on the yard of encroachment;

The encroaching wall has an existing length of 7.3 m (12 ft) and they are proposing to extend it by 5.75 m (18.75 ft) or 78%. As stated, due to the angle of the cottage and addition, the entire expansion will comply with the current minimum front yard setback of 6 m (19.7 ft) and will not significantly increase any impacts on the adjacent property.

Conclusion

As no portion of the floor area or wall length of the proposed enlargement encroaches into the side yard setback and does not create any impact, the proposed variance appears to comply with the Comprehensive Zoning By-law.

iii) Desirable for Appropriate Development

The proposed addition will allow for a modest expansion that 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 increase in wall length is minimal. The proposed increase in floor area is 53.52 m² (576 ft²) larger than what is permitted, which could be considered substantial; however, due to the addition complying with the current 6 m (19.7 ft) side yard setback and being adequately screened from the adjacent property, the proposed variance to increase the ground floor appears to be minor in nature.

Additional Comments:

Upon completion of the site visit, it was identified that the proposed addition will potentially be located within the Georgian Bay floodplain. This would not be permitted and does not form part of the variance. Confirmation was requested from the owners and is still pending. Furthermore, should the application be approved, a septic review is required as part of the Building Permit.

CONCLUSIONS – MINOR VARIANCE

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

Respectfully submitted,



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

**APPENDIX 'A'
APPLICATION
&
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

OFFICE USE ONLY			
Date Received	<u>June 18/21</u>	Complete Application	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date Accepted		Applicable Fee Paid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		Application No. <u>A12-21</u>	
		<u>June 21/21</u>	

1. Applicant / Agent Information

Name of Applicant / Agent

Ingrid Hansen Younger

Address

55 Tamarack Drive

City

Province / State ON

Postal / Zip Code

Home Phone No.

Business Phone No.

email

2. Owner(s) Information

Name of Owner(s)

Ingrid Hansen Younger

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?

Section 5.22 c) Non-Complying Buildings and Structures i) Horizontal Extension Permitted

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

Minimum side yard setback on the very Northeast Corner of current dwelling does not meet 6m or more

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

Dwelling was originally built in 1971 when there were no By-laws at that current time. More than half the current dwelling on that side yard and the entire addition will meet the current 6m setback By-law.

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

Assessment Roll Number 4905-180 001 183 00 0000 Lot 33 Concession 9 Island No. N/A

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

Reference Plan No. (if any) Plan No. 42R - 20778 Part No. 34

Parcel No. Other Description PSR 1364 42R20778

Dimensions of Subject Property:

Depth (metres) 109 Frontage (metres) 42 Hectares (0.23)/24,662 sq/ft

5. Land Use and Zoning

What was the date of acquisition of the subject land? 2007

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

How long have the existing uses been carried out on the subject land? 50 Years

What are the proposed uses of the subject land? All Season Cottage

What are the existing uses of abutting properties? Residential and Hydro Lot

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

What is the current zoning of the subject land? CR (COASTAL 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
Existing Cottage Dwelling	1971	1	71.35	71.35	23.3	68.9	1.3	11.4
Pump House	1971	1	9.29	9.29	14.1	78.1	6	16.76

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
Addition to Cottage Dwelling	1	89.2	89.2	15.5	68	1.3	8.2

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.

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 TOWNSHIP OF THE ARCHIPELAGO this 10 day of JUNE, 2021

I, INGRID HANSEN YOUNGER of the 55 TAMMACK DR, SHENYVORE, ON in the

County/District/Regional Municipality of SHAWANAGA 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 _____ of _____

in the _____ of _____ this ____ day of _____, 20____.

A Commissioner of Oaths

Ingrid Hansen Younger
Signature of Owner or authorized Applicant / Agent

11. **Authorizations**

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

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

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

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

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

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

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

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

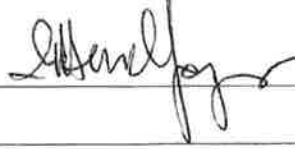
Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

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

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

I/We, INGRIS HANSEN YOUNGER, 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 JUNE 10/2021 Signature of Owner 

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

SITE PLAN GENERAL NOTES

- 1 CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UTILITIES
- 2 PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING
- 3 FINAL GRADE TO CONVEY SURFACE DRAINAGE TOWARD ROCK CHANNELS AND DISPERSION TRENCHES
- 4 AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED TO REMOVE TREES, VEGETATION, ROOTS AND OTHER OBJECTIONABLE MATERIAL AND STRIPPED OF TOPSOIL
- 5 PLACE FILL ON SLOPES WITH A GRADIENT STEEPER THAN 3:1 IN LIFTS NOT TO EXCEED 8 INCHES, AND MAKE SURE EACH LIFT IS PROPERLY COMPACTED
- 6 WATER SUPPLY PIPING FOR YEAR ROUND USE SHALL BE PROTECTED FROM FREEZING BY A MINIMUM OF 48" OF EARTH COVERING OR INTERNAL HEATLINE
- 7 CONTRACTOR IS RESPONSIBLE FOR INSTALLATION AND MANAGEMENT OF EROSION CONTROL MEASURES INCLUDING FIBER ROLLS AND ANY OTHER MEASURE DEEMED NECESSARY TO PREVENT SEDIMENT FROM LEAVING THE SITE
- 8 CONTRACTOR TO MINIMIZE EXPOSURE TIME OF DISTURBED SOIL AREAS BY PHASED CONSTRUCTION ACTIVITIES AND STABILIZING THE SOILS PROMPTLY
- 9 ALL DISTURBED AREAS WILL BE REVEGETATED WITH NATIVE PLANT SPECIES



HARMONY
Design and Renovation

THESE DRAWINGS MUST BE SIGNED TO BE VALID FOR PERMIT.

THEY ARE ONLY VALID FOR THE ORIGINAL ADDRESS IN THE TITLE BLOCK.

CLIENT INFORMATION:
Ingrid Younger/Paul Klager
55 Tamarack Dr
The Archipelago ON
289-213-8282
ingrid@live.ca

SITE PLAN

DRAWINGS PROVIDED BY:
Harmony Design and Renovation
Carling Twp ON
1-888-2RENOVATE (888-273-6682)
info@harmonydesign.ca

DATE:

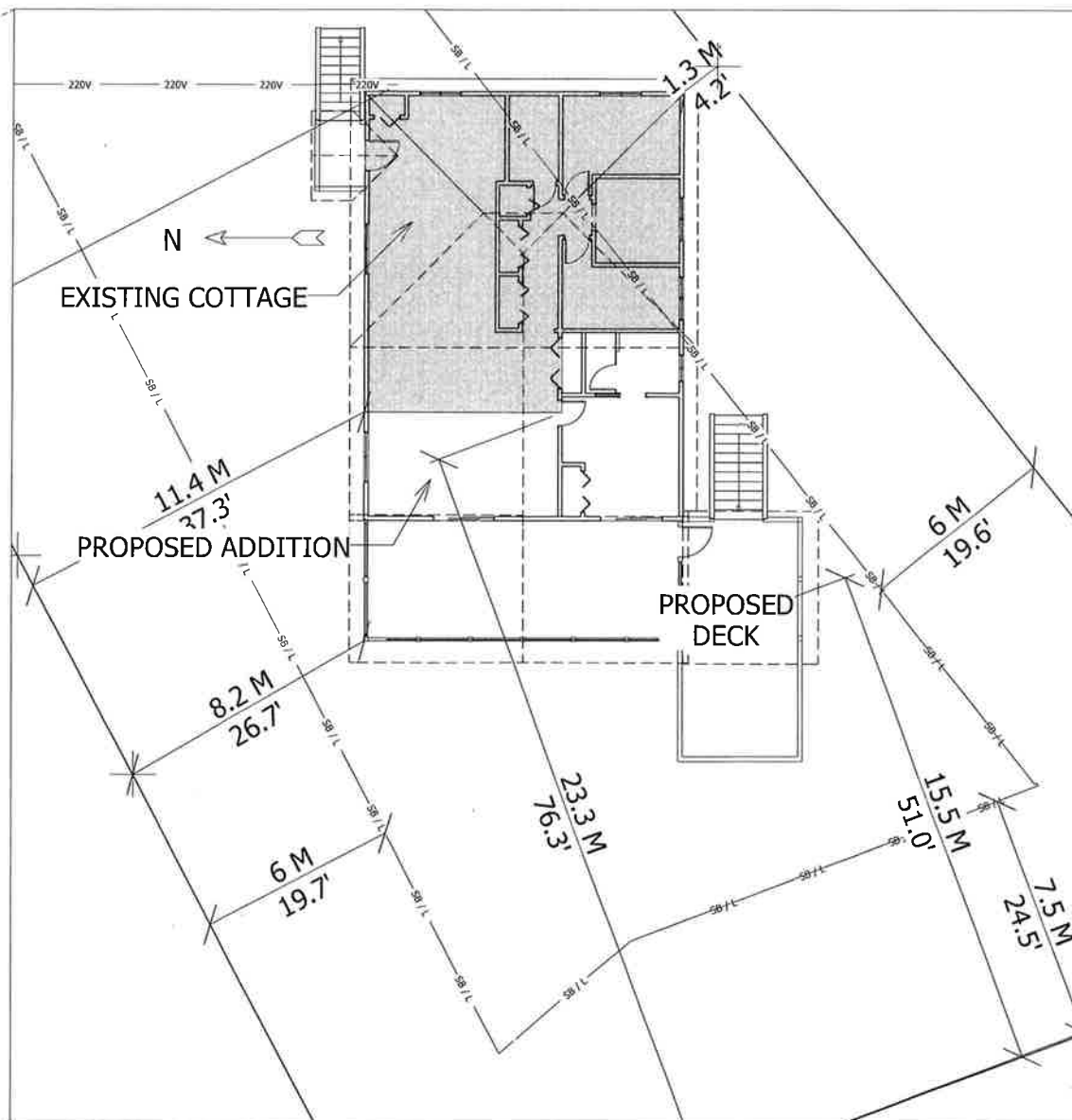
2021-06-10

SHEET:

A1.1

2 SITE PLAN DETAIL

1/8" Scale



VERIFY ALL DIMENSIONS.