



A G E N D A
for the
COMMITTEE OF ADJUSTMENT

Friday, June 18th, 2021

1:00 p.m.

at

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

1. **MEETING CALLED TO ORDER**

2. **APPROVAL OF AGENDA**

21-06-ADJ-

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

3. **DISCLOSURE OF CONFLICT OF INTEREST**

4. **ADOPTION OF MINUTES**

21-06-ADJ-

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment hearing held on January 22nd, 2021, be approved as circulated.

Pages: 1 – 6

21-06-ADJ-

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment hearing held on January 22nd, 2021, be approved as circulated.

Pages: 7 - 11

5. DELEGATIONS

Nil

6. HEARING OF 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 Conger

CIVIC ADDRESS: 3 Georgian Bay Water, The Archipelago

Pages: 12 - 33

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.

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, June 18th, 2021, be discontinued at _____ .

MINUTES
of the
COMMITTEE OF ADJUSTMENT HEARING
for the
TOWNSHIP OF THE ARCHIPELAGO
held on
Thursday, May 20, 2021
at
The Township of The Archipelago's Council Chamber
Via Zoom – 9 James Street, Parry Sound, ON P2A 1T4

MEMBERS PRESENT:

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

STAFF PRESENT:

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

APOLOGIES:

NIL

1. Meeting Called to Order

The meeting was called to order at 1:00 p.m.

2. Approval of Agenda

Resolution 21-05-20-ADJ-01

Moved by G. Walker
Seconded by B. Liverance

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

Disposition Carried

3. Disclosure of Conflict of Interest

NIL

4. Adoption of Minutes

Resolution 21-05-20-ADJ-02

Moved by L. Emery
Seconded by S. Sheard

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment meeting held on March 12th, 2021, be approved.

Disposition Carried

5. Delegations

Nil

6. Hearing of Minor Variance Applications

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

CIVIC ADDRESS: 1 A212 Island, The Archipelago

PURPOSE AND EFFECT OF THE APPLICATION:

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

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

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

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

Cale Henderson; Secretary Treasurer, explained the nature of the application. The applicants, Ian MacDonald and Ben Angus attended in support of the application.

Resolution 21-05-20-ADJ-03

Moved by S. Sheard
Seconded by E. Manners

Now Therefore Be It Resolved that Application No.A01-21, to allow for the demolition of an existing 21.8 square metre (235 square feet) boathouse and 13.1 square metre (140 square feet) storage building, to facilitate the construction of a 69.7 square metre (750 square feet) boathouse, to be located 6.12 metres (20.1 feet) beyond the 3-metre maximum inland encroachment, be approved, subject to the following conditions:

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

Disposition Carried

- ii) **MASCIANTONIO, Angelo & Monica – Application No. A04-21**
Lot 66 on Plan M-322, being Parcel 1177 PSNS
in the Geographic Township of Harrison

CIVIC ADDRESS: 118 Blue Heron Trail, The Archipelago

PURPOSE AND EFFECT OF THE APPLICATION:

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

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

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

Cale Henderson; Secretary Treasurer, explained the nature of the application. There were no attendees in support of or in opposition to this application.

Resolution 21-05-20-ADJ-04

Moved by L. Emery
Seconded by G. Andrews

Now Therefore Be It Resolved that Application No. A04-21 to permit a variance of 3.1 metres (10.2 feet) from the minimum side yard setback of 6 metres (20 feet) to allow for the construction of a 26.2 square metre (282 square feet) bedroom addition onto a 96 square metre (1033.4 square feet) main dwelling, having a side yard setback of 2.9 metres (9.5 feet), be approved, subject to the following conditions:

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

Disposition Carried

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

CIVIC ADDRESS: 454 Georgian Bay Water, The Archipelago

PURPOSE AND EFFECT OF THE APPLICATION:

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

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

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

Cale Henderson; Secretary Treasurer, explained the nature of the application. The owner, Yen Phan attended in support of the application. Matt Hamilton attended in opposition.

Resolution 21-05-20-ADJ-05

Moved by D. Ashley
Seconded by A. Barton

Now Therefore Be It Resolved that Application No.A05-21, to allow for the construction of a sleeping cabin having a total floor area of 57.23 square metres (616 square feet), requiring a variance of 7.07 square metres (76 square feet), be approved, subject to the following conditions:

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

Disposition Defeated

- iv) **HARRIS, Michael, RAK, Carol – Application No. A07-21**
Part of Island B-469 (Delhaven Island), being Part 3 on Plan 42R-20317, in front of the geographic Township of Cowper

CIVIC ADDRESS: 1 B469 Island, The Archipelago

PURPOSE AND EFFECT OF THE APPLICATION:

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

The purpose of the proposed application is to permit a variance of 1.16 metres (3.8 feet) from the Maximum Height of 6 metres (20.0 feet) for the southerly wall, as well as a variance of 2.6 metres (8.5 feet) from the Maximum Height of 6 metres (20.0 feet) for the easterly wall.

The effect of the proposed variance would be to allow the construction of a one-storey, main dwelling having a ground floor area of 285.3 square metres (3071 square feet), and a maximum height of 7.16 metres (23.5 feet) for the south wall and a maximum height of 8.6 metres (28.2 feet) for the east wall.

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

Cale Henderson; Secretary Treasurer, explained the nature of the application. The owner, Michael Harris, the agent, John Jackson, the architect, Mark Ross attended in support of the application.

Moved by A. Barton
Seconded by G. Walker

Resolution 21-05-20-ADJ-06

Now Therefore Be It Resolved that Application No. A07-21, to allow the construction of a one-storey, main dwelling having a ground floor area of 285.3 square metres (3071 square feet), and a maximum height of 7.16 metres (23.5 feet) for the south wall and a maximum height of 8.6 metres (28.2 feet) for the east wall, be approved, subject to the following conditions:

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

Disposition Carried

7. Correspondence

NIL

8. Administration

NIL

9. Unfinished Business

NIL

10. Adjournment

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment meeting of May 20th, 2021, be discontinued at 2:30 p.m.

CHAIR

DATE

SECRETARY-TREASURER

DATE

MINUTES
of the
COMMITTEE OF ADJUSTMENT HEARING
for the
TOWNSHIP OF THE ARCHIPELAGO
held on
Friday, May 21, 2021
at
The Township of The Archipelago's Council Chamber
Via Zoom – 9 James Street, Parry Sound, ON P2A 1T4

MEMBERS PRESENT:

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

STAFF PRESENT:

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

APOLOGIES:

NIL

1. **Meeting Called to Order**

The meeting was called to order at 1:00 p.m.

2. **Approval of Agenda**

Resolution 21-05-21-ADJ-01

Moved by G. Walker
Seconded by B. Liverance

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

Disposition Carried

3. **Disclosure of Conflict of Interest**

NIL

4. **Adoption of Minutes**

NIL

5. **Delegations**

NIL

6. **Hearing of Minor Variance Applications**

- i) **OMAR ISLAND INC. – Application No. A06-21**
Island B8, being Parcel 13599 PSSS, in front of the
geographic Township of Conger

CIVIC ADDRESS: 1 B8 Island, The Archipelago

PURPOSE AND EFFECT OF THE APPLICATION:

The applicants are seeking relief from Section 5.36 a) i) Sleeping Cabins-Ward 4, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates the maximum Total Floor Area of each sleeping cabin, including the floor area of any basement, does not exceed 50.16 square metres (540 square feet) in size.

The purpose of the proposed application is to permit a variance of 9.84 square metres (106 square feet) for each sleeping cabin being proposed on this 5.22 hectare (12.9 acre) island. The effect of the variance would be the construction of two sleeping cabins, each having a total floor area of 60 square metres (646 square feet).

The owners have stated that the request for the larger sleeping cabins is so that each cabin may contain 2 bedrooms and a seating area, as opposed to constructing another sleeping cabin on the property.

Cale Henderson; Secretary Treasurer, explained the nature of the application. The owner, Chris McNally and his agent, Graham McNally attended in support of the application. Quinn Xu was in attendance for the application.

The owner, Chris McNally, asked that his application be deferred *Sine Die*, and the Committee agreed.

- ii) **PLEASANT COVE RESORT INC. – Application No. A08-21**
97 North Shore Road - Condominium Unit #8
in the Geographic Township of Harrison

CIVIC ADDRESS: 1-97 North Shore Road, The Archipelago

PURPOSE AND EFFECT OF THE APPLICATION:

The owners are seeking relief from Section 6.2.71.3 i) Coastal/Island Residential Exception 71, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the 16 dwelling units shall be restricted to a prescribed total floor area as identified on Schedule B-37.

The purpose of the proposed application is to permit a variance of 49.6 square metres (534 square feet) over the maximum allowable total floor area of 80 square metres (861 square feet) for Condominium Unit #8. The effect of the proposed variance would be to allow for the removal of the 72.7 square metre (782.6 square feet), single-storey unit and the reconstruction of a proposed two-storey dwelling unit having a total floor area of 129.6 square metres (1395 square feet).

Cale Henderson; Secretary Treasurer, explained the nature of the application. The owner, Bruce Bishop, and his agent, John Jackson were in attendance. Tom Scoon and Erica Allen from Pointe au Baril Islanders' Association were also in attendance.

Resolution 21-05-21-ADJ-02

Moved by L. Emery
Seconded by G. Andrews

Now Therefore Be It Resolved that Application No. A08-21 to allow for the removal of a single-storey unit and the construction of a proposed two-storey dwelling unit having a total floor area of 114.2 square metres (1230 square feet), be approved, subject to the following conditions:

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

Disposition Defeated

- iii) **SANGER, Clyde et al – Application No. A09-21**
Part of Island 530A, being Part 4 on Plan 42R-4962,
designated as Parcel 13029 PSNS, in front of
the geographic Township of Harrison

CIVIC ADDRESS: 9 A530 Island, The Archipelago

PURPOSE AND EFFECT OF THE APPLICATION:

The owners are seeking relief from Section 6.1.3 h) Maximum Height, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the Maximum Height of a main dwelling located in Ward 2, 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 Maximum Height of 6 metres (20.0 feet). The effect of the proposed variance would be to allow the construction of a main dwelling with a total floor area of 167.2 square metres (1800 square feet), and a maximum height of 7.0 metres (23.0 feet).

The owners have stated that the location chosen for the new main dwelling, being further from the water's edge, has a higher elevation and the inclusion of a loft area has caused the average height to exceed that which is allowable.

Cale Henderson; Secretary Treasurer, explained the nature of the application. The owners, Toby Sanger, Daniel Sanger and Richard Sanger attended in support of the application.

Resolution 21-05-21-ADJ-03

Moved by S. Sheard
Seconded by I. Mead

Now Therefore Be It Resolved that Application No.A09-21, to allow for the construction of a main dwelling having a total floor area of 167.2 square metres (1800 square feet), and a maximum height of 7.0 metres (23.0 feet), be approved, subject to the following conditions:

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

Disposition Carried

7. **Correspondence**

NIL

8. **Administration**

NIL

9. **Unfinished Business**

NIL

10. **Adjournment**

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment meeting of May 21st, 2021, be discontinued at 2:17 p.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, 2021
RE: Minor Variance Application No. A11-21
(HALL, Clayton and Anne)
LOCATION: 3 Georgian Bay Water
Part of Lot 1, Concession 9, being Summer Resort Location CT 118,
designated as Parts 1, 2 and 3 on Plan 42R-8462, in front of the
geographic Township of Cowper

RECOMMENDATION

Staff recommends that Application No. A11-21, be approved.

PROPOSAL

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

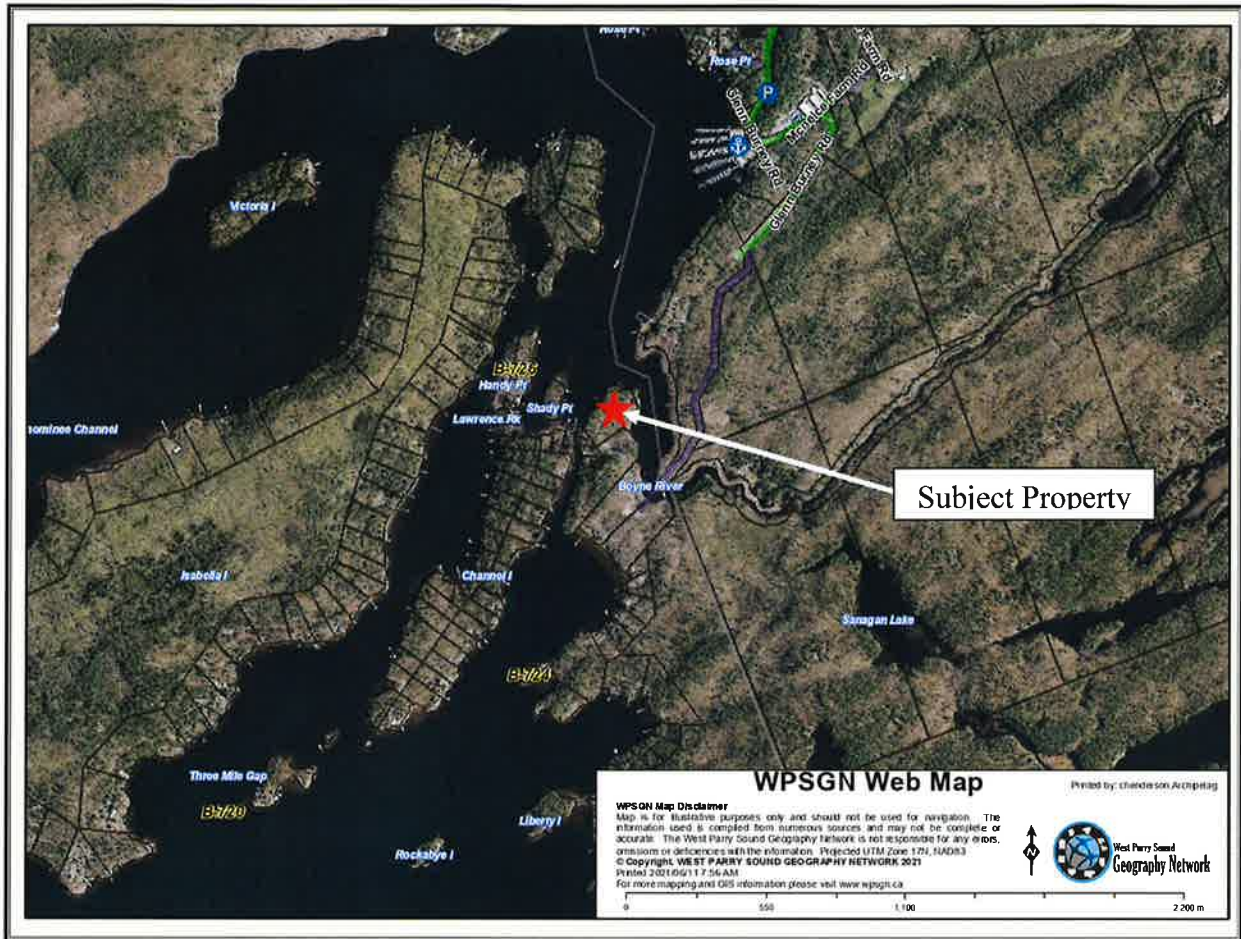
The purpose of this application is to grant relief from Section 6.1.3 h), resulting in a variance of 1.0 metre (3.3 feet). The effect of the proposed variance would be to allow the 299 square metre (3219 square feet) main dwelling to remain, having a maximum height of 7.0 metres (23.0 feet).

A copy of the application, including sketches and site plans, is attached as Appendix A.

PLANNING INFORMATION

Official Plan Neighbourhood:	Five Mile Bay
Zoning:	Coastal/Island Residential
Existing & Neighbouring Uses:	Residential, Crown and Camp Tapawingo In Seguin Township to the East
Property Size:	1.46 hectares (3.61 acres)
Access:	Water (pending private road)

Location Map:



ANALYSIS

Property Characteristics & Background

Staff inspected the subject property this spring. The property is situated at the mouth of Boyne River, approximately 4 km west of the Swing Bridge in the Five Mile Bay Neighbourhood. The subject property is currently developed with a 299 m² (3218 ft²) cottage, a 151 m² (1625 ft²) garage, a 79 m² (850 ft²) games room, a dock and other accessory structures.

The main dwelling was recently constructed and the owners blasted rock to sink the dwelling into the landscape and comply with the 6 m (19.6 ft) height requirement of the Zoning By-law. Instead of returning the natural grade immediately around the building and utilize window wells for basement windows, the owners would like to maintain the lower grade along the front wall of the building. As a result, when calculating the height from the existing lower grade, it does not comply with the height requirements and minor variance is required.

Planning Act Requirements

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

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

The application must meet all of the above tests.

i) Minor in Nature

There is no precise definition as to what constitutes minor. Minor is a relative term and must be interpreted in the particular circumstances involved in conjunction with the other tests. In this case, quantitatively, the variance would represent a 1 metre (3.3 ft) or 16% increase in height.

The height restriction of 6 metres was established to minimize the visual impact of structures on the shoreline. The dwelling was originally designed to comply with the height requirements; however, without returning the existing grade along the immediate front of the building, it does not comply. However, due to a rock outcrop and existing vegetation in front and behind the building, the proposed variance will not create any significant visual impacts. Further, if the grade was added to the front of the building, it would not appear to have any significant benefit.

Conclusion

The proposed variance would appear to be minor in nature.

ii) Desirable for Appropriate Development

Due to the existing rock outcrop and vegetation fronting the building, the proposed variance does not appear to have any noticeable impact on the aesthetics of the area.

Conclusion

The proposed increase in height appears to represent appropriate development.

iii) Zoning By-law

The subject property is zoned 'Coastal/Island Residential (CR)' in Comprehensive Zoning By-law No. A2000-07, as amended. The property is located within the Five Mile Bay Neighbourhood in Ward 4, wherein dwellings are limited to a maximum height of 6 metres from final grade. The requested variance would increase the height to 7 metres (23 feet).

The maximum height provision has been included in the Zoning By-law in order to limit the visual impact of development, particularly from the water. The greater height restriction has been applied to a portion of Ward 1 and all of Wards 2, 3 and 4. The

majority of the properties are on islands where the impact from the water can be much greater and there is limited tree cover on the outer islands to assist in buffering development. The visual impact of the proposal appears to be minimal.

Conclusion

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

iv) Official Plan

Section 14.27 of the Official Plan states:

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

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

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

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

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

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

The shoreline of the subject property is relatively well treed and the front yard setback is 17 metres (56 ft). Further, in addition to the vegetation, the rock outcrop fronting the building provides additional screening.

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

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

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

The applicant has stated that the increase in height is due to a desire to maintain the lower grade immediately fronting the building and avoid the need to utilize window wells, as previously designed.

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

The increased height restrictions would require the owner to return grade to the front wall of the building, as originally approved.

f) detailed drawings showing plan, elevation and cross-sectional views depicting:
i) how the building will relate to the exterior areas of the lot or island;
ii) the areas of natural vegetation that are to be protected; and
iii) any proposed changes in grading or alteration in elevation or contour of the land, including the predevelopment grade, if the final grade is to be altered.

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

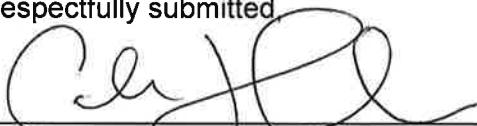
Conclusion

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

CONCLUSIONS – MINOR VARIANCE

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

Respectfully submitted



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

APPENDIX "A"
APPLICATION, SITE PLAN AND SKETCHES

The Township of the Archipelago Committee of Adjustments Application

9 James Street, Parry Sound, ON P2A 1T4

3 Georgian Bay Water

Clayton, Anne, Hudson & Hadley Hall

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To the Township of the Archipelago Committee of Adjustments:

Please find enclosed my application for a minor variance seeking relief of 1 meter from the maximum height of 6 meters of the Townships Comprehensive Zoning By-law at 3 Georgian Bay Water.

In March of 2020 we found ourselves in an uncertain situation with the onset of COVID occurring when we were in the final stages of our design. At the time, we were going to apply to the committee of adjustments for a minor variance (the same one in front of you now) but with the uncertainty when these meetings would continue and with our commitment to our builder who was lined up to start early that spring, we had to alter our plans.

Fortunately, we were able to work with our architect along with the involvement from the township's building department to come up with a solution that would grant us a building permit in order for us to continue. This solution involved a combination of alterations to our roof pitch, working with the existing topography of the property and providing window wells to satisfy the 6 meter maximum height by-law.

In the design, we wanted to ensure as much natural sunlight as possible would enter the basement. This is the living space and bedrooms of our children. It was important to us that it didn't feel like a typical dark basement.

During construction, we worked with the existing terrain, spent considerable time and energy to adapt our design to fit into the surrounding environment while leaving a natural rock outcropping in front including the mature trees to provide the equivalent screening that the window wells would provide.

You will see from the attached image (page 14) we have blocked out the locations of the window wells that we would have to build to comply, which is the only outstanding issue on our property. This illustrates that if built, they will not provide anymore screening from the view of the water but will unnecessarily reduce the amount of natural sunlight entering the basement.

You will also see from the pictures that we have used a shallow 5:12 pitch in our roof design to minimize the size and visibility of the roof. We have also used dark steel material as well dark siding and windows to reduce the building's visual impact while blending our home with the treed environment.

As the building has taken final shape, we have come to appreciate the privacy that the natural rock outcrop has given us and the amount of natural light we have in our basement for our kids without any window wells. Our hope was that the rock outcropping would suffice. You can see from the imagery and rendering provided that even if installed, these window wells will not provide any further screenings from the water than the natural rock outcrops. We feel the natural screening of rock and trees is far more esthetically pleasing than the window wells.

Thank you in advance for your review of this application.

Sincerely,


Clayton, Anne, Hudson & Hadley

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>May 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>A11-21</u>	

1. Applicant / Agent Information

Name of Applicant / Agent

Clayton & Anne Hall

Address

City _____ Province / State ON Postal / Zip Code _____

Home Phone No. _____ Business Phone No. _____ e-mail _____

2. Owner(s) Information

Name of Owner(s)

Clayton Hall

Address

City _____ Province / State _____ Postal / Zip Code _____

Home Phone No. _____ Business Phone No. _____ e-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?

Section 5.13 Maximum Height Section 6.1.3.H

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

Height relief from 6m to 7m

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

Would like to not construct window wells

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

Assessment Roll Number 4905-100-002-02806-0000 Lot 1 Concession 9 Island No. _____

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

Reference Plan No. (if any) Plan No. 42R-8462 Part No. _____

Parcel No. 7035 & 8031 Other Description Cowper

Dimensions of Subject Property:

Depth (metres) 160 m Frontage (metres) 358 m Hectares 1.46 HA

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5. Land Use and Zoning

What was the date of acquisition of the subject land? 2013

What are the existing uses of the subject land? Residential

How long have the existing uses been carried out on the subject land? 70 + years

What are the proposed uses of the subject land? Residential

What are the existing uses of abutting properties? Residential

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

What is the current zoning of the subject land? 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	2021	1	299	299	17	120	10	40
Garage	2021	1	151	151	23	127	52	39
Games Room	1950	1	79	79	30	87	87	25
Shed	2021	1	9	9	77	70	60	43

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

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.

Access to the subject land is by the Boyne River Path which is maintained privately by the
Boyne River Cottage Association

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 14 day of MAY, 2021

I, CLAYTON HALL of the TOWNSHIP in the

County/District/Regional Municipality of _____, solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT.**

DECLARED BEFORE ME at the Town of PARRY SOUND

in the DISTRICT of PARRY SOUND this 14 day of MAY, 2021.

Lois Kloze
A Commissioner of Oaths

Clayton Hall
Signature of Owner or authorized Applicant / Agent

Lois Maureen Kloze, a Commissioner, etc.,
Province of Ontario, for Lisa M. Lund
Professional Corporation, Barrister and Solicitor.
Expires: May 9, 2023.

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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, _____, 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, CLAYTON AND ANNE HALL, 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 MAY 14 2021 Signature of Owner 

Date MAY 14 2021 Signature of Owner A Hall

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

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Properties

PIN Interest/Estate Fee Simple

Description PCL 8031 SEC SS; PT BROKEN LT 1 CON 9 COWPER BEING SUMMER RESORT LOCATION CT118 PT 2 42R8462; PT RDAL BTN TWP OF FOLEY & TWP OF COWPER IN FRONT OF LT 1 CON 9 PT 3 42R8462; PT SHORE RDAL IN FRONT OF LT 1 CON 9 & IN FRONT OF RDAL BTN THE TWP OF FOLEY & TWP OF COWPER IN FRONT OF LT 1 CON 9 PT 1 42R8462; THE ARCHIPELAGO

Address ARCHIPELAGO

PIN Interest/Estate Fee Simple

Description PCL 7035 SEC SS; PT LT 1 CON 9 COWPER SUMMER RESORT LOCATION; PT RDAL IN FRONT OF LT 1 CON 9 COWPER AS IN LP7118; THE ARCHIPELAGO

Address ARCHIPELAGO

Consideration

Consideration

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name SIMPSON, JAMES RUSSELL

Address for Service

am at least 18 years of age.

am not a spouse

this document is not authorized under Power of Attorney by this party.

Transferee(s)	Capacity	Share
----------------------	-----------------	--------------

name HALL, CLAYTON	Joint Tenants	
Date of Birth		
Address for Service		

name HALL, ANNE	Joint Tenants	
Date of Birth		
Address for Service		

STATEMENT OF THE TRANSFEROR (S): The transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the Planning Act.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR (S): I have explained the effect of the Planning Act to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEREE (S): I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in the Planning Act, and to the best of my knowledge and belief this transfer does not contravene the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

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The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 2 of 2

Signed By

Joel Watson Kennedy 7 James Street acting for Signed 2013 11 19
Parry Sound Transferor(s)
P2A 1T4

Tel 7057466444
Fax 7057462366

I am the solicitor for the transferor(s) and I am not one and the same as the solicitor for the transferee(s).
I have the authority to sign and register the document on behalf of the Transferor(s).

Howard Bruce Oldham 88 James Street acting for Signed 2013 11 19
Parry Sound Transferee(s)
P2A 1T9

Tel 705-746-8852
Fax 705-746-6188

I am the solicitor for the transferee(s) and I am not one and the same as the solicitor for the transferor(s).
I have the authority to sign and register the document on behalf of the Transferee(s).

Submitted By

OLDHAM LAW FIRM, A PROFESSIONAL CORPORATION 88 James Street 2013 11 19
Parry Sound
P2A 1T9

Tel 705-746-8852
Fax 705-746-6188

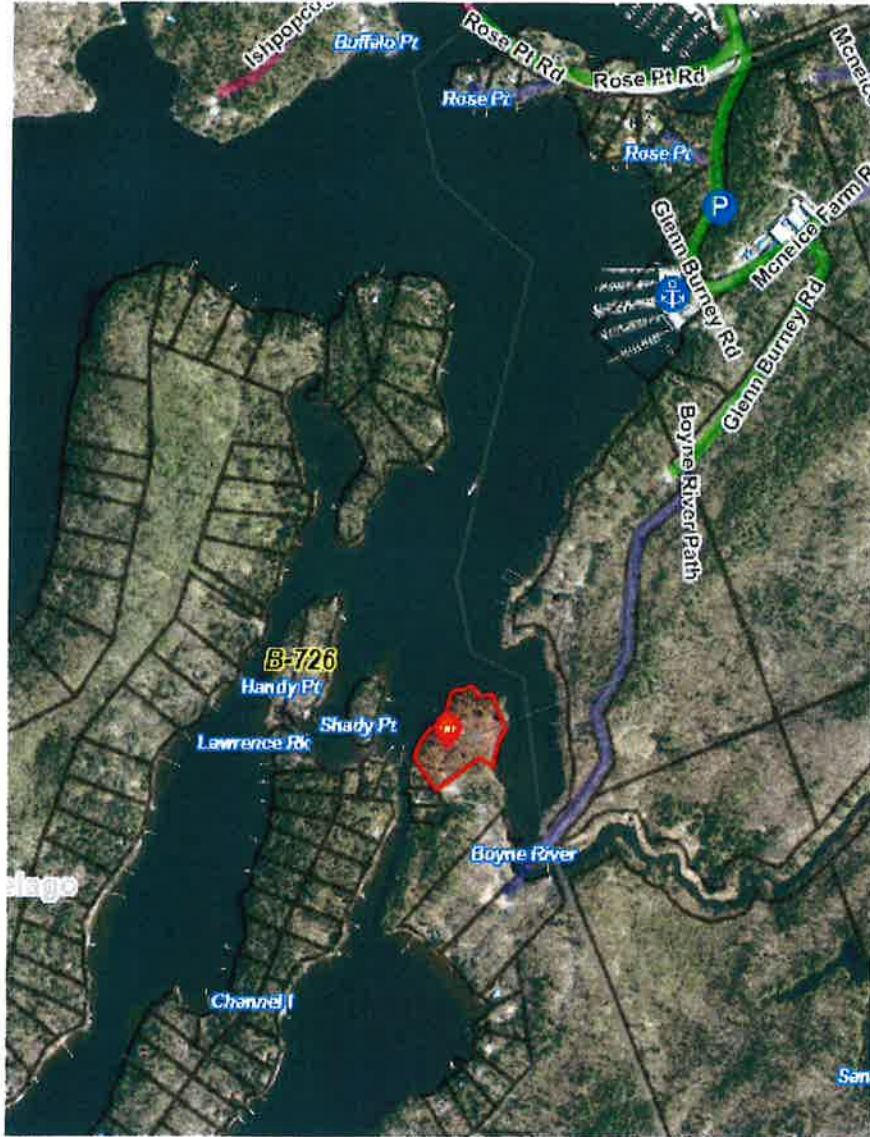
Fees/Taxes/Payment

Statutory Registration Fee	\$60.00
Provincial Land Transfer Tax	\$0.00
Total Paid	\$60.00

File Number

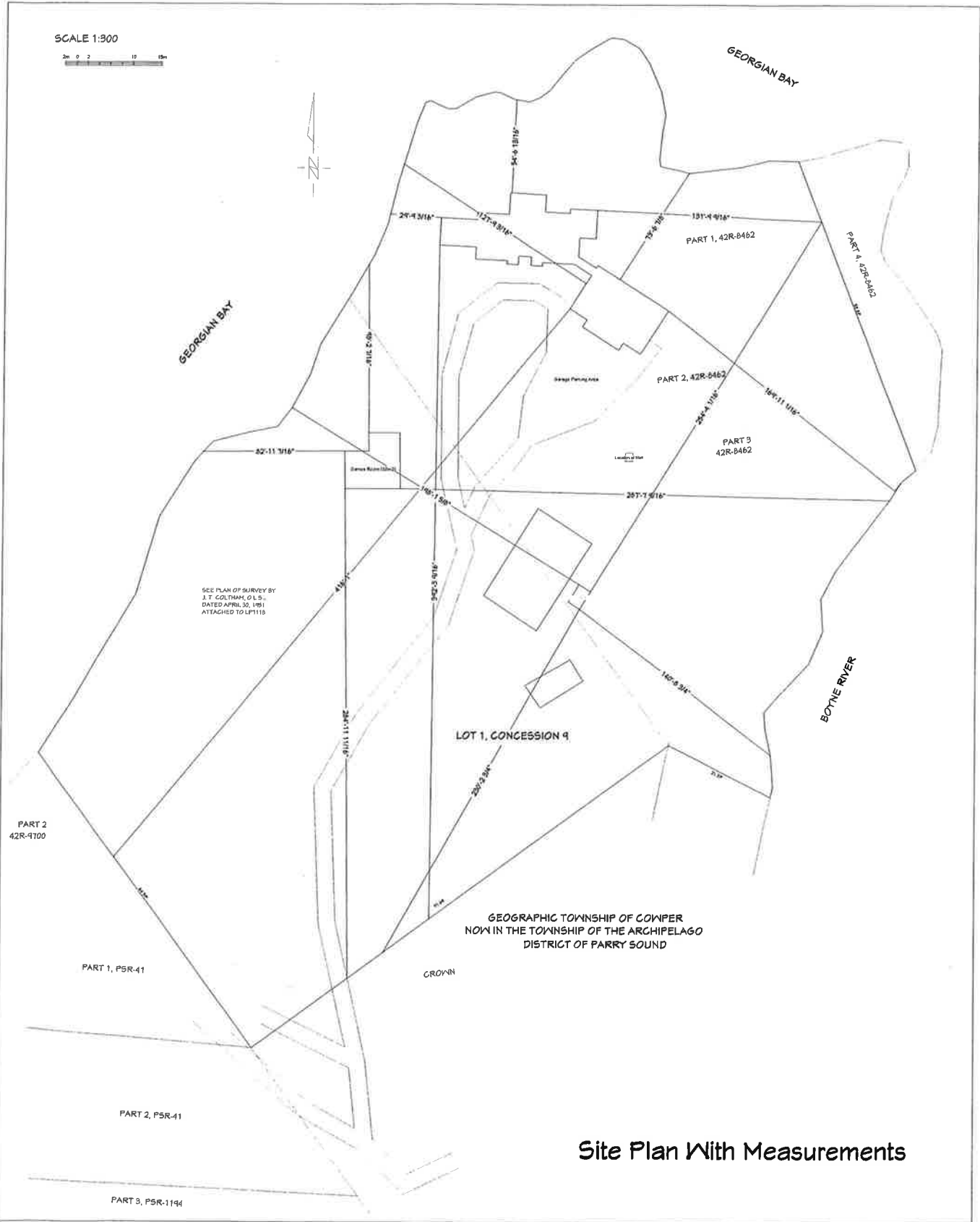
Transferor Client File Number : 2058-004

Location Plan



Subject Property

SCALE 1:300



Site Plan With Measurements

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SCALE 1:300



GEORGIAN BAY

GEORGIAN BAY

PART 1, 42R-0462

PART 4, 42R-0462

PART 2, 42R-0462

PART 3, 42R-0462



Garage Parking Area

Leisure House

SEE PLAN OF SURVEY BY
J T GALTHAM, O.L.S.,
DATED APRIL 30, 1951
ATTACHED TO L7119



LOT 1, CONCESSION 9

BOYNE RIVER

PART 2, 42R-4700

GEOGRAPHIC TOWNSHIP OF COMPER
NOW IN THE TOWNSHIP OF THE ARCHIPELAGO
DISTRICT OF PARRY SOUND

PART 1, P5R-41

CROWN

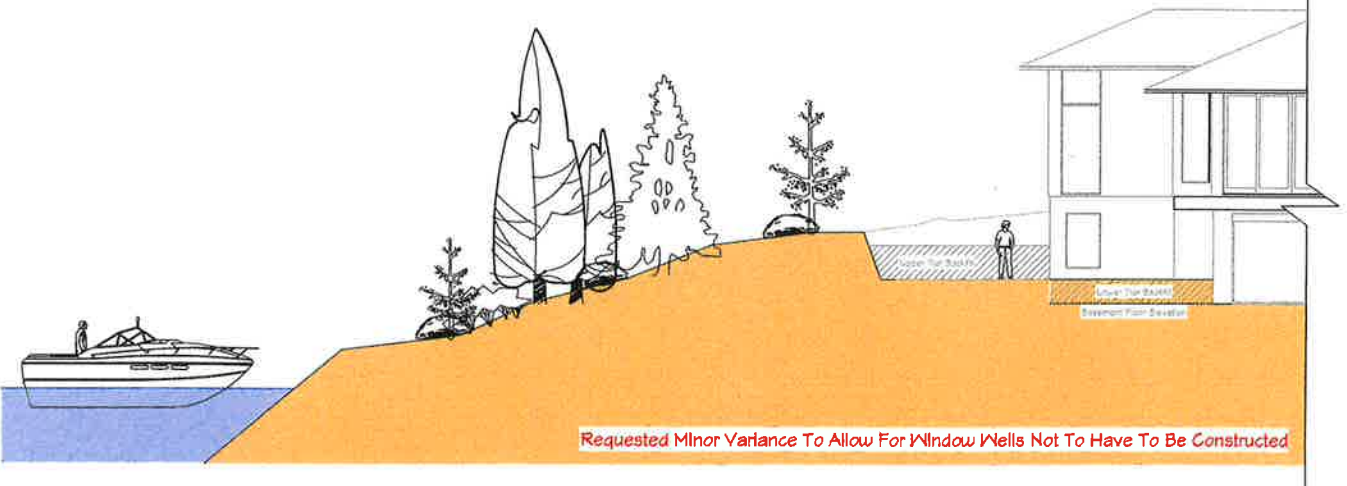
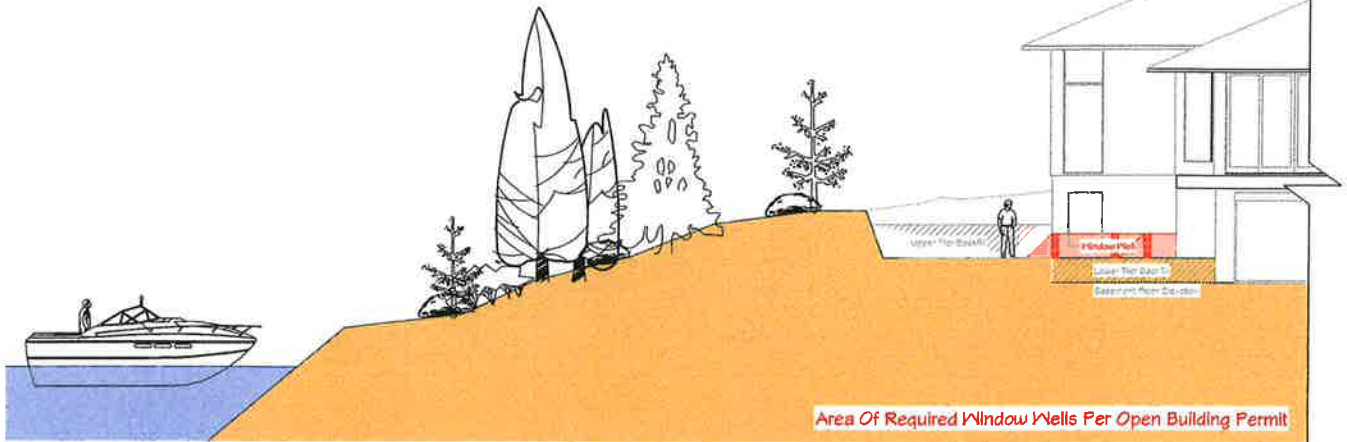
PART 2, P5R-41

Site Plan With Measurements

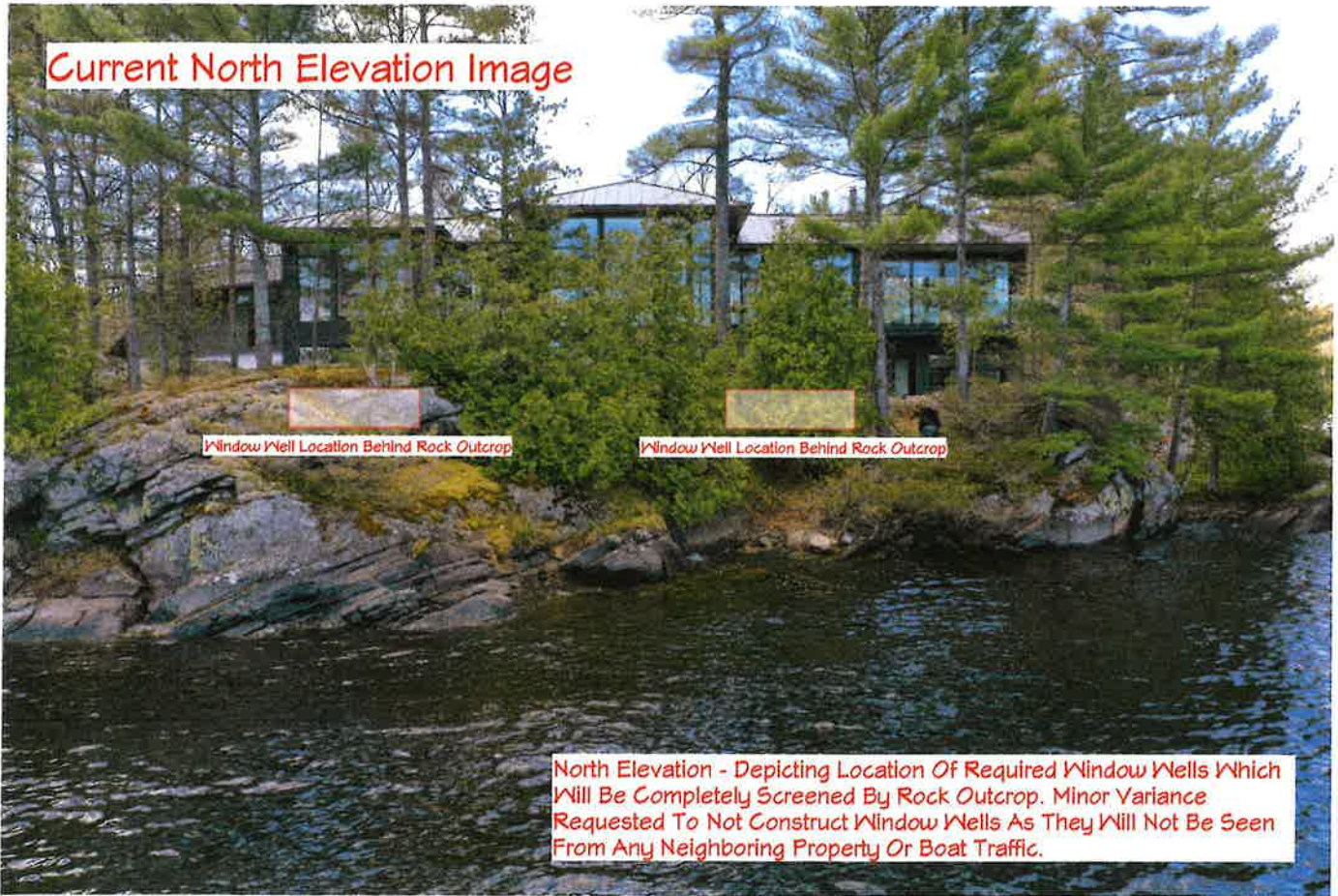
PART 3, P5R-1194

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Side Profile Rendering



Current North Elevation Image



Window Well Location Behind Rock Outcrop

Window Well Location Behind Rock Outcrop

North Elevation - Depicting Location Of Required Window Wells Which Will Be Completely Screened By Rock Outcrop. Minor Variance Requested To Not Construct Window Wells As They Will Not Be Seen From Any Neighboring Property Or Boat Traffic.

