



Corporation of the
Township of Tay

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**COMMITTEE OF ADJUSTMENT
MINUTES OF MEETING**

**Wednesday February 15, 2017 – 7:00 PM
Township of Tay Municipal Office – Council Chambers**

Members Present: A. Ott, Chair
 C. Constantin-Barron
 D. Strachan
 F. Ruf

Staff Present: T. Huguenin, Secretary-Treasurer
 S. Farquharson, Planning and Development Director

Chair A. Ott called the meeting to order at 7:00 p.m.

1.0 OPENING ADDRESS FROM THE CHAIR

2.0 DECLARATION OF CONFLICT OF INTEREST

Chair A. Ott disclosed an interest in Minor Variance Application 2017-A-03, 174 Bayview Avenue, Chris Pulis and Stephanie Pulis and announced he would not participate in the hearing of said application when it was to come up before the Committee.

3.0 MINUTES

MOTION: Moved by: D. Strachan
 Seconded by: C. Constantin-Barron

THAT the minutes of the Public Hearing held January 18, 2017 be adopted as amended.

CARRIED.

4.0 MEETING

4.1.1 and 4.1.2 Consent Applications 2017-B-05, 2017-B-06, 2017-B-07 & 2017-B-08 and Minor Variance Applications 2017-A-04 & 2017-A05 – *Reo Global Ventures Ltd.

*Note - Ownership of Lots 1 through 4, Plan 51M-1083, regarding Consent Applications 2017-B-05 through 2017-B-08 and the same Lot 2, Plan 51M-1083, regarding Minor Variance Application 2017-A-04, transferred from Reo Global Ventures Ltd. to Seeley Homes Ltd. on January 25th, 2017.

Location: 27, 47, 49, 51 and 53 Bourgeois Beach Road

Attending

Applicant/Agent: Agent – Michelle Cutts, Rudy & Associates Ltd.

Written Comments Provided to the Committee at the Hearing:

Copies of correspondence received after posting the Agenda to the Township's website on February 10th, 2017 were provided to the Committee from,

- Bell Canada, Right of Way (email dated February 13th, 2017)

The Planning and Development Director gave a PowerPoint presentation, through which he reviewed the applications and planning reports.

Proponent:

Michelle Cutts, Rudy & Associates Ltd. (Agent):

- Agree with Director's comments and planning report.

Public Audience:

Kevin Seeley, Seeley Homes Ltd. (New owner of Lots 1 through 4, Plan 51M-1083, as of January 25th, 2017):

- Brief description of purpose of the lot line adjustment severances.

Committee Members:

The Committee had no questions.

4.2 Minor Variance Application 2017-A-03 – Chris Pulis and Stephanie Pulis

Chair A. Ott disclosed an interest in Minor Variance Application 2017-A-03 and relinquished the Chair to Member D. Strachan who was appointed by the Committee to act as Acting Chair for the hearing of Minor Variance Application 2017-A-03. Chair A. Ott left the Council Chamber and retired to the Administration Meeting Room for the entire hearing of Minor Variance Application 2017-A-03, including the Committee's deliberation and decision.

Location: 174 Bayview Avenue

Attending

Applicant/Agent: Applicant - Chris Pulis and Stephanie Pulis
Agent – Darren Vella, Innovative Planning Solutions

Written Comments Provided to the Committee at the Hearing:

Copies of correspondence received after posting the Agenda to the Township's website on February 10th, 2017 were provided to the Committee from,

- Mary Carpenter Smith, 172 Bayview Avenue (email dated February 13th, 2017)
- Lynn Morton, 18 Sunset Court (email dated February 14th, 2017)

The Planning and Development Director gave a PowerPoint presentation, through which he reviewed the application and planning report, with the following general summary:

- The proposed development is appropriate; not overdevelopment of the shoreline; and in keeping with the area.
- The Chief Building Official confirmed septic concerns have been correctly addressed.
- Reviewed how the Township's Zoning By-law deals with Building Height.
- Grades are not yet complete and will be reviewed when grading has been finished.
- A condition requiring the submission of a Certified Grading and Drainage Plan is recommended.

Proponent:

Darren Vella, Innovative Planning Solutions (Agent):

- Agree with Township's Planning Director's comments and planning report.
- Will provide summation after hearing all comments from the public in the audience.

Public Audience:

Aynsley Anderson, Barriston Law:

- Lawyer representing Stan and Nancy Keith who reside at 176 Bayview Avenue.
- Wished to highlight inaccuracies with the proposal.
- Proposal should be viewed as if the boathouse has not been constructed.
- Provided a slide-show presentation.
- None of the Pulis' drawings have been certified by an Ontario Land Surveyor (OLS).
- The Keiths did do a survey.
- The Keith's survey differs from Pulis' proposed setback.
- Request deferral so that survey can be obtained to confirm the requested setback.
- The building's height has not been validated by an OLS.
- Have issues with height and grading.
- Grading is impossible in order to achieve a height of 4.5 metres.
- The eave is over the property line.
- When the eave is cut back it will increase the height of the building.
- The setback is too close to the lot line to allow work on the building without walking on the Keith's property which results in trespass.
- Vegetation has been removed.
- Object to the three proposed variances and ask that they be denied.

Marie Leroux:

- Planner representing Stan and Nancy Keith who reside at 176 Bayview Avenue.
- Wished to give evidence on how the proposal regarding the reduced setback is viewed against the 4 tests set out in the Planning Act.
- Reviewed the Township's Official Plan with respect to Tay's shoreline.
- This will cause a negative impact to Keith's property.
- This will destroy the natural beauty of the shoreline.
- Reviewed the Township's Zoning By-law with respect to non-compliances and setbacks.
- Construction and maintenance of the building will result in trespass onto Keith's property.
- Extensive grading is now causing drainage onto Keith's lot and causing erosion.
- The boathouse is not incidental or subordinate to the Pulis' dwelling.
- Believe the games room stated by Pulis is human habitation as defined by the Township's Zoning By-law.
- Opinion that Tay's Zoning By-law does not permit accessory buildings that are more than 1 storey in height.
- On the question of being minor in nature, the proposal detracts from the shoreline by the fact that it is 2 stories, which is not permitted.

- On the question of desirability, many neighbours have lost a view of the lake.
- The proposal should not be granted since it could set a precedent.
- In summary, the proposal does not meet the 4 tests set out in the Planning Act and therefore it should not be approved.
- The Keiths would not object to a 0.48 metre setback if the eaves were cut back; gutters were installed; and the peaked roof came off and a flat roof were installed so that the boathouse is only 1 storey.

Paul Chambers (10 Georgian Lane):

- Discussed history of boathouses being built in the area and provide opinion of negative impacts that they are trending towards.
- Requested the Committee defer making a decision to allow the various Township departments to give further review.

Mary Carpenter Smith (172 Bayview Avenue):

- Requested Marie Leroux to read aloud a copy of the email she sent to the Secretary-Treasurer at the wrong email address.
- Concerned with drainage problems and encroachments.
- Objects to the proposal.

Lynn Morton (18 Sunset Court):

- In absentia, requested Marie Leroux to read aloud a copy of the email she sent earlier to Township staff.
- Objects to the proposal.

Nancy Keith (176 Bayview Avenue):

- Major concern is the reduced side yard setback and the related negative impacts.
- Construction, maintenance, etc. of the roof, eaves and gutter will result in trespass.
- Supports a maximum of 1 storey for the boathouse.

Proponent's Response:

Darren Vella, Innovative Planning Solutions (Agent):

- Supreme Court ruling states no one is entitled to a view through zoning.
- Pulis is intending to meet the Zoning By-law's height requirements through a variety of options.
- Opinion is the proposal meets the 4 tests set out in the Planning Act.
- Opinion is the Keith's planner, Marie Leroux, is incorrectly quoting the Township's Zoning By-law.
- Altering grades on the Pulis' property is permitted; no laws have been broken regarding grading.

Committee Members:

F. Ruf:

- Asked for clarification on the question of a second storey under the Township's Zoning By-law.

Director, response:

- The Township's Zoning By-law does not limit the number of stories.

C. Constantin-Barron:

- Asked for clarification with respect to how the construction project went out of compliance with the Zoning By-law.

Director, response:

- Provided a history of the Planning and Development Department's involvement and review of the construction.

F. Ruf:

- Asked for clarification of what's not in compliance.

Director, response:

- Provided a summary of what relief is being requested from the Zoning By-law.

5.0 DECISIONS

5.1.1 Consent Applications 2017-B-05, 2017-B-06, 2017-B-07 & 2017-B-08 – Reo Global Ventures Ltd.

Location: 47, 49, 51 and 53 Bourgeois Beach Road

MOTION: Moved by: F. Ruf
Seconded by: D. Strachan

THAT,

Consent Applications **2017-B-05, 2017-B-06, 2017-B-07 & 2017-B-08 (Reo Global Ventures Ltd.)** be granted provisional approval subject to the following conditions being imposed on the Committee's decision:

1. That a copy of a registered reference plan for the subject land indicating the severed parcel be prepared by an Ontario Land Surveyor and submitted to the Secretary-Treasurer;

2. That the applicant's solicitor prepare and submit a copy of the proposed conveyance for the parcel severed, for review by the Township;
3. That all municipal taxes be paid in full to the Township of Tay;
4. That Subsection 50 (3) and/or (5), of the *Planning Act* applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
5. That if the property is to change ownership prior to the conditions of consent imposed by the Committee are fulfilled, an authorization from the new owner(s) must be received by the Township acknowledging the request to proceed with the applications as approved by the Committee;
6. That the applicant's solicitor prepare a letter of undertaking that the severed lands and the lands to be enhanced municipally known as 51 & 53 Bourgeois Beach Road **and** 49 & 47 Bourgeois Beach Road will merge on title.
7. That the conditions of consent imposed by the Committee be fulfilled within one year from the date of giving of the notice.

FOR THE FOLLOWING REASONS,

The consent applications are consistent with Provincial, County and Township policies.

CARRIED.

Explanation of the effect any written and/or oral submissions from the public had on the decision: N/A

5.1.2 Minor Variance Applications 2017-A-04 & 2017-A05 – Reo Global Ventures Ltd.

Location: 51 and 27 Bourgeois Beach Road

MOTION: Moved by: C. Constantin-Barron
 Seconded by: D. Strachan

THAT,

Minor Variance Applications **2017-A-04 & 2017-A-05 (Reo Global Ventures Ltd.)** be granted approval subject to the following conditions being imposed on the Committee's decision:

1. That all municipal taxes be paid in full to the Township of Tay;
2. That the Minimum Exterior Side Yard setback be 4.5 metres,

FOR THE FOLLOWING REASONS,

The application has been found to meet the criteria for authorizing a Minor Variance pursuant to Section 45(1) of the Planning Act.

CARRIED.

Explanation of the effect any written and/or oral submissions from the public had on the decision: N/A

5.2 Minor Variance Application 2017-A-03 – Chris Pulis and Stephanie Pulis

Location: 174 Bayview Avenue

MOTION: Moved by: F. Ruf
Seconded by: C. Constantin-Barron

THAT,

Minor Variance Application **2017-A-03 (Chris and Stephanie Pulis)** be refused.

FOR THE FOLLOWING REASONS,

1. Proposed variance in total review is not considered minor.
2. Proposal is not in general conformity with policies of the Official Plan regarding Tay's waterfront.

CARRIED.

Explanation of the effect any oral or written comments had on the decision:

Written submissions from the public and oral submissions from the public at the hearing supported the Committee's finding that the proposed variance was,

- Not minor in nature when viewed in its totality; and
- Not in general conformity with policies of the Official Plan regarding Tay's waterfront.

6.0 OTHER BUSINESS

The Committee reviewed the process regarding Committee of Adjustment postings on the Township of Tay's website (Notices, Agendas, PowerPoints, etc.). The Committee's consensus was that this process is beneficial to both the Committee and the Public and would like to see this practice continue.

7.0 NEXT MEETING

The next meeting of the Committee of Adjustment is scheduled for March 15, 2017 at 7:00 p.m. in the Municipal Council Chambers.

8.0 ADJOURNMENT

The Committee adjourned at 9:10 p.m.

Respectfully Submitted:

Original Signed By

A. Ott, Chair

Original Signed By

T. Huguenin, Secretary-Treasurer