



A G E N D A
for the
COMMITTEE OF ADJUSTMENT

Friday, April 26th, 2019

11:00 a.m.

at

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

1. **MEETING CALLED TO ORDER**

2. **APPROVAL OF AGENDA**

19-04-ADJ-

NOW THEREFORE BE IT RESOLVED that the agenda for the April 26th, 2019, Committee of Adjustment hearing be approved.

3. **DISCLOSURE OF CONFLICT OF INTEREST**

4. **ADOPTION OF MINUTES**

19-04-ADJ-

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

Pages: 1 – 3

5. **DELEGATIONS**

Nil

6. HEARING OF APPLICATIONS

- i) **DODGE, Laura Fischer - Application No. A03-19**
Island 324A, Bijou Island, being Parcel 16753 PSNS
in front of the geographic Township of Harrison

Pointe au Baril Islands Neighbourhood

CIVIC ADDRESS: 1 324A Island, The Archipelago

Pages: 4 - 14

PURPOSE AND EFFECT OF THE APPLICATION:

The owner is seeking relief from Section 5.22 c) iii) Reconstruction of Non-Complying Buildings and Structures, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that nothing shall prevent the reconstruction of any non-complying building that existed prior to the date of the passing of this by-law, provided the reconstruction of such building does not increase the total floor area of the lawfully used building.

The purpose of the proposed application is to allow for the construction of two overhang additions to the main dwelling; one being 5.45 square metres (58.7 square feet) in size over the entrance, and the second being 3.93 square metres (42.3 square feet) in size to cover a laundry area.

The effect of the proposed variance would be the construction of the overhang additions onto the legally, non-complying main dwelling. The total lot coverage would be increased to 271.1 square metres (2918 square feet), being 9.38 square metres (101 square feet) over the existing lot coverage.

7. CORRESPONDENCE

Nil

8. UNFINISHED BUSINESS

Nil

9. ADMINISTRATION

Nil

10. ADJOURNMENT

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment hearing of April 26th, 2019, be discontinued at _____.

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

MEMBERS PRESENT:

P. Frost - Chair
G. Andrews
L. Emery
E. Manners
S. Sheard
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:

D. Ashley
I. Mead

1. Meeting Called to Order

The meeting was called to order at 11:05 a.m.

2. Approval of Agenda

Resolution 19-02-ADJ-01

Moved by A. Barton
Seconded by G. Andrews

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

Disposition Carried

3. Disclosure of Conflict of Interest

Nil

4. Adoption of Minutes

Resolution 19-02-ADJ-02

Moved by E. Manners
Seconded by G. Andrews

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment meeting held on December 7th, 2018, be approved.

Disposition Carried

5. Delegations

Nil

6. Hearing of Minor Variance Applications

- i) **FIELD MARSHAM, Charles – Application No. A01-19**
Island B452 Scarr Island, being Parcel 11129 PSSS
in front of the Geographic Township of Cowper

Long Sault Amanda Neighbourhood

CIVIC ADDRESS: 1 B452 Island, The Archipelago

PURPOSE AND EFFECT OF THE APPLICATION:

The applicant is seeking relief from Section 6.1.3c) Maximum Lot Coverage – of the Township's Comprehensive Zoning By-law No. A2000-07, which limits the maximum allowable lot coverage to 292 square metres (3143 square feet), for a property that is 0.5 hectares (1.25 acres) in size. The maximum lot coverage for this property, recognized by an Ontario Municipal Board (OMB) Decision dated November 9, 2011, is 300.1 square metres (3230 square feet).

The owner wishes to renovate the kitchen in the main dwelling, which will be located under the existing roof overhang. The lot coverage would be recognized and increased to a maximum of 319 square metres (3434 square feet), an increase of 18.9 square metres (203 square feet).

Cale Henderson; Secretary Treasurer, explained the nature of the application. Mr. Jackson, agent working on behalf of the owner, and Mike Ferris of Tamarack were in attendance.

Resolution 19-02-ADJ-03

Moved by G. Walker
Seconded by A. Barton

NOW THEREFORE BE IT RESOLVED that Application No. A01-19, to allow for a kitchen renovation under the existing roof overhang and recognizing and increasing the lot coverage to a maximum of 319 square metres (3434 square feet), being an increase of 18.9 square metres (203 square 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 February 22nd, 2019, be discontinued at 11:17 a.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: April 26, 2019

RE: Minor Variance Application A03-19
(DODGE, Laura Fischer)

LOCATION: Island 324A (Bijou Island), being Parcel 16753 PSNS,
in front of the geographic Township of Harrison

RECOMMENDATION

Staff recommends that Application No. A03-19 be approved.

PROPOSAL

The owner is seeking relief from Section 5.22 c) iii) Reconstruction of Non-Complying Buildings and Structures, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that nothing shall prevent the reconstruction of any non-complying building that existed prior to the date of the passing of this by-law, provided the reconstruction of such building does not increase the total floor area of the lawfully used building.

The purpose of the proposed application is to allow for the construction of two porch additions to the main dwelling; one being 5.45 square metres (58.7 square feet) in size over the entrance, and the second being 3.93 square metres (42.3 square feet) in size to cover a laundry area.

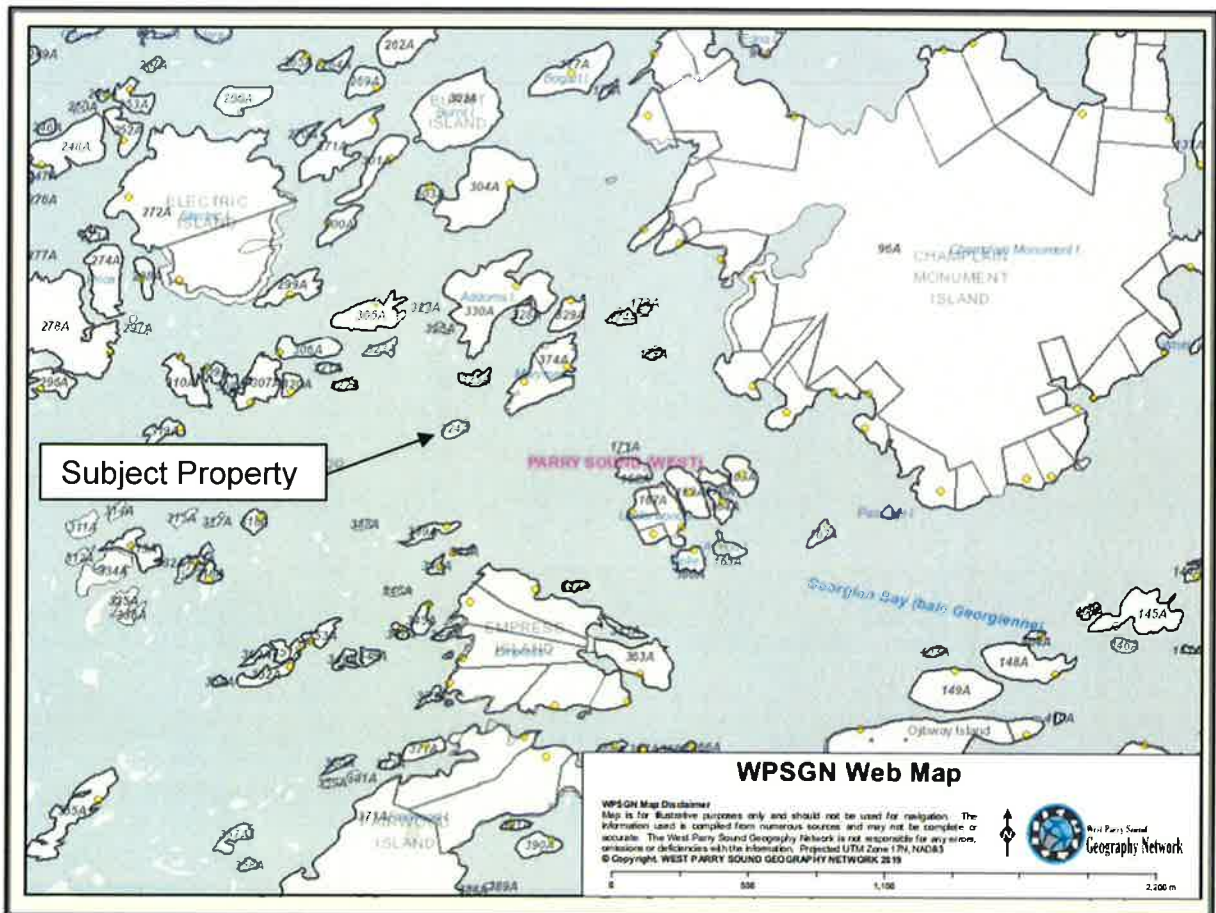
The effect of the proposed variance would be the construction of the overhang additions onto the legally, non-complying main dwelling. The total lot coverage would be increased to 271.1 square metres (2918 square feet), being 9.38 square metres (101 square feet) over the existing lot coverage.

	Existing Permitted	Proposed	Variance
Lot Coverage	261.6 m ² (2816 ft ²) 10.7 %	271.1 m ² (2918 ft ²) 11.2 %	9.38 m ² (101 ft ²) 0.5 %

The subject property currently contains a main dwelling (157 m² GFA), two sleeping cabins (43 m² & 14.4 m²), a storage building (39.5 m²) and other accessory buildings and structures. The applicants are proposing to construct two covered porches onto the existing main dwelling, during their renovation. A copy of the application is attached as Appendix A.

PLANNING INFORMATION

Official Plan Neighbourhood:	Pointe au Baril Islands
By-law No. A2000-07:	Coastal/Island Residential (CR)
Existing & Neighbouring Uses:	Residential
Property Size:	0.24 ha (0.6 ac)
Access:	Water



ANALYSIS

Property Characteristics

Staff inspected the subject property, a single ownership island, on April 5, 2019. The subject property is a small island, west of Champlain Monument Island, in a relatively densely developed area of the Pointe au Baril Islands Neighbourhood. The existing development far precedes the formation of the Township, and does not comply with existing lot coverage requirements of the Zoning By-law. As a result, all existing development is considered legally non-complying. The owners are renovating the existing main dwelling and are proposing to improve two separate entries with a small covered porch on each.

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 proposed variance is for a 9.38 m² (101 ft²) increase in lot coverage, which would represent a 0.5 % increase.

	Existing Permitted	Proposed	Variance
Lot Coverage	261.6 m ² (2816 ft ²) 10.7 %	271.1 m ² (2918 ft ²) 11.2 %	9.38 m ² (101 ft ²) 0.5 %

Further, as the proposed porches have a minimal depth, only 1.3 m (4 ft.), there does not appear to be any significant visual impacts to the surrounding area. Finally, although the proposal will increase lot coverage by an additional 9.38 m² (101 ft²), the additional space is external and will substantially not increase the usability or density of the existing main dwelling, as no additional bedrooms or interior space is proposed. With that being said, the proposal will result in an outdoor laundry area.

Conclusion

Due to the proposed depth of the proposed porches and overall minimal impact, the proposal appears to be minor in nature.

ii) Desirable for Appropriate Development

The proposed development would result in a small covered porch being added to one of the entrances and covered area over a proposed outdoor laundry area. As previously stated, the proposal will not result in any significant additional visual impacts or substantially increase the usability or density of the main dwelling.

Conclusion

The increase in lot coverage appears to be desirable for appropriate development.

iii) Zoning By-law

The subject property is located within the Coastal/Island Residential (CR) Zone of the Comprehensive Zoning By-law No. A2000-07, as amended. Section 6.1.3 c) restricts lot coverage to a maximum of $140 \text{ m}^2 + 3\%$ of the lot area, or 212.8 m^2 (2291 ft^2). However, as the existing development, which was established before the formation of the Township, the legally non-complying maximum permitted lot coverage is that which currently exists, being 261.6 m^2 (2810 ft^2).

Further, Section 5.22 c) iii) Reconstruction of Non-Complying Buildings and Structures, stipulates that nothing shall prevent the reconstruction of any non-complying building that existed prior to the date of the passing of this by-law, provided the reconstruction of such building does not increase the total floor area of the lawfully used building.

The intent of the maximum permitted lot coverage and restrictions on expansion of legally non-complying buildings is to strictly regulate the built form and to minimize the visual and environmental impacts of development. In this case, it would appear that the visual impact of the proposal would be minimal and there is no substantial increase to the usability or density of the dwelling.

Conclusion

The proposed variance would appear to maintain the intent of the Zoning By-law.

iv) 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 who use the area.

To this end, Section 14.6 of the Official Plan States:

'Development must be appropriate for an area in terms of its density or prematurity.'

Further, Section 14.21 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.'

As previously discussed, the proposal does not result in any significant visual impacts and the aesthetics of the Township's waterfront lands are preserved. Further, the increase in overall lot coverage, does not substantially impact the density of the island or the surrounding neighbourhood.

Conclusion

The proposed variance appears to conform with the intent of the relevant Official Plan policies.

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

MAR 29 2019

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

PLANNING
 BUILDING

OFFICE USE ONLY

Date Received March 29/19

Complete Application Yes No

Application No. AD319

Date Accepted April 3/19

Applicable Fee Paid Yes No

1. Applicant / Agent Information

Name of Applicant / Agent

Desmasdon's Construction - Andy Blenkarn & E.R.A Architects Inc. - Lyndsey Sneddon (Tel: 647-234-1986)

Address

18 Desmasdon's Road

City Pointe Au Baril Province / State ON Postal / Zip Code P0G 1K0

Home Phone No. 705-746-6610 Business Phone No. 705-366-2581 email andy@desmasdons.com

2. Owner(s) Information

Name of Owner(s)

Laura Fischer Dodge

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?

5.23 - C, 6.1.3 - C & 6.1.3 - D

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

Increase dwelling square meter with overhang at entrance & extend roof over laundry area to shelter appliance

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

Lot is a legal non-comforming that currently exceeds square meter building allowance and lot coverage as is

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

Assessment Roll Number 4905-140-011-02400-0000 Lot _____ Concession _____ Island No. 324A

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) 207 Hectares 0.24

5. Land Use and Zoning

What was the date of acquisition of the subject land? July 2018

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

How long have the existing uses been carried out on the subject land? 60+ years

What are the proposed uses of the subject land? Seasonal Dwelling

What are the existing uses of abutting properties? Seasonal Dwellings

What is the current Official Plan designation of the subject land? Legal Non-Conforming

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
Main Dwelling	Unknown	2	157	235.7	11.84		4.8	6
Building A	Unknown	1	43	43	11.3		10.1	
Building B	Unknown	1	39.5	39.5			2.6	
Building C	Unknown	1	14.4	14.4	3.9		6	
Building D	Unknown	1	4.9	4.9	2.2			
Building E	Unknown	1	2.9	2.9		1.6		

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
Entrance Overhang on Main Dwelling	1	5.45	5.45	11.84			6
Laundry Overhang on Main Dwelling	1	3.93	3.93	X ←		3.87	

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.

Desmasdon's Boat Works, Marina off North Shore Rd.

Subject Land is approximately 9km from the marina

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 29th day of March, 2019

I, Andy Blekarn of the Township of The Archipelago 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 29th day of March, 2019.

Cale Henderson
A Commissioner of Oaths

Andy Blekarn
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, Laura Fischer Dodge am/are the owner(s) of the land that is the subject of this application and I/we authorize Andy Blenkorn to make this application on my/our behalf.

Date March 28, 2019 Signature of Owner Laura J Dodge
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, Laura Fischer Dodge 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 Andy Blenkorn 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 March 28, 2019 Signature of Owner Laura J Dodge
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, Laura Fischer Dodge 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 March 28, 2019 Signature of Owner Laura J Dodge
Date _____ Signature of Owner _____
Date _____ Signature of Owner _____

