



## MINUTES

### Wasaga Beach Committee of Adjustment Meeting

Wednesday, September 18, 2024, 2:00 p.m.  
Council Chambers

Members Present: Adam Harrod  
Dave Morrison  
Harold Van Gool  
Leo Cusumano

Members Absent: Daniel Paul  
Andy Ferguson

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1. **CALL TO ORDER**

1.1 Land Acknowledgement

2. **DISCLOSURE OF PECUNIARY INTEREST**

No pecuniary interest declared.

3. **ADOPTION OF MINUTES**

3.1 Committee of Adjustment Meeting Minutes - August 21, 2024

Resolution No: COA-2024-73

Moved by: Leo Cusumano

Seconded by: Dave Morrison

Resolved that the Committee of Adjustment minutes of August 21, 2024 be accepted as presented.

**CARRIED**

4. **DEFERRED / WITHDRAWN APPLICATIONS**

No deferred/withdrawn applications.

5. **APPLICATIONS**

5.1 Application #1 - A03524 - 534 Bluewater Lane - Incidental Minor Variance

## **LANDS SUBJECT TO THE APPLICATION:**

Municipally addressed as 534 Bluewater Lane, Town of Wasaga Beach.

## **PURPOSE AND EFFECT:**

The applicant requests relief from Section 3.1 “Accessory Uses, Buildings and Structures” of Zoning By-law 2003-60, as amended, specifically:

- **Section 3.1.5.7** – to permit a detached accessory building to be located between the front lot line and the main building on the lot, provided the accessory building maintains a minimum setback of 6 metres, whereas a setback of 12 metres is required.

Additionally, the applicant requests relief from Section 3.3 “Yard Encroachments” of the Zoning By-law, specifically:

- **Section 3.3.6** – to permit steps that are below grade to be located within the required interior side yard on the southern portion of the property with an interior side yard setback of 1.6 metres, whereas steps may project into a required interior side yard a maximum distance of 0.9 metres provided that such uses are not below grade.

Further to the above, the applicant requests relief from Section 3.23 “Non-Complying Lots, Buildings or Structures” of Zoning By-law 2003-60, as amended, specifically:

- **Section 3.23.3 ii)** - To recognize the location and permit the expansion of the existing 1 storey 73.2 square metre single-detached dwelling with an interior side yard setback of 0.98 metres on the northern portion of the building, whereas an interior side yard setback of 1.8 metres is required.

Additionally, the applicant requests relief from Section 4 “Residential Type 1 (R1) Zone” of the Zoning By-law, specifically:

- **Section 4.3.5** – to permit the construction of a crawlspace access stairwell with an interior side yard setback of 1.6 metres, whereas an interior side yard setback of 1.8 metres is required.

The variance(s) requested would recognize the existing location of the single-detached dwelling with a reduced interior side yard setback on the north side of the property, and would facilitate the construction of proposed additions to the front and rear of the dwelling, as well as covered decks which would result in an overall building area of 183.6 square metres.

Further, the variance(s) would facilitate the construction of a proposed crawlspace access and below grade stairs within the required interior side yard on the south side of the property. Additionally, the variances would

permit the construction of a detached accessory building within the front yard.

**AGENCY COMMENTS:**

**Public Works:**

Public Works has no objections to this application indicated in their letter dated September 16th.

**Nottawasaga Valley Conservation Authority (NVCA):**

The NVCA has no objections to this application indicated in their letter dated September 17th.

**Wasaga Distribution (WDI):**

WDI has no objections to this application indicated in their letter dated September 13th.

**PUBLIC COMMENTS:**

**RECOMMENDATION:**

In consideration of the foregoing, the Planning Department supports application **A03524**, with the following conditions:

1. THAT the development will be substantially consistent with the site plan and drawings provided with the application, contained within "Appendix 1" of this report.
2. THAT the applicant apply for and obtain any necessary permits for the demolition of the existing detached accessory building located within the front yard, shown on the site plan drawing provided as "Existing Shed to be Removed" as shown in "Appendix 1". THAT the detached accessory building shall be removed, and the applicant provide confirmation of the demolition and removal to the Town of Wasaga Beach Planning Department.

**DISCUSSION:**

The agent, R. Fleer spoke to the application on behalf of the applicants.

There were no comments from members of the public either online or in-person.

That upon deliberation of the written comments received, the committee rendered the following decision:

**Resolution No: COA-2024-75**

**Moved by:** Dave Morrison

**Seconded by:** Leo Cusumano

THAT the Committee of Adjustment hereby approves application A03524 with the recommended conditions.

**CARRIED**

**5.2 Application #2 - A03624 - 360 Coastline Drive - Incidental Minor Variance**

**LANDS SUBJECT TO THE APPLICATION:**

Municipally addressed as 360 Coastline Drive, Town of Wasaga Beach.

**PURPOSE AND EFFECT:**

The applicant requests relief from the various sections of the Zoning By-law applicable to townhouse dwellings in the R3 and R3-11 Zones of Zoning By-law 2003-60, specifically:

Section 6.3.1.b (minimum lot area, R3 Zone) – from 210 square metres to as shown on the attached plan of survey:

130.26 square meters lot identified as Part 1;

113.15 square metres for the lots identified as Parts 2-4,7-9, 12-13, and 16-18;

137.44 square metres for the lot identified as Part 5;

131.56 square metres for the lots identified as Parts 6 and 15;

145.46 square metres for the lots identified as Parts 10 and 11;

135.09 square metres for the lot identified as Part 14;

151.37 square metres for the lot identified as Part 19;

117.09 square metres for the lot identified as Part 20;

120.03 square metres for the lot identified as Part 21; and,

134.16 square metres for the lot identified as Part 22.

Section 6.3.2 (minimum front yard depth, R3 zone)- from 6.0 metres to, as shown on the attached site plan:

4.24 metres for the lot specifically identified as Part 1;

4.5 metres for the lot specifically identified as Part 5;

4.8 metres for the lot specifically identified as Part 15; and,

3.32 metres for the lot specifically identified as Part 18.

Section 6.3.5.a.i (minimum interior side yard width, R3 zone)- from 6.0 metres to as shown on the attached site plan:

1.0 metres for the lot identified as Part 6;  
1.8 metres for the lot identified as Part 10;  
1.77 metres for the lot identified as Part 11; and,  
1.0 metres for the lot identified as Part 14.

Section 6.3.6 (minimum rear yard depth, R3 zone)- from 7.6 metres to as shown on the attached site plan:

2.70 metres for the lot identified as Part 15; and,  
2.75 metres for the lots identified as Parts 16-22.

Section 6.4.11.1 (minimum exterior side yard width, R3-11 zone) - from 3.0 metres to:

0.93 metres for the lot identified as Part 1;  
1.45 metres for the lot identified as Part 5;  
1.68 metres for the lot identified as Part 15; and,  
0.66 metres for the lot identified as Part 22.

**AGENCY COMMENTS:**

**Public Works:**

Public Works has no objections to this application.

**Nottawasaga Valley Conservation Authority (NVCA):**

The NVCA has no objections to this application indicated in their letter dated September 17th.

**PUBLIC COMMENTS:**

There were no comments from the public.

**RECOMMENDATION:**

In consideration of the foregoing, the Planning Department supports application **A03624**, with the following conditions:

1. THAT the development will be consistent with the survey and site plan provided with the application, contained within "Appendix 1" of this report.
2. THAT the exemption to Part Lot Control Bylaw applicable to the subject lands (Town file PL03/24) is passed and subsequently registered on title and the above noted lots are created within the time period stated in that Bylaw.

**DISCUSSION:**

The applicant spoke to the proposed application.

There were no comments from members of the public either online or in-person.

Member, D. Morrison sought clarity on the previous recommendation Public Works submitted to the Planning department regarding the proposed application.

Senior Planner, M. Ellis clarified his inquiries.

That upon deliberation of the written comments received, the committee rendered the following decision:

**Resolution No: COA-2024-76**

**Moved by:** Dave Morrison

**Seconded by:** Harold Van Gool

THAT the Committee of Adjustment hereby approves application A03624.

**CARRIED**

**5.3 Application #3 - A03424 - 21 Sunnidale Road South - Minor Variance**

**LANDS SUBJECT TO THE APPLICATION:**

Municipally addressed as 21 Sunnidale Road South, Town of Wasaga Beach.

**PURPOSE AND EFFECT:**

The application requests relief from Section 3.22 “Non-Conforming Uses” of Zoning By-law 2003-60. Specifically, the applicant is requesting relief to recognize the existing non-conforming 1.35 metre roadside fence while seeking an extension for a road fence of 2.3 metres.

The effect of the application is to recognize the existing non-conforming 1.35 metre fence and entrance gates and permit an increase in height to 2.3 metres.

**AGENCY COMMENTS:**

**Public Works:**

Public Works has objected this application indicated in their letter dated September 16th.

**Nottawasaga Valley Conservation Authority (NVCA):**

The NVCA has no objections to this application indicated in their letter dated September 17th.

**Wasaga Distribution (WDI):**

WDI has no objections to this application indicated in their letter dated September 13th.

**PUBLIC COMMENTS:**

Secretary Treasurer, C. Wilson read the letters and comments received to the Town in opposition to the proposed application.

There was a signed petition in support to the proposed application.

**RECOMMENDATION:**

In consideration of the foregoing, the Planning Department does not support application **A03424**, for the following reasons:

1. The application cannot be assessed through Section 45(2) of the *Planning Act*.
2. The requested relief does not maintain the general intent of the Zoning By-law.
3. The requested relief is not considered desirable and appropriate for the development of the land.
4. The requested relief is not considered minor in nature.

**DISCUSSION:**

The Agent, A. Powell provided a presentation on the proposed application.

The Chair, A. Harrod invited the applicant, I. Bryce to speak to the application, who spoke to the comments received from the public.

There were two affidavits, which were dated July 15, 2024, along with supporting documentation, presented to the Committee by M. Vernon of Friedman Estate Litigation.

Member, L. Cusumano asked for clarity on why this application was not being supported under section 45(2) of the Planning Act.

Planner, J. Vines indicated that the application as presented was to go through 45(2) of the Planning Act, however after further assessment of this application, it was determined that it should be evaluated under 45(1) of the Planning Act, which are the 4 tests for Minor Variances.

Member, D. Morrison put a motion forward to speak to the approval of this application. Member, L. Cusumano seconded this motion.

Member, D. Morrison spoke to the safety concerns outlined within the staff report.

Member, H. Van Gool spoke to his opposition to the proposed extension of the fence height.

The applicant, I. Bryce provided clarity of the proposed extension of the fence location, and the gates are what would require the extension in height.

The Agent, A. Powell spoke to member, H. Van Gool's inquiry on the proposed extension of the fence location.

Planner, J. Vines spoke to the sections within the official plan and zoning bylaw, in which would not support this proposed application. He also spoke to the affidavits which were dated July 15, 2024.

H. Van Gool sought clarification on what qualifies as a Minor Variance. Planner, J. Vines spoke to this.

Planner, J. Vines provided further information outlining the planning departments opposition to this proposed application.

The Agent, A. Powell provided further information regarding the proposed application.

That upon deliberation of the written comments received, the committee rendered the following decision:

**Resolution No: COA-2024-74**

**Moved by:** Dave Morrison

**Seconded by:** Leo Cusumano

THAT the Committee of Adjustment hereby approves application A03424.

**CARRIED**

**6. DATE OF NEXT MEETING**

Next meeting is scheduled for October 16, 2024.

**7. ADJOURNMENT**

The meeting adjourned at 3:16 p.m.