



MINUTES
Wasaga Beach Committee of Adjustment
Meeting

Wednesday, July 17, 2024, 2:00 p.m.
Council Chambers

Members Present: Daniel Paul
Dave Morrison
Leo Cusumano

Members Absent: Adam Harrod
Andy Ferguson
Harold Van Gool

1. CALL TO ORDER

1.1 Land Acknowledgement

2. DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest was declared.

3. ADOPTION OF MINUTES

3.1 Committee of Adjustment Meeting Minutes - June 19, 2024

Resolution No: COA-2024-56

Moved by: Daniel Paul

Seconded by: Leo Cusumano

Resolved that the Committee of Adjustment minutes of June 19, 2024 be accepted as presented.

CARRIED

4. DEFERRED / WITHDRAWN APPLICATIONS

The Secretary Treasurer, C. Wilson spoke briefly on the two applications which have been deferred.

4.1 A02824 - 14 68th Street North - L. Patten and Sons - Minor Variance

4.2 A02924 - 211 Shore Lane - Minor Variance

5. APPLICATIONS

5.1 **Application #1 - A02724 - 101 River Road East - Ron Fler - Incidental Minor Variance**

LANDS SUBJECT TO THE APPLICATION:

Municipally addressed as 101 River Road East, Town of Wasaga Beach.

PURPOSE AND EFFECT:

The application requests relief from Section 3 “General Provisions” of Comprehensive Zoning By-law 2003-60, as amended.

Specifically, the applicant requests relief from Section 3.23 “Non-Complying Lots, Buildings or Structures” from the following:

- Section 3.23.3 ii) – to recognize the location and permit the expansion of the existing 1 storey 90.48 square metre single detached dwelling, with an interior side yard setback of 0.90 metres on the north-east portion of the building, and interior side yard setback of 1.01 metres on the south-east portion of the building, whereas an interior side yard setback of 1.8 metres is required.
- Section 3.23.3 ii) – to recognize the location and permit the expansion of the existing 1 storey 29.72 square metre detached accessory building with a height of 4.2 metres a rear yard setback of 0.32 metres on the south-east portion of the building, a rear yard setback of 0.35 metres on the south-west portion of the building, and an interior side yard setback of 0.68 metres on the western portion of the detached building.

In addition to the above, the applicant requests relief from Section 3.1 “Accessory Uses, Buildings and Structures” from the following:

- Section 3.1.2 – to permit a lot coverage of 68.28 square metres for detached accessory buildings/structures, whereas the maximum lot coverage for all detached accessory building/structures within the R1 Zone is 65 square metres.
- Section 3.1.4 – to permit a detached accessory building (accessory dwelling unit) with a peaked roof and a maximum height of 7.4 metres whereas the maximum height of a detached accessory building with a peaked roof is 5.0 metres; AND, to permit a detached accessory building (accessory dwelling unit) with 2 storeys, whereas detached accessory buildings cannot exceed 1 storey.

Further to the above, the applicant is seeking additional relief from Section 4 “Residential Type 1” (R1) Zone of Comprehensive Zoning By-law 2003-60, as amended; specifically, the applicant requests relief from:

- Section 4.3.6 – to permit a rear yard setback of 2.4 metres for the proposed 2-storey addition to the detached accessory building (accessory dwelling unit), located in the south-west portion of the property, whereas the minimum rear yard setback requirement for detached accessory buildings higher than 3.7 metres in height is 7.6 metres.

The variance specific to the existing single detached dwelling would recognize the location of the dwelling and facilitate the construction of a 66.89 square metre 2 storey addition to the rear of the existing 1 storey single detached dwelling that will maintain setback requirements. The variance(s) associated with the existing detached accessory building would recognize the location of the building and facilitate the construction of a 33.07 square metre 2 storey addition with a height of 7.4 metres and rear yard setback of 2.4 metres, and permit a 5.85 square metre detached accessory building (shed) to remain.

AGENCY COMMENTS:

Public Works:

Public Works has no objections to this application indicated in their letter dated July 9th.

PUBLIC COMMENTS:

There were no comments from the public.

RECOMMENDATION:

In consideration of the foregoing, based on the above, the Planning Department supports applications **A02724**, subject to the following conditions being applied individually, each of which is subject to the following:

1. THAT the development will be substantially consistent with the site plan and drawings provided with the application, contained within “Appendix 1” of this staff report.
2. THAT the applicant demolish/remove two (2) detached accessory buildings located in the eastern portion of the subject property, shown on the Site Plan provided as “Buildings to be Removed” and shown in “Appendix 2” as “Building 1” and “Building 2”, and provide confirmation of the demolition/ removal to the Town of Wasaga Beach Planning Department.
3. THAT the relief associated with the reduced rear yard setback from 7.6 metres to 2.4 metres be applied only to the proposed addition to the existing detached accessory building situated in the south-west portion of the subject lands, as shown on the Site Plan provided within “Appendix 1”.

4. THAT the applicant remove a portion of the existing parking area shown in “Appendix 3”, to ensure that that access/driveway is not more than 55% of the width of the lot frontage (no more than 10.09 metres in width) and provide confirmation/documentation of the removal to the satisfaction of the Planning Department; AND, that the applicant construct one (1) additional appropriately sized and surfaced parking space associated with the proposed accessory dwelling unit, and provide confirmation/documentation to the satisfaction of the Planning Department.

DISCUSSION:

The agent, Ron Fler spoke to the proposed application.

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

There were no comments from committee members.

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

Resolution No: COA-2024-57

Moved by: Leo Cusumano

Seconded by: Daniel Paul

THAT the Committee of Adjustment hereby approves application A02724 with the recommended conditions.

CARRIED

5.2 Application #2 - A03024 - 111 White Sands Way - Incidental Minor Variance

LANDS SUBJECT TO THE APPLICATION:

Municipally addressed as 111 White Sands Way, Town of Wasaga Beach.

PURPOSE AND EFFECT:

The applicant requests relief from Section 4, “Residential Type 1 (R1) Zone” of Zoning By-law 2003-60, as amended, specifically:

- Section 4.3.9 – to permit a lot coverage maximum of 38%, whereas the maximum lot coverage for all buildings and structures is 35%.The variance requested would permit the construction of a deck addition with an area of 17.5 square metres, and permit an overall lot coverage of 38%, whereas the maximum lot coverage for all buildings and structures is 35%.

AGENCY COMMENTS:

Public Works:

Public Works has no objections to this application indicated in their letter dated July 7th.

PUBLIC COMMENTS:

There were no comments from the public.

RECOMMENDATION:

In consideration of the foregoing, based on the above, the Planning Department supports applications **A03024**, subject to the following conditions being applied individually, each of which is subject to the following:

1. THAT the development will be substantially consistent with the site plan drawing provided with the application, contained within "Appendix 1" of this staff report.

DISCUSSION:

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

There were no comments from committee members.

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

Resolution No: COA-2024-58

Moved by: Daniel Paul

Seconded by: Leo Cusumano

THAT the Committee of Adjustment hereby approves application A03024 with the recommended conditions.

CARRIED

5.3 Application #3 - A03124 - 1380 River Road East - Incidental Minor Variance

LANDS SUBJECT TO THE APPLICATION:

Municipally addressed as 1380 River Road East, Town of Wasaga Beach.

PURPOSE AND EFFECT:

The application requests relief from Section 3 "General Provisions" of Comprehensive Zoning By-law 2003-60, as amended.

Specifically, the applicant requests relief from Section 3.23 "Non-Complying Lots, Buildings or Structures" from the following:

- Section 3.23.3 ii) – to recognize the location and permit the expansion of the existing 1 storey 37.34 square metres detached accessory building, with a height of approximately 5.0 metres, an exterior side yard setback of 0.03 metres on the north-west portion of the building, and an exterior side yard setback of 2.26 metres on the north-east portion of the building.

In addition to the above, the applicant requests relief from Section 3.1 “Accessory Uses, Buildings and Structures” from the following:

- Section 3.1.4 – to permit a detached accessory building (accessory dwelling unit) with a peaked roof and a maximum height of 6.9 metres whereas the maximum height of a detached accessory building with a peaked roof is 5.0 metres; AND, to permit a detached accessory building (accessory dwelling unit) with 2 storeys, whereas detached accessory buildings cannot exceed 1 storey.
- Section 3.1.5.4 – to permit the location of the existing detached accessory building located in the exterior side yard, whereas detached accessory buildings and structures are only permitted within the interior side yard and rear yard.

Further to the above, the applicant is seeking additional relief from Section 4 “Residential Type 1” (R1) Zone of Comprehensive Zoning By-law 2003-60, as amended; specifically, the applicant requests relief from:

- Section 4.3.4 – to permit an exterior side yard setback of 0.03 metres for the existing detached accessory building (accessory dwelling unit) located in the northern portion of the property abutting the unopened road allowance, whereas the minimum exterior side yard setback requirement for the R1 Zone is 4.5 metres.

The variance(s) would recognize the location of the existing detached accessory building (accessory dwelling unit) in the exterior side yard, with a setback of 0.03 metres from the unopened road allowance, and would facilitate the construction of a second storey with a height of approximately 6.9 metres.

AGENCY COMMENTS:

Public Works:

Public Works has no objections to this application indicated in their letter dated July 8th.

Nottawasaga Valley Conservation Authority (NVCA):

The NVCA has no objections to this application indicated in their letter dated July 8th.

PUBLIC COMMENTS:

There were comments received from neighboring properties. The comments regarding the opposition of the application were read out by Secretary Treasurer, C. Wilson.

RECOMMENDATION:

In consideration of the foregoing, based on the above, the Planning Department supports applications **A03124**, subject to the following conditions being applied individually, each of which is subject to the following:

1. THAT the development will be substantially consistent with the site plan and drawings provided with the application, contained within "Appendix 1" of this staff report.
2. THAT the applicant obtain the necessary Nottawasaga Valley Conservation Authority permit approvals and provide confirmation to the satisfaction of the Building Department.

DISCUSSION:

The applicant spoke to the proposed application.

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

There were no comments from committee members.

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

Resolution No: COA-2024-59

Moved by: Leo Cusumano

Seconded by: Daniel Paul

THAT the Committee of Adjustment hereby approves application A03124 with the recommended conditions.

CARRIED

5.4 Application #4 - B01724 - 45th Street South & Ramblewood - Amicorp Developments Inc. - Consent

LANDS SUBJECT TO THE APPLICATION:

Municipally addressed as PLAN 1699 PT LOT 2 PLAN 1695; LOTS 46 47 48 49 50 AND 84; PT LOTS 85 86 and 87 RP; 51R36885 PARTS 2 TO 4, 166 45th Street South, Town of Wasaga Beach.

PURPOSE AND EFFECT:

The applications propose to create two (2) new lots for a total of three (3) lots. The application further proposes to establish an access easement over the subject lands.

The portion of the lands proposed to be severed for the purpose of lot creation, as shown on the severance sketch provided as ('Part 1'), has a frontage of approximately 107 metres along 45th Street South, a frontage of approximately 177 metres along Robinson Road, a frontage of approximately 55.8 along Lilac Street, a depth of approximately 145 metres and a lot area of approximately 14,898 square metres.

The portion of the lands proposed to be retained as shown on the severance sketch provided as ('Part 2'), has a frontage of approximately 55.4 metres along 45th Street South, a frontage of approximately 85.5 metres along Lilac Street, a depth of approximately 145 metres, and a lot area of approximately 7,040 square metres.

AGENCY COMMENTS:

Public Works:

Public Works has no objections to this application indicated in their letter dated July 5th.

Wasaga Distribution (WDI):

WDI has no objections to this application indicated in their letter dated April 26th.

PUBLIC COMMENTS:

There were comments received from neighboring properties. The comments regarding the opposition of the application were read.

RECOMMENDATION:

In consideration of the foregoing, based on the above, the Planning Department supports application **B01724**, subject to the following conditions being applied:

1. THAT 2% Parkland Contribution as required by the *Planning Act* be paid as a requirement of the approval of the severance (the parcel severed). The determination of the value of the parkland contribution will be based upon an appraisal prepared by an individual who is a member of the Appraisal Institute of Canada (AIC); and pursuant to section 51.1(4) of the *Planning Act*.
2. THAT the applicant provides a deposited reference plan, said reference plan to show all of the parcel to be severed.

3. THAT the applicant shall pay to the Town of Wasaga Beach any additional costs and expenses incurred as a result of the review and approval of this application.
4. THAT Consent application B01924 for the proposed easements benefitting the affected parcels be approved and the conditions of that Consent be completed.
5. THAT all conditions of this decision be fulfilled and the documents presented to the Planning Department for issuance of the Certificate of Consent within a period not to exceed 24 months from the date of decision.

DISCUSSION:

The agent, B. Clement spoke to the proposed application.

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

There were no comments from committee members.

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

Resolution No: COA-2024-60

Moved by: Leo Cusumano

Seconded by: Daniel Paul

THAT the Committee of Adjustment hereby approves application B01724 with the recommended conditions.

CARRIED

5.5 Application #5 - B01824 - 45th Street South & Ramblewood - Amicorp Developments Inc. - Consent

LANDS SUBJECT TO THE APPLICATION:

Municipally addressed as PLAN 1699 PT LOT 2 PLAN 1695; LOTS 46 47 48 49 50 AND 84; PT LOTS 85 86 and 87 RP; 51R36885 PARTS 2 TO 4, 166 45th Street South, Town of Wasaga Beach.

PURPOSE AND EFFECT:

The applications propose to create two (2) new lots for a total of three (3) lots. The application further proposes to establish an access easement over the subject lands.

The portion of the lands proposed to be severed for the purpose of lot creation, as shown on the severance sketch provided as ('Part 1') has a frontage of approximately 55 metres along 45th Street South, a frontage of

34.5 metres along Lilac Street, a depth of approximately 145 metres, and a lot area of approximately 4,969 square metres.

The portion of the lands proposed to be retained as shown on the severance sketch provided as ('Part 2'), has a frontage of approximately 51.0 metres along Lilac Street, a depth of approximately 39 metres, and a lot area of approximately 2,071 square metres.

AGENCY COMMENTS:

Public Works:

Public Works has no objections to this application indicated in their letter dated July 5th.

Wasaga Distribution (WDI):

WDI has no objections to this application indicated in their letter dated April 26th.

PUBLIC COMMENTS:

There were comments received from neighboring properties. The comments regarding the opposition of the application were read.

RECOMMENDATION:

In consideration of the foregoing, based on the above, the Planning Department supports application **B01824**, subject to the following conditions being applied:

1. THAT 2% Parkland Contribution as required by the *Planning Act* be paid as a requirement of the approval of the severance (the parcel severed). The determination of the value of the parkland contribution will be based upon an appraisal prepared by an individual who is a member of the Appraisal Institute of Canada (AIC); and pursuant to section 51.1(4) of the *Planning Act*.
2. THAT the applicant provides a deposited reference plan, said reference plan to show all of the parcel to be severed.
3. THAT the applicant shall pay to the Town of Wasaga Beach any additional costs and expenses incurred as a result of the review and approval of this application.
4. THAT consent application B01724 is approved.
5. THAT Consent application B01924 for the proposed easements benefitting the affected parcels be approved and the conditions of that Consent be completed.
6. THAT all conditions of this decision be fulfilled and the documents presented to the Planning Department for issuance of the

Certificate of Consent within a period not to exceed 24 months from the date of decision.

DISCUSSION:

The agent, B. Clement spoke to the proposed application.

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

There were no comments from committee members.

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

Resolution No: COA-2024-61

Moved by: Daniel Paul

Seconded by: Leo Cusumano

THAT the Committee of Adjustment hereby approves application B01824 with the recommended conditions.

CARRIED

5.6 Application #6 - B01924 - 45th Street South & Ramblewood - Amicorp Developments Inc. - Consent

LANDS SUBJECT TO THE APPLICATION:

Municipally addressed as PLAN 1699 PT LOT 2 PLAN 1695; LOTS 46 47 48 49 50 AND 84; PT LOTS 85 86 and 87 RP; 51R36885 PARTS 2 TO 4, 166 45th Street South, Town of Wasaga Beach.

PURPOSE AND EFFECT:

The application proposes to create an easement over the subject lands.

The proposed easement would grant vehicular access to the newly created lots and the abutting lands, with ingress/egress on 45th St. South and Ramblewood Dr. The registered easement would have an approximate frontage of 10.5 metres along 45th St. South and 8.5 metres along Ramblewood Dr. The total combined area of the proposed easement is 1470 square metres.

AGENCY COMMENTS:

Public Works:

Public Works has no objections to this application indicated in their letter dated July 9th.

Wasaga Distribution (WDI):

WDI has no objections to this application indicated in their letter dated July 5th.

PUBLIC COMMENTS:

There were comments received from neighboring properties. The comments regarding the opposition of the application were read.

RECOMMENDATION:

In consideration of the foregoing, based on the above, the Planning Department supports application **B01924**, subject to the following conditions being applied:

1. THAT the applicant shall pay to the Town of Wasaga Beach any additional costs and expenses incurred as a result of the review and approval of this application.
2. THAT the applicant provide a reference plan, and said reference plan to show all the affected lands subject to the easement.
3. THAT the applicant confirm the terms of the easement and legal registration of the easement on all lands subject to the proposal, to the satisfaction of the Town's Planning Department.
4. THAT all conditions of this decision be fulfilled and the documents presented to the Planning Department for issuance of the Certificate of Consent within a period not to exceed 24 months from the date of decision.

DISCUSSION:

The agent, B. Clement spoke to the proposed application.

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

There were no comments from committee members.

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

Resolution No: COA-2024-62

Moved by: Daniel Paul

Seconded by: Leo Cusumano

THAT the Committee of Adjustment hereby approves application B01924 with the recommended conditions.

CARRIED

5.7 Application #7 - A01324 - 12 Old Hickory Lane - LJH Architectural Design - Minor Variance

LANDS SUBJECT TO THE APPLICATION:

Municipally addressed as 12 Old Hickory Lane, Town of Wasaga Beach.

PURPOSE AND EFFECT:

The application requests relief from Section 3.1, "Accessory Uses, Buildings and Structures", of Comprehensive Zoning By-law 2003-60, as amended. Specifically, the applicant requests relief from:

Section 3.3.4 – to permit a porch with a height of 1.58 metres to project 3.4 metres into the required front yard, whereas porches are permitted to project 1.2 metres into the required front yard provided that they are not more than 1.2 metres above finished grade.

Section 3.3.4 - to permit a porch with an encroachment area of 8.75 square metres to project into the required front yard, whereas porches projecting into the required front yard shall not exceed an area of 1.5 square metres.

Section 3.3.6 – to permit steps with a height of 1.38 metres to project *4.82 metres into the required front yard, whereas steps with a maximum height of 0.6 metres are permitted to project into a required front yard a maximum distance of 1.2 metres (3.9 ft.).

* Reduced projection as per information from applicant's architect (July 8th, 2024).

In addition to the above, the application further requests relief from Section 4, "Residential Type 1 (R1) Zone", of Comprehensive Zoning By-law 2003-60, as amended, specifically:

Section 4.3.3 – to permit a reduced front yard setback of 5.17 metres to the easterly corner of the proposed attached garage, whereas a front yard setback of 6 metres is required.

The variance(s) requested would facilitate the construction of a porch with steps within the required front yard with an increased area, projection distance and height. The variance(s) would further permit the construction of an attached garage with a reduced front yard setback of 5.17 metres to the easterly corner.

AGENCY COMMENTS:

Nottawasaga Valley Conservation Authority (NVCA):

The NVCA has no objections to this application indicated in their letter dated May 6th.

Public Works:

Public Works has no objections to this application indicated in their letter dated May 6th. .

Wasaga Distribution (WDI):

WDI has no objections to this application indicated in their letter dated April 26th.

PUBLIC COMMENTS:

There were comments received from neighboring properties. The comments regarding the opposition of the application were read by the Secretary Treasurer, C. Wilson.

RECOMMENDATION:

In consideration of the foregoing, the following is recommended:

THAT application A01324 be refused.

DISCUSSION:

The owner, M. Gargaro read a letter regarding the proposed application.

The agent, Lincoln Hilger provided a presentation on the proposed application.

CAO, A. McNeill spoke to the concerns of the proposed application.

There was discussion amongst member D. Morrison, Planner, S. Hannah and the applicant regarding a neighbour comment received prior to the meeting.

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

There were no comments from committee members.

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

Resolution No: COA-2024-64

Moved by: Daniel Paul

Seconded by: Leo Cusumano

THAT the Committee of Adjustment hereby refuses application A01324 with the recommended conditions.

CARRIED

6. DATE OF NEXT MEETING

Next meeting is scheduled for August 21, 2024.

7. **ADJOURNMENT**

The meeting adjourned at 3:25pm.