



Corporation of the  
**Township of Tay**

450 PARK ST.  
P.O. BOX 100  
VICTORIA HARBOUR  
ONTARIO L0K 2A0

(705) 534-7248  
FAX (705)534-4493

**COMMITTEE OF ADJUSTMENT  
MINUTES OF MEETING  
Wednesday October 24, 2007 – 7:00 PM  
Council Chamber**

Members Present:                   D. Strachan, Chair  
  D. Bryant  
  C. Whiteside  
  J. Handley  
  H. Naumann

Staff Present:                       T. Huguenin, Secretary-Treasurer

**1.0 MINUTES**

**MOTION:** Moved by:           C. Whiteside  
  Seconded by:           J. Handley

**THAT** the minutes of the Public Hearing held July 25, 2007 be adopted as circulated.

**CARRIED.**

**2.0 DISCLOSURE OF INTEREST**

None of the Committee Members had an interest to disclose.

**3.0 MEETING**

**3.1 Consent Application 2007B06 – Ken & Petra St. Amand**

Location:   149 Veterans Lane

Written comments received and read into the public record (see file for details):

Township: CAO, Clerk, Treasury, Public Works, Building, Fire, Planning  
Agencies: None  
Others: None

Presenter: Petra St. Amand, Applicant

- The Applicant had no further information to add.

Public Audience: None.

### **3.2 Variance Applications 2007A02 – James Shaw**

Location: 60 Robins Point Road

Written comments received and read into the public record (see file for details):

Township: CAO, Clerk, Treasury, Public Works, Building, Fire, Planning  
Agencies: None  
Others: None

Presenter: Bob Richards, Agent & James Shaw, Applicant

- Agreeable to revise proposed garage height to not exceed 4.5m (14ft 9in).
- Apologies given to the Committee and neighbours for the late submission of house design drawings.
- Wish to construct garage at 24ft by 24ft in view of having reduced the overall size of the house from what was originally proposed when the variance application was originally filed with the Township.

Public Audience:

Murray VanHalem, 58 Robins Point Road

- Concerned with issues related to height as this could affect his property abutting to the west of the subject lot.
- Requested an opportunity to view the proposed house design drawings.

Dale Eplett, 66 Robins Point Road

- Added clarification by noting that the VanHalem dwelling, at 58 Robins Point Road, is approximately 1ft closer to the road allowance than Shaw's proposed garage.

Bayla Fishman, 58 Robins Point Road

- Inquired whether the size of dwelling and attached garage, as applied for, are still the same size as what is now proposed in the new construction drawings.

### **3.3 Variance Application 2007A03 – Marie Richardson**

Location: 262 Mountain Avenue

Written comments received and read into the public record (see file for details):

Township: CAO, Clerk, Treasury, Public Works, Building, Fire, Planning  
 Agencies: None  
 Others: None

Presenter: Darryl Moreau, Agent & Marie Richardson, Applicant

- The Applicant had no further information to add.
- The proposed construction will remove the old chimney and improve the east end of the dwelling.

Public Audience: None.

### **3.4 Validation Application 2007B07 – Sophia Glac**

Location: 2 Bayside Avenue

Under the Planning Act there is no public meeting or hearing associated with an application for a Validation Certificate. The Committee briefly discussed the application after considering the staff planning report.

## **4.0 DECISIONS**

#### **4.1 Consent Application 2007B06 – Ken & Petra St. Amand**

Location: 149 Veterans Lane

**MOTION:** Moved by: D. Bryant  
 Seconded by: C. Whiteside

**THAT,**

Regarding **Consent Application No. 2007B06 (Ken and Petra St. Amand)** consent be granted to convey a lot addition parcel, 21.41m (70.25ft) wide by 35.13m (115.25ft) deep by 754.14m<sup>2</sup> (8,117.8ft<sup>2</sup>) in area, to merge on title and increase the lot depth of 139 Veterans Lane currently owned by Trevor Barron & Kyla Mosley.

**SUBJECT TO THE FOLLOWING CONDITIONS,**

1. That a reference plan of survey of the severed parcel be prepared and submitted to the Township in duplicate.
2. That all taxes levied, due and outstanding regarding the subject lands be paid in full.
3. As the intent of this decision is that Section 50(3) or 50(5) of the Planning Act apply to this consent, such that the severed parcel and the abutting property located at 139 Veterans Lane, owned by Trevor Barron & Kyla Mosley, merge on title, a solicitor's letter of undertaking, in the form of the Township's standard "Solicitor's Undertaking – Re: Lot Addition Title Merger", be required to be submitted to ensure the merger of title will occur.

**FOR THE FOLLOWING REASONS,**

The subject application conforms to the policies of the Township's Official Plan and generally complies with General Zoning By-law No. 2000-57.

**CARRIED.**

#### **4.2 Variance Applications 2007A02 – James Shaw**

Location: 60 Robins Point Road

**MOTION:** Moved by: C. Whiteside  
                  Seconded by: J. Handley

**THAT,**

Regarding **Variance Application No. 2007A02 (James Shaw)** a minor variance be granted of 1.5m (4.92ft) from the Shoreline Residential Exception Two “SR-2” Zone’s minimum 7.5m (24.61ft) front yard required under Section 12.4.2, By-law 2000-57 as amended, to permit a minimum front yard of 6.0m (19.69ft) for an attached garage.

**SUBJECT TO THE FOLLOWING CONDITIONS,**

1. That a building permit for the proposed construction be obtained within 1 year of the approval of this application.
2. That this variance apply to a an attached garage, measuring no larger than 7.32m by 7.32m (24ft by 24ft) in size, attached to the dwelling’s south elevation, facing Robins Point Road.
3. That the maximum building height of the attached garage be no more than 4.5m (14’ 9”) measured from the average grade at the exterior of the garage to the mid-point of rafter or truss of the garage roof.

**FOR THE FOLLOWING REASONS,**

- The residential use of the property along with accessory buildings such as the proposed attached garage, are permitted by both the Official Plan and by the Zoning By-law.
- The variance should have little negative impact regarding the function of the front yard as 6.0m (19.69ft) of setback will be provided.
- The variance proposal is viewed as being desirable for the appropriate development of the lot subject to the garage height being limited to maintain the intent of the Zoning By-law regarding garages on waterfront lots.
- The proposed garage will be set back further from Robins Point Road than the buildings on the lots on either side of the subject lot and as such the variance proposal is viewed as being minor in nature since any negative

effects this proposal may have on the surrounding area are anticipated to be insignificant.

**CARRIED.**

**4.3 Variance Application 2007A03 – Marie Richardson**

Location: 262 Mountain Avenue

**MOTION:** Moved by: H. Naumann  
 Seconded by: C. Whiteside

**THAT,**

Regarding **Variance Application No. 2007A03 (Marie Richardson)** minor variances be granted from the Village Residential “R1” Zone’s minimum 4.5m (14.76ft) exterior side yard setback required under Section 7.3.1(c)(iv), By-law 2000-57 as amended, to permit a minimum exterior side yard setback of 3.399m (11.15ft) to any proposed “non-roof” building feature and 2.896m (9.50ft) to the proposed roof line “corner”, all in regards to deck and roof overhang construction or re-construction at or along the easterly side of the subject dwelling.

**SUBJECT TO THE FOLLOWING CONDITIONS,**

1. That a building permit for the proposed construction be obtained within 1 year of the approval of this application.

**FOR THE FOLLOWING REASONS,**

- The residential use of the property along with the proposed accessory covered deck, are permitted by the Official Plan and by the Zoning By-law.
- The variance should have little negative impact on the function of the exterior side yard due to the open nature of the proposed structure and a separation distance of approximately 25 m (82 ft) between the adjacent intersection and the location on the lot where the building construction is proposed.
- The variance is found to be desirable for the appropriate development of the lot as it will allow the applicants to upgrade their dwelling with a renovated deck and covered walk that will improve the finish along the dwelling’s rear

roofline and generally upgrade the overall appearance of the rear of the dwelling.

- The proposed variance is viewed as being minor in nature in as much as only the easterly end of the dwelling does not comply with zoning because of a bend in Mountain Avenue. The proposed support column nearest to Mountain Avenue will only come 0.366m (1.2ft) closer to Mountain Avenue than the “grandfathered” south-east corner of the subject dwelling. Any negative effects this proposal may have on the surrounding area are anticipated to be insignificant and few if any.

**CARRIED.**

#### **4.4 Validation Application 2007B07 – Sophia Glac**

Location: 2 Bayside Avenue

**THAT,**

Regarding **Validation Application 2007B07 (Sophia Glac)** a Validation Certificate be issued pursuant to Section 57 of the Planning Act for those lands commonly known as 2 Bayside Avenue, legally described as Part Lot 23, Plan 986 and Part Lot 12, Concession 8, Township of Tay, County of Simcoe.

**FOR THE FOLLOWING REASONS,**

The subject land conforms to the prescribed criteria as set out in Ontario Regulation 144/95, namely,

- The Certificate conforms with the Shoreline Residential designation applicable to the subject land.
- The Certificate conforms with the Shoreline Residential “SR” Zone applicable to the subject land.

**CARRIED.**

#### **5.0 OTHER BUSINESS**

The Committee had no other business to deal with.

**6.0 ADJOURNMENT**

The Committee adjourned at 8:04 p.m.

Respectfully Submitted:

---

D. Strachan, Chair

---

T. Huguenin, Secretary-Treasurer