



Corporation of the
Township of Tay

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**COMMITTEE OF ADJUSTMENT
MINUTES OF MEETING
Wednesday May 28, 2008 – 7:00 PM
Council Chamber**

Members Present:

D. Strachan, Chair
C. Whiteside
J. Handley
H. Naumann

Staff Present:

T. Huguenin, Secretary-Treasurer

Chair D. Strachan called the meeting to order at 7:00 p.m.

1.0 MINUTES

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

THAT the minutes of the Public Hearing held March 26, 2008 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 Variance Application 2008A01 – Greg Plowman & Rose Gigliotti

Location: 334 Armstrong Street

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: Greg Plowman & Rose Gigliotti, Applicants

- The applicants advised the foundation of the new dwelling had its location pinned by the surveying firm of Rudy Mak.
- The applicants were uncertain as to who made a mistake that resulted in the building's location requiring a minor variance.

Public Audience: None.

3.2 Variance Application 2008A02 – Robert Root

Location: 58 Hoyt Avenue

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

Township: CAO, Clerk, Public Works, Building, Fire, Planning
 Agencies: None
 Others: William Lidstone & Anne Lidstone, 62 Hoyt Avenue

Presenter: Robert Root, Applicant

- The applicant advised he was caught by surprise when he was advised by the Township that his house plans did not fit the zoning requirements for the lot.
- The applicant advised he wished to pursue a minor variance rather than re-design the house.
- The applicant confirmed he was aware that the side yards he was proposing would limit his access to the waterside of his lot.

Public Audience: None.

4.0 DECISIONS

4.1 Variance Application 2008A01 – Greg Plowman & Rose Gigliotti

Location: 334 Armstrong Street

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

THAT,

Regarding **Application No. 2008A01 (Greg Plowman & Rose Gigliotti)** a minor variance of 0.16m (0.52ft) be granted from the "grandfathered" exterior side yard of 0.72m (2.36ft) to permit an exterior side yard of 0.56m (1.84ft) measured to a deck.

SUBJECT TO THE FOLLOWING CONDITIONS,

None.

FOR THE FOLLOWING REASONS,

The use of the property for a single detached residential dwelling along with accessory buildings and structures, such as the subject deck, are permitted by the Official Plan and by the Zoning By-law.

As the location of the newly constructed replacement dwelling complies with the legal non-complying "features" of the former dwelling and only the handrail of the new wooden deck is out of compliance with the "grandfather" provisions, the variance proposal is viewed as meeting the overall intent of Section 4.12 Legal Non-Complying Buildings Structures and Lots, Zoning By-law 2000-57.

The variance is found to be desirable for the appropriate development of the lot as it will allow the applicants to complete the construction of this replacement dwelling, which is a significant improvement over the former demolished dwelling.

The proposed variance is viewed as being minor in nature in as much as the west main wall of the dwelling at the subject lot complies with the Zoning By-law's "grandfather" provisions and it is only the deck handrail, which projects half a foot out from the west main wall that is out of compliance.

CARRIED.

4.2 Variance Application 2008A02 – Robert Root

Location: 58 Hoyt Avenue

MOTION: Moved by: J. Handley
 Seconded by: H. Naumann

THAT,

Regarding **Application No. 2008A02 (Robert Root)** a minor variance of 0.444m (1.46ft) be granted from the Village Residential Zone's minimum 7.500m (24.61ft) front yard required under Section 8.3.1(d)(i), By-law 2000-57 as amended, to permit a minimum front yard of 7.056m (23.15ft) for a 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 use of the property for a single detached residential dwelling is permitted by the Official Plan and by the Zoning By-law.

The subject variance is relatively small and should have little negative impact on the features intended to be controlled under the zoning by-law's minimum front yard provisions.

The variance is found to be desirable for the appropriate development of the lot as it will allow the applicants to improve their lot to the benefit of the applicants, the surrounding neighbourhood and the Township as well.

The proposed variance is viewed as being minor in nature in as much as only a third of the new dwelling's main front wall will encroach into the zoning by-law's required 7.5 m (24.61ft) front yard setback. As well, the proposal provides 95% of the required front yard setback to the relatively small portion of the main front wall that encroaches into the zoning requirement.

CARRIED.

5.0 OTHER BUSINESS

There was no other business before the Committee.

6.0 ADJOURNMENT

The Committee adjourned at 7:23 p.m.

Respectfully Submitted:

D. Strachan, Chair

T. Huguenin, Secretary-Treasurer