

COMMITTEE OF ADJUSTMENT
DECISION RE: FILE NO. B1522/A2122

LANDS SUBJECT TO THE APPLICATION: PLAN 966 LOT 35, municipally addressed as 1433 River Road West, Town of Wasaga Beach, County of Simcoe.

OTHER APPLICATIONS: The land subject to this application for consent is currently the subject of an application for minor variance under file A21/22.

DECISION: GRANTED

The committee granted relief for the following applications:

CONSENT APPLICATION B15/22

The applicant wishes to sever one lot from the subject lands to create one additional residential building lot, as shown on page one of this report.

Severed Lot

The portion of the property to be severed as shown on the surveyor's sketch as 'Part 1' (see Attachment 1), has a frontage of 18.29 metres (60 ft.) along River Road West, a depth of approximately 31.7 metres (104 ft.) and an area of approximately 573.8 square metres (6177 sq. ft.).

Retained Lot

The portion of the property to be retained as shown on the surveyor's sketch as 'Part 2' (see Attachment 1) has a frontage of approximately 29.26 metres (96 ft.) along Silver Birch Avenue, a depth of approximately 18.29 metres (60 feet) and an area of approximately 533.8 square metres (5,746.4 sq. ft.).

MINOR VARIANCE APPLICATION A21/22

The Zoning By-law requires that when a lot is divided, both the proposed retained and severed lots shall comply with the provisions of the Zoning By-law, for the applicable zone. The existing dwelling on the proposed retained lot would not comply with comprehensive Zoning Bylaw 2003-60 should severance application B12/22 be approved. To facilitate the severance the applicant has submitted an application for Minor Variance A21/22, requesting relief from Section 4, "Residential Type 1" (R1) Zone of Zoning By-law 2003-60 as amended. Specifically, the applicant requests the following relief from Comprehensive Zoning Bylaw 2003-60:

- Section 4.3.3 – to permit a front yard setback of 4.72 metres (15.4 ft.), whereas 6 metres (19.6 ft.) is required.
- Section 4.3.7 – to permit a rear yard setback of 3.81 metres (12.5 ft.), whereas 7.6 metres (24.9 ft.) is required.

The variance(s) requested would recognize the location of the existing single detached dwelling located on the proposed retained lot, subject to application B15/22.

FOR THE FOLLOWING REASONS:

1. THAT approval of this application will maintain the policies of the Official Plan;
2. THAT approval of this application will maintain the general intent of Zoning By-law 2003-60;
3. THAT the request for a minor variance is minor;
4. THAT the application for a minor variance is desirable for the appropriate development and use of the subject property;
5. THAT the comments and concerns of the public, both written and verbal, were considered in this decision of the Committee.

WITH THE FOLLOWING CONDITIONS:




B15/22

1. That the applicant provide the following monies to the Municipality:
 - a) That all outstanding municipal fees, taxes and charges, including local improvement charges, be paid out in full;
 - b) That 5% Parkland Contribution as required by the Planning Act be paid as a requirement of the approval of the severance (the parcel severed).
2. THAT the lower-tier portion of the existing two-tier deck located in the south-west corner of the proposed retained parcel be removed.
3. THAT the existing shed located in the north-east corner of the proposed retained parcel be relocated into the interior side yard or rear yard, while maintaining full compliance with the Town's Zoning By-Law 2003-60, as amended.
4. THAT the applicant provides a registered reference plan, said reference plan to show all of the parcel to be severed, and all of the parcel to be retained.
5. THAT the applicant provides a lot grading and drainage plan prepared by a qualified professional for the severed and retained parcels to the satisfaction of the municipality and any future development on the individual lots will be in accordance with the current Town of Wasaga Beach Infill Lot Grading and Drainage Policy, if required.
6. THAT a Road Occupation Permit shall be taken out for any works within the right of way, if required.
7. THAT the approval of Application B15/22 be contingent on the approval of Application A21/22.
8. THAT the applicant provide municipal water and sewer to both the severed and retained parcels to the specification and location satisfactory to the Town of Wasaga Beach, if required.
9. THAT all sanitary services have a 200mmØ clean out (inspection port) installed at street property line, as per Town Engineering Standards drawing #12A.
10. THAT any future development on the property maintain full compliance with Section 3.4.1 of the Zoning By-Law, as to ensure that the property's site triangle remain unobstructed. This would include that a driveway use not be permitted within the identified site triangle area.
11. 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.

A21/22

1. THAT the severance sought by application for consent B11/22 be granted and that the severance be completed.
2. THAT all other provisions of the Zoning By-law be complied with.
3. THAT any future development on the lots will adhere to current Town of Wasaga Beach standards and policies.

4. THAT the relief associated with the front and rear yard setbacks on the proposed retained parcel applies to the existing dwelling only.
5. THAT the applicant provides a lot grading and drainage plan prepared by a qualified professional for the severed and retained parcels to the satisfaction of the municipality and any future development on the individual lots will be in accordance with the current Town of Wasaga Beach Infill Lot Grading and Drainage Policy, if required.
6. THAT a Road Occupation Permit shall be taken out for any works within the right of way, if required.
7. THAT an Infill Lot Grading and Drainage plan be submitted by the applicant to the Town for review and approval at the discretion of the Building Department, if required

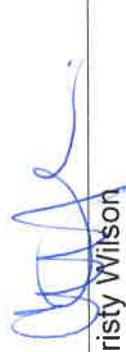
ANDY FERGUSON	MEMBER	
HAROLD VAN GOOL	MEMBER	
KENT WOOTTON	MEMBER	
ADAM HARROD	MEMBER	
DANIEL PAUL	MEMBER	

Only individuals, corporations and public bodies may appeal decisions in respect of applications for minor variance to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group. In order to appeal the minor variance decision, notice of the appeal must be filed with the Secretary Treasurer of the Committee of Adjustment no later than **September 4, 2022** and shall set out reasons for the appeal of the minor variance. The appeal must be accompanied by the fee required by the Local Planning Appeal Tribunal in the form of a certified check and a completed Appellant Form. **Appellant Form (A1)**. Appellant forms may be obtained from the Municipal Office or by visiting the Local Appeal Tribunal website at (<http://elto.gov.on.ca/tribunals/lpat/about-lpat/>).

DATE OF HEARING: August 15, 2022
 DATE OF DECISION: August 15, 2022
 LAST DATE OF APPEAL: September 4, 2022

Cristy Wilson, the Secretary-Treasurer of the Town of Wasaga Beach, Committee of Adjustment, do hereby certify this to be a true copy of the decision of the Committee of Adjustment, and that this decision was concurred in by a majority of members who heard the application and whose names appear above.

DATED this 15th day of August, 2022


 Cristy Wilson
 Secretary-Treasurer
 Committee of Adjustment
 30 Lewis Street
 WASAGA BEACH, ON
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