



COMMITTEE OF ADJUSTMENT

MEETING MINUTES

8th MEETING OF 2020

TUESDAY NOVEMBER 17, 2020

The eighth meeting of the Committee of Adjustment of the Township of Brock was held on Tuesday, October 20, 2020 virtually by Microsoft Teams.

Members Present:

- George Hewitt
- Peter Prust
- William Basztyk
- Ralph Maleus
- Gloria Stewart

Staff Present:

- Richard Ferguson, CBO
- Debbie Vandenakker, Planner / Secretary-Treasurer (recording minutes)

Others Present:

- Chuck Gillespie (7pm)
- Ainsley Gillespie (7pm)
- Claire Doble (7:15pm)
- Travis Doble (7:15pm)
- Shawn Foley (7:45pm)
- David Barkey (7:45pm)

1. **CALL TO ORDER** – Chair George Hewitt – 7:00 p.m.

2. **DECLARATION OF CONFLICT OF INTEREST**

3. **CONFIRMATION OF MINUTES** – 7th meeting – October 20, 2020

Resolution 1-8

Correction to October Minutes: On page 3, please delete the last line of Bill's response.

MOVED BY Ralph Maleus and seconded by Bill Basztyk, that the minutes of the 7th meeting of the Township of Brock Committee of Adjustment, as held on October 20, 2020, be taken as read, confirmed, and signed by the Chair and Secretary-Treasurer.

4. HEARING OF APPLICATIONS

Application A-11/20 GILLESPIE

7:00pm

Name of Applicant / Agent:	Chuck and Ainsley Gillespie
Address of Applicant / Agent:	499 Short Street, Beaverton ON L0K 1A0
Location of Property:	499 Short Street, Beaverton ON L0K 1A0
Purpose of Application:	Relief is required from Zoning By-law 287-78-PL Section 10.1 k. to locate a swimming pool in the front yard; from Plate C - Provisions for Residential Uses Row 11 from 8m to 7.5m (a variance of 0.5m); and Plate C Row 12 from 8m to 6m (a variance of 2m).
Effect of Application:	The effect of the application is to permit the construction of a pool closer to the side and front yard setbacks than is permitted due to an existing gas line.

4a) Presentation of Application A-11/20 GILLESPIE

- **Does the owner or agent wish to speak to the application?**

Ainsley Gillespie: We'd like to put a pool in that side of the yard. In order to avoid any interference with the gas line, we needed to move it over 2m, which requires this variance.

Ralph Maleus: I don't have any questions. The application looks straight forward.

Gloria Stewart: No issue.

Peter Prust: No issue. I would be happy to move a motion.

Bill Basztyk: Visited the site and spoke with Mrs. Gillespie. It seems like a very logical request. I don't see any particular issue here. I am prepared to support it.

- **Does anyone else wish to speak to the application?**
No

4b) Written Submissions for A-11/20 GILLESPIE

- Planning Report.
- No external or written comments.

4c) Decision regarding A-11/20 GILLESPIE

The Committee considered the application after hearing all parties, advised those present of the decision, and will notify by mail as required in accordance with the *Planning Act*.

Resolution 2-8

MOVED BY Peter Prust and seconded by Gloria Stewart that Minor Variance Application File No. A-11/20 GILLESPIE as made by Chuck and Ainsley Gillespie be approved. The proposed use is considered minor in nature, within the general intent and purpose of the Official Plan and Zoning By-law, and desirable in the opinion of the Committee.

4d) CONFORMATION OF DECISION for A-11/20 GILLESPIE

Chair called each member to confirm the decision – all members answered “yes”.

Application A-12/20 DOBLE

7:15pm

Name of Applicant / Agent:	Claire and Travis Doble
Address of Applicant / Agent:	21 Wellington Street, Beaverton ON L0K 1A0
Location of Property:	21 Wellington Street, Beaverton ON L0K 1A0
Purpose of Application:	Minor Variance File No. A-3/07 provides for a front-yard setback of 13.5m and an interior side-yard setback of 2.4m from the provisions in the RC zone as per By-law 287-78-PL. Relief is sought from the interior side-yard setback of 2.4m to 1.2m. Relief is also sought from the front-yard setback of 13.5m to 12m.
Effect of Application:	The effect of the application is to permit the construction of a single-family dwelling that does not conform to the existing setbacks.

4a) Presentation of Application A-12/20 DOBLE

- Does the owner or agent wish to speak to the application?

Travis Doble: Looking to build a single-family dwelling that includes a space for our mother-in-law. There are portions of the property regulated by the LSRCA, so there are portions of the property that we cannot build on. If we can get these setbacks, it will allow us the space we are looking for. The set-back on the north is to a single storey garage with the house setback being 4m. We are trying to mimic the other houses in residential zones.

Ralph Maleus: I visited the site end of last week. There is very little interior side yard set-back on each side. How are you managing the access to the back of the house with only 1.2m?

Travis Doble: We have put an additional garage door on the single garage that goes to the back yard. We wouldn't be bringing vehicles through there once the house is built, but it will give us access to the back yard.

Ralph Maleus: To approve a variance, it has to meet four tests. I have no problem with the first three, but the concern I have, is "is the variance minor in nature?". This property already has a variance from 2007. I have a bit of a concern with that. Do you have any comments on that issue?

Travis Doble: I can't speak to what they requested on the initial minor variance; the RC zoning does permit a single-family dwelling. Based on the original setbacks of RC, you could only build about a 12-foot structure down the centre of the property. These setbacks give us the opportunity to build a legitimate single-family dwelling.

Gloria Stewart: I visited the site today. It looked fine. Are you planning a basement? The water is pretty high in the area.

Travis Doble: We are putting a basement in the main house, but not under the single car garage on the north side. We have spoken with LSRCA for their high-water mark. We have also done some landscaping and test holes in the back to see how deep the water is. From what we know, we should not have an issue.

Gloria Stewart: The setback is close to the Hamilton house. I have no other questions.

Peter Prust: I don't have a lot of questions. I attended the site. The grade presents a bit of a challenge. I hadn't realized that the waterway in the back was the issue regarding the neighbouring view. I am still listening to all of the information.

Bill Basztyk: I noticed the topography of the site to the south. I think that limits the area that you can place the house on.

Travis Doble: Our foundation will come up a minimum of 8 inches above grade, then a knee-wall on-top. We have discussed the setbacks with LSRCA and we are not within the floodplain.

Bill Basztyk: Where would you locate well and septic?

Travis Doble: We are on municipal services.

Bill Basztyk: I notice how close the trees are on the north side. Is there any way to move the garage portion forward to avoid the trees?

Travis Doble: We originally looked at putting the garage in the back, but the driveway would still need to be there. We looked at flipping the design so the house was closer on the north side, but we thought it would be better to give as much space from that lot line as possible.

- **Does anyone else wish to speak to the application?**

Allan Hamilton: Has the committee read the letter? [Response was yes.] This house will dwarf my house. It will be about 20 feet longer than my house. This house will block my view of the river and harbour. I accept that they have the right to build their house. Do they have to take all of my view? It appears to be a cash grab to increase their property value. It completely destroys my enjoyment of my property. I would ask the committee to turn down this application so that my view is not taken. It blocks all of my views.

George Hewitt: Richard, would you mind speaking to the legal aspects of the view issue?

Richard Ferguson: Legal precedent suggests that you don't own a view. From a purely planning perspective, Mr. Hamilton does not own the view. So that is not a question that the Committee can put a lot of emphasis on. I'm not sure if the topography lends itself to another building, but there is another lot next to the Doble lot that could also be built on and impact their view.

Bill Basztyk: Does the tree removal work on the site trigger any other by-laws?

Debbie Vandenakker: The work does not trigger Regional Tree By-law, and this type of work is the purview of the Lake Simcoe Region Conservation Authority.

Peter Prust: I would ask Travis if there is any way to mitigate the tree concerns?

Travis Doble: We will try to avoid any damage. If there is damage, we will take care of it by replacing the trees if that is necessary. I want to respond to Al's concerns. I assure you this is not a cash grab. We are just looking to build a house for our family. These setbacks try to alleviate the view impacts for you in the back. We have flipped our design and are trying not to impact your property as much as possible.

Allan Hamilton: I thought the Dobiles would make excellent neighbours. I do however feel moving forward, these setbacks would be very unfair.

Peter Prust: Is there a way to formalize Travis's agreement to mitigate any damage to Allan's trees?

Response: His assertion is in the minutes.

4b) Written Submissions for A-12/20 DOBLE

- Neighbour Letters: Allan Hamilton, Elinore M. Copeland, Lenny Greenwood
- Planning Report.
- LSRCA Comment:

LSRCA Comment Summary:

"Based upon our review of the submitted information in support of the application, it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we recommend that any approval of this application be subject to the following condition:

- a) The Owner shall obtain a permit from the LSRCA for site alteration and development on lands within an area governed by Ontario Regulation 179/06 under the *Conservation Authorities Act*. (Note: this generally includes submission of a topographic survey/grading plan and a detailed planting plan).

Given the above comments, it is the opinion of the LSRCA that:

1. The application can demonstrate consistency with Section 3.1 of the Provincial Policy Statement.

2. Ontario Regulation 179/06 does apply to the proposed development. A permit from the Lake Simcoe Region Conservation Authority will be required prior to any development taking place.”

4c) Decision regarding A-12/20 DOBLE

The Committee considered the application after hearing all parties, advised those present of the decision, and will notify by mail as required in accordance with the *Planning Act*.

Resolution 3-8

MOVED BY Gloria Stewart and seconded by Bill Baszyk that Minor Variance Application File No. A-12/20 DOBLE as made by Travis and Claire Doble be approved. The proposed use is considered minor in nature, within the general intent and purpose of the Official Plan and Zoning By-law, and desirable in the opinion of the Committee.

4d) CONFORMATION OF DECISION for A-12/20 DOBLE

Chair called each member to confirm the decision – all members answered “yes”.

Application A-13/20 FOLEY		7:45pm
Name of Applicant / Agent:	Applicant: Shawn Foley Agent: David Barkey	
Address of Applicant / Agent:	Applicant: 2089 Concession 3, Goodwood ON Agent: Box 54, RR1 Cannington, ON L0E 1E0	
Location of Property:	388 Morrison Avenue, Beaverton ON L0K 1A0	
Purpose of Application:	Relief from Zoning By-law 287-78-PL from Plate C - Provisions for Residential Uses, Row 11 from an 8m setback to a 4.5m setback.	
Effect of Application:	The effect of the application is to permit the construction of a detached garage closer to the front-yard setback than is permitted.	

4a) Presentation of Application A-13/20 FOLEY

- **Does the owner or agent wish to speak to the application?**

Shawn Foley: We have a property where the house is behind a cedar hedge. We need to build a garage in front of the house. The hedge has been there for many years, we'd like to locate the garage away from the hedge and leave space between the garage and the house.

Ralph Maleus: It looks pretty straight forward. You don't have any septic bed in the area of the garage?

Shawn Foley: We are on municipal services and they run under the driveway.

Gloria Stewart: I visited the property. It seems consistent with the houses in the area. It is a little deeper than some of the homes. I think it would be a good addition to the property.

Peter Prust: I have no additional questions. Things look straight forward.

Bill Basztyk: I noticed some stakes on the property. Are they representative of the garage location?

Shawn Foley: Yes, the road side is pretty accurate.

Bill Basztyk: Would you be driving in from the space between the hedge and the garage?

Shawn Foley: Yes, we would have to turn in from the existing driveway. Where we park now would be the garage.

Bill Basztyk: I notice a 1.75m set-back on the north side.

Shawn Foley: Yes, on the opposite side from the driveway. The required setback was 1.25m, so I moved it back another half a meter from the gas line.

Bill Basztyk: It looks straight forward to me. I have no other questions.

- **Does anyone else wish to speak to the application?**

No

4b) Written Submissions for A-13/20 FOLEY

- Planning Report.
- LSRCA Comment:

LSRCA Comment Summary:

"Based upon our review of the submitted information in support of the application, it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we recommend that any approval of this application be subject to the following condition:

- b) The Owner shall obtain a permit from the LSRCA for site alteration and development on lands within an area governed by Ontario Regulation 179/06 under the *Conservation Authorities Act*. (Note: this generally includes submission of a topographic survey/grading plan and a detailed planting plan).

Given the above comments, it is the opinion of the LSRCA that:

1. The application can demonstrate consistency with Section 3.1 of the Provincial Policy Statement.
2. Ontario Regulation 179/06 does apply to the proposed development. A permit from the Lake Simcoe Region Conservation Authority will be required prior to any development taking place."

4c) Decision regarding A-13/20 FOLEY

The Committee considered the application after hearing all parties, advised those present of the decision, and will notify by mail as required in accordance with the *Planning Act*.

Resolution 4-8

MOVED BY Bill Basztyk and seconded by Peter Prust that Minor Variance Application File No. A-13/20 FOLEY as made by Shawn Foley, represented by David Barkey be approved. The proposed use is considered minor in nature, within the general intent and purpose of the Official Plan and Zoning By-law, and desirable in the opinion of the Committee.

4d) CONFORMATION OF DECISION for A-13/20 FOLEY

Chair called each member to confirm the decision – all members answered “yes”.

5. OTHER BUSINESS

No other business was brought forward.

6. ADJOURN

MOVED BY Ralph Maleus that this meeting does now close at 7:30pm.

MOTION CARRIED

CHAIR

SECRETARY-TREASURER