

**MINUTES  
FEBRUARY 6, 2018  
COMMITTEE OF ADJUSTMENT  
TOWNSHIP OF RAMARA**

Minutes of the meeting of the Township of Ramara Committee of Adjustment held on Tuesday, February 6, 2018 at 9:30 a.m. in the Council Chambers, Administration Building, Brechin, Ontario.

Present:	Randy Warren	Chair
	Richard Whitty	Member
	Florian Camartin	Member
	Doug Copper	Member
	Deb McCabe	Secretary Treasurer
	Kai Johnson	Councillor
Absent:	Mike Thompson	Member

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**1. OPENING THE MEETING**

The Chair called the meeting to order at 9:30 a.m.

**2. CHAIRS INTRODUCTION**

The Chair read the introduction in accordance with the requirements of the Planning Act.

**3. DISCLOSURE OF PECUNIARY INTEREST**

The Chair asked the Members if they had any pecuniary interest in the applications before them. There was none.

**4. APPLICATIONS**

4.1 CONSENT FILE B-44/17 and MINOR VARIANCE FILE A-38/17

PROPERTY: North Part of Lot 6, Concession A, Mara – known municipally as 1834 Sideroad 5

An application has been made by Doug and Susan Gilchrist, owners to sever a parcel of land with frontage on Sideroad 5 of 65 m and to be comprised of 0.68 ha., incorporating the existing dwelling and garage. The retained parcel will be comprised of 39.79 ha and is subject to Minor Variance File A-38/17, requesting a reduction in the minimum lot area of a Rural parcel. The proposal will require the following variance to Zoning Bylaw #2005.85, as amended:

SECTION	DESCRIPTION	ZONING BYLAW REQUIREMENT	PROPOSED	VARIANCE
8(2)(a)	Minimum Lot Area	40.00 ha. or original survey lot size	39.79 ha.	0.68 ha.

The Committee received report BP-69-17, dated February 6, 2018. The Secretary Treasurer outlined the purpose of the application and advised the Committee that circulation had occurred in accordance with Provincial Regulations, and what had transpired on the matter.

RESPONSES TO CIRCULATION:

BUILDING DEPT.: *No concerns*

WORKS DEPT.: *This is a gravel road with no plans in the future to be hard surfaced*

PUBLIC SCHOOL BOARD: *No objections*

RESOURCES TECHNICIAN: *The proposed lot is located in close proximity to an unevaluated wetland, as shown on the County of Simcoe’s interactive mapping system. Policy 6.25-DP in the Lake Simcoe Protection Plan states that an application for development (creation of a new lot) within 120m of a key hydrologic feature (wetland) shall be accompanied by a natural heritage evaluation.*

*The proposed lot is already developed, as it incorporates the existing dwelling and garage. At this time, no new structures are being proposed, therefore the requirement of a natural heritage evaluation is premature. All existing uses are permitted, therefore in my review of LSPP policies, the creation of this lot does not offend the intent of the Lake Simcoe Protection Plan.*

LSRCA: *No objection to approval of the application, but note that there are Key Natural Heritage Features and Key Hydrologic Features as identified by Policies 6.21-DP and 6.22-DP of the LSPP on the retained parcel. On this basis the LSRCA recommends a Natural Heritage Evaluation be undertaken prior to the issuance of a municipal building permit or permit under Regulation 179/06.*

COUNTY OF SIMCOE: *County Planning staff support the recommendation of Township Planning staff that as a condition of approval, an agreement be entered into by the applicant with the Township and registered on title, whereby prior to any future development on the retained lands, a Natural Heritage Evaluation or Environmental Impact Statement be completed to the satisfaction of the LSRCA and the County of Simcoe.*

Doug and Susan Gilchrist, owners were in attendance at the hearing. They indicated they had nothing further to add but thanked staff for their work on the applications.

The Chair asked if there was anyone in the audience who had an interest in the application and there was no one.

Richard Whitty advised the Committee that he had no issues with the applications as presented.

Doug Cooper stated that it appeared there had been a lot of hard work put into the applications and bringing the applications before the Committee of Adjustment. He was in favour of approving the applications.

Florian Camartin was very impressed with the work involved with the applications and thanked staff for doing what they could to satisfy the requirements of the County of Simcoe. He felt that the way the County of Simcoe are approaching applications in the Township is very undemocratic and many times does not make sense. However, the Township has to work with the upper tier and the regulations they impose. Mr. Gilchrist felt that the justification behind including the majority of the property in the Greenlands designation was most likely based on topographical mapping and not by visiting the property.

Randy Warren indicated that he thought the applications were straight forward until he read the comments received by the County of Simcoe. Until the Township of Ramara Official Plan is brought into conformity with the County of Simcoe Official Plan, there should be a grace period and the policies in our own document should be justified. He stated he was completely in favour of approving the applications as presented.

**RESOLUTION NO. CA-07-2018**

MOVED BY: Doug Cooper

SECONDED BY: Richard Whitty

THAT, having determined that the requirements of Sec. 45 (5&6) of The Planning Act, R.S.O. 1990 as amended and Sec. 3 of O.Reg. 200/96 have been complied with, Minor Variance Application A-38/17 **BE APPROVED,**

for the following reasons:

- This variance is minor in nature;
- This variance would not offend the intent of the Official Plan;
- This variance would not offend the intent of the Zoning By-law;
- This variance is desirable for the continued use of this property for rural purposes.

CARRIED

**RESOLUTION NO.:CA-08-2018**

MOVED BY: Doug Cooper

SECONDED BY: Richard Whitty

THAT, having regard to the considerations set out in Section 51(24), of the PLANNING ACT, R.S.O. 1990, as amended, Consent Application B-44/17, submitted by Doug and Susan Gilchrist, owners **BE APPROVED**

subject to the following conditions:

- 1) Satisfying the requirements of the Township of Ramara, financial and otherwise, including payment of any outstanding taxes and a cash in lieu of parkland fee in the amount of \$1000.00
- 2) Provision of a registerable legal description on the parcel to be severed together with three (3) copies of the applicable reference plan
- 3) The successful completion of Minor Variance File A-38/17
- 4) That a Consent Agreement be entered into and registered on title for the retained parcel, to ensure that a Natural Heritage Evaluation or Environmental Impact Statement be prepared to the satisfaction of the County of Simcoe and the LSRCA on the retained parcel prior to any development on the lands.

CARRIED

4.2 MINOR VARIANCE FILE A-40/17

PROPERTY: Lot 3, Registered Plan M-74, Rama – known municipally as  
7772 Birch Drive

An application has been made by Kristi McKechnie and Don Scott, owners, requesting a minor variance for a reduction in the minimum interior side yard setback on the north side of the existing dwelling, to permit the construction of a 30 m<sup>2</sup> addition. The owners are also requesting the recognition of the existing highwater mark setback to the deck on the river side of the dwelling. The proposal will require the following variances to Zoning Bylaw #2005.85, as amended:

SECTION	DESCRIPTION	ZONING BYLAW REQUIREMENT	PROPOSED	VARIANCE
14(2)(d)	Minimum Interior Side Yard Setback (n/e corner proposed addition)	3.00 m	2.30 m	0.70 m
SECTION	DESCRIPTION	ZONING BYLAW REQUIREMENT	EXISTING	VARIANCE
2(28)	Minimum Highwater Mark Setback (existing deck )	15.00 m	9.8 m	5.20 m

The Committee received report BP-02-18, dated February 6, 2018. The Secretary Treasurer outlined the purpose of the application and advised the Committee that circulation had occurred in accordance with Provincial Regulations, and what had transpired on the matter.

RESPONSES TO CIRCULATION:

MUNICIPAL WORKS: *No Concerns*

BUILDING DEPT.: *No Concerns*

PUBLIC SCHOOL BOARD: *No Objections*

Kristi McKechnie and Don Scott, owners were in attendance at the hearing. Ms. McKechnie indicated that she felt the application was fairly straight forward as the intent is to allow for some additional area to construct the addition. The existing house was constructed under the previous Zoning Bylaw #87.008 as the new Zoning Bylaw was in the process of being created.

The Chair asked if there was anyone in the audience who had an interest in the application and there was no one.

Florian Camartin asked for clarification on the bylaw issues and why the existing home did not meet the requirements of the current bylaw. He advised the applicants that he was very impressed with the property and was in support of the application. Mr. Camartin was advised by the Secretary Treasurer, that until the new bylaw came into effect in October 2005, the previous Rama Zoning Bylaw #87.008 was in effect and in fact the building permit was applied for prior to the enactment of the new bylaw.

Doug Cooper stated that there was no part of this application that he could object too. The property is on the river however, it is high and is very unlikely to be affected by flooding issues. He indicated he was in favour of the application.

Richard Whitty advised that he visited the property and it was beautiful. He was in favour of the application as presented.

Randy Warren further added that he was fully in favour of the application.

**RESOLUTION NO. CA-09-2018**

MOVED BY: Florian Camartin

SECONDED BY: Doug Cooper

THAT, having determined that the requirements of Sec. 45 (5&6) of The Planning Act, R.S.O. 1990 as amended and Sec. 3 of O.Reg. 200/96 have been complied with, Minor Variance Application A-40/17 **BE APPROVED,**

for the following reasons:

- This variance is minor in nature;
- This variance would not offend the intent of the Official Plan;
- This variance would not offend the intent of the Zoning By-law;
- This variance is desirable for the continued use of this property for residential purposes.

CARRIED

4.3 CONSENT FILE B-45/17

PROPERTY: Lots 8 and 9, Concession G, Rama

An application has been made by Daniel and Jeanne McDonald, owners for a Technical Consent to separate two abutting parcels of land that have merged on title for estate purposes.

The parcel to be severed is recognized as a separate parcel with its own municipal roll number and is comprised of 80.94 ha. (200 acres) with no open road frontage, and no opportunity for development. The retained parcel is also recognized as a separate parcel with its own municipal roll number and is comprised of 161.88 ha. (400 acres) with no open road frontage and no opportunity for development. The two properties merged on title due to identical ownership. The owners wish to ensure the parcels are legally separated for estate purposes. The Committee received report BP-61-17, dated November 7, 2017. The Secretary Treasurer outlined the purpose of the application and advised the Committee that circulation had occurred in accordance with Provincial Regulations, and what had transpired since the last hearing on the matter.

The Committee received report BP-03-18, dated February 6, 2018. The Secretary Treasurer outlined the purpose of the application and advised the Committee that circulation had occurred in accordance with Provincial Regulations, and what had transpired on the matter.

RESPONSES TO CIRCULATION:

BUILDING DEPT.: *No concerns*

WORKS DEPT.: *No concerns – note there is no open road frontage on either parcel*

PUBLIC SCHOOL BOARD: *No objections*

Daniel and Jeanne McDonald, owners and Eric McDonald, their son, were in attendance at the hearing. Mrs. McDonald indicated they had nothing further to add and the intent of the application was to allow them to pass the properties on to their children.

The Chair asked if there was anyone in the audience who had an interest in the application and there was no one.

Richard Whitty indicated he had concerns as the properties were landlocked and consent should not be granted without open road frontage. He asked the owners how they access the properties without an open road. Eric McDonald advised that the properties are accessed by ATV on the unopened road allowance or canoe in the summer months. The properties are only used for hunting and fishing. The Secretary Treasurer further added that the unopened road allowance is municipal property and can be used by residents. However, the unopened road allowance does not provide the opportunity for building permits on the lands subject to the consent request.

Mr. Whitty thanked the Secretary Treasurer for the explanation and advised he was in favour of the application.

Doug Cooper stated that what was being proposed made sense for estate purposes and was in favour of the application. However, he did state that he was concerned with the County of Simcoe Greenlands designation on the lands and what this may mean for any future consideration on the lands.

Florian Camartin indicated he was fully in favour of the application and the owners have the ability to use the unopened road allowance to access the properties for recreational purposes.

Randy Warren said he was agreement with everything that had been said and presented and was aware of other situations where unopened road allowances were used by ATVs. The application made sense to allow the owners to get their affairs in order for their children. He was in favour of approving the application as presented.

**RESOLUTION NO.:CA-10-2018**

MOVED BY: Florian Camartin

SECONDED BY: Doug Cooper

THAT, having regard to the considerations set out in Section 51(24), of the PLANNING ACT, R.S.O. 1990, as amended, Consent Application B-45/17, submitted by Daniel and Jeanne McDonald, owners

**BE APPROVED**

subject to the following conditions:

- 1) Satisfying the requirements of the Township of Ramara, financial and otherwise, including payment of any outstanding taxes.
  - 2) Provision of a registerable legal description of both parcels prepared by a solicitor
- CARRIED

**4.4 MINOR VARIANCE FILE A-1/18**

PROPERTY: Lot 29, Registered Plan 341, Rama – known municipally as 7410 Glen Ellen Drive

An application has been made by Mark & Kelly Houston, owners requesting a minor variance for the reduction in the highwater mark setback to allow for two additions to the dwelling, a two-storey 60.5m<sup>2</sup> addition and an approximately 21m<sup>2</sup> single storey addition. The existing setback to the highwater mark for the dwelling is also being recognized. The proposal will require the following variances to Zoning Bylaw #2005.85, as amended:

SECTION	DESCRIPTION	ZONING BYLAW REQUIREMENT	PROPOSED/EXISTING	VARIANCE
15(2)(f)	Setback from Highwater Mark (northeast setback to addition)	15 m	13.00 m	2 m
15(2)(f)	Setback from Highwater Mark (northeast setback to addition)	15 m	9.00 m	6 m
15(2)(f)	Setback from Highwater Mark (Existing west side of dwelling)	15 m	10.00 m	6 m

The Committee received report BP-05-18, dated February 6, 2018. The Secretary Treasurer outlined the purpose of the application and advised the Committee that circulation had occurred in accordance with Provincial Regulations.

**RESPONSES TO CIRCULATION:**

MUNICIPAL WORKS: *Changes to driveway within road allowance requires a permit. No works within road allowance without permit. Load restrictions to be adhered to at all times.*

BUILDING DEPT.: *No concerns*

PUBLIC SCHOOL BOARD: *No objections*



Mark and Kelly Houston, owners were in attendance at the hearing. They indicated they had nothing further to add to the application.

The Chair asked if there was anyone in the audience who had an interest in the application and there was no one.

Doug Cooper stated he had visited the site and felt that what was being proposed was not changing the property dramatically. He was in favour of the application.

Florian Camartin asked for clarification on the requirement of conformation from an O.L.S. for the setbacks approved. He inquired whether this would result in the owners having to come back to the Committee of Adjustment for another variance. He indicated he had visited the site and stated the property was beautiful. The Secretary Treasurer advised that it is standard at site plan approval stage that any setbacks approved through a minor variance be confirmed by an O.L.S. at foundation stage, to ensure the setbacks have been met. The owner should provide the O.L.S. that is preparing the site plan with a copy of the approved variance so they can incorporate the reduced setbacks into the layout on the site plan.

Richard Whitty indicated he had also visited the site and was in favour of the application.

Randy Warren said the property was beautiful and the owners are somewhat restricted in developing the land as it abuts the lake on three sides. He felt what was being proposed was not drastically changing the property and was in favour of approving the variance.

The owners advised that the property was once owned by Bobby Orr and Mrs. Houston stated that when they were able to acquire this property, it was a dream come true for them.

**RESOLUTION NO. CA-11-2018**

MOVED BY: Doug Cooper

SECONDED BY: Richard Whitty

THAT, having determined that the requirements of Sec. 45 (5&6) of The Planning Act, R.S.O. 1990 as amended and Sec. 3 of O.Reg. 200/96 have been complied with, Minor Variance Application A-1/18 **BE APPROVED,**

for the following reasons:

- This variance is minor in nature;
- This variance would not offend the intent of the Official Plan;
- This variance would not offend the intent of the Zoning By-law;
- This variance is desirable for the continued use of this property for residential purposes.

CARRIED

4.5 MINOR VARIANCE FILE A-2/18

PROPERTY: Lot 217, Registered Plan M-24, Mara – known municipally as 5 Beaver Trail

An application has been made by Alex Loyola, owner and Maria Valentino, agent requesting a minor variance for the reduction in the highwater mark setback to permit the construction of a 126.9m<sup>2</sup> two-storey addition and main floor decking. The proposal will require the following variances to Zoning Bylaw #2005.85, as amended:

SECTION	DESCRIPTION	ZONING BYLAW REQUIREMENT	PROPOSED	VARIANCE
2.(28)	Setback from Highwater Mark (to addition)	15 m	13 m	2 m
2.(37)	Yard Projections (to decking)	13.5 m	8.5 m	5 m

The Committee received report BP-04-18, dated February 6, 2018. The Secretary Treasurer outlined the purpose of the application and advised the Committee that circulation had occurred in accordance with Provincial Regulations.

RESPONSES TO CIRCULATION:

MUNICIPAL WORKS: *Load limits to be adhered to at all times*

BUILDING DEPT.: *No Concerns*

PUBLIC SCHOOL BOARD: *No objections*

LSRCA: *Entire property is regulated under Ontario Regulation 179/06 and recommend two conditions be added to an approved variance*

RESOURCES TECHNICIAN: *No concerns as to the conformity and requirements of the LSPP. However, there may be additional comments forthcoming at the site plan approval stage*

Alex Loyola, owner and Maria Valentino, agent were in attendance at the hearing. They indicated they had nothing further to add to the report.

The Chair asked if there was anyone in the audience who had an interest in the application and there was no one. Councillor Johnson advised that he was in attendance to listen to the meeting and wanted to stay as there was an application in Lagoon City on the agenda.

Florian Camartin commented on the existing easement on the east side of the lot. He felt that there was too much existing vegetation in the easement to allow for proper drainage. He added that he had no issues with the application as the owners are very restricted in what they can do on the land. Very few options are available except to go up. He was in favour of the application.

Richard Whitty agreed that there were a number of constraints that had to be considered with this property and was in favour of approval.

Doug Cooper asked if the existing shed on the property is on the lot or encroaching onto the easement. He had no issues with the variance as presented. Mr. Loyola stated that the shed was on the property and it is the intent to remove the shed completely once the redevelopment of the lot commences.

Randy Warren said he had no problems with the variance request and felt the property was difficult to develop.

Mr. Loyola asked about removing trees that were on the property. The Secretary Treasurer advised that if the trees were directly on the lot line, it should be discussed with the neighbouring lot as it was a civil issue.

Randy Warren further inquired if there was an easement on every property in Lagoon City. The Secretary Treasurer advised that the majority of the lots within Lagoon City do have a 10 foot easement on one side of the property for drainage purposes.

**RESOLUTION NO. CA-12-2018**

MOVED BY: Richard Whitty

SECONDED BY: Doug Cooper

THAT, having determined that the requirements of Sec. 45 (5&6) of The Planning Act, R.S.O. 1990 as amended and Sec. 3 of O.Reg. 200/96 have been complied with, Minor Variance

Application A-2/18 **BE APPROVED,**

for the following reasons:

- This variance is minor in nature;
- This variance would not offend the intent of the Official Plan;
- This variance would not offend the intent of the Zoning By-law;
- This variance is desirable for the continued use of this property for residential purposes.

CARRIED

**5. MINUTES**

The minutes of the January hearing were discussed. Changes were requested by Mr. Cooper as he felt that what was noted was not what he said.

Florian Camartin also advised that he felt the minutes were very short and did not accurately reflect what was discussed or what had transpired at the meeting. He indicated that the minutes are very important and must be thorough and an accurate representation of what took place and what was said.

The Secretary Treasurer advised that this will be noted and ensure the minutes include all the content discussed at the hearings.

Further discussion took place regarding the comments made in the minutes concerning the letter that had been written and submitted by the Committee of Adjustment, to Council regarding the budget. Councillor Johnson confirmed that he was not aware of Council receiving the letter however, the additional budget amount required to attend courses and seminars presented by the Manager of Building and Planning Services, was unanimously agreed upon by Council.

**RESOLUTION NO. CA-13-2018**

MOVED BY: Doug Cooper

SECONDED BY: Richard Whitty

THAT the minutes of the January 9, 2018 hearing be approved as amended.

CARRIED

**6. NEW AND UNFINISHED BUSINESS**

- 6.1 The Committee received the General Development Policies (Lot Creation) County Official Plan, including the technical reasons.
- 6.2 The Committee received the memo dated February 6, 2018 from the Secretary Treasurer regarding the draft Bylaw to Govern the Proceedings of the Committee of Adjustment for the Township of Ramara, referencing Section 3.1.2 and Section 44 and 45 of the *Planning Act*. The memo provided clarification to the Committee and they thanked the Secretary Treasurer for providing this to them.

**7. ADJOURNMENT**

**RESOLUTION CA-14-2018**

MOVED BY: Richard Whitty

SECONDED BY: Doug Cooper

THAT, the meeting be adjourned. (10:40 a.m.)

MARCH 6, 2018

ADOPTED:

  
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Randy Warren, Chair

  
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Deb McCabe, Secretary Treasurer