

THE CORPORATION OF THE TOWNSHIP OF HORTON

**COMMITTEE OF ADJUSTMENT
PUBLIC MEETING**

September 16, 2008

There was a Public Meeting held in the Community Centre on Tuesday Sept 16, 2008, to hear Committee of Adjustment Application A03-08 (Kevin Pilon), A04-08 (Margaret Coules) and A05-08 (Frances & Cletus Shea). Present were Chair Dave Bennett, Councilor Bob Kingsbury, Mae Craig, Jim Ferguson, Bill Winters, Mayor Robert A. Johnston and Deputy Mayor Bob Hall.

1. **CALL TO ORDER**
Chair Bennett called the meeting to order at 5:00 p.m.
2. **DECLARATION OF PECUNIARY INTEREST**
There was no declaration of pecuniary interest expressed by members of the Committee.
3. **APPROVE MINUTES OF JULY 15, 2008 COMMITTEE OF ADJUSTMENT MEETING**
The Minutes were unavailable for the Committee to review, they will be brought back to the next meeting.

APPLICATION 103-08 – Kevin Pilon

4. **PURPOSE OF PUBLIC MEETING**
Chair Bennett stated the purpose of the Public Meeting was
On July 15, 2008, the Committee of Adjustment granted approval to application A01-08 for Kevin Pilon to reduce the front yard setback from 7.5 metres required in Zoning By-law 94-07 to 3.8 metres to construct a garage to be attached to his house. A condition of approval required the applicant to survey his lot lines and replant the corner posts. When this was completed it became apparent that the side yard setback of 3 metres cannot be met as well.

This application for Minor Variance is to reduce the side yard setback from 3 metres to 1.5 metres.

5. **METHOD OF NOTICE**
The CAO/Clerk reported that as required by the Planning Act, notice was sent to all property owners within 60 metres (200 feet) of the subject property. This resulted in eleven property owners receiving notice of the Public Meeting. In addition requests for comment were sent to six agencies.
6. **PERSONS REQUESTING NOTICE OF DECISION**
Chair Bennett informed members of the public that if they wished to receive a copy of the notice of decision of this application, that they were to speak to the CAO/Clerk at the end the meeting. No one requested a copy of the decision.
7. **PUBLIC PARTICIPATION**
 - a. Questions
Richard Carty, a neighbour was present. He had a concern with the tight turns required on the seasonal access road, which maybe required if the garage was constructed within five feet of the lot line.

The Applicant informed Mr Carty of his plans and after discussion Mr Cary was satisfied that the construction of a garage would not impede travel

- a. Questions
There were no questions.
- b. Comments in Support
There were no comments in support.
- c. Comments in Opposition
There were no comments in opposition.

8. QUESTIONS BY COMMITTEE MEMBERS

Councillor Kingsbury expressed concern that the setback would be tight, but no one has complained about the application, so he has no issue.

9. DECISION

Moved by Mae Craig, seconded by Bob Hall

That Application A03-08 be approved to permit the reduction in the side yard depth from 3 metres to 1.5 metres.

Carried.

APPLICATION A04-08 – Margaret Coules

10. PURPOSE PUBLIC MEETING

Chair Bennett stated that the purpose of the Public Meeting was:

The subject land is zoned Residential One (R1) under Comprehensive Zoning by-law 94-07. The property is located at the intersection of Harper Avenue and Gerald Street. Zoning By-law 94-07 deems the shortest lot line to be the front lot line on a corner lot which would be Gerald Street. The applicant uses Harper Avenue as their frontage and plan to construct a 24' x 24' detached garage adjacent to Gerald Street which would be located within the 7.5 metre front yard setback.

This application for Minor Variance is to reduce the front yard setback from 7.5 metres (25 feet) to 3.9 metres (13 feet).

11. METHOD OF NOTICE

The CAO/Clerk reported that, as required by the Planning Act, all property owners within sixty metres or two hundred feet, of the applicant's property received notice of the Public Meeting. This resulted in eighteen property owners receiving notice. In addition seven agencies including the Township of Admaston-Bromley as they were within one kilometer of the subject land, received a request for comments.

12. PERSONS REQUESTING NOTICE OF DECISION

Chair Bennett informed the public that anyone requesting Notice of Decision to speak to the CAO/Clerk at the end of the meeting. No one requested a copy of the decision.

13. PUBLIC PARTICIPATION

a. Questions

There were no representatives in the audience for this application.

b. Comments in Support

There were no comments in support.

c. Comments in Opposition

There were no comments in opposition.

14. QUESTIONS BY COMMITTEE MEMBERS

There were no questions by Committee Members.

15. DECISION

Moved by Robert A. Johnston, seconded by Robert Kingsbury

That application A04-08 be approved to permit the reduction in the exterior side yard width from 7.5 metres to 3.9 metres.

Carried.

APPLICATION A05-08 – Frances & Cletus Shea

16. PURPOSE OF PUBLIC MEETING

Chair Bennett reported the purpose of the Public Meeting was:

The subject land is zoned Limited Service Residential One – Exception One (LSR1-E1) under Comprehensive Zoning By-law 94-07. The Owners wish to construct a cottage on the vacant lot. Section 3.27 (d) Water Setback of the Zoning By-law requires a 20 metre setback from the high water mark. The owners wish to locate the cottage on high ground 10 metres from the high water mark.

This application for Minor Variance is to reduce the Water Setback from 20 metres (66 feet) to 10 metres (33 feet).

17. METHOD OF NOTICE

Notice of public meeting was sent to all property owners within sixty metres or two hundred feet, resulting in four property owners receiving notice. In addition six agencies received a request for comment.

18. PERSONS REQUESTING NOTICE OF DECISION

Chair Bennett informed the public present that if they wished to receive a copy of the decision to speak the CAO/Clerk following the meeting. No one requested a copy of the decision.

19. PUBLIC PARTICIPATION

a. Questions

There were no questions.

b. Comments in Support

Mr & Mrs. Shea were present. She noted that their proposal is to construct their cottage one and a half stories higher elevation than their neighbour's cottage, as their land is higher.

c. Comments in Opposition

There were no stated comments in opposition, however, there was one piece of correspondence received in opposition, from Michael Smart, which informed his opposition based on general affect on shoreline aesthetics, drainage from the proposed Shea cottage will cause issues with his cottage, view from the side of his cottage would be obstructed, the reduction in privacy would be an issue, view from the loft above the garage would be obstructed, value of the cottage will decrease and concern about how the septic tank and well will be affected by the proposed cottage.

20. QUESTIONS BY COMMITTEE MEMBERS

Mayor Johnston informed the applicants that usually a minor variance is made when there is an obstacle that keeps the applicants from constructing within the zoning setbacks. Mrs. Shea said that at the twenty metre set back there is a large rock that would have to be blasted or the building would have to be constructed well behind it due to a valley. They note that there is no view currently to the left of the Smart lot due to bush. Chair Bennett suggested that this property should receive a site visit from the Committee to review the neighbour's concerns. He also agreed that when the by-law requirements can be met a minor variance should not be required.

After discussion the Committee Members agreed to adjourn the hearing on Application A05-08 until a Site meeting can be held Tuesday September 23, 2008 at 4:00 p.m. The applicants will be invited to attend.

21. DECISION

There is no decision at this time.

22. CLOSE MEETING

Moved by Bob Kingsbury, seconded by Mae Craig

That this Public Meeting be closed at 5:34 p.m.

Carried.

Chair

CAO/Clerk