

**THE CORPORATION OF THE TOWNSHIP OF SEGUIN  
COMMITTEE OF ADJUSTMENT**

**MINUTES**

---

Draft

A regular hearing of the Committee of Adjustment for The Corporation of the Township of Seguin was held as follows.

**SCHEDULED TIME / DATE:** 7 p.m., Wednesday, July 13, 2005

**LOCATION:** Council Chambers, Seguin Municipal Building, 5 Humphrey Drive, Parry Sound, Ontario, P2A 2W8

**MEMBERS PRESENT:** Alvar Smith (Chairman), Councillor Bill Jameson, Councillor Doug Sainsbury, Brian Bannerman, Howard Hood, & Bernard Robbins

**MEMBERS ABSENT:** Susan Adams

**STAFF PRESENT:** Ross Cotton (Director of Planning), & Jeff Kratky (Secretary-Treasurer & Intermediate Planner)

**CALL TO ORDER:**

Approximately 7 p.m. on Wednesday, July 13, 2005, the Chairman called the meeting to order. Also, the Chairman asked for and received approval for the Agenda. Then, the Chairman requested and received approval of the Minutes for the Committee Hearing on June 8, 2005.

Draft

**DISCLOSURE OF PECUNIARY INTEREST(S):**

Then, the Chairman requested that the Committee members disclose for the record any pecuniary interest(s). None were disclosed.

**RESOLUTIONS CONSIDERED BY THE COMMITTEE:**

**2005-18 Hood / Jameson** **Carried**  
 That the Committee of Adjustment for The Corporation of the Township of Seguin hereby **accepts** as read and circulated the Minutes of its last hearing that took place on June 8, 2005.

**2005-19 Sainsbury / Bannerman** **Carried**  
 That the Committee of Adjustment for The Corporation of the Township of Seguin (the "Committee") hereby **approves** the Request for Minor Variance of the Zoning By-law No. Z200-97, as amended, regarding File No. A09/2005-H (WILEY) subject to the conditions as set out by the Decision of the Committee in this matter.

**2005-20 Jameson / Hood** **Carried**  
 That the Committee of Adjustment for The Corporation of the Township of Seguin (the "Committee") hereby **defers** the Request for Minor Variance of the Zoning By-law No. Z200-97, as amended, regarding File No. A10/2005-H (KEARNS).

**2005-21 Sainsbury / Bannerman** **Carried**  
 That the Committee of Adjustment for The Corporation of the Township of Seguin (the "Committee") hereby **accepts** with immediate effect the resignation of Jeff Kratky, Intermediate Planner for the Township of Seguin, from the Committee's position of Secretary-Treasurer.

Draft

**2005-22 Robbins / Jameson**

**Carried**

That the Committee of Adjustment for The Corporation of the Township of Seguin (the "Committee") hereby **appoints** with immediate effect Ross Cotton, Director of Planning for the Township of Seguin, as the Committee's acting Secretary-Treasurer.

**2005-23 Bannerman / Sainsbury**

**Carried**

That the Committee of Adjustment for The Corporation of the Township of Seguin (the "Committee") does hereby **adjourn** this hearing at 8 p.m. on Wednesday, July 13, 2005. The Committee will hold its next hearing at 7 p.m. on Wednesday, August 10, 2005 unless the Secretary-Treasurer of the Committee has not received complete applications for the Committee's consideration.

**DEPUTATIONS HEARD & DISCUSSION BY COMMITTEE:**

**A09/2005-H (WILEY)**

Carol Wiley and Jerome Wiley, the Owners, appeared before the Committee in support of their Application. No one appeared in opposition. Carol Wiley stated her disagreement with the Township Planning Staff Report regarding this Application, citing in particular her efforts to preserve the existing septic, driveway, electrical services, and a large oak tree plus two large birch trees. She noted that the proposed new Cottage was designed so as to have views of Whitefish Lake without removing any of the trees located within the legal Non-Complying Front Yard. She prefers her proposed reduced Front Yard with trees to that of her neighbours that meets the Setback requirements but from which trees were removed. In reply to questions by Chairman Alvar Smith and Ross Cotton, Carol Wiley said her only commitments to save the trees in her Front Yard were verbal commitments to her neighbours. The Owners presented a letter from their neighbours, the Bowdens, stating it supports the Application. Carol Wiley disagrees with the Township's Official Plan policies protecting 20m around the lakes while allowing *monster homes* within the building envelope. Jerry Wiley worked with community groups to preserve and improve the Township. In reply to Councillor Sainsbury's question, Carol Wiley admitted that some change to the "view from a canoe" on the Lake would occur if the proposed Cottage is approved since it's larger than the existing Cottage. Bernie Robbins stated that the proposal was an improvement over the existing Cottage. Through questions of the Owners, the Chairman confirmed the contents of Appendix 4 to the Township Planning Staff Report. Councillor Jameson learned by his questions of the Owners that the birch trees are approximately 35 to 50 years old, and that approximately a half dozen trees would be removed by the construction of the proposed Cottage. Ross Cotton reiterated his question about tree preservation, and the Owners agreed to direct their architect to prepare a Tree Preservation Plan including the protection of trees during construction. Howard Hood stated that he'd like to save the trees in the Rear Yard versus the trees in the Front Yard. Councillor Jameson's questions of Jeff Kratky established that the Application fell within the criteria set out by the Interim Control By-law No. 2005-073 (the "ICB"). Howard Hood stated that "a tree is a tree." Brian Bannerman stated his support for the Application.

**A10/2005-H (KEARNS)**

No one appeared on behalf of the Applicant. Jeff Kratky answered the Committee's questions as to how this Application went from being proposed by the Owner, being dismissed as unnecessary by staff, and finally to being impossible under the ICB. The reason the Application was made is that the Owner did not measure the legal Non-Complying Front Yard as set out by Zoning By-law No. Z200-97, as amended. When proper measurements were completed by Township Planning Staff, it was clear that a minor variance was unnecessary. However, the Application was circulated and so had to be heard by the Committee. On July 4, 2005 and just prior to this public hearing of the Committee, Council enacted the ICB. And, the Application's effect doesn't comply with the criteria set out by the ICB. Therefore, the Owner has requested that the Application be deferred and held in abeyance until the expiry of that ICB.

**Interim Control By-law No. 2005-073**

Jeff Kratky provided the Committee with copies of the ICB, and advised the Committee that it did not have any powers to vary that By-law.

**Election of a new Secretary-Treasurer**

The Committee elected Ross Cotton as its Secretary-Treasurer with immediate effect.

Draft

---

CHAIRMAN  
Alvar Smith

---

SECRETARY-TREASURER  
Ross Cotton