

CORPORATION OF THE TOWNSHIP OF JOHNSON

Wednesday June 27, 2018

5:30 p.m.

**COMMITTEE OF ADJUSTMENT
AGENDA**

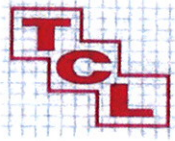
LOCATION:

JOHNSON TOWNSHIP PORTABLE (in front of municipal office)

1 Johnson Drive

DESBARATS, ON

-
1. Call to order.
 2. Declaration of conflict/pecuniary interest.
 3. Minor Variance Application # A -01- 2018 Welles/Dawson Camp, LLC
 4. Adjournment



Tunnock Consulting Ltd.

P.O. Box 2032
57 Foster St.
Perth, ON, K7H 3M9

Tel: (613) 464-8805
Email: gtunnock@tunnockconsulting.ca

• community planning • building administration • adult education and training • municipal restructuring

June 15, 2018
P-2961

Planning Report – Welles Minor Variance and Site Plan Control Agreement
Township of Johnson, File A-01-2018

Application & Location

An application has been submitted to the Township of Johnson Committee of Adjustment for a minor variance to reduce the required front yard (shoreline) setback from 30 m [98.4 ft.] to 11 m [36.08 ft.] for the proposed reconstruction of a longstanding seasonal (cottage) dwelling on the north shore of Lake Huron. The lands are located at 298 Mink Point Road. The lands are legally described as Lot 9 RCP, Plan H-616, located within the corporate boundaries of the Township of Johnson, District of Algoma having a lot area of 1.02 ha. (See **Figure 1**). Application has also been made for site plan approval under Section 41 of the *Planning Act*.

Background

The property has a lot area of 1.02 ha, a lot frontage of 21.3 m on the Mink Point Road and an irregular lot depth lot with a minimum of 98 m. The lot characteristics may be best described as a rugged shoreline with a mix of rock outcrops and mature trees. The photos provide a visual representation of the existing development.

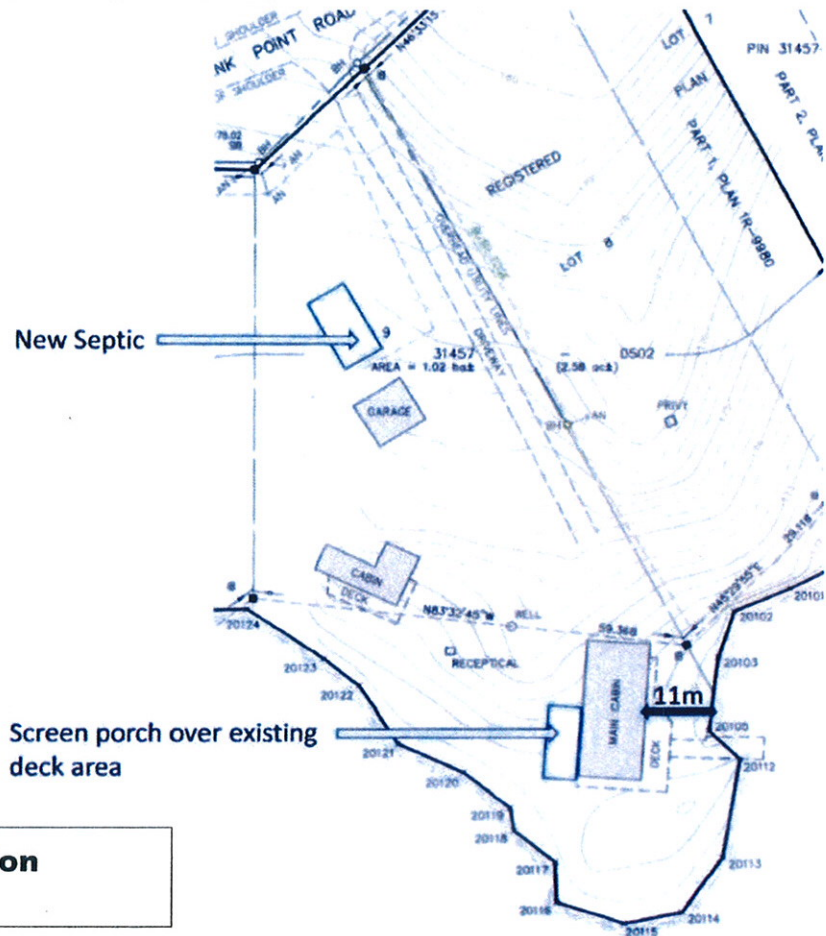


Figure 1 - Location

South



East



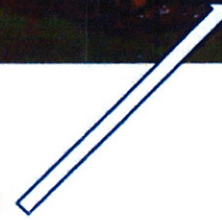
North



West



Screen porch over deck area



The cottage is proposed to be reconstructed and renovated on the same building footprint over a foundation that in part (west side) is crumbling and needs to also be replaced. The applicant proposes to screen in the deck area on the west side (see **Figure 1**) as a means to provide a convenient outdoor living area devoid of insects during summer usage, but otherwise the existing deck is to be retained.

As indicated in **Figure 1**, the lot is occupied by a bunkie and a garage. As part of the redevelopment a new sewage disposal system will be installed to comply with the *Ontario Building Code* and will be set back a minimum of 30 m from the shoreline to comply with the zoning by-law. Site plan control is proposed to govern the redevelopment process, to ensure that the environmental impacts on the lake shore are

minimized and in fact, the ecology is improved through such measures as a soakaway pit and replanting. As an example, three white pines have been lost on the property and will be replaced.

The property was purchased by the applicant in 2016 and was formerly owned by the Foster family.

The minor variance application is largely intended to regularize a longstanding existing situation/development. Relocation of the seasonal dwelling is not feasible given the other buildings on the property.

The Four Tests

Section 45(1) of the *Planning Act* permits the Committee of Adjustment to grant variances from the provisions of the zoning by-law so long as the proposed variance satisfies the intent and purpose of the (1) Official Plan and (2) Zoning By-law, (3) the proposed variance is considered minor and (4) the proposed variance is appropriate for development. This report addresses all four 'tests' as follows:

- 1) Does the application satisfy the intent and purpose of the Official Plan?

The lands are located in an existing shoreline residential subdivision on lands where waterfront residential development is permitted in the official plan along with accessory buildings and structures. The proposed retention and enhancement of the shoreline in a natural state is also in compliance with the shoreline management policies of the plan.

In my opinion, the application meets the first test since the dwelling is a permitted use and the development of the property is consistent with shoreline management policies in the Plan. The Plan also permits accessory uses which would acknowledge the existing Bunkie and garage.

- 2) Does the requested variance maintain the intent and general purpose of the Zoning By-law?

The subject lands are located in the Rural Residential (RR) Zone as shown on Schedule 'A' of the Zoning By-law. Permitted land uses in the RR Zone include a Single Detached Dwelling and a Seasonal Dwelling (Section 19.2); also Accessory Uses, Buildings and Structures.

5.6 Permitted Main Uses

1. Seasonal Dwelling
2. Single Detached Dwelling
3. Duplex
4. Semi-detached Dwelling

Section 4.21(e) establishes the setbacks from water bodies:

5. Water Bodies

Subject to **Section 4.11**, the minimum setback from the shoreline...for a habitable structure (dwelling), a non-residential building, an on-site sewage disposal system and any shoreline structure including but not limited to a gazebo, sauna, utility shed or accessory building shall be 30 m [98.4 ft.] except for a boat house, dock or wharf.

The proposed new dwelling with a setback of 11 m does not meet the setback requirements of the by-law; however, the retention of the shoreline in its natural state serves to retain the integrity or purpose of the shoreline in protecting the ecology. The current shoreline characteristics will be further reinforced through a site plan agreement consistent with the Township's practices for waterfront development throughout the Township. The new sewage disposal system is located to the rear of the existing Bunkie and will well exceed the 30 m setback. The proposed dwelling cannot meet the 30 m setback given the constraints of the existing Bunkie, and garage.

I am satisfied that the general intent of the zoning by-law is met with respect to the second test to the extent that the front yard (shoreline) setback is not significantly compromised by the reconstructed dwelling and by virtue of the location of the proposed sewage tile field well back from the lake. The latter will avoid phosphorus discharge into the lake. The size and peninsular configuration of the lot also limits the options for the relocation of the building.

3) Is the proposed variance considered minor?

The variance for application A-01-2018 is approximately 63% less than the required front yard (shoreline) setback standard. The impacts of the development will be mitigated by retaining and improving the shoreline vegetation, increasing the setback of the sewage disposal system and requiring the installation of soak away pits designed to avoid the discharge of rain water or sediment into the lake (i.e. run-off will be directed into a soak away pit or French drain which is connected to an eaves trough and downspout system. this will prevent undue sediment discharge into the lake and also prevent erosion).

In my opinion, the third test is met since the impacts will be minimal on drainage and the ecology of the front yard (shoreline) area.

4) Is the proposed variance appropriate for development?

The proposed development is reasonable in providing the living amenities associated with a dwelling in a waterfront setting. The floor plan provides for a

functional layout of the living area that is not excessive in size, and in fact will not change from the existing floor area.

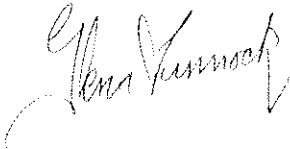
In my opinion, the 4th test is met as this development enhances and is in keeping with typical waterfront development.

Recommendation

My recommendation is that application be approved subject to the following conditions:

- 1. That the applicant be required to enter into a site plan control agreement designed to sustain the waterfront area as a naturalized area.**
- 2. That the design of the drainage system includes provision for a soak away pit or comparable drainage controls to prevent water run-off and erosion into the lake.**
- 3. That the sewage disposal system be located a minimum of 30 m from the regulated shoreline high water mark of Lake Huron.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Glenn Tunnock". The signature is written in a cursive, flowing style.

Glenn Tunnock, MPA, RPP

**APPLICATION FOR MINOR VARIANCE
COMMITTEE OF ADJUSTMENT**

The Planning Act, Section 45

1.0 APPLICANT INFORMATION		
1.1 Name of Owner(s). An owner's authorization is required in Section 8, <i>if the applicant is not the owner.</i>		
Name of Owner(s) Dawson Camp, LLC	Home Telephone No.	Business Telephone No.
Address 1805 W Lake St, Unit 204, Minneapolis, MN, USA	Postal Code 55408	Fax No.
Email: peterwelles@mac.com		Cell No. 612-271-8537
1.2 Agent/Applicant: Name of the person who is to be contacted about the application. If different than the owner. (This may be a person or firm acting on behalf of the owner. See Section 8)		
Name of Contact Person/Agent Peter Welles	Home Telephone No.	Business Telephone No.
Address	Postal Code	Fax No.
Email:		Cell No.
1.3 Indicate to whom correspondence is to be sent (check one please) Owner <input checked="" type="checkbox"/> Authorized Agent <input type="checkbox"/>		

2.0 LOCATION OF THE SUBJECT LAND (COMPLETE APPLICABLE BOXES IN 2.1)			
2.1 Municipal Address (<i>mailing address</i>) 298 Mink Point Rd, Desbarats, ON		Postal Code P0R 1E0	
Concession Number(s)	Lot Number(s)	Registered Plan No. H-616	Lot(s)/Block(s) 9
Reference Plan No.	Part Number(s)	Parcel Number(s)	Former Township
Assessment Roll No. 57-16-000-005-08600-0000			

3.0 PURPOSE OF APPLICATION

3.1 From which section(s) of the By-law is this application seeking relief? 5.6.2

3.2 For what reason(s) are you seeking relief? Rebuild Cottage on existing footprint

It is not possible to comply with the provisions of the by-law because Cottage is too close to the
water to meet setback requirements of current By-laws.

OR

It is preferable not to comply with the provisions of the by-law because _____

4.0 DESCRIPTION OF SUBJECT LAND

4.1 Description of land seeking relief: Lot is irregular shape
Frontage (m) 21.3 Area (ha/m²) 1.02
Depth (m) 98 Interior Side Yard _____
Exterior Side Yard _____ Front Yard _____ Rear Yard _____
Other (specify) _____ Proposed Buildings/Structures Cottage

4.2 Minimum By-law Requirements: Rural Residential 5.6.2 requires:
Frontage (m) 50 Area (ha/m²) 1.0
Depth (m) Not indicated in By-law Interior Side Yard 5
Exterior Side Yard 7.5 Front Yard 30 Rear Yard 15
Other (specify) _____

4.4 Type of access (Check appropriate box and state road name):

- Provincial Highway (#) _____
- Municipal road, maintained year round Mink Point Rd.
- Municipal road, seasonally maintained _____
- County Road (#) _____
- Private Road _____
- Right of way _____
- Water Access _____

4.7 Type of water supply existing or proposed (check appropriate box)

- Publicly owned and operated piped water system
- Privately owned and operated piped water system (communal)
- Drilled well
- Lake or other water body
- Other means (please state) _____
- Water service not proposed

4.8 Sewage Disposal (Check appropriate box for type of service proposed):

- Publicly owned and operated sanitary sewage system
- Privately owned and operated individual septic system*
- Privately owned and operated communal septic system*
- Privy
- Holding tank
- Other (please state) _____
- Sewage disposal service not proposed

4.9 Proposed Services

Please provide information about any proposed upgrading in services that you intend to install in relation to the subject application New Class 4 septic system to be installed as shown on plan

5.0 LAND USE AND HISTORY OF THE SUBJECT LAND

5.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under the Planning Act? Yes No Unknown

If Yes and if known, provide below, the application file number and the decision made on the application. _____

5.2 Current Zoning RR - Rural Residential Main Use Seasonal Cottage

Main Use of abutting properties: East Undeveloped West Undeveloped

North Undeveloped South Lake!

5.3 Current Official Plan Land Use Designation RR - Rural Residential

5.4 Is the subject land the subject of any other application under the Act such as a Zoning By-law Amendment; a Minister's Zoning Order Amendment; a Minor Variance; another Consent; or an approval of a Plan of Subdivision?

Yes No If yes, specify the following: Type of Application: Site Plan

File Number 2018-1

Status of Application Submitted - pending

5.5 Land Acquisition and Structures

- i. Date subject property was acquired July, 2016
- ii. Date of Construction of all Buildings

Main Building 1968 Additions (if applicable) Unknown

Accessory Buildings:

Type of Accessory Building (e.g. garage, storage building, etc.)	Year of Construction
<u>Bunkie</u>	<u>Unknown</u>
<u>Garage</u>	<u>Unknown</u>

6.0 Development

a. Existing (if more than four buildings, use separate sheet of paper)

1. Type of Building:
Cottage
Length/Width/Height:
19 / 8.5 / 5 (m)
Floor Area: 172 (m²) # of Storeys: 1
Setbacks from Lot Lines See attached plan
Front: 97 (m) Rear: 24 (m)
Side: 11 (m) Side: 57 (m)

2. Type of Building:
Bunkie
Length/Width/Height:
12 / 7.5 / 4 (m)
Floor Area: 63 (m²) # of Storeys: 1
Setbacks from Lot Lines
Front: 60 (m) Rear: 12 (m)
Side: 10 (m) Side: 30 (m)

3. Type of Building:
Garage
Length/Width/Height:
8 / 7 / 4 (m)
Floor Area: 50 (m²) # of Storeys: 1
Setbacks from Lot Lines
Front: 38 (m) Rear: 76 (m)
Side: 15 (m) Side: 19 (m)

4. Type of Building:

Length/Width/Height:
/ / (m)
Floor Area: (m²) # of Storeys:
Setbacks from Lot Lines
Front: (m) Rear: (m)
Side: (m) Side: (m)

b. Proposed

New [Addition to] Cottage
(circle one) Specify to which building described above the addition is being added to.

Main Use of Proposed Construction: Replace cottage on existing footprint. Replace footings as necessary.
Add porch roof over deck area to the West and screening per Section 3.165 of the By-laws.

Type of Building: Cottage
Length/Width/Height: 19 / 8.5 / 7 (m)
Floor Area: 172 (m²) # of Storeys: 1
Setbacks from Lot Lines
Front: 97 Rear: 24
Side: 11 Side: 57

Other: If the application for the Minor Variance is not to construct a building, please provide a description of the proposal for which you are seeking a minor variance. Include all dimensions and any other information pertinent to this application. _____

6.0 OTHER INFORMATION

6.1 Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach a separate sheet if necessary.

Will be working with The Kensington Conservancy to develop native planting plan with emphasis on new native trees.

Disclosure: Applicant is a member of The Kensington Conservancy Board of Directors.

Site Plan – 298 Mink Point Rd Desbarats

