



Bayfield Ratepayers Association

April 2, 2012

planninginfo@town.bluewater.on.ca
gcade@abca.on.ca

Chair and Council Members
Committee of Adjustment
Planning Department
Municipality of Bluewater
Box 250, Zurich, ON N0M 2T0.

Jeff Cade
Ausable Bayfield Conservation
Authority (ABCA)

Dear Committee of Adjustment Members, Council Members and ABCA,

Subject: Bayfield Ratepayers Association's opposition to 75 Tuyll Street's application for a Minor Variance on Lot 6 and 7

*APPLICANT: Patton, Cormier & Associates FILE: A3/12, LOCATION OF PROPERTY: Lot 6, Lot 7, Plan 147, * Tuyll St., Bayfield Ward PURPOSE AND EFFECT: To permit an existing structure in the NE and NE-1 zones on Lot 6 and Lot 7 to be used as a **private washroom** and **private beach house** without kitchen facilities **accessory** to a proposed dwelling on Lot 6 in the R1 zone.*

The Bayfield Ratepayers Association (BRA) formally objects to Jim McIver's request for permission to have a sleeping cabin (he's used the undefined term "private beach house") with a private washroom as an accessory building to a proposed dwelling in an area zoned Natural Environment.

A "municipal beach house" is permitted in the by-laws to allow for a community structure not a private structure. There is no definition for a "private beach house" because the community has always been clear that they oppose having two residences on one lot.

To legally have a private washroom in a building located in a Natural Environment zone requires the prior approval of the Ausable Bayfield Conservation Authority (ABCA). We would like the ABCA to advise us if the property every got permission for a change of

use to install a kitchen and bathroom in an existing sleeping cabin in a Natural Environment Zone. If no permission was ever requested/issued for a change of use we respectfully ask that the ABCA deny a permit for a “private washroom.”

Also, was the Building Department ever asked for permission to hook a sleeping cabin up to water and sewage? We believe there are no records that the kitchen and bathroom were legally installed.

Mr. McIver contravened existing by-laws by constructing both a kitchen and a bathroom in a preexisting sleeping cabin located on BOTH Lot 6 and Lot 7, in an area zoned Natural Environment below the top of the lake bank. This was done just prior to McIver’s application, and subsequent OMB hearing to sever his property. The Ontario Municipal Board (OMB) ruling was made on October 9, 2008.

The 2008 OMB decision’s last paragraph refers to “an existing bunkhouse on Lot 6 encroaching on Lot 7. The determination of the bunkhouse as a dwelling or an accessory building will be considered by the Chief Building Official of the Municipality at the time of the building permit application.” There is no reference to “bunkhouse” in our by-laws. They are referred to as “sleeping cabins” or “accessory” buildings with no plumbing allowed. “Dwelling” is a broad term that refers you back to “sleeping cabin” and “accessory” building with no plumbing allowed. The existing structure fits neither definition with the illegal kitchen and bathroom. Again, only one residence is allowed on a lot.

Council was clear that it opposed plumbing in sleeping cabins, see Motion 6.11 from Bluewater Council’s Minutes, dated May 15, 2001 and by-law 6.36 re Sleeping Cabins not having any plumbing at the end of this letter. Accessory buildings are also not permitted to have plumbing and that wording is at the end of this letter.

Calling the sleeping cabin a “private beach house” which there is no definition for, is unacceptable.

The applicant’s one property only became two lots after the OMB ruled that the historical lot pattern supported severance into lots. The applicant’s clear goal is to have three residences on these two lots, including parking to accommodate residents and guests for three houses.

Consequently we respectfully ask you to turn down the applicants request for a minor variance and not issue a building permit for a residence to be built on Lot 6 until this existing building with illegal plumbing straddling two lots is torn down.

We ask this because we believe that both the kitchen and bathroom were illegally installed, the community has been clear that it doesn’t want single lots to have two residences and we have no reason to believe that the applicant won’t reinstall all the plumbing including a pump, once he has his building permit for a residence.

We respectfully request that you turn down McIver's request to contravene Village bylaws.

Sincerely,



Ainslie Willock,
President

Attachment: A) Reference to Council May 15, 2001 Minutes regarding not supporting request for allowing plumbing in sleeping cabins
B) Actual by-law regarding not allowing plumbing in sleeping cabins

Attachment A)

<https://bluewater.civicweb.net/Documents/DocumentDisplay.aspx?ID=701>

THE CORPORATION OF THE MUNICIPALITY OF BLUEWATER

**REGULAR COUNCIL MEETING MONDAY, MAY 14, 2001
CONTINUED MAY 15, 2001. MINUTES**

Mayor Paul Klopp
Councillor-At-Large Diane Denomme
Councillors Tony Denomme Brad Mousseau
Bill Martin Mavis Govier
Joe Laudenbach Rod Parker
Marg Deichert
STAFF PRESENT: Janisse Zimmerman, Clerk-Administrator
Ross Fisher, Public Works Manager
Luanne Phair, Treasurer, Deputy-Clerk & Tax Collector
Tom Dickins, Facilities Manager
1. Mayor Dowson called the meeting to order at **7:00 p.m.** ...

6.11 Bayfield Zoning By-law
- sleeping cabins

MOTION MOVED BY: Diane Denomme
272-2001 SECONDED BY: Brad Mousseau
BE IT RESOLVED THAT the Council of the Municipality of Bluewater is not agreeable to put forward a comprehensive amendment to Section 6.36 of the Bayfield zoning By-law to permit plumbing to be installed into a sleeping cabin.
MOTION CARRIED.

Attachment B)

<https://bluewater.civicweb.net/Documents/DocumentList.aspx?ID=1988&Search=1&Result=3>

6.36. SLEEPING CABIN
A lot in a Residential Zone which contains a dwelling may

contain one sleeping cabin as an accessory building. The sleeping cabin shall:

- comply with the provisions of section 6.8 (Accessory Uses);
 - not exceed 21 square metres of total floor area;
 - be used for sleeping accommodation only;
 - not contain a kitchen or food preparation facilities;
 - not contain washroom or toilet facilities and not contain plumbing or plumbing fixtures; and
 - not be used as a housekeeping unit or a rental unit.
- (Amended by By-law 946-2000)

Attachment C

...

6.8.6. Conversions of Accessory Buildings

A detached accessory building or part thereof shall not be converted for human habitation, except in conformity with section 6.36 (Sleeping Cabin). A detached accessory building shall not contain a kitchen or food preparation facilities and shall not contain washroom or toilet facilities. (Amended by By-law 946-2000)