



Corporation of the  
**Township of Tay**

450 PARK ST.  
P.O. BOX 100  
VICTORIA HARBOUR  
ONTARIO L0K 2A0

(705) 534-7248  
FAX (705) 534-4493

**COMMITTEE OF ADJUSTMENT  
AGENDA**

Wednesday, January 15, 2020 – 5:30 p.m.  
Township of Tay Municipal Building – Council Chamber  
450 Park Street, Victoria Harbour

**1. CALL TO ORDER**

**2. ADOPTION OF AGENDA**

**3. DECLARATION OF PECUNIARY INTEREST**

**4. ADOPTION OF MINUTES**

**4.1** December 17<sup>th</sup>, 2019

**5. PUBLIC MEETING**

**5.1** 2019-A-16, Ian Jackson and Sonia Ladouceur (474 Wardell Street)

**5.2** 2019-A-15, William Simpson (43 Meadows Avenue)

**6. DECISIONS**

**7. OTHER BUSINESS**

**7.1** Vacant Committee Member Position

**8. NEXT MEETING** (February 19, 2020)

**9. ADJOURNMENT**



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**COMMITTEE OF ADJUSTMENT**  
**MINUTES OF MEETING Tuesday, December 17, 2019 – 5:30 PM**  
**Township of Tay Municipal Office – Council Chambers**

Members Present:      Member: Andy Ott  
                                 Member: Fred Ruf  
                                 Member: Matthew Heffer

Absent:                    Member: Heinrich Naumann  
                                 Member: Stephen Stone

Staff Present:            Steve Farquharson, Director of Planning and  
                                 Development  
                                 Aleah Clarke, Planner  
                                 Treena Clark, Reception/Building Administrative  
                                 Assistant

**1.0    CALL TO ORDER**

Chair A. Ott called the meeting to order at 5:30 p.m.

**2.0    ADOPTION OF THE AGENDA**

**MOTION:** Moved by: Member Ruf  
                                 Seconded by: Member Heffer

**THAT** Committee adopted the agenda as prepared.

**CARRIED.**

**3.0    DECLARATION OF PECUNIARY INTEREST**

None were presented.

#### **4.0 ADOPTION OF MINUTES**

**MOTION:** Moved by: Member Heffer  
Seconded by: Member Ruf

**THAT** the minutes of Public Hearing held November 20, 2019 be adopted as circulated.

**CARRIED.**

#### **5.0 MEETING**

##### **5.1 Consent Application 2019-B-06 – Skelton Brumwell & Associates on behalf of Laurence and Barbara Barr (393 William Street)**

#### **Attending**

#### **Applicant/Agent:**

Applicant: Laurence Barr

Agent: Brian Shelton, Skelton Brumwell & Associates

#### **Written Comments Received at the Hearing:**

None.

#### **Proponent:**

None.

#### **Public Audience:**

Mr. Ian Russell, who resides at 385 William Street asked the Committee if maintaining access to his property will be available during construction/development. Brian Shelton, representative from Engineering Company, concurred that construction will not impact access to his property. Mr. Robert Ladouceur, who resides at 379 William Street asked about severe water runoff from hill on William Street and what kind of development is being done and it's affect to greenspace and trees. Mr. Farquharson explained that a complete site plan application was received and residents can view it any time which includes details such as environmental impacts, green space, etc. He also explained that site plans do not require Public

Notice or a meeting. Mr. Shelton agreed to further discuss with Mr. Ladouceur prior to consenting to the consent/easement application.

### **Committee Members:**

A. Clarke gave an overview of the application, explained the proposed consent, Site Plan and reviewed the photos taken.

A. Clarke explained that there was an error in the Committee of Adjustment notice that was circulated to the public regarding Consent Application 2019-B-06. The image included in the Notice labeled "Context Map" mistakenly identified a much larger area for the proposed easement than what the applicant is seeking through Consent Application 2019-B-06. Staff believe that the intent of the Notice was still met under the requirements of the Planning Act and no further notice is required. A. Clarke provided 2 options to the Committee 1-continue the meeting as scheduled or 2-defer to January 2020 meeting for proper notice. All members present agreed to proceed with Option 1.

A. Clarke advised that the applicant/agent is proposing an easement to satisfy the storm water management needs of the proposed Senior Citizen Facility at 400 Newton Street and is proposing an 18 metre x 222 metre rectangular easement with an area of approximately 1.36 hectares.

M. Heffer required clarification if the easement is for storm water, sewer or both. Mr. Shelton clarified it is for storm water management only.

Mr. Ott asked who owns the easement; S. Farquharson advised the easement would be owned by Mr. Barr.

A. Clarke recommended that Consent Application 2019-B-06 be granted provisional approval subject to the conditions as outlined in the staff report.

The committee members agreed and a motion was put on the floor.

**MOTION:** Moved by: Member Ruf  
Seconded by: Member Heffer

### **DECISION:**

**THAT,**

The Committee of Adjustment grants provisional approval of Consent Application **2019-B-06** approval subject to the following conditions being imposed on the Committee's decision:

1. That a copy of a registered reference plan for the subject land indicating the severed and retained parcels be prepared by an Ontario Land Surveyor and submitted to the Secretary-Treasurer;
2. That the applicant's solicitor prepare and submit a copy of the proposed conveyances for the severed parcels, for review by the Township;
3. That all municipal taxes be paid in full to the Township of Tay;
4. That lot area of the easement be no greater than approximately 11.0 metre x 85.0 metre (lot area 0.19 acres).
5. That the conditions of consent imposed by the Committee be fulfilled within one year from the date of giving of the notice.

**CARRIED.**

A. Ott reminded the Applicant that the Committee's decision is also dependent on the 20 day appeal period.

**5.2 Consent Application 2019-B-07 – Elyse Tremblay (6836 Highway 93)**

**Attending**

**Applicant/Agent:**

Agent: Karla Tamayo, Planner, Innovative Planning Solutions

**Written Comments Received at the Hearing:**

None.

**Proponent:**

None.

**Public Audience:**

None.

### **Committee Members:**

A. Clarke gave an overview of the application, explained the proposed consent, Site Plan and reviewed the photos taken.

A. Clarke explained that an error in verbiage was used in the Committee of Adjustment notice for Consent Application 2019-B-07. The Notice incorrectly referenced a transfer of "4.2 hectares in lot area, from 6836 Highway 93 to be conveyed to 6790 Highway 93". The Notice should have read "4.2 hectares in lot area, from 6790 Highway 93 to 6836 Highway 93". Staff believe that the intent of the Notice was still met under the requirements of the Planning Act and no further notice is required.

A. Clarke provided 2 options to the Committee 1-continue the meeting as scheduled or 2-defer to January 2020 meeting for proper notice. All members present agreed to proceed with Option 1.

A. Clarke explained the staff report and recommended that Consent Application 2019-B-07 be granted provisional approval subject to the conditions as outlined in the staff report.

The committee members agreed and a motion was put on the floor.

**MOTION:** Moved by: Member Heffer

Seconded by: Member Ruf

### **DECISION:**

#### **THAT,**

The Committee of Adjustment grants provisional approval of Consent Application **2019-B-07** subject to the following conditions being imposed on the Committee's decision:

1. That a copy of a registered reference plan for the subject land indicating the severed and retained parcels be prepared by an Ontario Land Surveyor and submitted to the Secretary-Treasurer;
2. That the applicant's solicitor prepare and submit a copy of the proposed conveyances for the severed parcels, for review by the Township;
3. That all municipal taxes be paid in full to the Township of Tay;

4. That the applicant's solicitor prepares a letter of undertaking that the severed lands from 6790 Highway 93 and the lands to be enhanced municipally known as 6836 Highway 93 will merge on title.
5. That the severed parcel have a minimum lot area of approximately 8.1 hectares and a minimum lot frontage of approximately 268.5 metres on Highway 93 and 19.0 metres on Darby Road;
6. That the retained lands have minimum lot area of approximately 2.6 hectares and a minimum lot frontage of approximately 230.4 metres;
7. That the applicant prepare to the satisfaction of the Township of Tay, an affidavit verifying that the existing equestrian facility will not exceed 18 horses at one time.
8. That Variance Application **2019-A-13** be approved;
9. That the conditions of consent imposed by the Committee be fulfilled within one year from the date of giving of the notice.

**CARRIED.**

A. Ott reminded the Applicant that the Committee's decision is also dependent on the 20 day appeal period.

**5.3 Minor Variance Application 2019-A-13 – Elyse Tremblay (6970 Highway 93)**

**Attending**

**Applicant/Agent:**

Agent: Karla Tamayo, Planner, Innovative Planning Solutions

**Written Comments Received at the Hearing:**

None.

**Proponent:**

None.

**Public Audience:**

None.

## **Committee Members:**

A. Clarke gave an overview of the application, staff report and explained the proposed variance, Site Plan and reviewed the photos taken. She recommended that Minor Variance Application 2019-A-13 be granted provisional approval subject to the conditions as outlined in the staff report.

The committee members agreed and a motion was put on the floor.

**MOTION:** Moved by: Member Ruff  
Seconded by: Member Heffer

**THAT,**

The Committee of Adjustment grant provisional approval of Variance Application **2019-A-13** subject to the following conditions being imposed on the Committee's decision:

1. That the entrance off of Darby Road be closed and blocked by way of immovable features in order to discontinue vehicular use of the existing entrance.
2. That the applicants provide verification of the closure of the Darby Road entrance to Township staff.
3. That Consent Application **2019-B-07** be approved.

**CARRIED.**

A. Ott reminded the Applicant that the Committee's decision is also dependent on the 20 day appeal period.

## **6.0 DECISIONS**

## **7.0 OTHER BUSINESS**

- i. S. Farquharson provided the Committee with a copy of the 2020 Committee of Adjustment schedule. The Committee had no issues or comments. The schedule will be posted on the Township's website.



- ii. S. Farquharson advised the Committee that no appeals have been received for November 2019 applications.
- iii. S. Farquharson advised the Committee members that at least 2 applications will be received for the January 15, 2020 meeting.

## **8.0 NEXT MEETING**

The next meeting of the Committee of Adjustment is January 15, 2020.

## **9.0 ADJOURNMENT**

The Committee adjourned at 6:32 p.m.

**MOTION:** Moved by: Member Ruf  
Seconded by: Member Heffer

Respectfully Submitted:

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A. Ott, Chair

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A. Clarke, Secretary Treasurer



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### PLANNING & DEVELOPMENT DEPARTMENT Staff Report

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<b><u>Department/Function:</u></b>	Committee of Adjustment
<b><u>Chair:</u></b>	Andy Ott
<b><u>Meeting Date:</u></b>	January 15 <sup>th</sup> 2020
<b><u>Subject:</u></b>	Variance Application 2019-A-16
<b><u>Applicant:</u></b>	Ian Jackson and Sonia Ladouceur
<b><u>Location:</u></b>	474 Wardell Street

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The Planning and Development Department recommends that Variance Application 2019-A-16 be granted approval subject to the following conditions being imposed on the Committee's decision:

1. That the setbacks be in conformity with the dimensions as set out on the application and sketches submitted and approved by the Committee;
2. And that the appropriate Zoning Certificate and Building Permit be obtained from the Township, only after the Committee's decision becomes final and binding, as provided by the Planning Act R.S.O. 1990, c.P. 13.
3. That a building permit be applied for and issued within one year.
4. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee.(PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)

## **INTRODUCTION/BACKGROUND:**

The purpose of Variance Application **2019-A-16** is for relief from section 4.12(a) and 8.3.1(d)(iii) of the Township of Tay Zoning By-law 2000-57 as amended. The variance from section 4.12(a) of the Zoning By-law is required to facilitate the addition of usable floor area in the required 7.5 metre front yard setback. The variance from section 8.3.1(d)(iii) is required to permit for the reduction of the required 4.5 metre exterior side yard setback. The applicant requires these variances in order to facilitate a proposed addition on the west side of the existing dwelling.

	<b>Required</b>	<b>Proposed</b>
<b>Section 8.3 d) Minimum Required yard (iii) Exterior Side</b>	4.5 metres	3.67 metres
<b>Section 4.12 a) Does not further encroach or increase the usable floor area in a required yard</b>	7.5 metres	6.31 metre setback with 2.88 square metres of additional usable floor area.

## **ANALYSIS:**

The subject property is located on the corner of Wardell Street and Seventh Avenue in the Port McNicoll settlement area. The subject land is legally described as PLAN 558 LOT 258 W PT LOT;259, Port McNicoll, Township of Tay. The Township's Official Plan designates the subject lands as Village Residential and is zoned Village Residential "R2" in accordance with the Township's Comprehensive Zoning By-law.

The existing dwelling is considered to be legal non-complying with an existing front yard setback of 6.31 metres. The applicant is requesting a variance to build an addition onto the dwelling and increase the usable floor area in the legal non-complying front yard and reduce the exterior side yard setback to 3.67 metres. By adding floor area within the required front yard setback and reducing the exterior side yard setback a variance is required from Section 4.12(a) and Section 8.3(d)(iii) of Zoning By-law 2000-57 as amended.

## **Does the proposed Minor Variance meet the intent of the Official Plan?**

The property is designated Village Residential in the Township Official Plan and Official Plan policy 4.1.1.2.1 states that the predominate use of lands designated "Village Residential" shall be for low density single detached, semi-detached, and duplex dwellings.

The proposed minor variance is for an addition onto an existing single detached dwelling and therefore meets the intent of the Official Plan.

**Does the proposed Minor Variance meet the intent of the Zoning By-Law?**

The property is zoned Village Residential "R2" in the Township's Zoning By-law. Section 8.2 of the Township's Zoning By-law lists a single detached dwelling as a permitted use. Section 8.3.1 (d) of the Zoning By-law states that the minimum required front yard setback for a dwelling must be 7.5 metres and the minimum required exterior side yard setback must be 4.5 metres. The intent of these setbacks is to ensure appropriate separation between dwellings and the road, as well as to maintain sight triangles for vehicular traffic in road intersections. The Manager of Roads and Fleet has confirmed verbally that the proposed 6.31 metre front yard setback and the proposed 3.67 metre exterior side yard setback will not result in any portion of the building obstructing the sight triangle for the intersection of Wardell Street and Seventh Avenue.

The proposed increase of usable floor area in the required front yard setback and the proposed reduction to the required exterior side yard setback maintain the intent of the Zoning By-law, as they would maintain an appropriate separation between the dwelling and the road.

**Is the proposed Minor Variance desirable for the appropriate development of the lot?**

The lot is intended though the Official Plan and the Zoning By-law to be used for a single detached dwelling. The applicant is proposing to build an addition measuring 11.76 metres square that will add floor area in the existing legal non-complying front yard setback and extend into the required exterior side yard setback by 0.83 metres. The applicant is remaining in line with the front façade of the existing single detached dwelling and is not further reducing the existing legal non-complying front yard setback. Additionally, by reducing the front and exterior side yard setback the building is not obstructing the road's sight triangle. Therefore, a minor variance to facilitate the construction of an

addition onto the existing single detached dwelling is desirable for the appropriate development of the lot.

### **Is the proposed Variance Minor in Nature?**

The requested expansion of the legal non-conforming building by extending the legal non-complying front façade of the single detached dwelling by 2.42 metres and reducing the exterior side yard by 0.83 metres, would not impact the character of the neighbourhood. Therefore staff is of the opinion that the proposed variance is minor in nature.

It is the opinion of Planning Staff that the proposed variance would satisfy the four tests of the Planning Act.

### **Outside Agency, Internal Department and Public Comments:**

**County of Simcoe** – No comments received to date.

**Clerk** - No concerns

**Director of Finance/Interim Chief Administrative Officer** – None.

**Director of Public Works** – No comments received to date

**Water/ Sanitary Wastewater Superintendent** – No concerns.

**Manager of Roads and Fleet** – No concerns.

**Chief Building Official** - No issues or concerns.

**Fire Chief** – No fire concerns

**Public** - No comments received to date.

### **FINANCIAL BUDGET IMPACT:**

There are no budgetary impacts to this report.

### **CONCLUSION:**

Planning Staff are satisfied that the proposed variance maintains the intent of the Official Plan and Zoning By-law, and development is appropriate on the lot and is considered to be minor in nature.

Planning staff have no objection to the proposed variance and are hereby recommending approval of same by the Committee of Adjustment.

Prepared and Recommended by;

Date: January 10<sup>th</sup>, 2019

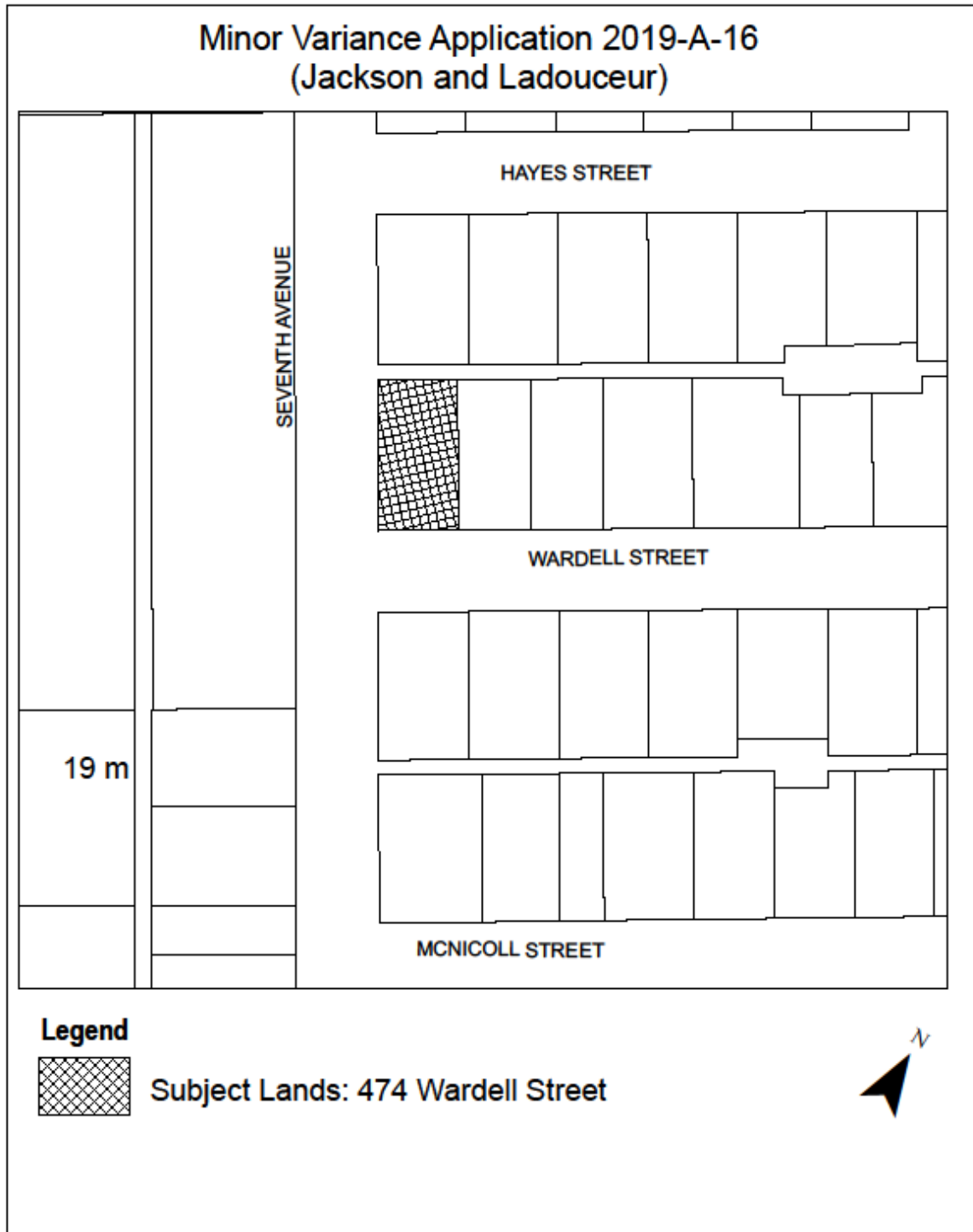
Aleah Clarke, BES  
Planner

Reviewed by:

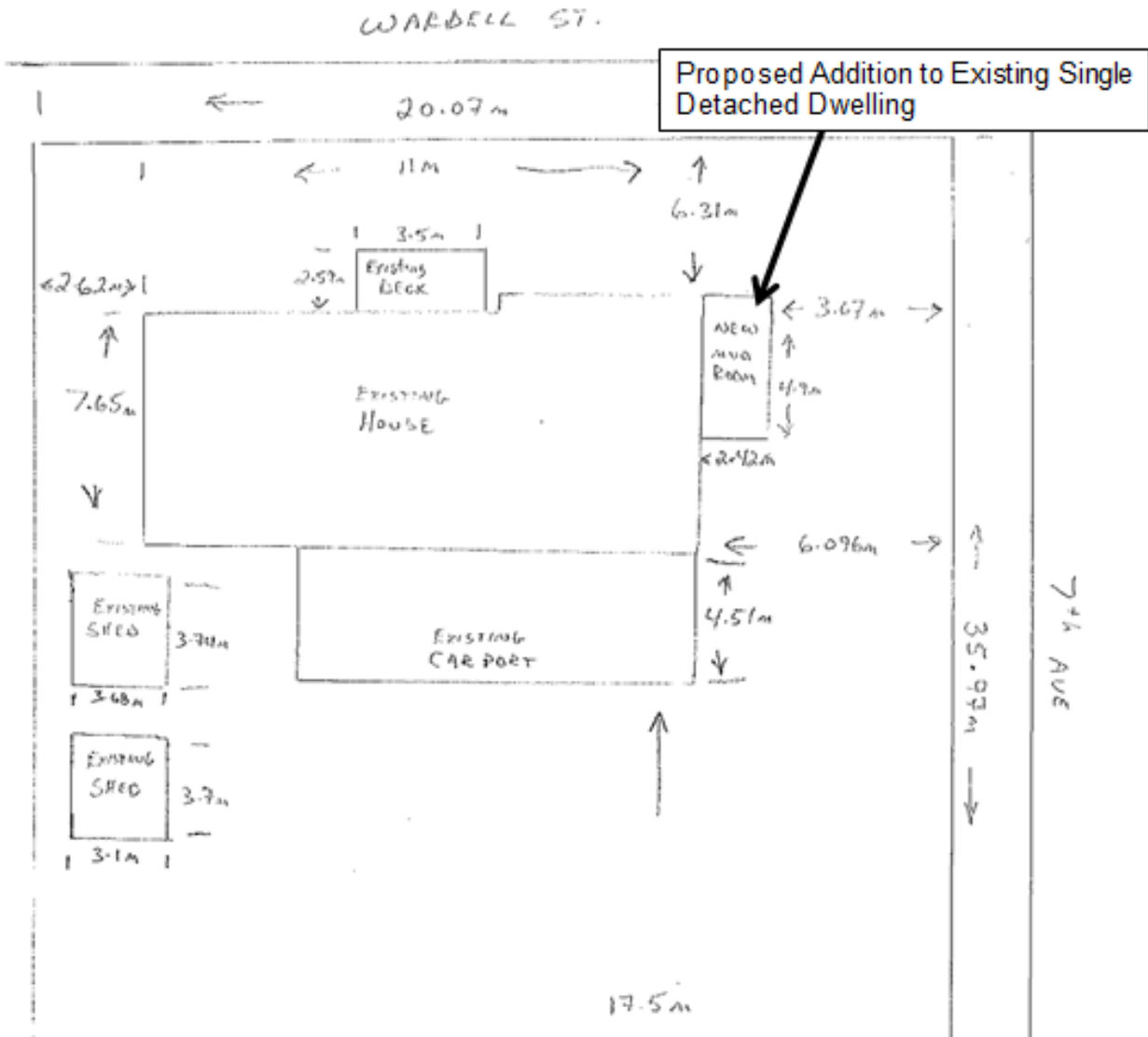
Date: January 10<sup>th</sup>, 2019

Steven Farquharson, B.URPL, MCIP, RPP  
Director of Planning and Development

## Attachment 1: Location Map

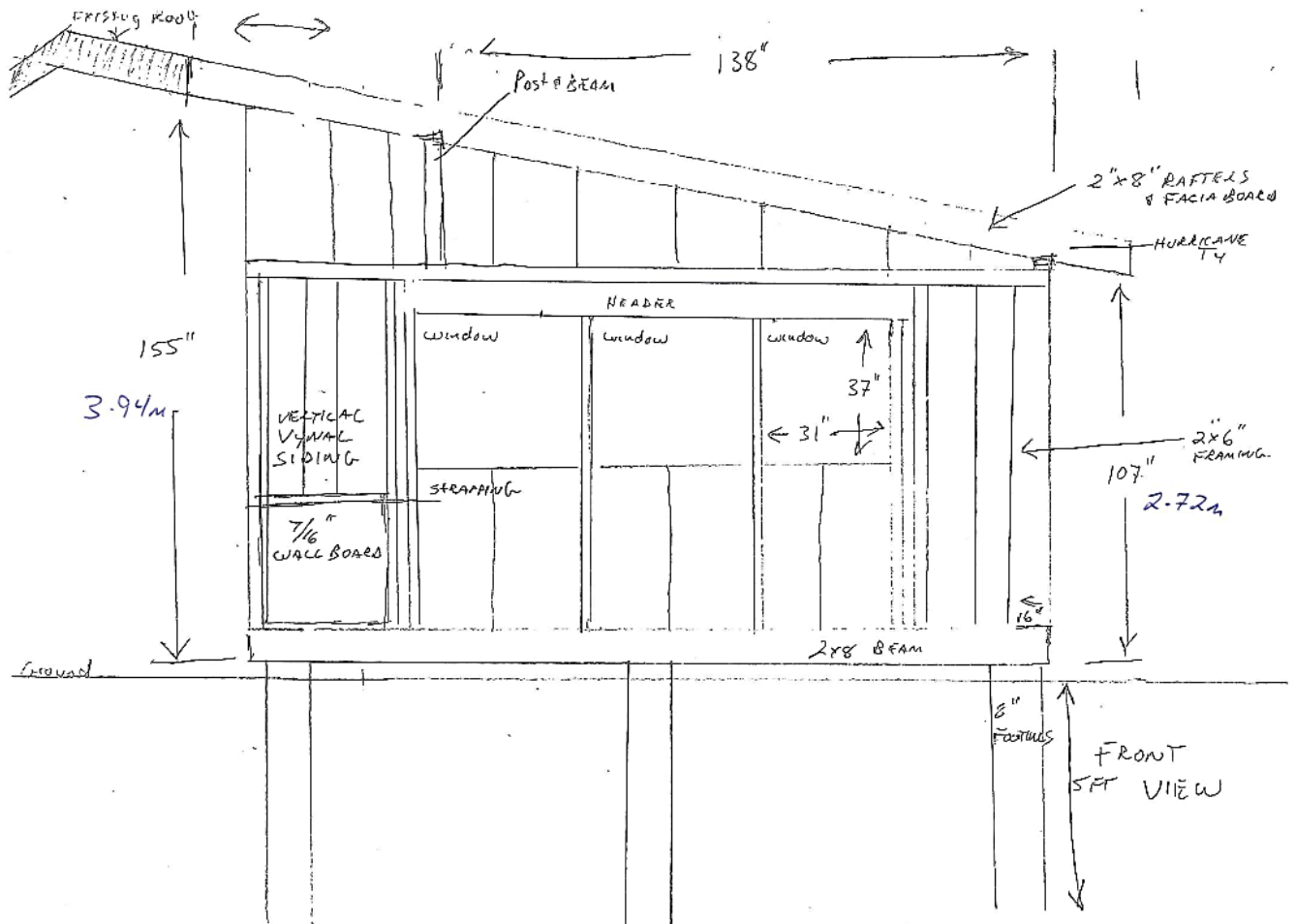


## Attachment #2: Site Plan and Elevations





# Proposed Addition





# Corporation of the Township of Tay

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## PLANNING & DEVELOPMENT DEPARTMENT Staff Report

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<b><u>Department/Function:</u></b>	Committee of Adjustment
<b><u>Chair:</u></b>	Andy Ott
<b><u>Meeting Date:</u></b>	January 15 <sup>th</sup> , 2020
<b><u>Subject:</u></b>	Variance Application 2019-A-15
<b><u>Applicant:</u></b>	William Simpson
<b><u>Location:</u></b>	43 Meadows Avenue

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### **RECOMMENDATION:**

**That,** The Planning and Development Department recommends that Variance Application 2019-A-15 for an accessory building with a maximum ground floor area of 214 square metres be denied.

Further, that the portion of the Variance Application request for an addition onto the existing detached accessory building be approved, subject to the following conditions being imposed on the Committee's decision:

1. That an Ontario Land Surveyor provide verification to the Township of compliance with the Committee's decision by:
  - Submitting certification to the Township by way of survey/real property report prior to the booking of the framing inspection, and that the proposed addition to the existing accessory building have a maximum ground floor area of 136 square metres;
2. That the setbacks be in conformity with the dimensions as set out on the application and sketches submitted and approved by the Committee;
3. That the applicant be required to provide to the Township a deposit in the amount of \$2,000.00 prior to the issuance of a Zoning Certificate:

This deposit will be refunded once the applicant has provided the following to Planning staff:

- a. That the conditions of the Committee have been satisfied to the satisfaction of Planning staff;
  - b. That the building permit has been closed;
  - c. And that verification be completed by Planning staff that the exterior of the building is not corrugated metal.
4. And that the appropriate Zoning Certificate and Building Permit be obtained from the Township, only after the Committee's decision becomes final and binding, as provided by the Planning Act R.S.O. 1990, c.P. 13.
5. That a building permit be applied for and issued within twelve (12) months of the date this decision becomes final and binding.
6. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee.(PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)

### **INTRODUCTION/BACKGROUND:**

The purpose of Variance Application **2019-A-15** is for relief from the Zoning By-law standards as it relates to accessory buildings on the lands municipally known as 43 Meadows Avenue.

### **ANALYSIS:**

The applicant is requesting variances from **Sections 4.1.6** of the Township of Tay Zoning By-law 2000-57 as amended. **Section 4.1.6** regulates the maximum ground floor area of an accessory building to 93 square metres in residential zones. The applicant is proposing to add 59 square metres to an existing detached building, which would result in the ground floor area being 136 square metres. The applicant is also requesting to construct a new detached accessory building with a ground floor area of 214 square metres.

<b>Zoning By-law 2000-57</b>	<b>Required</b>	<b>Proposed</b>
<b>Section 4.1.6 Maximum Ground floor Area for Accessory Building</b>	93 square metres	Building A-136 square metres Building B-214 square metres

***Does the variance conform to the general intent of the Official Plan?***

The property is designated Limited Service Residential 4 in the Official Plan, which permits residential uses and accessory buildings including garages.

The requested variance for the proposed accessory structures would conform to the permitted uses in the Limited Service Residential 4 designation. Therefore, the proposed accessory structures which are associated to the residential use would conform to the general intent of the policies contained in the Official Plan.

***Does the variance meet the general intent of the Zoning By-law?***

The property is zoned Village Residential Exception One "R1-1". The purpose of regulating the size, height and lot coverage of accessory buildings is to ensure that such buildings clearly remain secondary to the primary use on the lot, in this case residential. The zoning provision for maximum ground floor area for an accessory building in a residential zone is limited to 93 square metres. The applicant has indicated that the need for the increase in floor area of the existing accessory building is to enclose an existing pre-fabricated shipping container, which is not a permitted use within a residential zone. The existing detached accessory building has a ground floor area of 77 square metres and is 4.5 metres in height, both of which comply with the By-law standards. By adding an additional 59 square metres it exceeds the maximum floor area for an accessory building. It is important to note that the existing garage does not have garage doors and is accessed by a man-door. The applicant has not indicated what the building is used for and it appears to have exhaust and venting system and is heated by natural gas.

The proposed new accessory building would have a maximum ground floor area of 214 square metres. The applicant has indicated that the reasoning behind the larger accessory building is for the storage of personal vehicles, which the applicant has indicated he would be repairing and restoring. It is important to note that the applicant has not provided information as to how vehicles would access the proposed garage, with only a single driveway which accesses the dwelling.

Section 4.1.6 of the Zoning By-law states that the maximum ground floor area of an accessory building is 93 square metres. The purpose of regulating the ground floor area for detached accessory buildings is to ensure that the building does not dominate the subject property or those buildings and structures on the surrounding properties. While it is acknowledged that the property is larger than typical residential lots, the proposed new accessory building is significantly

larger than what the By-law allows. The neighbouring properties on Meadows Avenue have accessory structures which all seem to comply with the Zoning By-law standard. The property directly to the north (44 Meadows Avenue) was recently approved for a similar Minor Variance application which included an accessory building with a ground floor area of 245 square metres and an addition onto the existing accessory building to make a total floor area of 121 square metres. While this application was approved by the Committee, each application is reviewed on its own merits and it remains the opinion of Planning staff that the increase to the maximum ground floor area for an accessory building would alter the character of the residential area.

The proposed addition to the existing garage is located to the rear of the building, the impact to the character of the residential area would be minimal, provided that the pre-fabricated shipping container is fully enclosed.

The proposed increase in the ground floor area of both buildings would be 305 square metres, while the existing dwelling appears to be 105 square metres. The accessory buildings combined will be larger than the existing dwelling and would have a dominating presence on the property.

Based on the above, it is the opinion of Planning staff, that the proposed increase in ground floor area for the new accessory building would have a significant impact on the character of the area and not meet the intent of the Zoning By-law. Planning staff do not have an objection to the increase in floor area to the existing detached accessory building, provided the pre-fabricated shipping container is fully enclosed and the exterior of the addition not be made of corrugated metal, with the exception of the roof.

### ***Is the variance appropriate for the development of the lot?***

As a result of a site inspection completed by staff, it was noted that there would be vegetation that would be removed as a result of the proposed new accessory building. As referenced above the proposed new accessory structure would have a significant impact on the character of the area, with existing detached accessory buildings meeting the requirements of the Zoning By-law. The proposed accessory building measuring 214 square metres is anticipated to have a visual impact on the main use of some surrounding properties and alter the character and intent of accessory buildings in residential zones. Typically, these larger accessory buildings are located in the rural and agricultural zones outside of residential areas.

On the basis of the above, it is the opinion of the Planning staff that the proposed variances are not considered to be appropriate desirable development for the lot.

Planning staff do not object to the proposed addition onto the existing detached accessory building.

***Is the variance minor?***

The proposed variances to increase the maximum ground floor area of both buildings would have a cumulative effect, which would result in the new detached accessory building being 121 square metres above the limits of the By-law. With a floor area of 214 square metres, this would work out to be 2.4 accessory buildings at 93 square metres. This does not include the proposed floor area of the addition onto the existing accessory building which would have a new ground floor area of 136 square metres.

Based on the above, staff are of the opinion that the proposed variance for the new accessory building does not meet the intent of the Official Plan and Zoning By-law, the development of the lot is not appropriate and therefore is not minor in nature.

**Outside Agency, Internal Department and Public Comments:**

**County of Simcoe** – No comments received to date.

**Clerk-** Delegation to council January 10, 2018, February 13, 2019, and April 10, 2019 regarding property use and materials attached. (See Attachment #3)

**Director of Finance/Interim Chief Administrative Officer** –None.

**Director of Public Works** – No comments received to date

**Water/ Sanitary Wastewater Superintendent** – Not serviced no concerns.

**Manager of Roads and Fleet** – Certified Lot Grading Plan required for proposed garage unless proposed structure is moved to be at least 5m from property line.

**Chief Building Official** - No concerns at this time.

**Fire Chief** – Applicant indicates vehicle restoration and maintenance which usually indicates high hazard activities. Fire has concerns as to the extent of works being performed. If painting or body work is being done on site proper storage of flammables and exhaust systems should be done. This would include use of welding equipment as well to remove smoke and fumes. Consideration of greater distance between both buildings should be considered as well if they are built with combustible products.

**Public** – No comments received to date.

**FINANCIAL BUDGET IMPACT:**

There are no budgetary impacts to this report.

## **CONCLUSION:**

It is the opinion of the Planning staff, that Variance application 2019-A-15, specifically, to permit the construction of a detached accessory building occupying a ground floor area 214 square metres, would have a cumulative effect on the surrounding properties and not meet the general intent of the Zoning By-law for accessory buildings in residential zones.

In terms of the addition onto the existing accessory building, Planning Staff are satisfied that the proposed variance maintains the intent of the Official Plan and Zoning By-law, and the development is appropriate on the lot and is considered to be minor in nature.

Planning staff have no objection to the proposed variance to increase the ground floor area to 136 square metres and are hereby recommending approval of same by the Committee of Adjustment, subject to the pre-fabricated shipping container being fully enclosed.

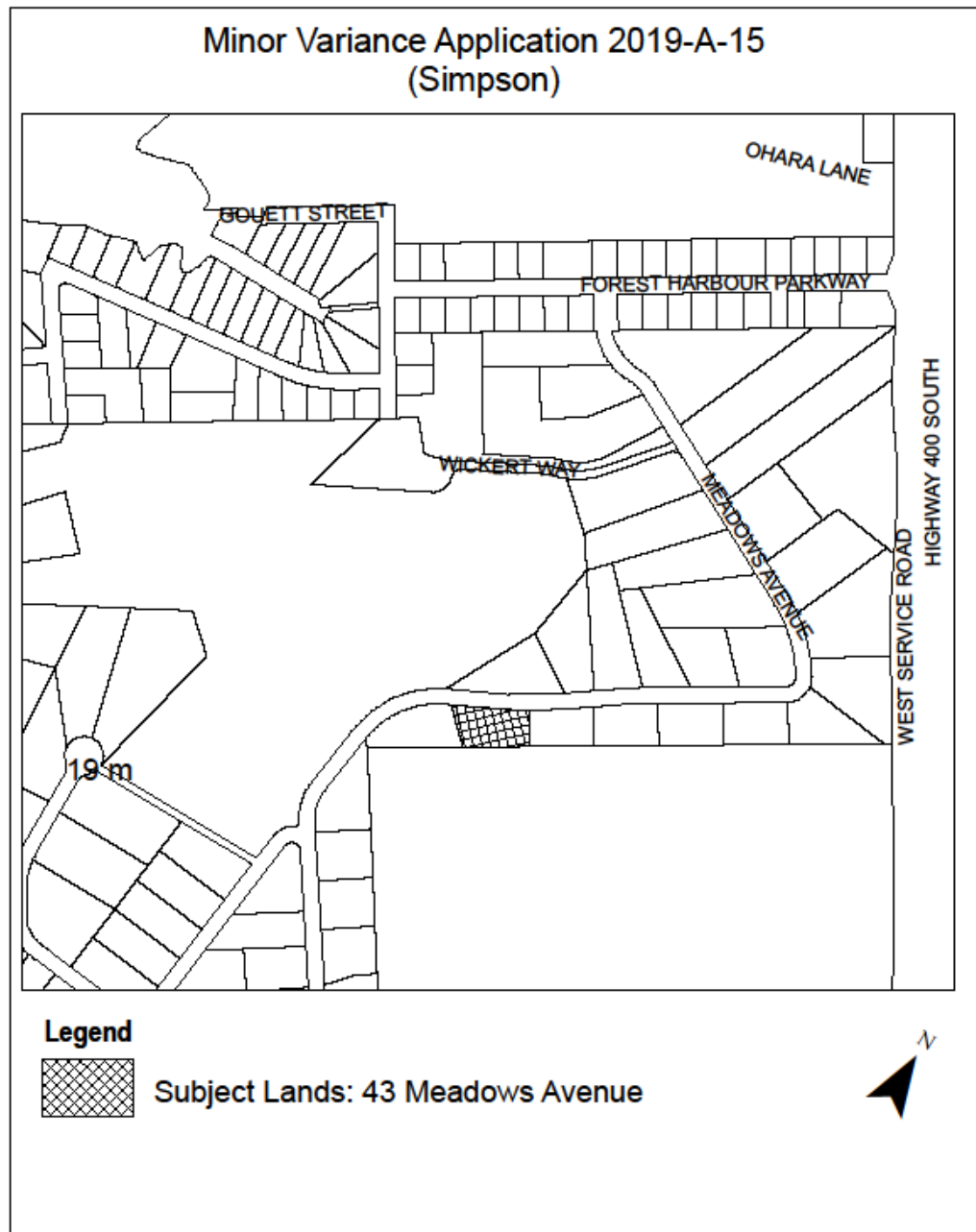
Prepared and Recommended by;

Date: January 10, 2020

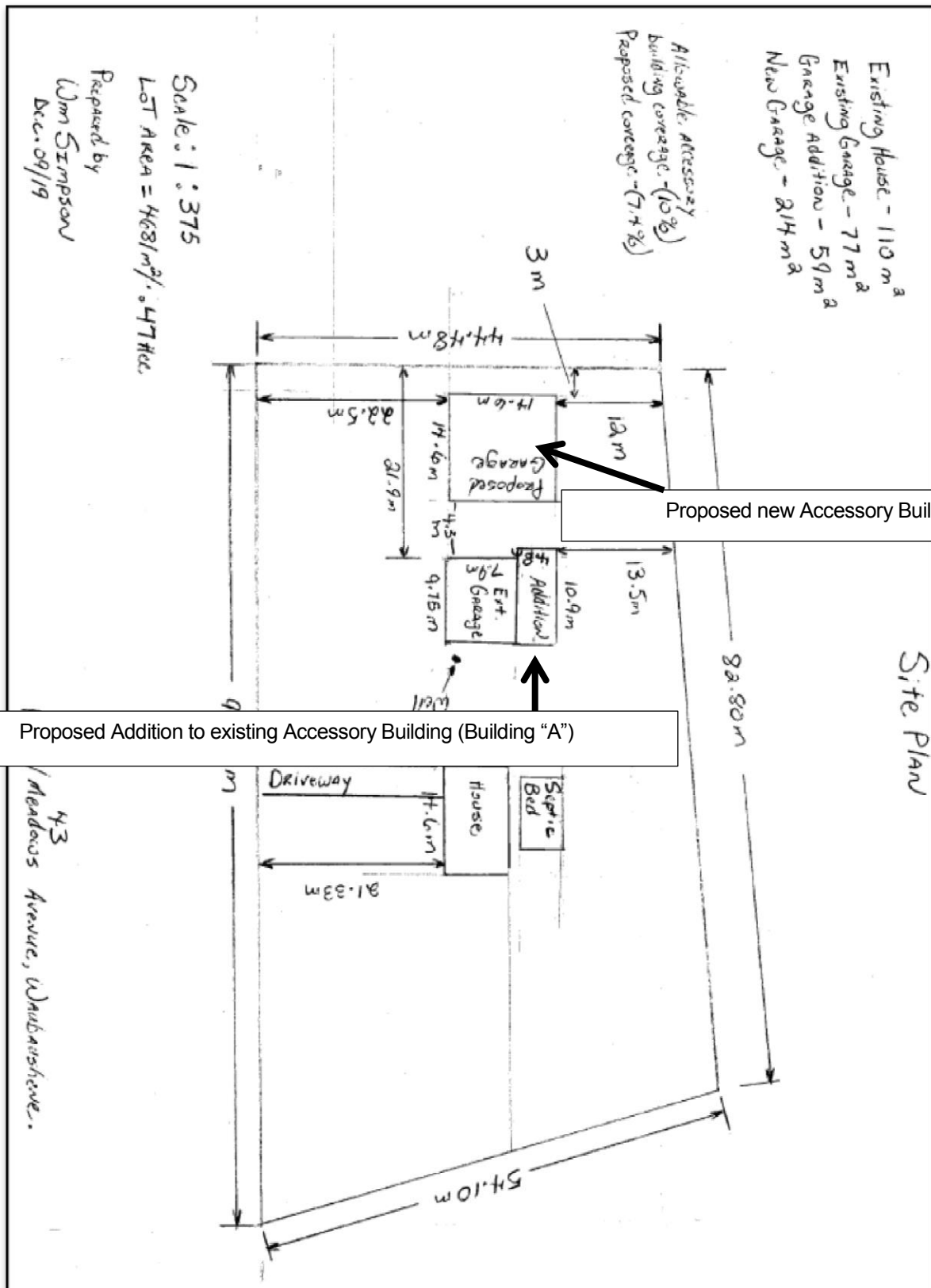
Steven Farquharson, BURPI., MCIP. RPP  
Director of Planning and Development



## Attachment #1: Key Map



## Attachment #2: Site Plan and Elevations



Proposed New Accessory Building  
"Building B"

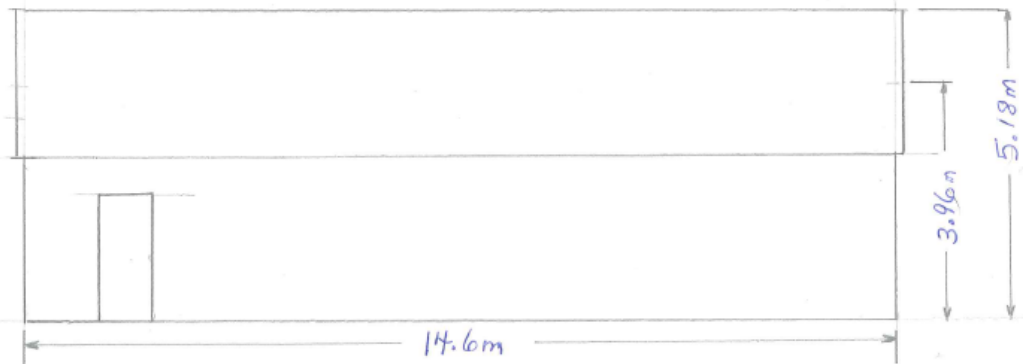
South Elevation as shown  
North Elevation same but No Openings

Scale: 1:200  
Prepared by  
Wm Simpson  
Dec. 09/19



East Elevation as shown  
West same but no openings

Scale: 1:200  
Prepared by  
Wm Simpson  
Dec. 09/19  
43 Meadows Ave.  
Waukegan, IL

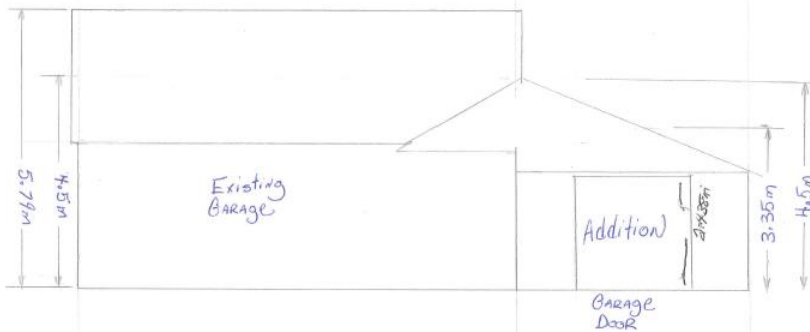


Proposed Addition to existing Accessory Building  
"Building A"

South Elevation as shown  
North Elevation same but no openings.

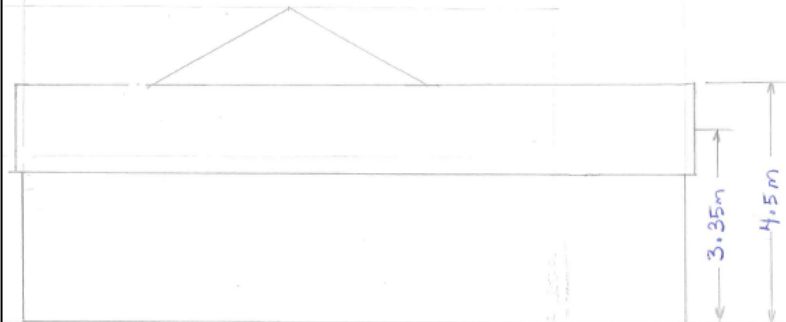
2"x6" Construction  
2"x8" Rafters  
Metal Roof  
Vinyl Siding

Scale: 1:200  
Prepared by  
Wm Simpson  
Dec. 09/19  
43 Meadows Avenue  
Waubesaheve.



EAST Elevation as shown

Scale: 1:200  
Prepared by  
Wm Simpson  
Dec. 09/19  
43 Meadow Avenue  
Waubesaheve



# Minor Variance Application

Relief of 4.1.6

Additional Notes and Details for William Simpson at 43 Meadows Ave.

#	Question - Topic	Response - Comments
9c)	Statement of Proposal, including nature and extent of relief requested from the zoning bylaw and reason for request	<p>We seek two(2) variances:</p> <ul style="list-style-type: none"> <li>a) Build a new garage that will have an area of 214 square meters which will be 121square meters more than the 93 square meters permitted with a building height to the midpoint of the roof of 3.96 meters,</li> <li>b) Expand an existing garage that has an area of 77 square meters by 59 square meters to become a total of 136square meters which will be 43 square meters more than the 93 square meters permitted also enclosing the existing steel storage building completely.</li> </ul> <p>The reasons for our request include:</p> <ul style="list-style-type: none"> <li>1) To store my antique automobiles and related items</li> <li>2) Add additional secure storage for equipment.</li> </ul>
9d)	Reasons for variance(s) requested	<p>Please see item 9c) above. Additional reasons follow.</p> <p>The site has a large area of 4681square meters (.47 hectares )and a large frontage of 96.75meters. The construction of the new garage and expansion of the existing garage will bring the coverage to only 350 square meters of the site. This is only 7.4 of the 10% coverage limit.</p> <p>Our home does not have an adjoining garage.</p>
10a)	Proposed uses of the subject land:	<p>The addition to the existing garage and new garage will be used for a home business of restoring my personal antique vehicles and storage of the same. I feel that this will enhance the character of the community by reducing yard clutter, but is a second tier priority.</p>
		<p>We wish to provide additional comments for your consideration.</p> <p><b>Community Character</b>  Meadows Avenue is a unique and evolving community that makes a very positive and growing contribution to Tay. The plan of subdivision includes many large lots in a well treed and generally level environment. While the homes are slightly larger than typical, they are not often huge.</p> <p>However, the free standing garages in the Meadows Avenue area are numerous and often over-sized and over-height. More specifically, an Oct 18, 2019 survey of all of the 59 homes on Meadows Ave, Forest Harbour Road, Duck Bay Road, Gouett Street and Galko Cres reveals:</p> <ul style="list-style-type: none"> <li>25 Boats on trailers parked outdoors</li> <li>13 Recreational Vehicles parked outdoors on 13 properties</li> <li>13 additional trailers parked outdoors on 9 properties</li> </ul>

#	Question - Topic	Response - Comments
		<p>Observation – 51 trailers and RVs parked outdoors in a community of 59 homes</p> <p>Very significantly at least <b>13 homes of the 59 homes</b> have free standing oversized garages (greater than 93 meters square) and all 13 of them appear to be over height (taller than 4.5 meters). Most of these 13 homes have no or many fewer trailers and RV's parked outdoors.</p> <p>A breezeway to connect a garage to a home for bylaw purposes adds no additional character over a detached garage.</p> <p><b>1. Do our requested variances meet the intent of the Official Plan?</b></p> <p>Based upon the details and reasons cited above and in 9c, 9d and 10a we believe our requested variances do meet the intent of the Official Plan</p> <p><b>2. Do our requested variances meet the intent of the Zoning By-law?</b></p> <p>Based upon the details and reasons cited above and in 9c, 9d and 10a we believe our requested variances do meet the intent of the Zoning By-laws</p> <p><b>3. Will our variances be appropriate on the lot?</b></p> <p>Approval of our requested variances will enable us to avoid vehicle clutter and the use of tent structures on the site. We very much wish to be a positive contributor to the character of the community.</p> <p>Based upon the details and reasons cited above and in 9c, 9d and 10a we believe our requested variances are appropriate on the 43 Meadows Avenue lot.</p> <p><b>4. Are our variances minor in nature?</b></p> <p>The total of the existing garage, the new garage and the addition to the new garage being the site area coverage to 7.4 of the 10% limit.</p> <p>The site plan has been carefully prepared to eliminate or avoid undesirable impacts on the community. In fact these buildings will be positive and eliminate site clutter and the use of tent structures.</p> <p>Based upon the details and reasons cited above and in 9c, 9d and 10a we believe our requested variances are minor in nature.</p>
	The Four Tests	

Dec 12/19

To Planning Dept Tay  
Re: Response to email of Steven dated 11/12/19.

- ① I am seeking relief from Area Committee to allow my plans for over-size floor Plan for ~~both~~ both New Garage and Addition on existing garage. I believe this is section No. 1.6.
- ② Set back between New Garage and ~~Existing~~ Existing Garage is 4.3 m.
- ③ Garage Doors are height of 8' each.
- ④ Roof Pitch is 12/4.

Thank You

Wm Simpson