



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, February 21st, 2018 – 5:30 p.m.

Township of Tay Municipal Building – Council Chamber
450 Park Street, Victoria Harbour

1. CALL TO ORDER
2. OPENING ADDRESS FROM THE CHAIR
3. ADOPTION OF THE AGENDA
4. DECLARATION OF PECUNIARY INTEREST
5. ADOPTION OF MINUTES FROM
 - 5.1 January 17th 2018
6. PUBLIC HEARING
 - 6.1 Minor Variance Application 2018-A-01, Guy Forget, 41 Easton Ave.
7. DECISIONS
8. OTHER BUSINESS
9. NEXT MEETING – March 21st, 2018
10. ADJOURNMENT



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COMMITTEE OF ADJUSTMENT
MINUTES OF MEETING Wednesday, January 17, 2018 – 7:00 PM
Township of Tay Municipal Office – Council Chambers

Members Present: A. Ott, Chair
 M. Van Halem
 C. Constantin-Barron
 M. Heffer

Regards: F. Ruf

Staff Present: L. O'Toole, Planner, Secretary-Treasurer
 S. Farquharson, Planning and Development Director

1.0 CALL TO ORDER

Chair A. Ott called the meeting to order at 7:00 p.m.

2.0 OPENING ADDRESS FROM THE CHAIR

3.0 ADOPTION OF THE AGENDA

MOTION: Moved by: C. Constantin-Barron
 Seconded by: M. Heffer

THAT Committee adopted the agenda as prepared.

CARRIED.

4.0 DECLARATION OF CONFLICT OF INTEREST

None were presented.

**5.0 APPOINTMENT OF LIAM O'TOOLE AS SECRETARY/TREASURER
AND STEVE FARQUHARSON AS DEPUTY SECRETARY/TREASURER**

MOTION: Moved by: M. Van Halem
Seconded by: C. Constantin-Barron

6.0 ADOPTION OF MINUTES

MOTION: Moved by: M. Heffer
Seconded by: M. Van Halem

THAT the minutes of Public Hearing held October 18th, 2017 be adopted as circulated.

CARRIED.

7.0 MEETING

**7.1 Consent Application 2017-B-13 Applicant 1243161 Ontario
Limited, Agent Kennedy Self**

Location: Plan 1107, Concession 8 and 9, Pt Lot 15, RP 51R-2447, Part 1,
Roll# 4353-040-005-39100

Attending

Applicant/Agent: Agent: Kennedy Self

Written Comments Received at the Hearing:

No additional written comments were received at the hearing.

Proponent:

Mr. Self attending the meeting on behalf of Dr. Daniel Gibbs. Mr. Self acknowledged the comments from the SSEA regarding the potential of an EIS being regarded for any additional consent applications being submitted for the Committee's consideration.

Public Audience:

None.

Committee Members:

L. O'Toole provided an overview of the application and recommended provisional approval of the application subject to the conditions as outlined in the staff report.

M. Van Halem requested clarification on the correspondence received from the SSEA.

L. O'Toole provided intent of the comments and that any future application will require a pre-consultation with the Township and SSEA to determine if an Environmental Impact Study would be required in order to ensure the environmental features are not being impacted.

7.2 Validation of Title 2017-B-14 Claude Savage, Agent Peter Decon

Location: 309 Park Street

Attending

Applicant/Agent: Applicant: Claude Savage/
Agent: Peter Deacon

Written Comments Received at the Hearing:

No additional written comments were received at the hearing.

Proponent:

Mr. Deacon provided an over view and reasoning for the application.

Public Audience:

None.

Committee Members:

L.O'Toole provided an overview of the application and recommended approval of the validation of title.

A. Ott requested clarification on the intent of the application and what lands are part of this application.

P. Deacon provided clarification on the lands as part of this application.

8.0 DECISIONS

8.1 Consent Application 2017-B-13 Applicant- 1243161 Ontario Limited Agent Kennedy Self

Location: Plan 1107, Concession 8 and 9, Pt Lot 15, RP 51R-2447, Part 1, Roll# 4353-040-005-39100

MOTION: Moved by: C. Constantin-Barron
Seconded by: M. Heffer

THAT,

Consent Application **2017-B-13 (Kennedy Self on behalf of 1243161 Ontario Limited)** is granted provisional 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 parcel 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 conveyance for the parcel severed, for review by the Township;
3. That all municipal taxes be paid in full to the Township of Tay;
4. That Subsection 50 (3) and/or (5), of the *Planning Act* applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
5. That if the property is to change ownership prior to the conditions of consent imposed by the Committee are fulfilled, an authorization from the new owner(s) must be received by the Township acknowledging the request to proceed with the applications as approved by the Committee;
6. That the applicant's solicitor prepares a letter of undertaking that the severed lands and the lands to be enhanced municipally known as 365 Robins Point Road will merge on title.
7. That all outstanding invoices relating to application 2017-B-13 be paid in full;
8. That the conditions of consent imposed by the Committee be fulfilled within one year from the date of giving of the notice..

CARRIED.

Explanation of the effect any written and/or oral submissions from the public had on the decision: N/A

8.2 Validation of Title 2017-B-14 Claude Savage, Agent Peter Deacon

Location: **Location:** 309 Park Street

MOTION: Moved by: M. Van Halem
Seconded by: M. Heffer

A contravention of Section 50 or a predecessor of it, or of a by-law passed under a predecessor of Section 50, or an order made under clause 27(1)(b) of the Planning Act as it reads on the 25th day of June, 1970, being chapter 296 of the Revised Statutes of Ontario, 1960 or a predecessor of it, does not have and shall be deemed never to have had, the effect of preventing the conveyance of, or creation of any interest in the parcel of land described as follows:

309 Park Street

Part of the West Half of Lot 14, Concession 8 as in Instrument #RO371412 designated as PIN 58495-0008(R)

HAVING been assured that the Application for Validation meets the prescribed criteria, namely:

- a) The certificate will conform with the Official Plan of the Township of Tay;
- b) The certificate will conform with the Zoning By-law of the Township of Tay.

The Township of Tay Committee of Adjustment hereby **GRANTS** this Application for Validation on January 17th, 2018.

CARRIED.

Explanation of the effect any written and/or oral submissions from the public had on the decision: N/A

9.0 OTHER BUSINESS

Mr. Farquharson provided the Committee the scheduled for 2018 meeting dates and advised the Committee that the meetings will now start at 5:30 p.m. moving forward.

8.0 NEXT MEETING

The next meeting of the Committee of Adjustment is scheduled for February 21st, 2018 at 5:30 p.m. in the Municipal Council Chambers.

9.0 ADJOURNMENT

The Committee adjourned at 7:35 p.m.

MOTION: Moved by: C. Constantin-Barron
Seconded by: M. Van Halem

Respectfully Submitted:

B. Ott, Chair

L. O'Toole, Secretary Treasurer



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PLANNING & DEVELOPMENT DEPARTMENT

Staff Report

<u>Department/Function:</u>	Committee of Adjustment
<u>Chair:</u>	Andy Ott
<u>Meeting Date:</u>	February 21 st 2018
<u>Subject:</u>	Minor Variance Application 2018-A-01, Guy Forget, 41 Easton Avenue

RECOMMENDATION:

THAT,

Minor Variance Application 2018-A-01 be granted approval subject to the following conditions being imposed on the Committee's decision:

1. That the Minimum Interior Side Yard setback be no less than approximately 2.5 metres;
2. That the Minimum Ground Floor Area be no less than approximately 80.2 Square Metres;
3. That the proposed driveway meet the minimum standards of the Zoning By-Law and that all parking occur on the subject lands;
4. That an Ontario Land Surveyor (OLS) provide verification to the Township of compliance with the Committee's decision by:
 - i) Pinning the footing/foundation.
 - ii) Verifying by way of OLS Certificate, prior to the framing inspection, the new dwelling will be located no closer than 2.5 metres from the interior side lot line, and have a Minimum Gross Floor Area no less than 80.2 square metres.
5. That the applicant obtains the required Zoning Certificate and Building Permit from the Township of Tay for the approved Variance Request.
6. That all municipal taxes be paid in full.

FOR THE FOLLOWING REASONS,

The proposed variance is appropriate and is in keeping with the general purpose and intent of the Official Plan and Zoning By-law. The deficiency would not appear to create any adverse impacts for the adjoining residential properties, nor the Township's road allowance, and the variance can be considered minor.

INTRODUCTION/BACKGROUND:

The applicant has requested a variance to the Village Residential "R1" Zone requirement of a minimum interior side yard setback of 3.0 metres under the Township of Tay Zoning By-law 2000-57 as amended, to permit a single detached dwelling with an interior side yard setback of 2.5 metres.

The applicant has also requested a variance to the "R1" Zone requirement of a Minimum Gross Floor Area requirement of 93 square metres, to permit a dwelling with a Minimum Gross Floor Area of 80.26 square metres.

ANALYSIS:

The subject property is located on the Eastern side of Easton Avenue, outside of Port McNicoll. The subject land is legally described as Lot 57 and Part of Lot 58, Plan 555, Township of Tay, County of Simcoe. There is an unopened road allowance north of the subject property line.

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

The property is designated Village Residential within the Township's Official Plan. Permitted uses within this designation include low density residential, in the form of single detached dwellings. Section 4.1.1.3.5 requires development proposals to be reviewed with regard to their compatibility within the existing character of the settlement area. The 2.5 metre setback will allow for the proposed single detached dwelling to face the Easton Avenue, and be consistent with the character of the surrounding homes, all of which face the street.

Does the proposed Minor Variance meeting the intent of the Zoning By-law?

The property is zoned Village Residential "R1" within the Township's Zoning By-law. The "R1" zone lists Single Detached Dwelling as a permitted use. The "R1" zoning is given to properties that are not serviced by both municipal water and sewer. Per section 3.2.120, "A lot shall be deemed not to be a corner lot where the exterior lot line is on an unopened municipal road allowance".

Is the proposed Minor Variance desirable and appropriate for the area?

In staff's opinion, the reduction to the required interior side yard setback would not appear to negatively impact the properties to either side of the subject lot, or the unopened road allowance. The reduced setback and smaller building size would allow for the building to remain consistent with the design and character of the surrounding neighbourhood, and is desirable under the Official Plan policies.

Is the proposed Variance Minor in Nature?

The requested 2.5 metre setback requires a 0.5 metre relief from the Zoning By-law on the North property line facing the road allowance. The proposed dwelling would still satisfy the 3 metre zoning requirement on the property line facing 43 Easton Avenue. In staff's opinion, this 0.5 meter relief from the by-law can be considered minor, as it will still maintain the intent of the zoning by-law by providing a sufficient buffer to the adjacent unopened road allowance.

The requested 80.2 square metre Ground Floor Area requires a 12 square meter variance to the Zoning By-law. 41 Easton Avenue has a smaller lot area and a shorter frontage than the other lots in the neighbourhood. In staff's opinion, the 12 square metre variance can be considered minor in the context of the surrounding properties. The smaller lot size corresponds with the smaller dwelling, while still maintaining the intent of the by-law, and will not look out of place on Easton Avenue.

Outside Agency, Internal Department and Public Comments:

County of Simcoe – No comments received to date.

Bell Canada, Right of Way – No comments received to date.

Chief Administrative Officer – No issues or concerns.

Clerk – No issues or concerns.

Director of Finance – No issues or concerns.

Director of Public Works – The proposed driveway should be 6m in length.

Water/Sanitary Wastewater Superintendent – No issues or concerns.

Manager of Roads and Fleet – The proposed driveway is within 15 m of an unopened road allowance. If the road ever becomes open the driveway will be non-compliant.

Chief Building Official – No issues or concerns.

Fire Chief – No issues or concerns.

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts to this report.

CONCLUSION:

Planning Staff are satisfied that the proposed variances are appropriate and would be in keeping with the general purpose and intent of the Official Plan and Zoning By-law. The deficiencies identified above would not appear to create any adverse impacts for the adjoining residential properties located to either side, nor for the Township's unopened road allowance. Staff is of the opinion that the variance, as requested, is appropriate and can be considered to be minor.

Planning staff recommend that an Ontario Land Surveyor (OLS) provide verification to the Township of compliance with the Committee's decision by pinning the footing/foundation and verifying by way of OLS Certificate, prior to the framing inspection, that the proposed dwelling would be located no closer than approximately 2.5 metres from the interior side lot line, and that the proposed dwelling be no less than approximately 80.2 metres squared.

Planning staff have no objection to the proposed variance and are hereby recommending approval subject to the conditions as above being included in the Committee's decision.

Prepared by;

Reviewed by;

Liam O'Toole, B.URPL, B.A
Planner
Date: February 15th, 2018

Steven Farquharson, B.URPL, MCIP,
RPP
Director of Planning and Develop-
ment
Date: February 15th, 2018

Attachment 1: Context Map



