



Corporation of the
Township of Tay

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

(705) 534-7248
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COMMITTEE OF ADJUSTMENT -AGENDA

Wednesday, March 15, 2017 – 7:00 p.m.
Township of Tay Municipal Building – Council Chamber
450 Park Street, Victoria Harbour

1. OPENING ADDRESS FROM THE CHAIR
2. DECLARATION OF CONFLICT OF INTEREST
3. ADOPTION OF MINUTES FROM PREVIOUS MEETING
4. PUBLIC HEARING
 - 4.1 Minor Variance Application 2017-A-06, 3282 Ogdens Beach Road
Parkbridge Lifestyle Communities Ltd. – Applicant
Anita Arancio – Agent
 - 4.2 Minor Variance Application 2017-A-07, 1 McMulkin Lane
John & Annete Van Adrichem – Applicant
5. DECISIONS
6. OTHER BUSINESS
 - 6.1 Status Update: Minor Variance Application 2017-A-03, 174 Bayview, Pulis
7. NEXT MEETING – April 19, 2017
8. ADJOURNMENT



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PLANNING & DEVELOPMENT DEPARTMENT Staff Report

Department/Function: Committee of Adjustment
Chair: Andy Ott
Meeting Date: March 15, 2017
Subject: Minor Variance Application 2017-A-06
Applicant: Anita Arancio on behalf of Parkbridge Lifestyle
Communities Ltd.
Location: 3283 Ogden Beach Road

RECOMMENDATION:

THAT,

The Planning and Development Department recommends that Variance Application 2017-A-06 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. 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 for within the Planning Act R.S.O. 1990, c.P. 13.
3. That an Ontario Land Surveyor provide verification to the Township of compliance with the Committee's decision by verifying in writing that:
 - a. The height of the proposed boat storage building does not exceed approximately 12.9 metres;
4. That no dry stacking of boats will occur within the proposed storage building.

INTRODUCTION/BACKGROUND:

The subject property is zoned Marine Commercial (C6) and presently contains an active marina, with 699 boat slips, four storage buildings and restaurant. One of the existing four storage buildings would be removed in order to accommodate the proposed building. It was identified during a pre-consultation meeting with the applicant that the proposed boat storage building does not comply with the Zoning By-law as it relates to maximum floor area and height for accessory buildings.

ANALYSIS:

The subject property is located on the south side of Georgian Bay, west of Ogden Beach Road and is legally described as Part of Lots 18 and 19, Concession 3, being Parts 1 & 2, Plan 51R-21397 and Part 1, Plan 51R-28077, Township of Tay.

The applicant is proposing to construct a boat storage building and requesting the following relief from Zoning By-law 2000-57:

<u>Zone: Marine Commercial (C6) Zone</u>	<u>Required</u>	<u>Proposed</u>
Section 21.3.5– Maximum Height of Building	11.0 metres	12.9 metres

Does the Variance meet the intent of the Official Plan?

The subject lands are designated Marine Commercial and Environmental Protection Policy Area 3 further to the south in the Township's Official Plan. Permitted uses in this designation include boat docking, boat storage and complimentary uses such as hotel, restaurants, servicing and repair of boats and snowmobiles. Therefore, the proposed boat storage building conforms to the general intent of the Official Plan.

Does the Variance meet the intent of the Zoning By-law, and variance development appropriate on the lot?

The subject property is zoned Marine Commercial (C6) Zone in the Township's Zoning By-law, which permits a marina, and accessory structures such as boat storage buildings. The Zoning By-law's requirement for a maximum height is intended to ensure that the buildings do not dominate the shoreline. While the proposed height of 12.9 metres is above the maximum allowed under the By-law, it is required for the clearance of the boat lift to accommodate larger boats, which are currently stored off-site. This would allow the marina to contain their

operation on the property and further expand the allowable uses on the property. As the proposed storage building is for exclusive use of the Wye Heritage Marina users, there is no need for additional parking spaces to be provided.

Planning Staff has completed site inspections of the lands and observed that the proposed storage building, is proposed to be located in an area that is clear of significant vegetation and the existing 640 square metre storage building would be removed and replaced with the proposed 2,730 square metre building. The proposed location of the storage building is situated in a location which does not obstruct any views of the lake from the existing boat slips or impact vehicular movements on the site. The property is subject to site plan control and therefor, further details on the layout of the building and stormwater management will be addressed at that time.

Is the Variance minor in nature?

As the variance related to the proposed storage building is considered to conform to the general intent of the Official Plan and Zoning By-Law, it is considered appropriate for the desirable development of the lot, and is not anticipated to have an adverse effect on surrounding land uses, it is considered to be minor.

Outside Agency, Internal Department and Public Comments:

County of Simcoe – No comments received to date

Newmarket-Tay Power Distribution Ltd. – No concerns

Bell Canada Right of Way - No Concerns

Chief Administrative Officer - No issues or concerns

Clerk - No issues

Director of Finance – No comments received to date

Director of Public Works – No comments received to date

Water/ Sanitary Wastewater Superintendent - No comments

Manager of Roads and Fleet – No concerns

Chief Building Official – Tile Field will have to be relocated

- Septic tanks will have to be relocated
- Applicant to provide MOE approval for this to the Building Department

Fire Chief – No comments received to date

Public – No comments received to date

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts to this report.

CONCLUSION:

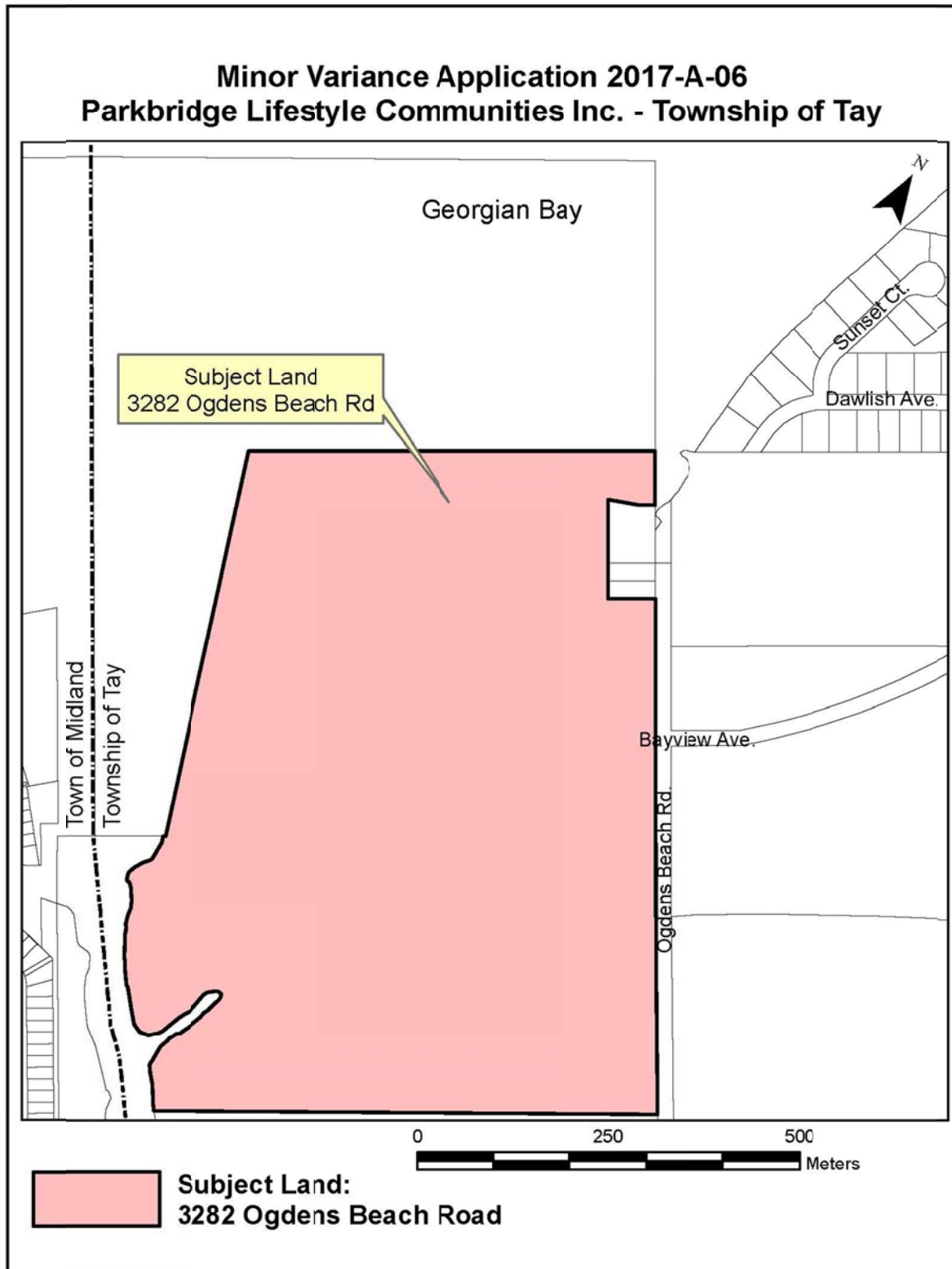
Planning Staff are satisfied that the proposed variance maintains the intent of the Official Plan and Zoning By-law, and development is appropriate on the lot and is considered to be minor in nature.

Based on the forgoing, Planning staff has no objection to the proposed variance and are hereby recommending approval by the Committee of Adjustment subject to the conditions as outlined above.

Prepared and Recommended by;

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

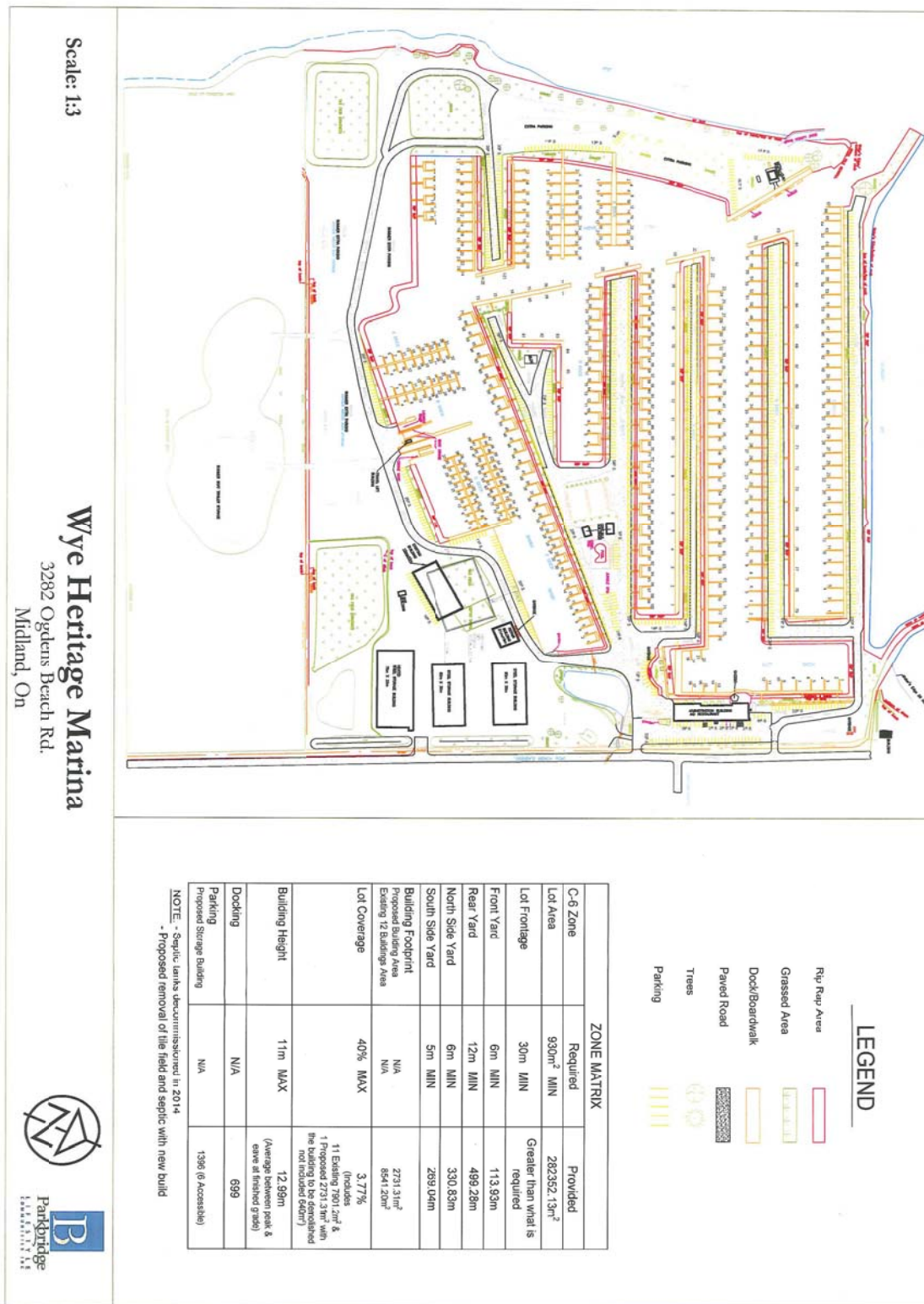
Location Map



Concept Site Plan



Overall Site Plan





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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>	March 15, 2017
<u>Subject:</u>	Variance Application 2017-A-07
<u>Applicant:</u>	John and Annette Van Adrichem
<u>Location:</u>	1 McMulkin Lane

RECOMMENDATION:

THAT,

The Planning and Development Department recommends that Variance Application **2017-A-07** be denied.

INTRODUCTION/BACKGROUND:

The purpose of Variance Application **2017-A-07** is for relief from the Zoning By-law standards as it relates to accessory buildings on the lands municipally known as 1 McMulkin Lane legally described as West part Lot 13, Concession 6, Part 1, Plan 51R-37534.

ANALYSIS:

The applicant is proposing to construct a detached accessory building and requesting the following relief from Zoning By-law 2000-57:

<u>Accessory Building/Structures in Residential Zones:</u>	<u>Required</u>	<u>Proposed</u>
Section 4.1.6- Maximum Ground Floor Area	93m ²	179.8m ²
Section 4.1.7- Maximum Height of Building	4.5 metres	5.8 metres

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

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

The requested variance for the proposed accessory structure would conform to the permitted uses in the Village Residential designation. Therefore, the proposed accessory structure which is 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 has multiple zones in place, which is a result of an old plan of subdivision which has since lapsed and is no longer draft plan approved. The property is zoned Village Residential Special Exception 1 "R2-S-1", Village Residential Special Exception Two "R2-S-2", Village Residential Special Exception Three "R2-S-3" and Village Residential Exception Nineteen "R2-19". 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 93m². The applicant has indicated that the need for the increase floor area to 179.8 m² is for the storage of tractors, trailers, trucks and yard maintenance equipment.

Section 4.1.6 of the Zoning By-law states that the maximum ground floor area of an accessory building is 93m². 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 fairly large in contrast to surround properties in the area, the proposed accessory building is significantly larger than what the By-law allows. The neighbouring properties on McMulkin Lane have accessory structures with ground floor areas ranging from 71m² to 93m² and being a single storey with some having a storage loft above, while maintaining the maximum 4.5 metre height restriction. Increasing the maximum ground floor area and height for an accessory building would alter the character of residential zones within settlement areas is something seems like it's missing between areas and is maintained and not over developed.

Section 4.1.7 of the Zoning By-law states that the maximum height of an accessory building is 4.5 metres. The purpose of regulating the height of an accessory building is to restrict the visual impact of accessory buildings on the

subject lands, but as well as the surrounding properties. The proposed height of 5.81 metres, would be larger than all surrounding accessory buildings and some of the dwellings in the areas. The accessory building will be visible from the shores of Georgian Bay and while not on the shoreline it will have a dominate presence.

Based on the above, it is the opinion of Planning staff, that the proposed increase in ground floor area combined with the proposed height the accessory building would have a significant impact to the character of the area and not meet the intent of the Zoning By-law.

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 is minimal vegetation that would be removed as a result of the proposed accessory building. However, as referenced above the proposed accessory structure would have a significant impact in the character of the area, with existing detached accessory buildings meeting the requirements of the Zoning By-law. The proposed accessory building of 178.9 m² 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 locate in the rural and agricultural zones outside of the settlement 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.

Is the variance minor?

The proposed variances to increase the maximum ground floor area and height would have a cumulative effect, which would result in the accessory building being 88.6m² and 1.31 metres above the limits of the By-law.

Based on the above, staff are of the opinion that the proposed variances do not meet the intent of the Official Plan and Zoning By-law, 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

Newmarket-Tay Power Distribution Ltd. - No concerns

Bell Canada Right of Way - No concerns

Chief Administrative Officer – No issues or concerns

Clerk- Private road agreement in place for property
Director of Finance – No comments received to date
Director of Public Works – No comments received to date
Water/ Sanitary Wastewater Superintendent – No Issues
Manager of Roads and Fleet – No concerns
Chief Building Official- No concerns
Fire Chief – No comments received to date
Public – No comments received to date

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts to this report

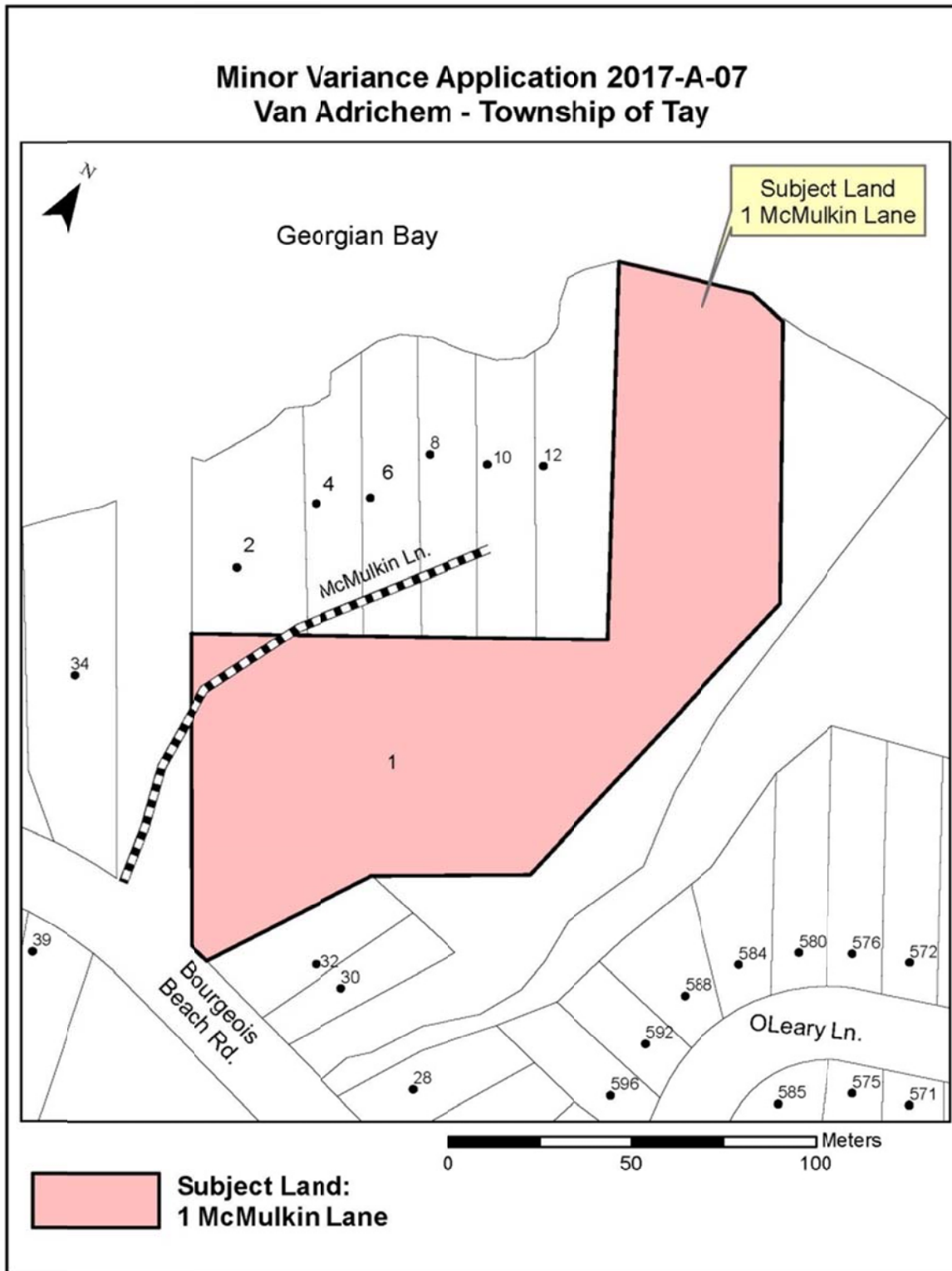
CONCLUSION:

It is the opinion of the Planning staff, that Variance application 2017-A-07, specifically, to permit the construction of a detached accessory building occupying a ground floor area 179.8m², and height of 5.81 metres, would have a cumulative effect on the surrounding properties and not meet the general intent of the Zoning By-laws for accessory buildings in residential zones, within settlement areas.

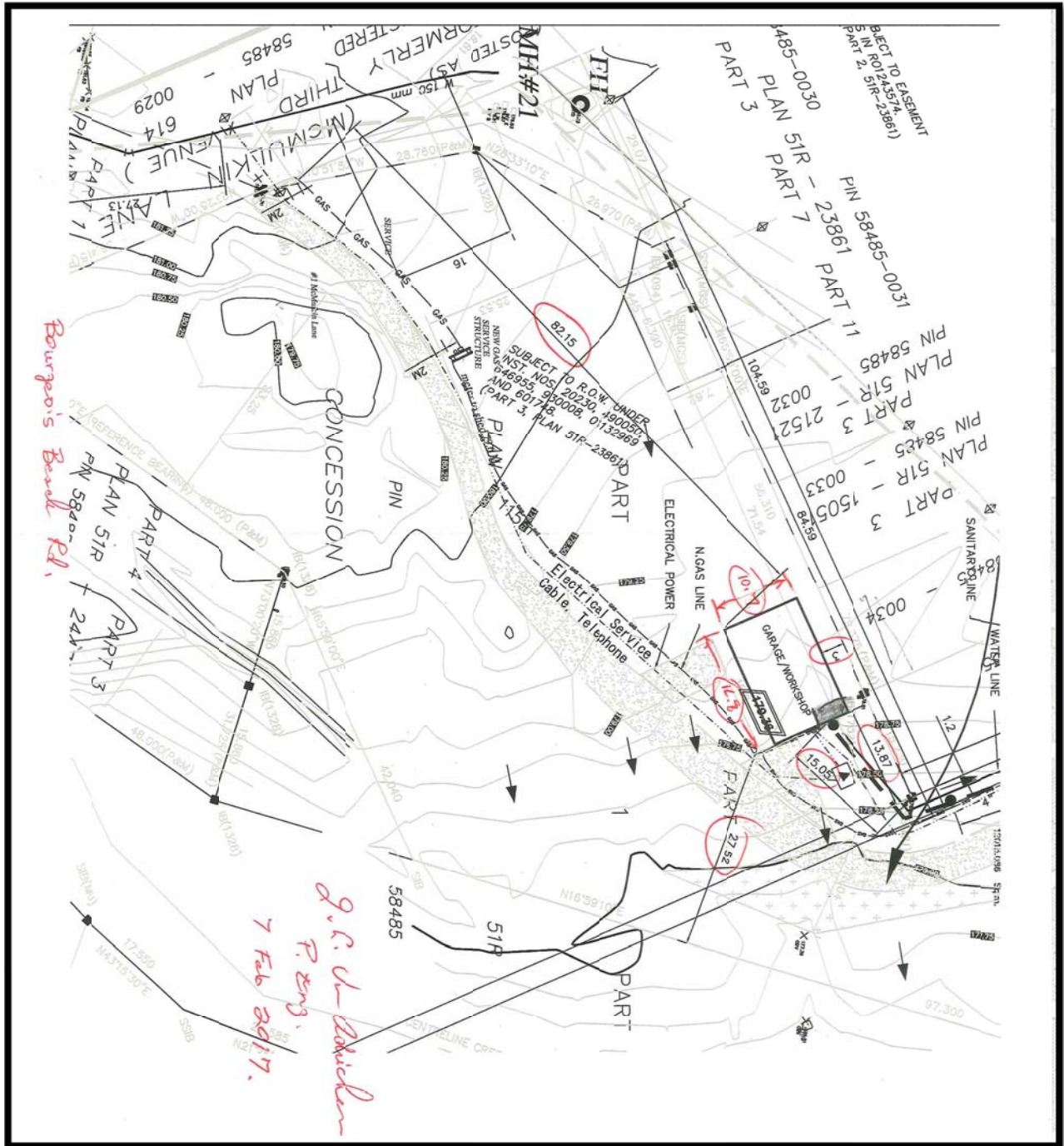
Prepared and Recommended by;

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

Attachment 1: Key Map



Attachment 2: Site Plan



Attachment

3:

Proposed

Building

Elevation

