



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, April 19, 2017 – 7:00 p.m.

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

1. OPENING ADDRESS FROM THE CHAIR
2. APPOINTMENT OF SECRETARY TREASURER
3. DECLARATION OF CONFLICT OF INTEREST
4. ADOPTION OF MINUTES FROM PREVIOUS MEETING
5. PUBLIC HEARING
  - 5.1 Minor Variance Application 2017-A-08, 117 Maskinonge Road  
Adam and Melissa Baguley – Applicant
  - 5.2 Minor Variance Application 2017-A-09, 3 Bayside Avenue  
Gino and Gloria Tittarelli – Applicant
  - 5.3 Consent Application 2017-B-09, 505 Camilla Street  
James Dick – Agent on behalf of Stephanie Dallimore
6. DECISIONS
7. OTHER BUSINESS
8. NEXT MEETING – May 17, 2017
9. ADJOURNMENT



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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>	April 19, 2017
<b><u>Subject:</u></b>	Variance Application 2017-A-08
<b><u>Applicant:</u></b>	Adam and Melissa Baguley
<b><u>Location:</u></b>	117 Maskinonge Road

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### **RECOMMENDATION:**

The Planning and Development Department recommends that Variance Application 2017-A-08 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 site plan as prepared by Jones Consulting Group Limited dated March 20, 2017, Revision 1 titled "Grading Plan" Drawing Number SG-1 as approved by the Committee;
2. That the applicant apply for and obtain a septic permit from the Township to show a septic system can be accommodated on the property.
3. 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.

### **INTRODUCTION/BACKGROUND:**

The purpose of Variance Application **2017-A-08** is for relief from the Zoning By-law standards as it relates to setback of buildings and structures from the 178.0 contour line. The applicants are proposing to remove the existing dwelling and construct a new one within the 178.0 contour, and also construct a new detached accessory building. The proposed application would apply to the lands municipally known as 117 Maskinonge Road, legally described as Lot 15, Plan 1264.

**ANALYSIS:**

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

<b><u>Section 4.31 Waterfront Lots</u></b>	<b><u>Required</u></b>	<b><u>Proposed</u></b>
Setback for building and structures from the 178.0 Contour line	15m	0m

***Does the variance conform to the general intent of the Official Plan and Zoning By-law?***

The property is designated Shoreline Residential in the Official Plan and zoned Shoreline Residential "SR" in accordance with the Township's General Zoning By-law, which permits residential uses and accessory buildings including garages.

A minor variance is required as section 4.31 does not permit structures within 15 metres of the 178.0 metres G.S.C. elevation on a waterfront lot abutting Georgian Bay.

Staff have reviewed the relevant policies of the Official Plan and the Zoning By-law as they pertain to the required setback and have determined that the proposed variance would be in keeping with the intent of the Official Plan and Zoning By-law. As the site is of a lower elevation than the 178.0 G.S.C. elevation line (which is located in the middle of the property), a variance is required for any development on the property, which significantly reduces alternative locations for any development of the property.

The Official Plan through provision 3.12 allows for development in hazard areas provided no new hazards are created and existing ones are not aggravated. The existing dwelling that is on site has a portion of it within the 15 metre setback, however the applicant is proposing to do grading works on the site to ensure that the proposed dwelling would ensure that all drainage of the site will be maintained within the property limits and directed towards Georgian Bay. These proposed grading changes would ensure that no opening in the dwelling is below the 178 contour elevations.

The applicant is also proposing a new detached accessory building which has the 15.0 metre setback from the 178.0 contour line running through the middle of the structure. The accessory building is non-habitable and will have the

appropriate grading completed to ensure that proper drainage of the site occurs and will not affect the surrounding properties.

It is not anticipated that any hazards or negative environmental impacts would occur with the approval of the proposed variance.

With the exception of Section 4.31 of the Zoning By-law the proposed dwelling and detached accessory building would comply with all other provisions of the Zoning By-law. Therefore, it is the opinion of Planning Staff that the proposed variance would satisfy the intent of the Official Plan and Zoning By-law.

***Is the variance appropriate for the development of the lot and is the variance minor?***

In reviewing the application, staff completed a site inspection of the property and confirmed that the proposed location of the dwelling and accessory building is clear of any significant vegetation and would be in keeping with the character of the area as it relates to setbacks. It is the opinion of staff that the proposed development would be appropriate for the lot and is minor in nature.

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

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

**Newmarket-Tay Power Distribution Ltd.** - No comments received

**Bell Canada Right of Way** - No concerns or easements required

**Simcoe County District School Board**- No objections

**Chief Administrative Officer** – No issues or concerns

**Clerk**- Private road agreement in place for property

**Director of Finance** – No Treasury concerns

**Director of Public Works** – No closer than existing dwelling  
No lower than existing dwelling

**Water/ Sanitary Wastewater Superintendent** – No comments

**Manager of Roads and Fleet** – A certified lot grading plan will be required through the zoning certificate application process to ensure there will be no negative impacts to surface drainage.

- MNR and DFO policies should be reviewed and followed , and the plan be reviewed by those ministries

**Chief Building Official**- New dwelling must meet separation distances from septic system as prescribed by the Ontario Building Code

**Fire Chief** – No concerns

**Public** – No comments received to date

**FINANCIAL BUDGET IMPACT:**

There are no budgetary impacts to this report

**CONCLUSION:**

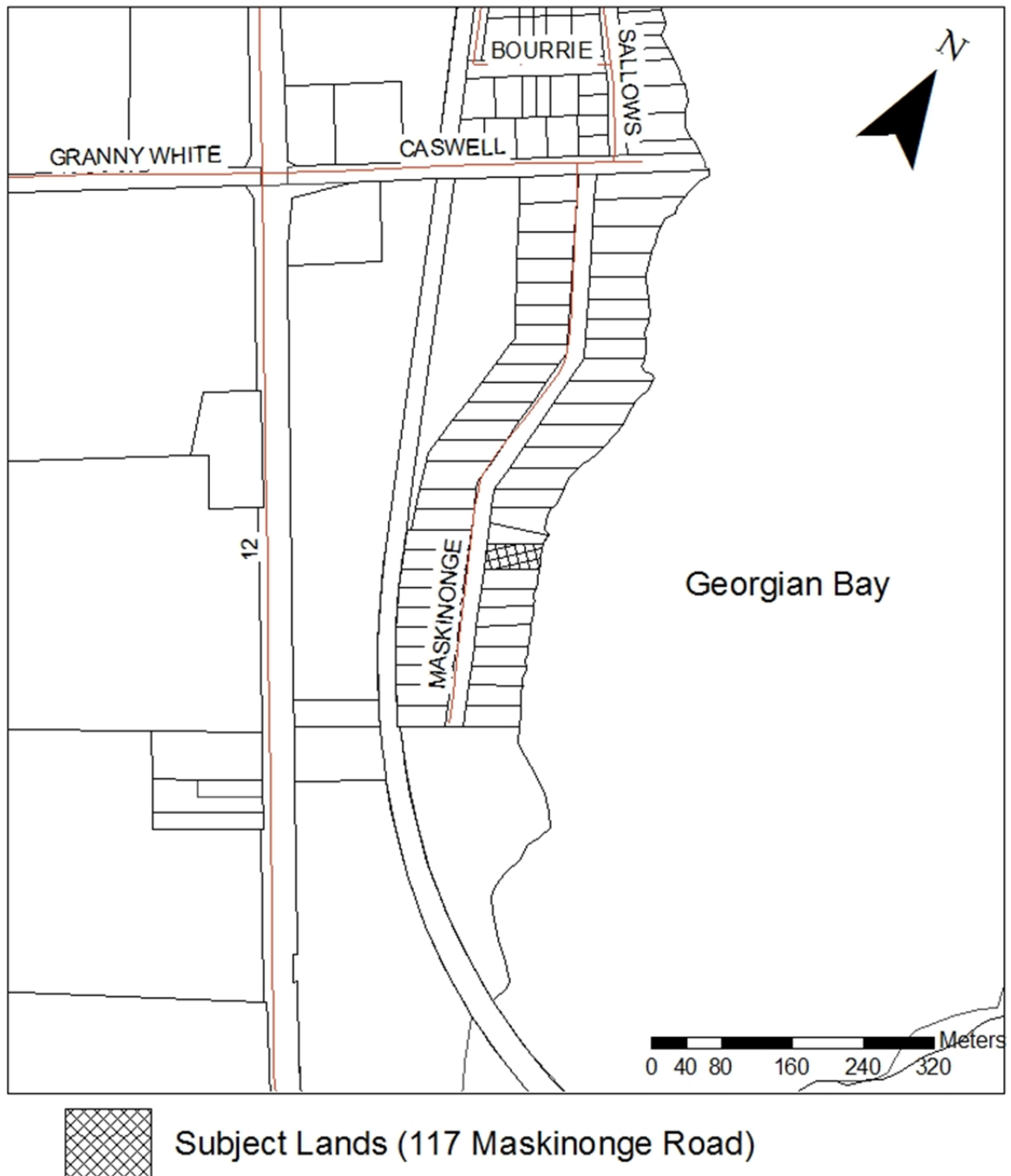
Planning Staff are satisfied that the proposed variance maintains the intent of the Official Plan and Zoning By-law, and development is appropriate on the lot and is considered to be minor in nature.

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

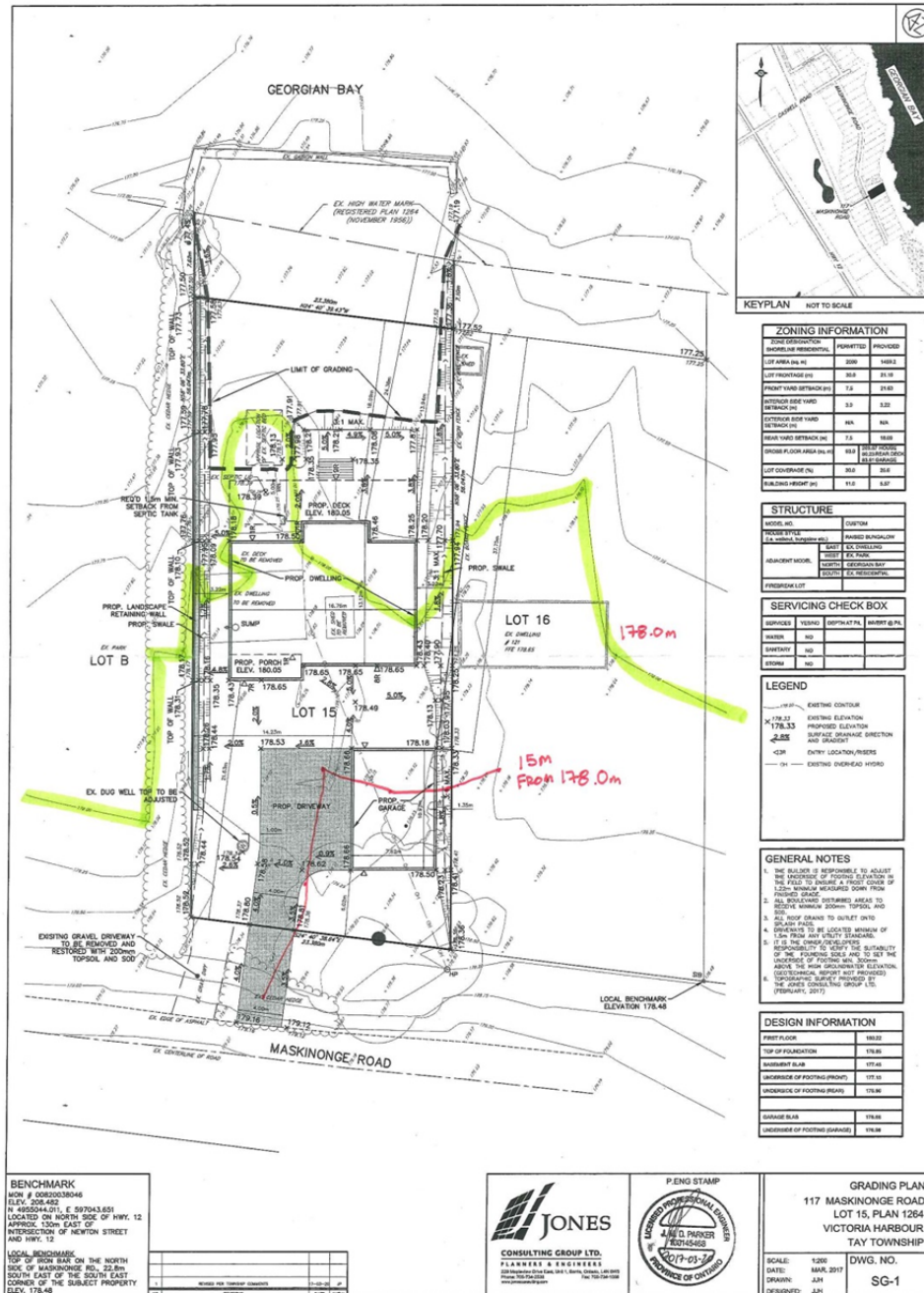
Steven Farquharson, BURPL., MCIP. RPP  
Director of Planning and Development

# Attachment 1: Key Map

## Key Map Variance Application 2017-A-08



## Attachment 2: Site Plan





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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>	April 19, 2017
<b><u>Subject:</u></b>	Variance Application 2017-A-09
<b><u>Applicant:</u></b>	Gino and Gloria Tittarelli
<b><u>Location:</u></b>	3 Bayside Avenue

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### **RECOMMENDATION:**

The Planning and Development Department recommends that Variance Application 2017-A-09 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 survey as prepared by Eplett Worobec Raikes Surveying Limited dated March 21, 2017, as 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 by the Planning Act.

### **INTRODUCTION/BACKGROUND:**

The purpose of Variance Application **2017-A-09** is for relief from the Zoning By-law standards as it relates to setback of buildings and structures from the 178.0 contour line. The applicants are proposing to remove the existing dwelling and construct a new one within the 178.0 contour. The proposed application would apply to the lands municipally known as 3 Bayside Avenue, legally described as Concession 8, Lot 1, Plan 986.

### **ANALYSIS:**

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



<b><u>Section 4.31 Waterfront Lots</u></b>	<b><u>Required</u></b>	<b><u>Proposed</u></b>
Setback for building and structures from the 178.0 Contour line	15m	7.5m

***Does the variance conform to the general intent of the Official Plan and Zoning By-law?***

The property is designated Village Residential in the Official Plan and zoned Shoreline Residential "SR" in accordance with the Township's General Zoning By-law, which permits residential uses and accessory buildings including garages.

A minor variance is required as section 4.31 does not permit structures within 15 metres of the 178.0 metres G.S.C. elevation on a waterfront lot abutting Georgian Bay.

Staff have reviewed the relevant policies of the Official Plan and the Zoning By-law as they pertain to the required setback and have determined that the proposed variance would be in keeping with the intent of the Official Plan and Zoning By-law. As the site is of a lower elevation than the 178.0 G.S.C. elevation line (which is located on the easterly portions of the property), a variance is required for any development on the property, which significantly reduces alternative locations for any development of the property.

The Official Plan through provision 3.12 allows for development in hazard areas provided no new hazards are created and existing ones are not aggravated. The existing dwelling is 11.9 metres from the 178.0 metre contour. The proposed dwelling is 7.5 metres away from the 178.0 metre contour at the south-east corner of the proposed dwelling. The applicant will be required as part of the Zoning Certificate process complete a lot grading plan to ensure that the proposed dwelling does effect drainage on the property and that it is directed towards Georgian Bay.

It is not anticipated that any hazards or negative environmental impacts would occur with the approval of the proposed variance.

With the exception of Section 4.31 of the Zoning By-law the proposed dwelling and detached accessory building would comply with all other provisions of the Zoning By-law. Therefore, it is the opinion of Planning Staff that the proposed variance would satisfy the intent of the Official Plan and Zoning By-law.

***Is the variance appropriate for the development of the lot and is the variance minor?***

In reviewing the application, staff completed a site inspection of the property and confirmed that the proposed location of the dwelling and accessory building is clear of any significant vegetation and would be in keeping with the character of the area as it relates to setbacks. It is the opinion of staff that the proposed development would be appropriate for the lot and is minor in nature.

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

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

**Newmarket-Tay Power Distribution Ltd.** - No comments received

**Bell Canada Right of Way** - No concerns or easements required

**Simcoe County District School Board**- No objections

**Chief Administrative Officer** – No issues or concerns

**Clerk**- No comments received to date

**Director of Finance** – No Treasury concerns

**Director of Public Works** – No closer than existing dwelling

No lower than existing dwelling

**Water/ Sanitary Wastewater Superintendent** – No comments

**Manager of Roads and Fleet** – a certified lot grading plan will be required through the zoning certificate application process to ensure there will be no negative impacts to surface drainage.

- MNR and DFO policies should be reviewed and followed and the plan be reviewed by those ministries

**Chief Building Official**- Applicant to confirm septic location and setbacks as required by the Ontario Building Code

**Fire Chief** – No concerns

**Public** – No comments received to date

**FINANCIAL BUDGET IMPACT:**

There are no budgetary impacts to this report

**CONCLUSION:**

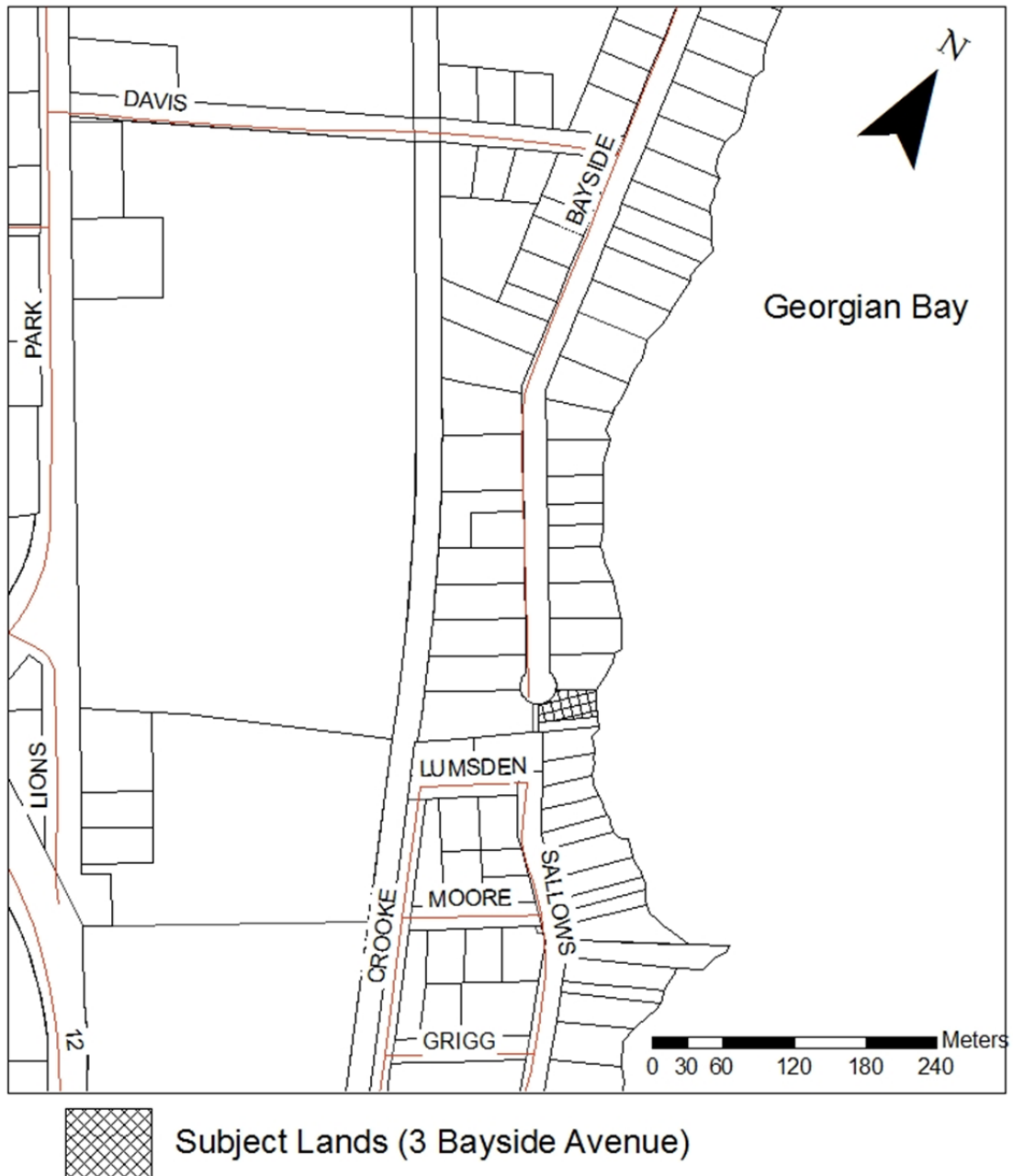
Planning Staff are satisfied that the proposed variance maintains the intent of the Official Plan and Zoning By-law, and development is appropriate on the lot and is considered to be minor in nature.

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

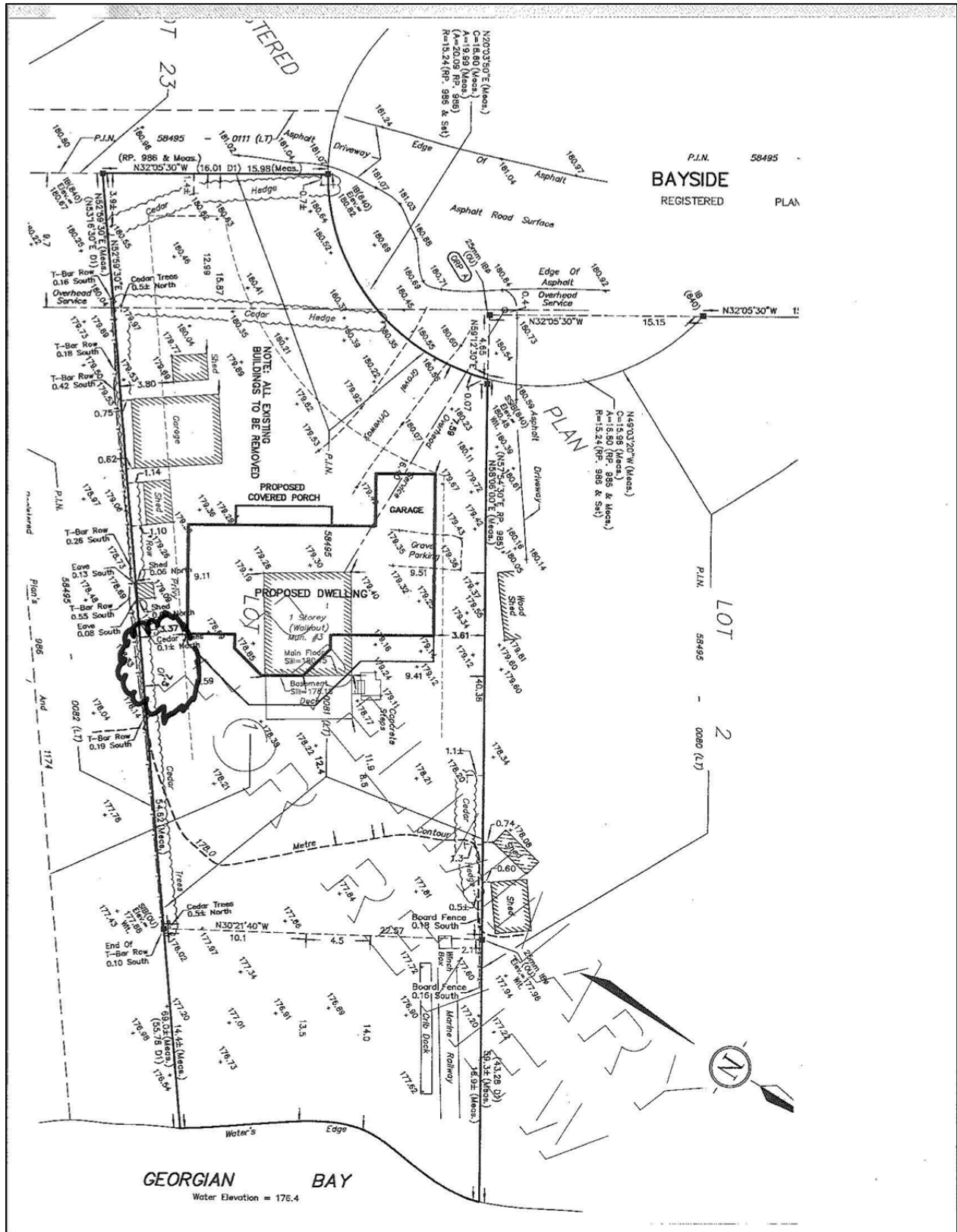
Steven Farquharson, BURPI., MCIP. RPP  
Director of Planning and Development

## Attachment 1: Key Map

### Key Map Variance Application 2017-A-09



## Attachment 2: Site Plan





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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>	April 19, 2017
<b><u>Subject:</u></b>	Consent Application 2017-B-09 James Dyck on behalf of Stephanie Dallimore
<b><u>Location:</u></b>	505 Camilla Street

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### **RECOMMENDATION:**

The Planning and Development Department recommends that Consent Application **2017-B-09** be granted provisional approval subject to the following conditions being imposed on the Committee's decision:

1. That the Township receive cash in lieu of parkland dedication of 5% of the appraised value of the area of the severed lands. The value of the land to be determined as of the day before the granting of provisional consent. The appraiser to be determined by the Township at the expense of the owner, with the appraisal fee paid in advance;
2. That a preliminary Lot Grading and Drainage Plan designed by a Professional Engineer, or a Landscape Architect, or an Ontario Land Surveyor, be prepared for the severed lot to the approval of the Township's Public Works Department, to demonstrate the viability of developing the lots with respect to lot grading and drainage;
3. 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;
4. That the applicant's solicitor prepare and submit a copy of the proposed conveyances for the severed parcels, for review by the Township;
5. That all municipal taxes be paid in full to the Township of Tay;

6. That the minimum lot area of the severed parcel be not less than approximately 663 square metres and a minimum lot frontage of approximately 20.0 metres;
7. That the minimum lot area of the retained parcel be not lesser than approximately 926.0 square metres and a minimum lot frontage of approximately 27.9 metres;
8. That the conditions of consent imposed by the Committee be fulfilled within one year from the date of giving of the notice.

### **INTRODUCTION/BACKGROUND:**

The purpose of Consent Application **2017-B-09** is to sever the subject lands to create one new residential lot within the Port McNicoll settlement area. The proposed severed lands would support the future development of a single detached dwelling. The retained land currently has a single detached dwelling.

The subject property is designated as Village Residential in the Township's Official Plan and is zoned Village Residential (R2) in the General Zoning By-Law. A sketch of the proposed severance is provided as **Attachment 2**.

The applicant is requesting consent which would result in two parcels as follows:

Lot (Consent Application)	Frontage (metres) (Camilla Street)	Lot Area (square metres)
Retained Parcel	27.9 m	926.0 m <sup>2</sup>
Severed Parcel	20.0 m	663.7m <sup>2</sup>

### **ANALYSIS:**

#### **Provincial Policy Statement 2014 (PPS):**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. This includes lot creation, provided the proposal efficiently uses lands and its resources such as existing infrastructure. The proposal for the lot addition does not anticipate any negative effects.

The PPS focuses new growth and development towards settlement areas, and encourages efficient land use patterns by utilizing existing infrastructure to

avoid the need for their unjustified and/or uneconomical expansion. As stated in Section 1.1.3.1 of the PPS, "Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted". Further, it recommends that local planning authorities examine existing built up areas that have the ability to accommodate intensification and promote those areas first. As the proposed consent has frontage onto an existing road that complies to municipal standards, there is no extension of municipal infrastructure that is required.

It is the opinion of the Planning staff that the proposed consent would be consistent with the policies as outlined in the PPS.

### **Growth Plan for the Greater Golden Horseshoe:**

The Growth Plan speaks to managing growth through *intensification* which is defined as: The development of a property, site or area at a higher density than currently exists through:

1. Redevelopment, including the reuse of brownfield sites;
  2. The development of vacant and/or underutilized lots within previously developed areas;
  3. Infill development; or
  4. The expansion or conversion of existing buildings.
- (Section 7, Growth Plan).

*Intensification* according to the Growth Plan shall be directed to *Settlement Areas* as defined by the PPS. Therefore, the proposed applications would appear to conform to the Growth Plan as the proposed lots will be within the Settlement Area of Port McNicoll and are considered infill development.

It is the opinion of the Planning staff that the proposed consent would be consistent with the policies as outlined in the PPS.

### **County of Simcoe Official Plan:**

The County of Simcoe Official Plan permits the creation of residential lots either by way of subdivision or consent, provided that the land use is permitted and that it maintains the intent of the Official Plan.

The County of Simcoe Official Plan designates Port McNicoll as a "Designated Settlement Area." The objectives and policies of the County Plan reflect the Provincial Policy documents by allowing development to occur within built up areas that utilize existing infrastructure. It is the opinion of the Planning staff that the application maintains the intent of the County of Simcoe Official Plan.



### **Township of Tay Official Plan:**

The subject property is designated "Village Residential" in the Township's Official Plan. The Official Plan permits a variety of residential uses. The Official Plan permits consents subject to meeting the consent policies of the Official Plan. The consent applications would be subject to conditions requested by Planning staff and represents a suitable opportunity for infill residential development in the Port McNicoll Settlement Area.

Planning staff has reviewed the consent policies listed in Section 3.11 of the Official Plan and are satisfied that the consent applications are consistent with the intent and direction of the Township's Official Plan.

### **Zoning By-law 2000-57, as amended:**

Both the severed and retained lands are zoned as Village Residential "R2". The proposed severed and retained lots would have frontage on Camilla Street, and would comply with the standards of the Zoning By-law. The existing dwelling is considered to be legal non-conforming, as it does not meet the minimum required front yard setbacks. As this non-compliant setback is existing and the proposed severance would not make the situation further non-compliant, no minor variance is required.

On the basis of the above, the proposed creation of a new lot for residential purposes maintains the intent and is consistent with the permitted uses of the Zoning By-law 2000-57, as amended.

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

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

**Newmarket-Tay Power Distribution Ltd.** - No comments received to date.

**Chief Administrative Officer** – No issues or concerns.

**Clerk**- No concerns.

**Director of Finance** – No concerns for Treasury.

**Director of Public Works** – survey to be provided to confirm existing and proposed setbacks.

- if ownership of the parcel to the south is in the same ownership this should be resolved.

**Water/ Sanitary Wastewater Superintendent** – No comments received.

**Manager of Roads and Fleet** – An entrance permit will be required.

- There is a hydrant and utility pole in front of the severed parcel that could make installing a new entrance location difficult.

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

**Fire Chief** – No concerns.

**FINANCIAL BUDGET IMPACT:**

There are no budgetary impacts to this report.

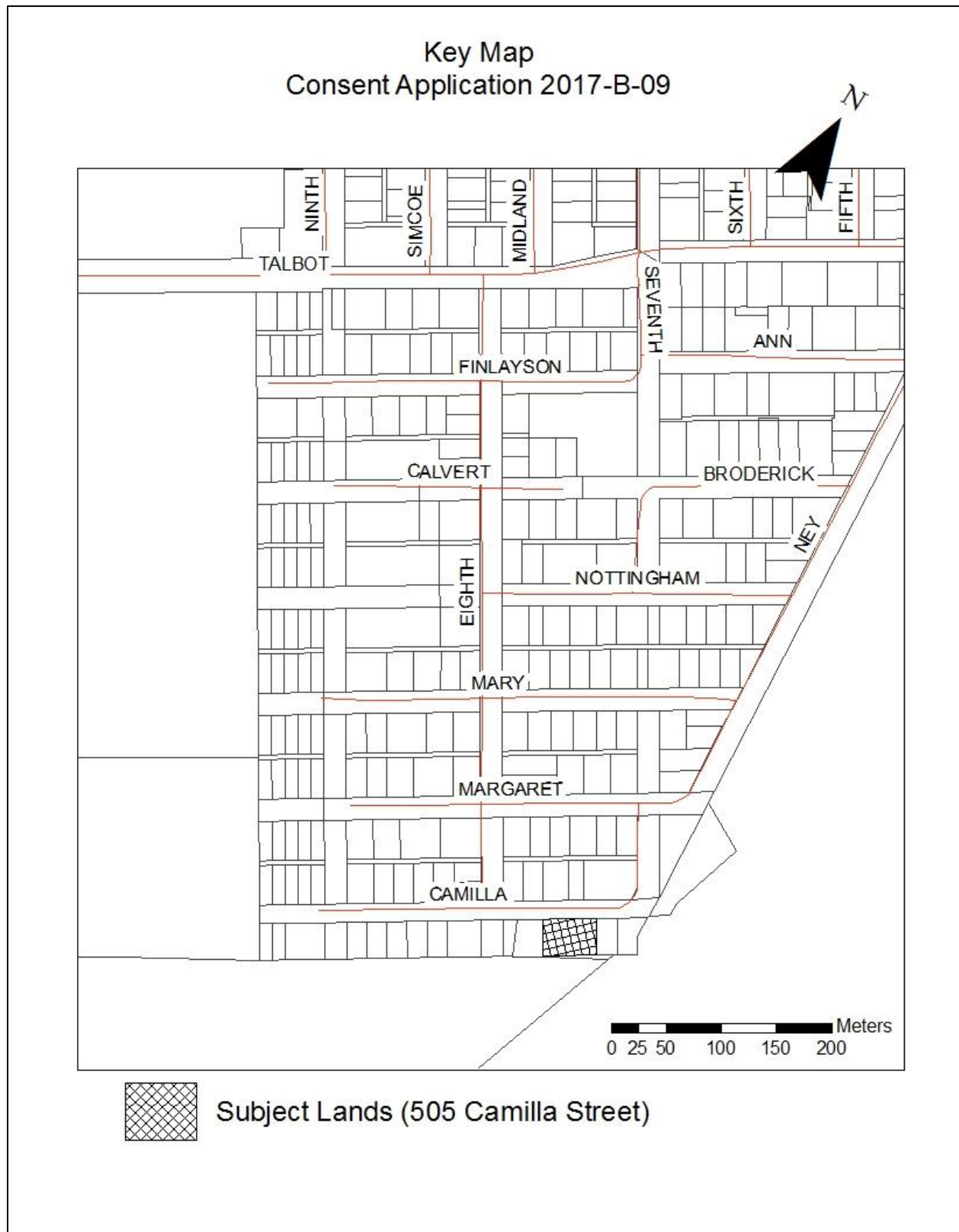
**CONCLUSION:**

In summary, the consent application which proposes to create one (1) new lot and one (1) retained lot has been justified for a number of reasons. Planning Staff are satisfied that the consent application is consistent with the Provincial, County and Township policies. It is the recommendation of the Planning and Development Department, that Consent Application **2017-B-09** be granted provisional approval.

Prepared and Recommended by:

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

## Attachment 1: Location Map



## Attachment 2: Proposed Severance

