



Corporation of the
Township of Tay

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

(705) 534-7248
705)534-4493

PUBLIC NOTICE: Due to COVID-19 pandemic precautions regarding physical distancing and in accordance with Ontario Regulation 52/20, which restricts the number of people in attendance at an organized public event, the Committee of Adjustment will be meeting remotely by video and telephone conference. For details on how to view the video conference meeting visit <https://www.tay.ca/Meetings>. To listen to the meeting by telephone call 705-999-0385 (a local telephone number) or 1-647-558-0588 and enter meeting ID number 836 6197 4479

**COMMITTEE OF ADJUSTMENT
AGENDA**

February 16, 2022 – 6:00 p.m.
Virtual Meeting

1. CALL TO ORDER

2. ADOPTION OF AGENDA

3. DECLARATION OF PECUNIARY INTEREST

4. ADOPTION OF MINUTES

4.1 January 19, 2022

5. PUBLIC MEETING

5.1 2022-A-01, 2499 Reeves Rd. – Minor Variance Application
5.2.1 Report from Planner, Protective & Development Services

5.2 2022-A-02, 1092 Sandhill Rd. – Minor Variance Application
5.3.1 Report from Planner, Protective & Development Services

5.3 2021-B-15, 225 Park St – Consent Application
5.4.1 Report from Planner, Protective & Development Services

6. DECISIONS

7. OTHER BUSINESS

8. NEXT MEETING (March 16, 2022)

9. ADJOURNMENT

The Corporation of the Township of Tay
Committee of Adjustment Meeting Minutes

Wednesday, January 19, 2022
6:00 P.M.

Present: Chair Andy Ott
Member Stephen Stone
Member Michael Schuenemann
Member Heinrich Naumann

Staff Present: Todd Weatherell, Manager of Planning and Development Services
Daryl O'Shea, General Manager, Corporate Services
Kathryn Beemer, Protective & Development Services
Administrative Assistant

1. Call to Order:

Chair A. Ott called the meeting to order at 6:00 p.m.

2. Adoption of the Agenda:

Moved by: Member Naumann
Seconded by: Member Schuenemann

That the Committee adopt the agenda as prepared.

Carried.

3. Declaration of Pecuniary Interest:

Member Naumann declared a pecuniary interest for items 6.2 thru to 6.7. Member Naumann will leave the meeting during the review of 6.2 to 6.7.

4. Adoption of Minutes:

Moved by: Member Schuenemann
Seconded by: Member Naumann

That the minutes of the Committee of Adjustment Meeting held on December 15, 2021 be approved.

Carried.

5. Public Meeting

5.1. Minor Variance Application 2021-A-20, Miao Zheng (38 Bluff Point Road)

Attending

Applicant/Owner: Richard Zhang (Agent)

Written Comments Received at the Hearing:

None

Proponent:

None

Public Audience:

None

Committee Members:

T. Weatherell provided an overview of the application through a PowerPoint presentation.

R. Zheng requested clarification on height requirements and relief. R. Zheng also inquired about making slight adjustments to the plans or adding a septic system. T. Weatherell explained the process of the minor variance and suggested a deferral if this was not the client's final plan.

Member Schuenemann requested clarification from T. Weatherell on acreage of property. T. Weatherell clarified the size of property based on the survey. Member Stone commented on the statement regarding the septic system inquiry from the applicant. Member Stone wanted to know if the accessory building is to be serviced. R. Zheng commented that the client is currently undecided. T. Weatherell noted that a planning report was in process to review policies on detached accessory dwelling units. Chairman Ott asked if there were any comments received from neighbours. T. Weatherell spoke with the adjacent neighbour who requested clarification on the application but no other comments were received.

R. Zheng requested to defer the application for additional review.

DECISION:

The motion to defer the application was moved by the Committee.

Moved by: Member Schueneman
Seconded by: Member Naumann

Carried.

5.2. Minor Variance Application 2021-A-22 Dejan & Maya Banjac (296 Albin Rd)

Attending

Owner/Agent: Ryan Pattison (Agent)

Comments Received before the Hearing:

Comments were received from the neighbours at 294 Albin Rd. and 304 Albin Rd. who are in support of the minor variance.

Proponent:

None

Public Audience:

None

Committee Members:

T. Weatherell provided an overview of the application through a PowerPoint presentation.

R. Pattison provided more information on the details of the proposed build. R. Pattison noted that plans are to build on pilings and to have the slab above the 178 contour line. R. Pattison also referenced the septic design and placement.

Member Heinrich inquired about parking. T. Weatherell commented that there was ample parking available. Member Stone requested information on the compliance of the septic system. R. Pattison addressed the concern by stating that the septic system will comply with the building code and that the designer stated the bed can be narrowed. T. Weatherell commented that the building department will review and if necessary the size of the dwelling will need to be reduced to accommodate. Committee members discussed the matter of the 178 contour line and if this could create future issues. D. O'Shea commented that corporate services would like to have a shoreline study performed. Committee members have voted to defer the application subject to a shoreline study being presented for review.

The motion to defer the application was moved by the Committee.

Moved by: Member Schuenemann
Seconded by: Member Naumann

Carried.

5.3. Minor Variance Application 2021-A-23 Iwona & Eugene Zabinski (288 Patterson Blvd)

Attending

Owner/Agent: no one present

Comments Received before the Hearing:

None

Proponent:

None

Public Audience:

None

Committee Members:

T. Weatherell provided an overview of the application through a PowerPoint presentation. The adjacent neighbour has no concerns at this time. T. Weatherell recommended deferral on the application due to concerns about adequate parking available.

The Committee discussed the concerns surrounding adequate parking.

The motion to defer the application was moved by the Committee.

Moved by: Member Stone

Seconded by: Member Naumann

Carried.

5.4. Consent Application 2021-B-14 Dan, Tracey, and Jacob McCallum (2777 Old Fort Rd)

Attending

Owner/Agent: no one present

Comments Received before the Hearing:

None

Proponent:

None

Public Audience:

None

T. Weatherell provided an overview of the application through a PowerPoint presentation. T. Weatherell recommended a deferral for comments from The County of Simcoe to verify that the request conforms to official plan.

Member Naumann requested clarification regarding lot creation, specifically the ability for lots less than 50 acres to be subdivided. T. Weatherell clarified that there are policies for rural development. There is a possibility for lot creation no larger than 1 hectare in size. Member Schuenemann inquired about the requirements of an environmental impact study. T. Weatherell confirmed that there are no environmentally protected lands but the County may request a study be performed.

The motion to defer the application was moved by the Committee.

Moved by: Member Stone

Seconded by: Member Naumann

Carried.

6. Adjourned Applications:

6.1. Minor Variance 2021-A-19 Jozefa & Henryk Wojcik (151 Bay St)

Attending

Owner/Agent: Jozefa Wojcik

Comments Received before the Hearing:

None

Proponent:

None

Public Audience:

None

T. Weatherell provided an overview of the application through a PowerPoint presentation. T. Weatherell noted that the application was reviewed by the General Manager of Operational Services. S. Berriault recommended paving a portion of the driveway to protect the ditching performed by the Township. The Recommendation was added as a condition.

No questions or comments from the committee.

The motion to approve the application was moved by the Committee.

Moved by: Member Naumann

Seconded by: Member Schuenemann

Carried.

6.2. Consent Application 2021-B-07 M. Behar Planning & Design Limited c/o Chris Pereira (Agent) (104 Becketts Sideroad)

Member Naumann left the meeting due to a conflict of interest.

T. Weatherell provided a presentation on applications 2021-B-07 (104 Becketts Sideroad), 2021-B-08 (1930 Gratrix Rd), 2021-B-09 (1900 Gratrix Rd), 2021-B-10 (1810 Gratrix Rd), 2021-B-11 (1767 Rosemount Rd), 2021-B-12 (1873 Rosemount Rd). T. Weatherell recommended denying the application. It does not conform to the County of Simcoe Official Plan or the Tay Township Official Plan.

Chairman Ott inquired if this application would be brought to committee again. T. Weatherell commented that the applicant would need to perform environmental studies and conform to Provincial Legislation. A new application would be required.

The motion to deny the application was moved by the Committee.

**Moved by: Member Schuenemann
Seconded by: Member Stone**

Carried.

6.3. Consent Application 2021-B-08 M. Behar Planning & Design Limited c/o Chris Pereira (Agent) (1930 Gratrix Rd)

Review comments from 6.2.

The motion to deny the application was moved by the Committee.

**Moved by: Member Schuenemann
Seconded by: Member Stone**

Carried.

6.4. Consent Application 2021-B-09 M. Behar Planning & Design Limited c/o Chris Pereira (Agent) (1900 Gratrix Rd)

Review comments from 6.2.

The motion to deny the application was moved by the Committee.

**Moved by: Member Schuenemann
Seconded by: Member Stone**

Carried.

6.5. Consent Application 2021-B-10 M. Behar Planning & Design Limited c/o Chris Pereira (Agent) (1810 Gratrix Rd)

Review comments from 6.2.

The motion to deny the application was moved by the Committee.

Moved by: Member Schuenemann

Seconded by: Member Stone

Carried.

6.6. 2021-B-11 M. Behar Planning & Design Limited c/o Chris Pereira (Agent) (1767 Rosemount Rd)

Review comments from 6.2.

The motion to deny the application was moved by the Committee.

Moved by: Member Schuenemann

Seconded by: Member Stone

Carried.

6.7. Consent Application 2021-B-12 M. Behar Planning & Design Limited c/o Chris Pereira (Agent) (1873 Rosemount Rd)

Review comments from 6.2.

The motion to deny the application was moved by the Committee.

Moved by: Member Schuenemann

Seconded by: Member Stone

Carried.

7. Decisions:

Member Naumann returned to the meeting.

Digital signatures have been implemented for decisions.

8. Other Business:

Committee members reviewed septic system comments/concerns and their validity.

9. **Next Meeting:**

February 16, 2022

10. **Adjournment:**

Moved by: Member Schuenemann

Seconded by: Member Naumann

**That this Meeting of the Committee of Adjustment adjourn at
7:20 p.m.**

Carried.

Respectfully Submitted:

A. Ott, Chair

T. Weatherell, Sectary-Treasurer



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PLANNING & DEVELOPMENT SERVICES DIVISION

Staff Report

<u>Department/Function:</u>	Committee of Adjustment
<u>Chair:</u>	Andy Ott
<u>Meeting Date:</u>	February 16, 2022
<u>Subject:</u>	Minor Variance Applicant 2022-A-01
<u>Applicant:</u>	Timothy and Sandra Hine
<u>Location:</u>	2499 Reeves Road

RECOMMENDATION:

The Planning and Development Services Division recommends that Minor Variance Application 2022-A-01 be granted approval subject to the following conditions being imposed on the Committee's decision:

1. That the increased size of the proposed addition be in conformity with the area indicated and 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.

FOR THE FOLLOWING REASONS,

The proposed permission to expand a non-conforming use is appropriate and is in keeping with the general character of the area and it is not anticipated that the proposed addition would create any adverse impacts for the adjoining residential properties.

INTRODUCTION/BACKGROUND:

The applicant is requesting permission for an enlargement to a non-conforming use. The applicant would like to construct an addition of 142.35m² (1532.29 ft²) onto the existing dwelling unit. The existing dwelling is a non-conforming use as the property is zoned General Industrial "M1" Zone whereas a single detached dwelling unit is not a permitted use within the General Industrial "M1" Zone.

ANALYSIS:

Section 34 of the Planning Act empowers municipalities to pass zoning by-laws that regulate the use of land and buildings. Section 34(9) sets out in statute the longstanding common law principle of acquired rights and prohibits zoning by-laws from interfering with the ability to use land in a way that was legally occurring when such as use became prohibited by a zoning by-law. The section reads:

(9) No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the bylaw if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose.

Often referred to as "grandfathering", legally non-conforming rights are uses or development standards that were legal on a property and then due to changes in zoning became prohibited. So long as the use continues without interruption, municipalities have no ability to use a zoning by-law to cause the use to cease. That use can be continued within the bounds of the existing building. However, in order to expand the use beyond the building as it existed on the day when the use became legally non-conforming, permission in the form of an amending zoning by-law or relief from the Committee of Adjustment is required.

The application is made under Section 45(2) of the Planning Act. This section empowers the Committee of Adjustment to allow for legally non-conforming uses to expand beyond the building where their use was located. The section reads:

[W]here any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under sub clause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.

APPLICATION

The applicant is intending to add an addition to the western side of the exiting dwelling. The proposed one-storey addition will be 142.35 m² (1532.29 ft²) in size.

Permission from Committee is required to expand the legally non-conforming use.

Details of the proposed development can be found in the site plan submitted by the applicant. No relief is sought for any performance standards, only to allow the expansion of the dwelling.

The test for whether Committee should allow the expansion of a legally non-conforming use is not the four tests commonly applied to an application under Section 45(1) of the Planning Act.

The Act provides no such specific guidance on the grounds that Committee should consider, beyond the general requirement that all planning decisions are consistent with and conform to superior policy documents such as the Provincial Policy Statement and applicable provincial plans.

The balance to be considered in an application such as this is whether the proposal would create undue additional or aggravated problems for the municipality, local authorities or the neighbours. Such concerns, including adverse neighbourhood effects, must be balanced against one another where the owner is proposing a modification or extension of the building or structure.

In the case of this application, the existing dwelling as existed for many years and similar land uses exist in the surrounding area. The building addition is minor in size, and adverse impacts to neighbouring properties are not anticipated.

In summary, the proposed building addition to the legally non-conforming dwelling does not, in staff's opinion, constitute a concern of community impact.

The proposed addition is a reasonable evolution of a legally non-conforming use that does not conflict with higher policy documents, and should be approved.

Outside Agency, Internal Department and Public Comments:

Operational Services	No comments received to date.
Building Department	No comments received to date.
Municipal Clerk	No comments received to date.
Financial Services	No comments received to date.
Corporate Services	No concerns.
Fire Chief	No comments received to date.
Chief Administrative Officer	No comments received to date.

Public Comments:

No comments received.

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts as a result of the recommendation of this report. Should the application be appealed to the Ontario Land Tribunal, there could be additional cost for staff representation if required.

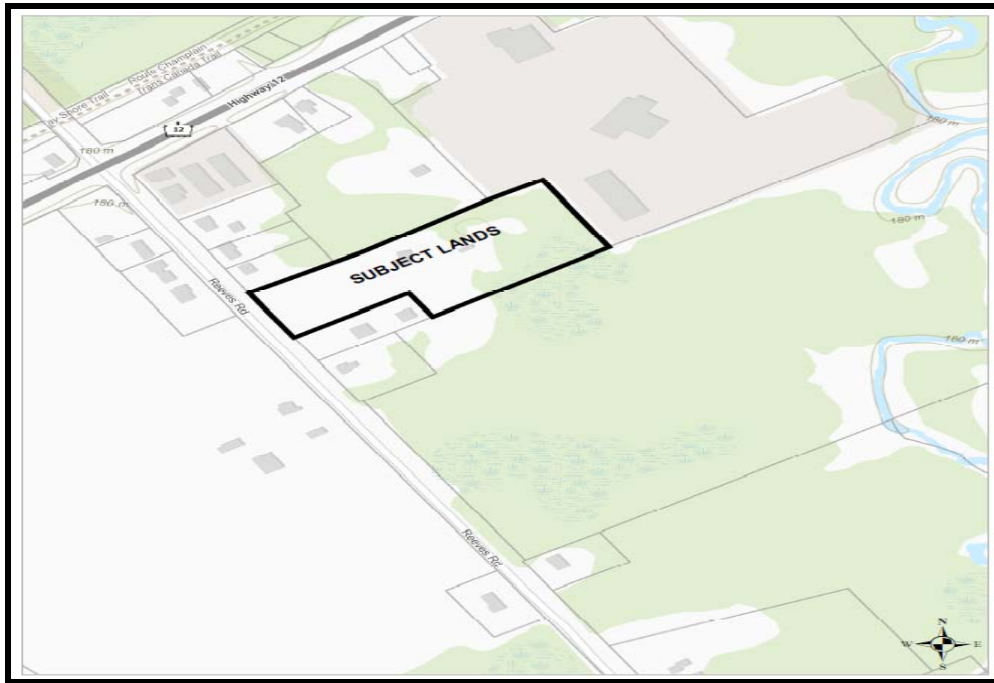
CONCLUSION:

In consideration of all of the above, planning staff opines that permission to expand a non-conforming use is appropriate and is in keeping with the general character of the area and it is not anticipated that the proposed addition would create any adverse impacts for the adjoining residential properties.

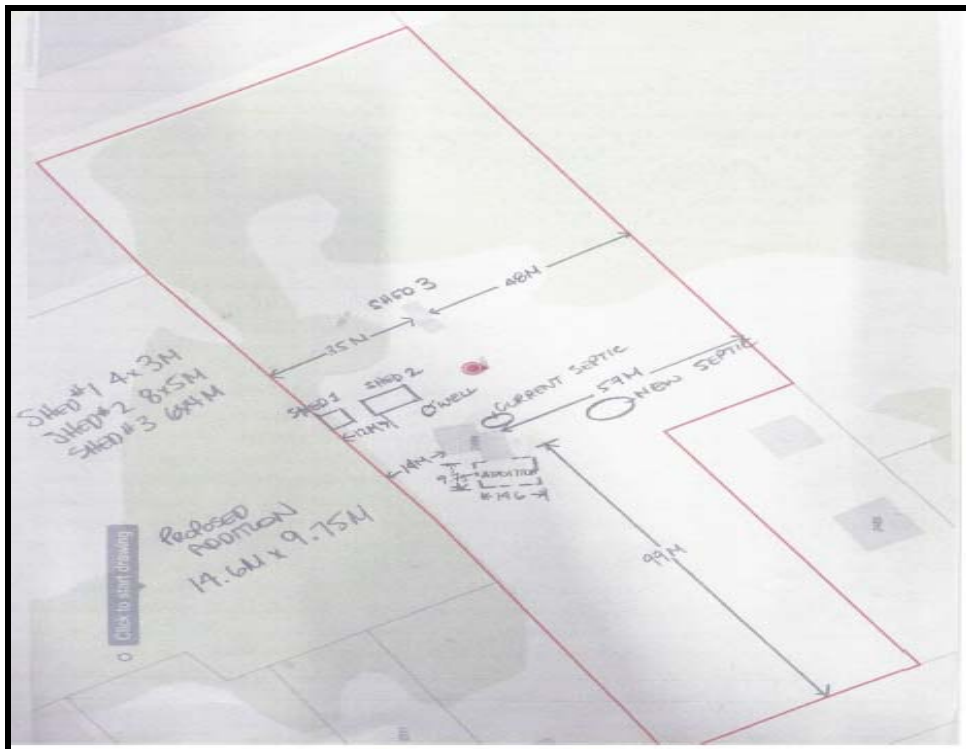
Prepared and Recommended by;

Todd Weatherell, RPP, CPT
 Manager of Planning and Development Services

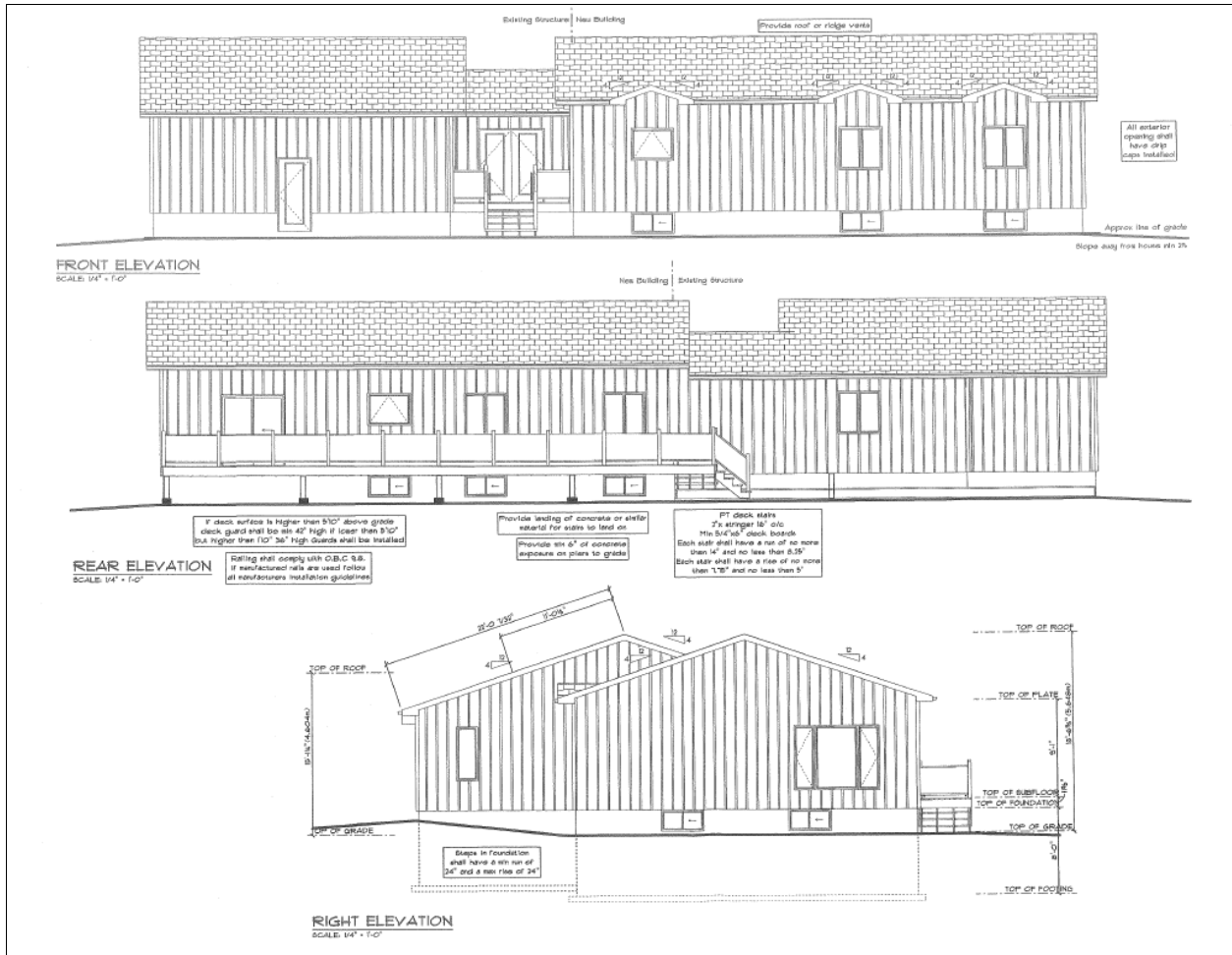
Attachment 1: Key Map



Attachment 2: Applicant Site Plan



Attachment 3: Elevation Plan





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PLANNING & DEVELOPMENT SERVICES DIVISION

Staff Report

<u>Department/Function:</u>	Committee of Adjustment
<u>Chair:</u>	Andy Ott
<u>Meeting Date:</u>	February 16, 2022
<u>Subject:</u>	Minor Variance Applicant 2022-A-02
<u>Applicant:</u>	Gary and Marlene Higgins
<u>Location:</u>	1092 Sandhill Road

RECOMMENDATION:

The Planning and Development Services Division recommends that Minor Variance Application 2022-A-02 be granted approval 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 that the minimum side yard setbacks are no less than 2.0 metres from the interior side lot lines;

2. That prior to the issuance of a zoning certificate, the owner shall provide a deposit in the amount of \$1,000.00, which will be refunded back to the Owner, once confirmation of Condition 1 has been provided to the satisfaction of the Secretary-Treasurer. Should the applicant not provide this verification within twenty-four (24) months of the date this decision becomes final and binding, the Township may draw upon the said deposit to cover any outside services to verify that the Committee's decision has been met. The owner will incur any additional costs of outside services incurred by the Township to secure verification.
3. Upon submission of a zoning certificate application, the owner shall provide a certified lot grading plan to the satisfaction of the Township

Operations Department in accordance with the Township Lot Grading Procedure.

4. That the setbacks be in conformity with the dimensions as set out on the application and sketches submitted and approved by the Committee;

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. It is not anticipated that the reduced setback would create any adverse impacts for the adjoining residential properties, and the variance can be considered minor in nature and desirable for the lot.

INTRODUCTION/BACKGROUND:

The applicant is requesting a variance from Section 26.3.1 (b) (iii) (Regulations for Single Detached Dwelling within the Rural (RU) Zone) of the Township of Tay General Zoning By-law 2000-57 as amended. Section 26.3.1 (b) (iii) regulates the side yard setback of a single detached dwelling within the Rural (RU) Zone.

The below chart summarizes the required and proposed reliefs:

Section 26.3.1. (b) (iii)	Required	Proposed
Minimum side yard setback	6.0 m. (19.68 ft.)	2.0 m. (6.5 ft.) on each side

ANALYSIS:

Planning staff have reviewed the application against the four tests of the *Planning Act* as it relates to a minor variance application and offer the following comments.

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

The property is designated Rural on Schedule A to the Township's Official Plan. In accordance with Section 4.4.2 of the Official Plan, single detached dwellings are permitted uses within the designation. The submitted application seeks to construct a new dwelling on the property which is a permitted use within the designation. In consideration of the above, the application meets the general intent and purpose of the Township Official Plan.

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

The property is zoned Rural (RU) on Schedule E to Township Zoning By-law No. 2000-57. Section 26.2 permits single detached dwellings as a permitted use within the RU Zone.

The minimum required interior side yard setback of the RU Zone is 6 metres. The general intent of an interior side lot line is to ensure that dwellings are setback an appropriate distance to minimum impacts of the built form on adjacent properties. The Rural zone is typically applied to larger lots where a 6 metre setback could be met.

The reduction from 6 metres to 2 metres would still meet the general intent as it would still provide adequate separation from the adjacent properties as well as provide proper drainage flow on the property.

Planning staff does not anticipate that the reduced setback would create any adverse impacts on neighbouring properties as the reduced setback would not alter or change the residential nature of the neighbourhood.

To ensure appropriate drainage for the proposed dwelling, a certified lot grading plan will be required in support of the zoning certificate and building permit applications. As such, a condition for a certified lot grading plan has been included as a condition of approval for the minor variance application.

In consideration of above, it is the opinion of planning staff that the application meets the general intent and purpose of the Zoning By-law.

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

The previous dwelling on the lot was removed as it was dilapidated. The proposed dwelling will be appropriate as it would appear not alter the character of the surrounding area.

As such, planning staff is of the opinion that the proposed application is desirable and appropriate for the lot.

Is the proposed Variance Minor in Nature?

The requested relief does not detract or alter the nature of the surrounding residential neighbourhood. The proposed dwelling will comply with all other zone regulations of the RU zone. The reduced setback maintains an

appropriate setback to lot lines and abutting properties; provides sufficient width for drainage purposes and will not create any adverse impacts on abutting properties. In consideration of above, planning staff is of the opinion that application is minor in nature.

Outside Agency, Internal Department and Public Comments:

Operational Services	No comments received to date.
Building Department	No comments received to date.
Municipal Clerk	No comments received to date.
Financial Services	No comments received to date.
Corporate Services	No concerns.
Fire Chief	No comments received to date.
Chief Administrative Officer	No comments received to date.

Public Comments:

Public – 2 letters of support received from adjacent neighbours.

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts as a result of the recommendation of this report. Should the application be appealed to the Ontario Land Tribunal, there could be additional cost for staff representation if required.

CONCLUSION:

In consideration of all of the above, planning staff opines that the submitted minor variance application meets the prescribed tests of a minor variance in accordance with the *Planning Act* and recommend the approval of the application subject to the conditions outlined in the Recommendation Section of this Report.

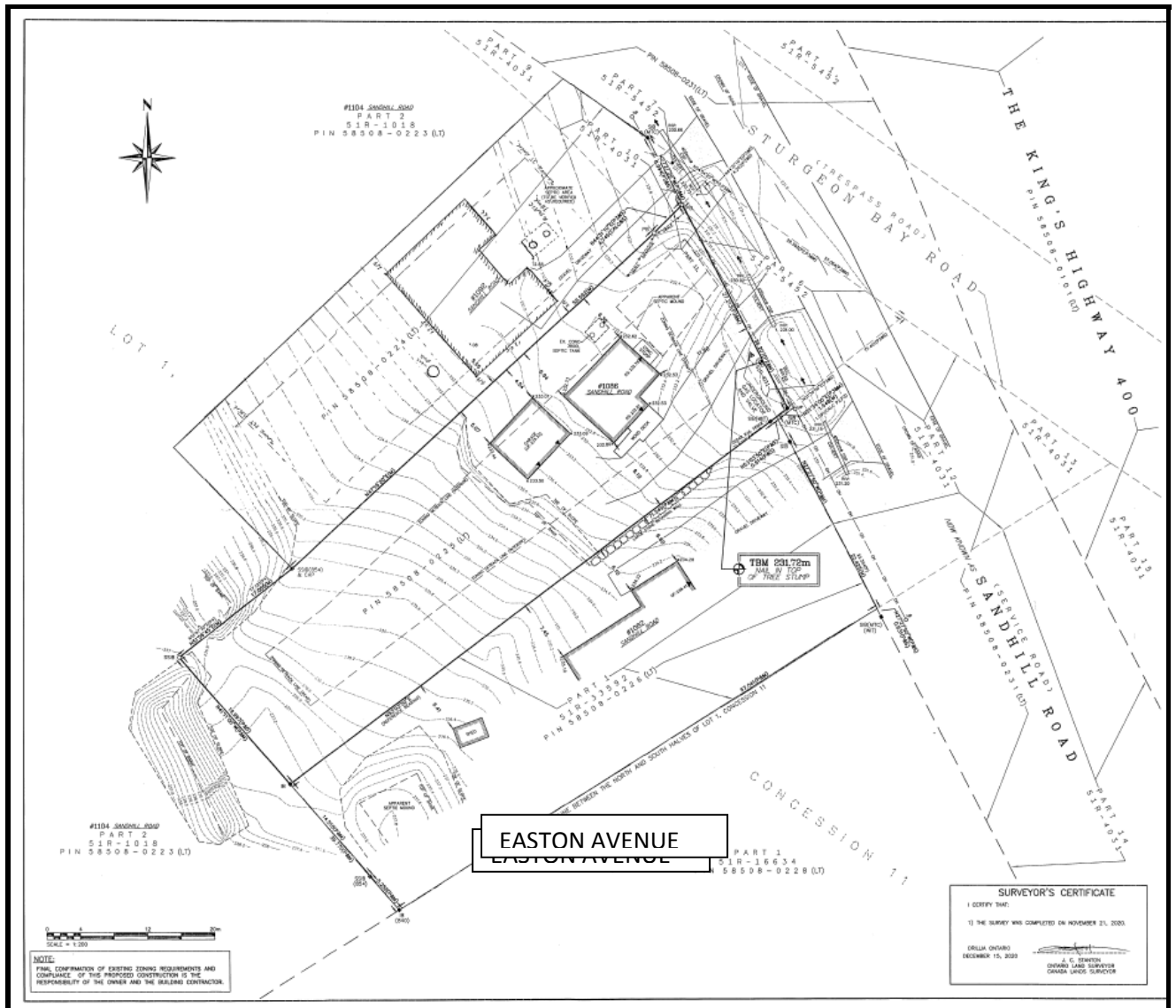
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 Manager of Planning and Development Services

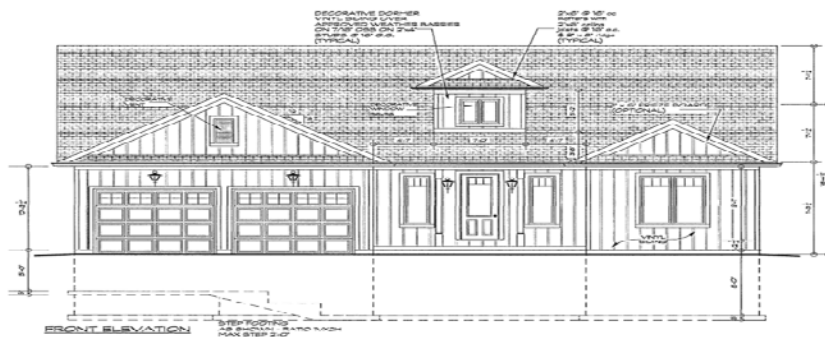
Attachment 1: Key Map



Attachment 2: Applicant Site Plan



Attachment 3: Elevation 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>	Wednesday February 16, 2022
<u>Subject:</u>	Consent Application 2021-B-15
<u>Applicant:</u>	Julianna Bourne on behalf of Julia Bilinski
<u>Location:</u>	225 Park Street, Victoria Harbour

RECOMMENDATION:

THAT,

The Planning and Development Department recommends that Consent Application **2021-B-15** be 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 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 lot area of the severed parcel be no greater than approximately 770 m², with a minimum lot frontage of approximately 53.17 metres;
4. That the lot area of the retained parcel be no greater than approximately 579 m², with a minimum lot frontage of 18 metres;
5. That the applicant applies and receives approval for a Zoning By-law Amendment for the severed lands from the Commercial Four (C4) Zone to the Residential Two (R2) Zone.
6. That the conditions of consent imposed by the Committee be fulfilled within one (1) year from the date of giving of the notice.

INTRODUCTION/BACKGROUND:

The subject property is located at the intersection of Park Street and Richard Street in the settlement of Victoria Harbour. The subject property is known municipally as 225 Park Street. The property currently contains a single detached dwelling as well as a detached garage with a single family dwelling located above.

The submitted consent application seeks to create one (1) new residential lot by separating the existing singled detached dwelling and the existing detached garage with living quarters above.

The below chart summarises the proposed lot configuration and intended use for the proposed retained and severed parcel:

Lot Configuration	Lot Area	Lot Frontage	Proposed Use
Retained Lot	0.31 Ha. (0.78 ac.)	105.59 m. (346.42 ft.)	existing single detached dwelling
Severed Lot	0.09 Ha. (0.22 ac.)	18.28 m. (59.97 ft.)	existing single detached dwelling

ANALYSIS:

The submitted consent application has been reviewed under the context of the applicable Provincial, County and Township policy framework.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The intent of the PPS is to build strong and healthy communities while at the same time, promoting efficient land use and development patterns.

The subject property is located within the settlement area of Victoria Harbour. Section 1.1.3 of the PPS outlines the policies related to settlement areas. Settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. Furthermore, settlement areas shall be the focus of growth and development. New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Section 6.0 of the PPS defines development as the creation of new lots, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*.

The proposed severed and retained lot would be serviced by full municipal water and wastewater services and would be accessed by a municipal roadway that is maintained year round.

In consideration of the above, planning staff is of the opinion the submitted application generally conforms to the PPS.

A Place to Grow: Growth Plan for the Greater Golden horseshoe (Growth Plan)

The Growth Plan was established by the Provincial government to aid in planning growth and development within the province in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life.

Section 2.2.1 of the Growth Plan identified that growth is to be focused within settlement areas which is supported by municipal infrastructure, supportive of environmental and agricultural protection and that includes a diverse mix of land uses, including residential and employment uses.

Furthermore, Section 2.2.6 of the Growth Plan identifies that housing should be focused within settlement areas and within a manner that is considerate of a diverse range and mix of housing option densities, including additional residential units and affordable housing to meet project needs of current and future residents.

The submitted application seeks to create one (1) new residential lot within the settlement area of Victoria Harbour. The proposed severed lot will contribute to providing additional housing stock by separating the existing dwelling from the existing property that currently has two dwellings on it.

In consideration of above, planning staff is of the opinion that the submitted application is consistent with the policies of the Growth Plan.

County of Simcoe Official Plan

The subject lands are designated as settlement on Schedule 5.1 of the County of Simcoe Official Plan. Section 3.5 of the County Official Plan outlines the policies for settlement area. Settlement areas are to be the focus of population and employment growth which is designed to include compact urban form which promotes the efficient use of land and provision of water, sewer, transportation and other services.

Section 3.3 of the County Official Plan outlines the general development policies. Section 3.3.2 outlines that the subdivision of land through consent is permitted only for the land uses permitted in the designation or that maintain the intent of the County Official Plan.

The current designation of the property recognizes residential uses. The proposed severed lot would be serviced by full municipal water and wastewater and is access from a municipal roadway.

In consideration of the above, planning staff is of the opinion that the submitted application conforms to the general intent and purpose of the County of Simcoe Official Plan. The County was circulated notice but at time of completion of this report County comments have not been received. Committee should have regard to County comments once they are received.

Township of Tay Official Plan

The subject lands are designated Village Commercial on Schedule D of the Township Official Plan. As outlined in 4.2.1.3.4 In order to improve and maintain the vitality of the "Village Commercial" area, residential uses in and in close proximity to the core areas shall be encouraged.

Section 3.11 of the Official Plan outlines the general consent policies for all land designations. In consideration of the policies outlined in this Section, planning staff offer the following comments:

- The proposed retained and severed lot have been designed to comply with the minimum required lot area and frontage requirement of the applicable Zone;
- Both the proposed retained and severed lots will be serviced by full municipal services;
- Both the proposed retained and severed lots will front and have access from a municipal local road that is maintained year round;
- The proposed lots will not contribute to strip or linear residential development;
- The proposed lots are not located within the rural or agricultural area which would not require compliance with the Minimum Distance Separation Formula;
- The subject lots are located outside of a Waste Disposal Assessment Area; and,
- The proposed lots are not within or adjacent to areas designated Extractive Industrial.

The proposed consent will comply with applicable zoning requirements if a zoning by-law amendment is approved. Both lots are municipally serviced and front onto a year maintained road.

The proposed severance would not be considered strip development as the property already contains 2 dwellings and the property is located outside of the waste disposal assessment area.

In consideration of above, planning staff is of the opinion that submitted consent application conforms to the policies of the Township Official Plan.

Township of Tay Zoning By-law No. 2000-57

The subject lands are zoned Highway/Commercial Four (C4) on Schedule K to Zoning By-law No. 2000-57.

Section 19.2 of the Zoning By-law does not permit a single detached dwelling within the Zone. Therefore if Committee chooses to approve the application it is recommend that the applicant apply and received approval for a Zoning By-law Amendment from the Highway/Commercial Four (C4) zone to the Residential Two (R2) Zone to recognize the residential use.

Section 8.3.1 (a) and (b) of the By-law outlines the minimum required lot area and lot frontage requirement for the R2 Zone. The below chart outlines the resulting lot area and frontage as per the proposed lot configuration:

	Min. Lot Area	Min. Lot Frontage
R2 Zone	557 m ²	18 metres
Proposed Severed Lot	890 m ²	18.28 metres (Camilla Street)

Planning staff does not anticipate an adverse impact on abutting property with the proposed severed lot as the dwelling currently exists.

The following Internal Department and External Agencies indicated no comments/concerns or provided no comments at all:

Chief Building Official	No comments received to date.
Financial Services	No comments received to date.
Corporate Services	No concerns.
Administrative Services	No comments received to date.
Fire Chief	No comments received to date

PUBLIC

No comments have been received by the public as of the writing of this report.

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts as a result of the recommendation of this report. Should the application be appealed to the Ontario Land Tribunal, there could be additional cost for staff representation if required.

CONCLUSION:

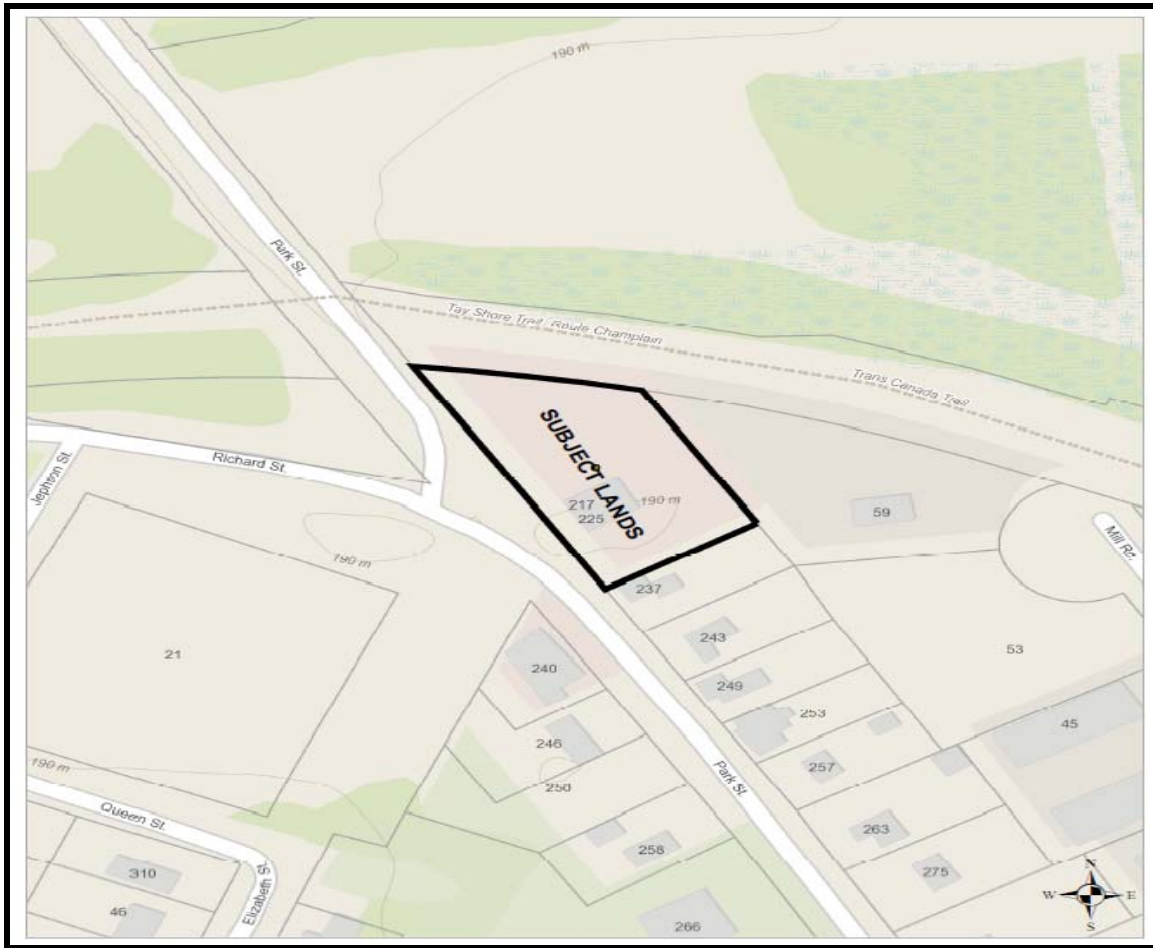
In consideration of all of the above, it is the opinion of planning staff that the submitted Consent Application **2021-B-15** seeking the creation of one (1) lot residential lot to

separate two residential dwelling units from the subject property is generally consistent with Provincial, County and Township policies and therefore recommend that consent be **granted**, subject to the conditions outlined in the recommendation section of this Report.

Prepared and Recommended by:

Todd Weatherell, RPP, CPT
Manager of Planning and Development Services

KEY MAP



PROPOSED LOT CONFIGURATION

