



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) and enter meeting ID number 813 9402-0276 #

**COMMITTEE OF ADJUSTMENT
AGENDA**

Wednesday, February 17, 2021 – 6:00 p.m.
Virtual Meeting

1. CALL TO ORDER

2. ADOPTION OF AGENDA

3. DECLARATION OF PECUNIARY INTEREST

4. APPOINTMENT OF ANDY WARZIN AS SECRETARY TREASURER

5. ADOPTION OF MINUTES

5.1 December 14, 2020

6. PUBLIC MEETING

6.1 2021-A-01, 130 Bayview Avenue, Kyle Pulis

6.1.1 Report from General Manager, Protective and Development (2021-A-01)

6.2 2021-A-02, 5189 Elliott Side Road

6.2.1 Report from General Manager, Protective and Development (2020-A-14)

7. DECISIONS

8. OTHER BUSINESS

9. NEXT MEETING (March 15, 2021)

10. ADJOURNMENT

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

Monday, December 14, 2020
6:00 P.M.

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

Staff Present: Steve Farquharson, General Manager, Protective and Development Services
Daryl O'Shea, General Manager, Corporate Services
Aleah Clarke, Secretary-Treasurer, Planner

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 Stone
Seconded by: Member Schuenemann

That the Committee adopt the agenda as prepared.
Carried.

3. Declaration of Pecuniary Interest:

None noted

4. Adoption of Minutes:

4.1 November 18, 2020 Committee of Adjustment Meeting minutes

Moved by: Member Stone
Seconded by: Member Heffer

That the minutes of the Committee of Adjustment Meeting held on November 18, 2020 be approved and adopted.
Carried.

5. 5.1. Minor Variance Application 2020-A-13 Alan Drysdale on Behalf of Heidi Fleischman (31 Grandview Road):

Attending

Applicant/Agent: Alan Drysdale

Applicant: Heidi Fleischman

Written Comments Received at the Hearing:

Letter of opposition received for the application from 33 Grandview Road.

Proponent:

None.

Public Audience:

Mary Kitzman, owner of 33 Grandview Road, advised that she is opposed to the application.

Manfred Fleischman, owner of 36 Grandview Road, advised that he is in support of the application.

Committee Members:

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

Chair Ott asked if the applicant or their agent had any additional comments. The applicant did not have any additional comments.

Chair Ott asked if any comments were received from members of the public or neighbours. A. Clarke confirmed that a letter was received from Michael and Mary Kitzman, the owners of 33 Grandview Road. A. Clarke also provided a summary of the letter received. Chair Ott asked if any members of the public in attendance during the meeting would like to provide comments. Mary Kitzman stated that she was opposed to the application and had concerns relating to the survey requirements for the new dwelling and the lack of buffer area between the edge of the proposed driveway and the lot line shared between 31 and 33 Grandview Road. A. Clarke confirmed that the Committee of Adjustment requires Ontario Land Surveyor Verification of reduced setbacks permitted through minor variance applications. Chair Ott asked why the owner of 31 Grandview Road had not purchased the unopened municipal road allowance on the west side of the property. Alan Drysdale confirmed that the owner had approached the Township in previous years, but that at the time the Township would not entertain a land sale.

A motion was put forward to approve the proposed variance for application 2020-A-13 subject to the following conditions:

DECISION:

The Planning and Development Services Division recommends that Variance Application 2020-A-13 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 prior to the booking of the framing inspection, that the proposed single detached dwelling has a minimum west interior side yard setback of approximately 1.2 metres and that the proposed driveway have an east interior side yard setback of approximately 0.6 metres;
- 2.** That upon submission 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, and framing of the building has commenced, the Township may draw upon the said deposit to cover any outside services to verify that the Committee's decision has been met. Any additional costs of outside services incurred by the Township to secure verification will be incurred by the owner.
- 3.** That the setbacks be in conformity with the dimensions as set out on the application and sketches submitted and approved by the Committee;
- 4.** That a certified lot grading plan be completed and submitted with the Zoning Certificate application as per the Township's Lot Grading Procedure.
- 5.** That a Zoning Certificate application and Building Permit be obtained from the Township within one (1) year, only after the Committee's decision becomes final and binding, as provided by the Planning Act R.S.O. 1990, c.P. 13.
- 6.** And 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.)

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

Moved by: Member Naumann
Seconded by: Michael Schuenemann

Defeated.

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

5.2. Minor Variance Application 2020-A-14 Rob Desrochers on Behalf of Paul Lamont (81 Dock Lane):

Attending

Applicant/Agent: Rob Desrochers

Applicant: Paul Lamont

Written Comments Received at the Hearing:

Letter of support received for the application from 89 Dock Lane.

Letter of support received for the application from 69 Dock Lane.

Proponent:

None.

Public Audience:

None

Committee Members:

S. Farquharson gave an overview of the application, explained the proposed variance, Site Plan and reviewed the photos taken.

Chair Ott asked if the applicant or their agent had any additional comments. Rob Desrochers commented that he was surprised by the recommendation of Township staff to deny the application since the neighbours had provided letters of support. Paul Lamont stated that the pergola was existing when he purchased the property and that he had simply enclosed the pergola and was now trying to work with the Township to bring the building into compliance with the Townships by-laws. S. Farquharson confirmed that two letters of support were received with the application. Rob Desrochers commented that the condo board had supported the proposed building. S. Farquharson, explained that the Condo Board's letter provided architectural approval, but did not approve the buildings location across the rear lot line and on top of the common element.

The committee members considered the application and Member Naumann asked if the pergola was built with a permit. Paul Lamont stated that there was never a permit for the pergola to the best of his knowledge. Member Heffer asked if the Condo Board has the ability to

approve the accessory building in its current location. S. Farquharson confirmed that the condo board can approve the location of the accessory building, but that the Committee of Adjustment must also approve the building's location through a minor variance application. Member Stone asked if there was still an encroachment problem since the accessory building is only partially on the owners land. S. Farquharson explained that if the Committee of Adjustment approves the building's location on the common element, then the building can be permitted. Paul Lamont stated that the Condo Board knew where the accessory building was located when they approved the building. Chair Ott explained that the letter signed by the condo board does not make reference to the building's location on the common element, and therefore, does not provide approval of the building's location. Member Heffer asked staff whether their recommendation would change if the Condo Board approved the accessory building's location. S. Farquharson stated that Township Staff's recommendation would not change because the requested variance is not consistent with the Planning Act.

A motion was put forward to deny the proposed variance for application 2020-A-14.

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

Moved by: Member Naumann
Seconded by: Member Stone

Carried.

6. Decisions:

None

7. Other Business:

7.1 2021 Committee of Adjustment Schedule of Dates.

A. Clarke provided a copy of the 2021 Committee of Adjustment schedule to the Committee members. The Committee had no issues or comments. The 2021 schedule will be posted on the Township's website.

8. Next Meeting:

The next meeting of the Committee of Adjustment is scheduled to take place on January 20, 2021

9. Adjournment:

Moved by: Member Heffer

Seconded by: Member Stone

**That this Meeting of the Committee of Adjustment adjourn at
7:18 p.m.**

Carried.

Respectfully Submitted:

A. Ott, Chair

S. Farquharson, General Manager,
Protective and Development Services



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

PLANNING & DEVELOPMENT SERVICES DIVISION

Staff Report

<u>Department/Function:</u>	Committee of Adjustment
<u>Chair:</u>	Andy Ott
<u>Meeting Date:</u>	February 17, 2021
<u>Subject:</u>	Minor Variance Applicant 2021-A-01
<u>Applicant:</u>	Kyle Pulis
<u>Location:</u>	130 Bayview Avenue

RECOMMENDATION:

The Planning and Development Services Division recommends that Variance Application 2021-A-01 be granted approval subject to the following conditions being imposed on the Committee's decision:

1. That an Ontario Land Surveyor provide the Township of Tay verification of compliance with the Committee's decision by:

Submitting certification to the Township by way of survey/real property report that the exterior staircase on the proposed accessory building encroach a maximum of 1.72 metres over a maximum width of 4.48 metres and that the accessory building be no closer than 2.0 metres from interior side lot line.

2. That upon applying for a zoning certificate application, 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. That the setbacks be in conformity with the dimensions as set out on the application and sketches submitted and approved by the Committee;
4. That the on-street parking area be removed and reinstated to the satisfaction of the Manager of Roads and Fleet Division;
5. That all municipal taxes be paid up to date prior to the issuance of a Zoning Certificate.

FOR THE FOLLOWING REASONS:

The proposed variance is appropriate and is in keeping with the general purpose and intent of the Official Plan, however is not in keeping with the general intent of the Zoning By-law. The deficiency would not appear to create any adverse impacts for the adjoining properties, and the variance can be considered minor in nature.

INTRODUCTION/BACKGROUND:

The applicant is requesting a variance from **Section 4.20 (Permitted Encroachment) for exterior staircase; and Permitted Staircase Width** of the Township of Tay General Zoning By-law 2000-57 as amended. **Section 4.20** regulates the encroachment of buildings and structures into the required setbacks. The applicant is requesting a variance to permit a proposed exterior staircase on a proposed accessory building to be 0.28 metres from the interior lot line, and a maximum width of 4.48 metres, whereas the By-law requires a maximum encroachment of 0.92 metres over a maximum width of 3.04 metres.

	Required	Proposed
Section 4.20 (Permitted Encroachment) Exterior Staircase	0.92 metres over a maximum width of 3.04 metres.	1.72 metres over a maximum width of 4.48 metres.

ANALYSIS:

Staff have reviewed the application against the four tests of the Planning Act and provide the following opinions:

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

The subject lands are designated Shoreline in the Township's Official Plan. Permitted uses in this designation include single detached dwellings and accessory uses, including accessory buildings. Therefore, the proposed exterior staircase on the rear of the proposed detached accessory building conforms to the general intent of the Official Plan.

Does the proposed Minor Variance meet the intent of the Zoning By-law and is development appropriate on the lot?

The subject property is zoned Shoreline Residential (SR) Zone in the Township's Zoning By-law and the SR Zone permits single detached dwellings and accessory buildings. The Zoning By-law's requirement for a minimum interior side yard setback is intended to achieve adequate space for access and maintenance around buildings, as well as provide a separation that prevents the crowding of adjacent properties.

The proposed exterior staircase is permitted to encroach 0.92 metres into a required setback. The applicant is proposing an encroachment of 1.72 metres with a maximum width of 4.48 metres. The proposed setback of the accessory building is 2.0 metres, and with the encroachment of the exterior staircase, the setback would be reduced to 0.24 metres. While this is a noticeable encroachment into the required setback, there are minimal impacts to the adjacent property, as the dwelling is located further to the rear of the property, and the proposed accessory building maintains a 2.0 metre setback.

Based on the above, Planning Staff is of the opinion that the requested variances would conform to the general intent of the Zoning By-law and are appropriate for the desirable development of the lot.

Is the proposed Variance Minor in Nature?

The variances related to the proposed exterior staircase at the rear of the accessory building are considered to be minor as they conform to the general intent of the Official Plan and Zoning By-Law, are considered appropriate for the desirable development of the lot, and are not anticipated to have an adverse effect on surrounding land uses.

Outside Agency, Internal Department and Public Comments:**Chief Administrative Officer** – No comments received to date.**Clerk** – No comments received to date.**Manager of Financial Services / Treasurer** – No comments received to date.**General Manager, Corporate Services** – No comments received to date.**Water/ Wastewater Superintendent** – No concerns.**Manager of Building Services/ CBO** – No concerns.**Manager of Roads and Fleet Services** – “With proposed construction of the garage and driveway. I would request that the parking area along the roadway be removed and reinstated with turf. To meet current standards the entrance cannot exceed 6.0 metres.”**Interim General Manager, Operational Services** – “The setback proposed by the applicant is 0.28 m. We note from the drawing submitted with the application, that the proposed stairs appear to be located within an existing drainage swale. It is the recommendation of Operational Services that the minimum setback be 1.0 m as opposed to the requested 0.28 m, to ensure that no existing drainage and/or drainage patterns are affected.”**Fire Chief** – No concerns.**Public Comments:****Public** – No comments received to date.**FINANCIAL BUDGET IMPACT:**

There are no budgetary impacts as a result of the recommendation of this report. Should the application be appealed to the Local Planning Appeals Tribunal, there would be additional cost for staff representation.

CONCLUSION:

Planning Staff are satisfied that the proposed variance is 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

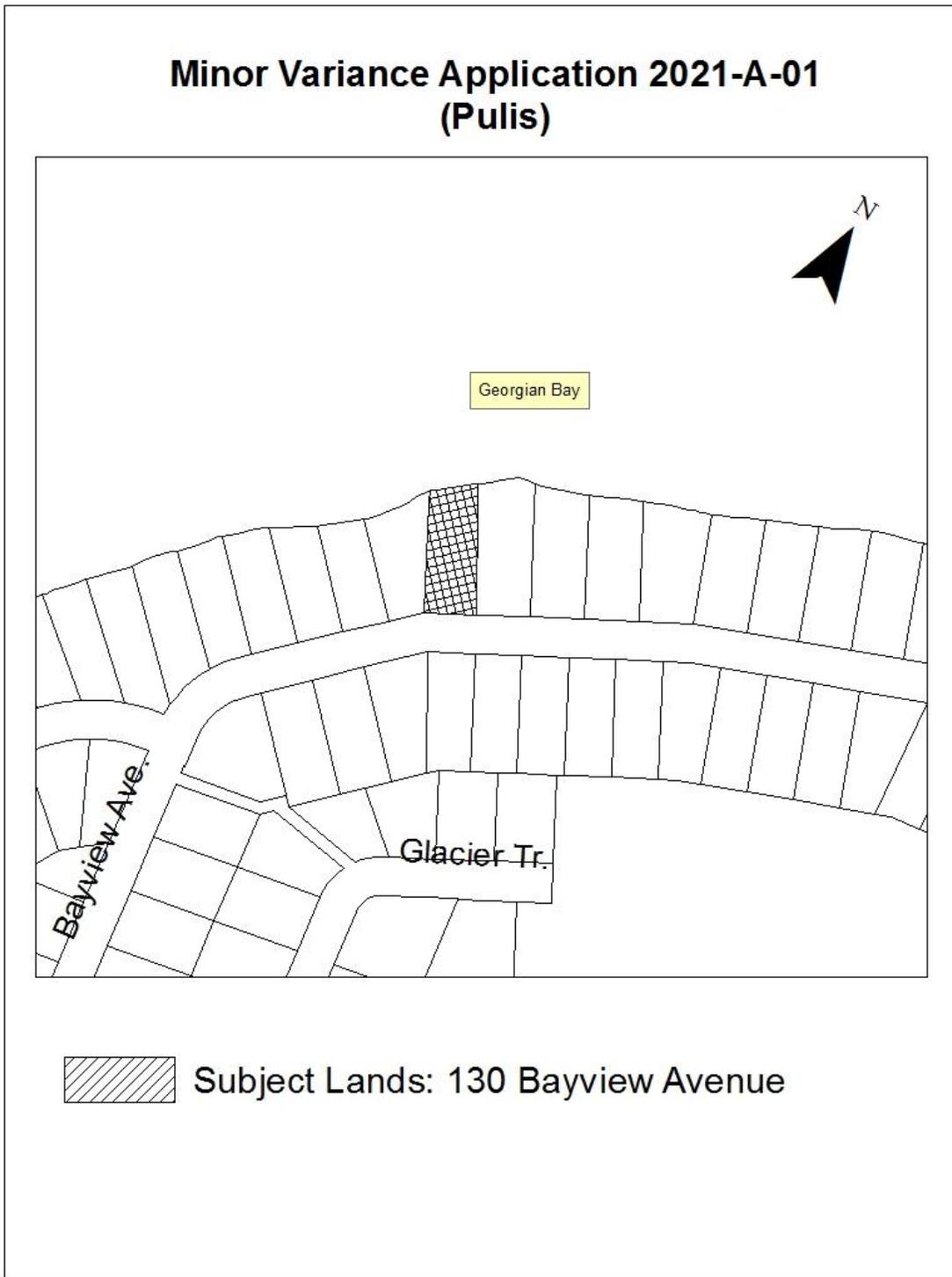
adverse impacts for the adjoining residential properties. Staff are of the opinion that the variance, as requested, is appropriate and can be considered to be minor.

Prepared and Recommended by;

Date: February 11, 2021

Steven Farquharson, B.URPL, MCIP, RPP
General Manager, Protective and Development Services

Attachment 1: Context Map



Attachment 2: Applicant Site Plan



South Elevation



North Elevation



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

PLANNING & DEVELOPMENT SERVICES DIVISION

Staff Report

<u>Department/Function:</u>	Committee of Adjustment
<u>Chair:</u>	Andy Ott
<u>Meeting Date:</u>	February 17, 2021
<u>Subject:</u>	Minor Variance Applicant 2021-A-02
<u>Applicant:</u>	Jennifer Summerfield and Kerri Robins
<u>Location:</u>	5189 Elliott Side Road

RECOMMENDATION:

The Planning and Development Services Division recommends that Variance Application 2021-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 interior side yard setback is approximately 4.8 metres;

2. That upon applying for a zoning certificate application, 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. That the setbacks be in conformity with the dimensions as set out on the application and sketches submitted and approved by the Committee;

4. That all taxes be paid up to date prior to the issuance of a Zoning Certificate.

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 rural properties, and the variance can be considered minor in nature.

INTRODUCTION/BACKGROUND:

The applicant is requesting a variance from **Section 26.3.1 (b)(iii) Regulations for Single Detached Dwelling within the Rural Zone** of the Township of Tay General Zoning By-law 2000-57 as amended. **Section 26.3.1 (b)(iii)** regulates the setbacks of Single Detached Dwellings within the Rural Zone. The applicant is requesting a variance to permit a new attached garage to be located 4.8 metres from the interior lot line, whereas the By-law requires a minimum setback of 6.0 metres.

	Required	Proposed
Section 26.3.1 (b)(iii) Regulations for Single Detached Dwellings	Interior Side Yard Setback: 6.0 metre	4.8 metres

ANALYSIS:

Staff have reviewed the application against the four test of the Planning Act and provide the following opinions.

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

The property is designated Rural within the Township's Official Plan. The intent of the Rural designation is to preserve and maintain the natural landscape and character of the area while also permitting complimentary non-agricultural related uses. The proposal will be compatible with the existing character of the area. Therefore, the proposed variances meet the intent of the Official Plan.

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

The property is designated as Rural "RU" under the Township of Tay General Zoning By-law 2000-57, as amended. Section 26.2 permits single detached dwellings as a permitted use within the RU zone. Section 26.3.1 provides regulations for single detached dwellings. As the proposed attached garage is to have habitable space above the private garage, it must meet the same setbacks as the dwelling. The RU Zone has a minimum interior side yard requirement of 6.0 metres. This is to ensure an adequate buffer between adjacent properties. The property to the west is a mobile home park with the closest unit being approximately 215 metres away from where the proposed addition would be. The proposed reduced interior side yard shall not negatively impact the adjacent properties, and will not alter the character of the rural area. It would be the opinion of the Planning and Development Services Division that the intent of the Zoning By-law would be maintained.

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

Along this portion of Elliott Side Road, there are large agricultural lots to the north, a forested area to the south and west, and rural residential lots to the east. There is a significant distance between the proposed addition and the adjacent land uses, which would maintain an adequate buffer. The variance allows for the homeowner to construct an attached garage through a breezeway to the existing dwelling and would be in keeping with the character of the structure, and the area.

Is the proposed Variance Minor in Nature?

The variance shall not negatively impact the area/neighbourhood due to the similar built form, and reasonable distance from the attached garage to the property line. The proposed attached garage will conform to all other Zoning Provisions in the "RU" zone, including rear and front yard setbacks, height, lot coverage and gross floor area. A 1.2 metre setback reduction can be considered a minor request. The requested variance would not cause any additional deficiencies respecting the Zoning By-law. Therefore, staff is of the opinion that the proposed variances are minor in nature.

Outside Agency, Internal Department and Public Comments:

Chief Administrative Officer – No comments received to date.

Clerk – No comments received to date.

Manager of Financial Services/ Treasurer – No comments received to date.

General Manager, Corporate Services – No comments received to date.

Water/ Wastewater Superintendent – No comments concerns.

Manager of Building Services/CBO - No concerns.

Interim General Manager, Operational Services– Operational Services has no objection to the proposed minor variance, provided that existing drainage pattern(s) are maintained.

Fire Chief – No concerns.

Public Comments:

Public – No comments received to date

FINANCIAL BUDGET IMPACT:

There are no budgetary impacts as a result of the recommendation of this report. Should the application be appealed to the Local Planning Appeals Tribunal, there would be additional cost for staff representation.

CONCLUSION:

Planning Staff are satisfied that the proposed variance is 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. Staff are of the opinion that the variance, as requested, is appropriate and can be considered to be minor.

Prepared and Recommended by; Date: February 11, 2021

Steven Farquharson, B.URPL, MCIP, RPP
General Manager, Protective and Development Services

Attachment 1: Context Map



Attachment 2: Applicant Site Plan

