



Corporation of the **Township of Tay**

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

(705) 534-7248
(705) 534-4493

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 844 9689 7441

COMMITTEE OF ADJUSTMENT AGENDA

March 15, 2023 – 6:00 p.m.
Virtual Meeting

1. CALL TO ORDER

2. ADOPTION OF AGENDA

3. DECLARATION OF PECUNIARY INTEREST

4. PUBLIC MEETING

- 4.1 2023-A-01, 6692 HWY 93 – Minor Variance Application
 - 4.1.1 Report from Planning Staff, Protective & Development Services

5. OTHER BUSINESS

6. NEXT MEETING: APRIL 19, 2023

7. ADJOURNMENT



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>Meeting Date:</u>	March 15, 2023
<u>Subject:</u>	Minor Variance Application No. 2023-A-01
<u>Applicant:</u>	Brad Pearsall
<u>Location:</u>	6692 Highway 93

RECOMMENDATION:

The Planning and Development Services Division recommends that Minor Variance Application 2023-A-01 be granted approval to allow for the construction of an accessory structure of 137 m² subject to the following conditions being imposed on the Committee's decision:

1. That the increased size of the proposed accessory building 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 Building Permit are obtained from the Township, which may include Engineered Lot Grading approval 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 minor 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 additional floor area to the proposed accessory building would create any adverse impacts for the adjoining residential properties, and the application can be considered minor in nature and desirable for the lot.

INTRODUCTION/BACKGROUND:

The subject property is located on the west side of Highway 93 between Vasey Road and McMann Sideroad. The property currently contains a single detached dwelling and one (1) chicken coop.

The application is requesting relief from the Township of Tay Zoning By-law 2000-57 as amended, to permit the construction of a new detached accessory building that will be larger in ground floor area than permitted.

The below chart summarizes the required and proposed relief:

	Required	Proposed
Section 4.1.6 Maximum ground floor area of any detached accessory building or structure under 2 hectares in the rural zone.	130.0 m ² (1399.3 ft ²)	137.0 m ² (1474.0 ft ²)

ANALYSIS:

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

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

The subject property is designated Rural on Schedule "A" of the Township Official Plan. Permitted uses in the designation include permanent single detached dwellings and accessory uses. The "Rural" designation is intended to recognize and preserve as much as possible the natural landscape and the rural characteristics of the area while still permitting a limited range of compatible and complimentary uses.

The proposed accessory structure would not alter the rural character of the area as many of the neighbouring properties also have detached accessory buildings and is a permitted use of the zone. An accessory structure would be associated with a single detached dwelling, which is permitted. The proposed accessory building will be located in the rear yard of the property.

The proposed application conforms to the general intent of the Official Plan as the proposed accessory structure will maintain the rural character.

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

The subject property is zoned Rural (RU) on Schedule "C" of the Township Zoning By-law.

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 the residential use is the primary use. Accessory structures should not dominate the subject property or those buildings and structures on the surrounding properties. The proposed accessory structure will not dominate the property as it meets the maximum height provision and setback provisions. The zoning provision for maximum ground floor area for an accessory building in a rural zone is limited to 130.0 square metres. The applicant is requesting an increase of 7.0 square metres (75.3 square feet).

The current two-storey dwelling according to MPAC records has a total floor area of 288.65 square metres (3107.0 square feet); therefore, the proposed one-storey accessory structure would not dominate the property.

In consideration of the above, Planning Staff are of the opinion that the requested variance meets the general intent of the Zoning By-law.

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

The proposed accessory structure on the property would continue to maintain the residential nature of the surrounding area as the intended use of the building is for storage purposes. The proposed accessory building is appropriate and desirable for the lot as it will be in an area of land that is away from the adjacent neighbours as well as from the road. Planning Staff do not anticipate any adverse impacts on abutting properties because of the construction of the accessory building.

Based on the above, Planning Staff are of the opinion that the requested minor variance is considered desirable and appropriate for the residential use of the property as the accessory structure will maintain the character of the area.

Is the proposed Variance Minor in Nature?

The proposed minor variance is not requested in conjunction with variances to the required setbacks that would bring the structure closer to adjacent properties than permitted under the prevailing zoning regulations. The minor variance is minor in nature as the increase in size will not dominate over the existing dwelling and the accessory building will still meet the maximum allowable lot coverage permitted for accessory structures. The property is

permitted a lot coverage of 861.0 square metres (9,267.7 square feet) of accessory structures on the property. The request is for an additional 7.0 m², to a structure that is permitted to be 130 m² would be minor in nature.

Finally, the minor variance to permit the detached structure will not result in adverse impacts to the existing uses and built form character on the subject property.

As such, Planning Staff are of the opinion the proposed application is considered minor in nature.

Outside Agency, Internal Department and Public Comments:

As of the writing of this Report, no comments have been received regarding the application.

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 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.

Prepared and recommended by;

Teslyn Heron
Planning Technician

In concurrence with;

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

