

# AGENDA Wasaga Beach Committee of Adjustment Meeting

## Wednesday, October 16, 2024, 2:00 p.m. Council Chambers

**Pages** 

#### 1. CALL TO ORDER

#### 1.1 Land Acknowledgement

We begin our meeting by recognizing the First Nations, Metis, and Inuit peoples of Canada as traditional stewards and caretakers of the land. We acknowledge that the Town of Wasaga Beach is located within the boundaries of Treaty 18, the traditional lands of the Anishinaabeg, Haudenosaunee, Tionontati, Wendat, and is the home of many First Nations, Metis, and Inuit peoples as part of an intricate nationhood that reaches across Turtle Island. At this time of truth and reconciliation, we welcome the opportunity to work together towards new understandings and new relationships and ask for guidance in all we do.

#### 2. DISCLOSURE OF PECUNIARY INTEREST

#### 3. 2025 Committee of Adjustment Schedule

3

#### 4. ADOPTION OF MINUTES

#### 4.1 Committee of Adjustment Meeting Minutes - September 18, 2024

4

Recommended Motion:

RESOLVED that the Committee of Adjustment minutes of September 18, 2024 be accepted as presented.

#### 5. APPLICATIONS

#### 5.1 Application #1 - A03824 - 92 35th Street North - Minor Variance

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Recommended Motion:

THAT the Committee of Adjustment hereby approves application A03824 with the recommended conditions.

#### 5.2 Application #2 - A03924 - 346 Shore Lane - Incidental Minor Variance

**Recommended Motion:** 

THAT the Committee of Adjustment hereby approves application A03924 with the recommended conditions.

#### 6. DATE OF NEXT MEETING

Next meeting is scheduled for November 20, 2024.

#### 7. ADJOURNMENT



## COMMITTEE OF ADJUSTMENT MEETING SCHEDULE 2025

All Committee of Adjustment meetings are held every 3<sup>rd</sup> Wednesday of the month at 2:00 pm via Zoom or In-Person (Town Hall, 30 Lewis Street, Wasaga Beach).

SUBMISSION DEADLINE	MEETING DATE
December 6, 2024	January 15, 2025
January 10, 2025	February 19, 2025
February 7, 2025	March 19, 2025
March 7, 2025	April 16, 2025
April 11, 2025	May 21, 2025
May 9, 2025	June 18, 2025
June 6, 2025	July 16, 2025
July 11, 2025	August 20, 2025
August 8, 2025	September 17, 2025
September 5, 2025	October 15, 2025
October 10, 2025	November 19, 2025
November 7, 2025	December 17, 2025

Please refer to the <u>Committee of Adjustment</u> website for application forms and fee information. Alternatively, you can contact the Secretary-Treasurer at 705-429-3847 ext. 2282 or <u>cofa@wasagabeach.com</u> for more information.



#### **MINUTES**

## Wasaga Beach Committee of Adjustment Meeting

## Wednesday, September 18, 2024, 2:00 p.m. Council Chambers

Members Present: Adam Harrod

Dave Morrison Harold Van Gool Leo Cusumano

Members Absent: Daniel Paul

Andy Ferguson

#### 1. CALL TO ORDER

1.1 Land Acknowledgement

#### 2. <u>DISCLOSURE OF PECUNIARY INTEREST</u>

No pecuniary interest declared.

#### 3. ADOPTION OF MINUTES

3.1 Committee of Adjustment Meeting Minutes - August 21, 2024

Resolution No: COA-2024-73

Moved by: Leo Cusumano Seconded by: Dave Morrison

Resolved that the Committee of Adjustment minutes of August 21, 2024

be accepted as presented.

**CARRIED** 

#### 4. <u>DEFERRED / WITHDRAWN APPLICATIONS</u>

No deferred/withdrawn applications.

#### 5. APPLICATIONS

5.1 Application #1 - A03524 - 534 Bluewater Lane - Incidental Minor Variance

#### LANDS SUBJECT TO THE APPLICATION:

Municipally addressed as 534 Bluewater Lane, Town of Wasaga Beach.

#### **PURPOSE AND EFFECT:**

The applicant requests relief from Section 3.1 "Accessory Uses, Buildings and Structures" of Zoning By-law 2003-60, as amended, specifically:

• **Section 3.1.5.7** – to permit a detached accessory building to be located between the front lot line and the main building on the lot, provided the accessory building maintains a minimum setback of 6 metres, whereas a setback of 12 metres is required.

Additionally, the applicant requests relief from Section 3.3 "Yard Encroachments" of the Zoning By-law, specifically:

 Section 3.3.6 – to permit steps that are below grade to be located within the required interior side yard on the southern portion of the property with an interior side yard setback of 1.6 metres, whereas steps may project into a required interior side yard a maximum distance of 0.9 metres provided that such uses are not below grade.

Further to the above, the applicant requests relief from Section 3.23 "Non-Complying Lots, Buildings or Structures" of Zoning By-law 2003-60, as amended, specifically:

Section 3.23.3 ii) - To recognize the location and permit the
expansion of the existing 1 storey 73.2 square metre singledetached dwelling with an interior side yard setback of 0.98 metres
on the northern portion of the building, whereas an interior side
yard setback of 1.8 metres is required.

Additionally, the applicant requests relief from Section 4 "Residential Type 1 (R1) Zone" of the Zoning By-law, specifically:

• **Section 4.3.5** – to permit the construction of a crawlspace access stairwell with an interior side yard setback of 1.6 metres, whereas an interior side yard setback of 1.8 metres is required.

The variance(s) requested would recognize the existing location of the single-detached dwelling with a reduced interior side yard setback on the north side of the property, and would facilitate the construction of proposed additions to the front and rear of the dwelling, as well as covered decks which would result in an overall building area of 183.6 square metres.

Further, the variance(s) would facilitate the construction of a proposed crawlspace access and below grade stairs within the required interior side yard on the south side of the property. Additionally, the variances would

permit the construction of a detached accessory building within the front yard.

#### **AGENCY COMMENTS:**

#### **Public Works:**

Public Works has no objections to this application indicated in their letter dated September 16th.

#### Nottawasaga Valley Conservation Authority (NVCA):

The NVCA has no objections to this application indicated in their letter dated September 17th.

#### Wasaga Distribution (WDI):

WDI has no objections to this application indicated in their letter dated September 13th.

#### **PUBLIC COMMENTS:**

#### **RECOMMENDATION:**

In consideration of the foregoing, the Planning Department supports application **A03524**, with the following conditions:

- 1. THAT the development will be substantially consistent with the site plan and drawings provided with the application, contained within "Appendix 1" of this report.
- 2. THAT the applicant apply for and obtain any necessary permits for the demolition of the existing detached accessory building located within the front yard, shown on the site plan drawing provided as "Existing Shed to be Removed" as shown in "Appendix 1". THAT the detached accessory building shall be removed, and the applicant provide confirmation of the demolition and removal to the Town of Wasaga Beach Planning Department.

#### DISCUSSION:

The agent, R. Fleer spoke to the application on behalf of the applicants.

There were no comments from members of the public either online or inperson.

That upon deliberation of the written comments received, the committee rendered the following decision:

Resolution No: COA-2024-75

Moved by: Dave Morrison Seconded by: Leo Cusumano THAT the Committee of Adjustment hereby approves application A03524 with the recommended conditions.

#### **CARRIED**

### 5.2 Application #2 - A03624 - 360 Coastline Drive - Incidental Minor Variance

#### LANDS SUBJECT TO THE APPLICATION:

Municipally addressed as 360 Coastline Drive, Town of Wasaga Beach.

#### **PURPOSE AND EFFECT:**

The applicant requests relief from the various sections of the Zoning Bylaw applicable to townhouse dwellings in the R3 and R3-11 Zones of Zoning By-law 2003-60, specifically:

Section 6.3.1.b (minimum lot area, R3 Zone) – from 210 square metres to as shown on the attached plan of survey:

- 130.26 square meters lot identified as Part 1;
- 113.15 square metres for the lots identified as Parts 2-4,7-9, 12-13, and 16-18:
- 137.44 square metres for the lot identified as Part 5;
- 131.56 square metres for the lots identified as Parts 6 and 15;
- 145.46 square metres for the lots identified as Parts 10 and 11;
- 135.09 square metres for the lot identified as Part 14;
- 151.37 square metres for the lot identified as Part 19;
- 117.09 square metres for the lot identified as Part 20;
- 120.03 square metres for the lot identified as Part 21; and,
- 134.16 square metres for the lot identified as Part 22.

Section 6.3.2 (minimum front yard depth, R3 zone)- from 6.0 metres to, as shown on the attached site plan:

- 4.24 metres for the lot specifically identified as Part 1;
- 4.5 metres for the lot specifically identified as Part 5;
- 4.8 metres for the lot specifically identified as Part 15; and,
- 3.32 metres for the lot specifically identified as Part 18.

Section 6.3.5.a.i (minimum interior side yard width, R3 zone)- from 6.0 metres to as shown on the attached site plan:

- 1.0 metres for the lot identified as Part 6;
- 1.8 metres for the lot identified as Part 10;
- 1.77 metres for the lot identified as Part 11; and,
- 1.0 metres for the lot identified as Part 14.

Section 6.3.6 (minimum rear yard depth, R3 zone)- from 7.6 metres to as shown on the attached site plan:

- 2.70 metres for the lot identified as Part 15; and,
- 2.75 metres for the lots identified as Parts 16-22.

Section 6.4.11.1 (minimum exterior side yard width, R3-11 zone) - from 3.0 metres to:

- 0.93 metres for the lot identified as Part 1;
- 1.45 metres for the lot identified as Part 5;
- 1.68 metres for the lot identified as Part 15; and,
- 0.66 metres for the lot identified as Part 22.

#### **AGENCY COMMENTS:**

#### **Public Works:**

Public Works has no objections to this application.

#### Nottawasaga Valley Conservation Authority (NVCA):

The NVCA has no objections to this application indicated in their letter dated September 17th.

#### **PUBLIC COMMENTS:**

There were no comments from the public.

#### **RECOMMENDATION:**

In consideration of the foregoing, the Planning Department supports application **A03624**, with the following conditions:

- THAT the development will be consistent with the survey and site plan provided with the application, contained within "Appendix 1" of this report.
- 2. THAT the exemption to Part Lot Control Bylaw applicable to the subject lands (Town file PL03/24) is passed and subsequently registered on title and the above noted lots are created within the time period stated in that Bylaw.

#### **DISCUSSION:**

The applicant spoke to the proposed application.

There were no comments from members of the public either online or inperson.

Member, D. Morrison sought clarity on the previous recommendation Public Works submitted to the Planning department regarding the proposed application.

Senior Planner, M. Ellis clarified his inquiries.

That upon deliberation of the written comments received, the committee rendered the following decision:

**Resolution No: COA-2024-76** 

Moved by: Dave Morrison

Seconded by: Harold Van Gool

THAT the Committee of Adjustment hereby approves application A03624.

#### **CARRIED**

## 5.3 Application #3 - A03424 - 21 Sunnidale Road South - Minor Variance LANDS SUBJECT TO THE APPLICATION:

Municipally addressed as 21 Sunnidale Road South, Town of Wasaga Beach.

#### **PURPOSE AND EFFECT:**

The application requests relief from Section 3.22 "Non-Conforming Uses" of Zoning By-law 2003-60. Specifically, the applicant is requesting relief to recognize the existing non-conforming 1.35 metre roadside fence while seeking an extension for a road fence of 2.3 metres.

The effect of the application is to recognize the existing non-conforming 1.35 metre fence and entrance gates and permit an increase in height to 2.3 metres.

#### **AGENCY COMMENTS:**

#### **Public Works:**

Public Works has objected this application indicated in their letter dated September 16th.

#### **Nottawasaga Valley Conservation Authority (NVCA):**

The NVCA has no objections to this application indicated in their letter dated September 17th.

#### Wasaga Distribution (WDI):

WDI has no objections to this application indicated in their letter dated September 13th.

#### **PUBLIC COMMENTS:**

Secretary Treasurer, C. Wilson read the letters and comments received to the Town in opposition to the proposed application.

There was a signed petition in support to the proposed application.

#### **RECOMMENDATION:**

In consideration of the foregoing, the Planning Department does not support application **A03424**, for the following reasons:

- 1. The application cannot be assessed through Section 45(2) of the *Planning Act*.
- 2. The requested relief does not maintain the general intent of the Zoning By-law.
- 3. The requested relief is not considered desirable and appropriate for the development of the land.
- 4. The requested relief is not considered minor in nature.

#### **DISCUSSION:**

The Agent, A. Powell provided a presentation on the proposed application.

The Chair, A. Harrod invited the applicant, I. Bryce to speak to the application, who spoke to the comments received from the public.

There were two affidavits, which were dated July 15, 2024, along with supporting documentation, presented to the Committee by M. Vernon of Friedman Estate Litigation.

Member, L. Cusumano asked for clarity on why this application was not being supported under section 45(2) of the Planning Act.

Planner, J. Vines indicated that the application as presented was to go through 45(2) of the Planning Act, however after further assessment of this application, it was determined that it should be evaluated under 45(1) of the Planning Act, which are the 4 tests for Minor Variances.

Member, D. Morrison put a motion forward to speak to the approval of this application. Member, L. Cusumano seconded this motion.

Member, D. Morrison spoke to the safety concerns outlined within the staff report.

Member, H. Van Gool spoke to his opposition to the proposed extension of the fence height.

The applicant, I. Bryce provided clarity of the proposed extension of the fence location, and the gates are what would require the extension in height.

The Agent, A. Powell spoke to member, H. Van Gool's inquiry on the proposed extension of the fence location.

Planner, J. Vines spoke to the sections within the official plan and zoning bylaw, in which would not support this proposed application. He also spoke to the affidavits which were dated July 15, 2024.

H. Van Gool sought clarification on what qualifies as a Minor Variance. Planner, J. Vines spoke to this.

Planner, J. Vines provided further information outlining the planning departments opposition to this proposed application.

The Agent, A. Powell provided further information regarding the proposed application.

That upon deliberation of the written comments received, the committee rendered the following decision:

Resolution No: COA-2024-74

Moved by: Dave Morrison Seconded by: Leo Cusumano

THAT the Committee of Adjustment hereby approves application A03424.

CARRIED

#### 6. DATE OF NEXT MEETING

Next meeting is scheduled for October 16, 2024.

#### 7. <u>ADJOURNMENT</u>

The meeting adjourned at 3:16 p.m.

A03824

Arian Turdiu

Date of this Notice: October 4, 2024

Tax Roll #: 436401000143200



## Notice of Public Meeting Committee of Adjustment

Application for a Minor Variance has been submitted by Ron Fleer on behalf of Arian Turdiu, owner of the subject land.

Property Location: The subject lands are located at 92 35<sup>th</sup> Street North

Public Meeting Date: Wednesday October 16, 2024 at 2:00 p.m.

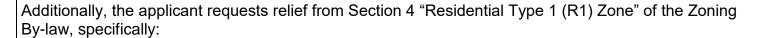
Virtual Hearing via Zoom & In-person at Town Hall (30 Lewis St.) in the Council Chambers

#### What is being proposed?

The applicant requests relief from Section 3.23 "Non-Complying Lots, Buildings or Structures", of Zoning Bylaw 2003-60 as amended, specifically:

Section 3.23.3 ii) – To recognize the location of the existing single-detached dwelling with an existing non-complying interior side yard setback of 1.02 metres (3.34 feet) along the southern property boundary, whereas 1.8 metres (5.90 feet) is required. Further, the variance would permit the construction of a 2-storey addition (inclusive of the reconstruction of the existing attached garage with a new 2<sup>nd</sup> storey) along the southern portion

garage with a new 2<sup>nd</sup> storey) along the southern portion of the dwelling, with an interior side yard setback of 1.02 metres (3.34 feet) and 1.2 metres (3.93 feet).



Section 4.3.5 – To permit a reduced interior side yard setback of 1.02 metres (3.34 feet) and 1.2 metres (3.93 feet) along the southern property boundary to permit the construction of a new two-storey 51 square metre (548.9 square feet) addition to the existing single-detached dwelling and the reconstruction of the existing 24.2 square metre (260.48 square feet) attached garage with a new 2<sup>nd</sup> floor addition, whereas a minimum interior side yard setback of 1.8 metres (5.90 feet) is required.

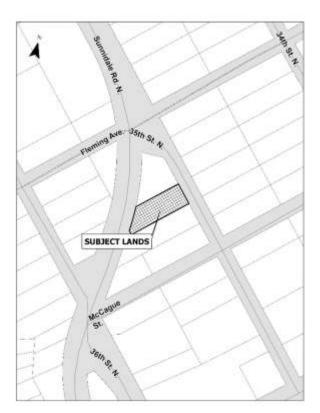
The variances requested would recognize the location of the existing 124.72 square metre (1,342.47 square foot) single-detached dwelling with an existing non-complying interior side yard setback along the southern property boundary; further, the variances would facilitate the construction of a new 2-storey 51 square metre (548.9 square feet) addition to the southern portion of the existing dwelling and the reconstruction of the existing 24.2 square metre (260.48 square feet) attached garage with a new 2<sup>nd</sup> floor addition, with a reduced interior side yard setback.

**OTHER APPLICATIONS:** The property subject to this application for minor variance is not currently the subject of other application(s) under the *Planning Act*.

The legal description of the subject lands is PLAN 705 PART LOT 254 RP;51R7866 PART 21.

What happens at the Public Hearing?

Note: Alternative formats available upon request.



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The public hearing is your chance to make your views about the proposal known. Information from the public will help the Committee in their decision-making process, so make sure to have your say!

**Written Comments:** You are encouraged to provide your comments or questions in writing using email or regular letter mail to the Secretary Treasurer. Written comments received before the meeting will be read by the Secretary Treasurer at the Public Meeting for the benefit of everyone in attendance and will be included in the record of the Public Meeting.

Comments can be emailed to: <u>pmnotices@wasagabeach.com</u>

**Verbal Comments:** This Public Meeting is a hybrid meeting, allowing the public to attend the meeting in person or virtually. Those that wish to make verbal comments virtually are required to pre-register with the Secretary-Treasurer, no later than 12:00 p.m. (Noon) on the Tuesday before the Public Meeting, by **Tuesday, October 15, 2024.** 

To participate in the hearing and/or provide comments, you must register by scanning the below QR code



Register

#### **Notice of Decision:**

If you wish to be notified of the decision for this application, you must make a written request by email or regular mail to the Secretary-Treasurer noted below. The written request must be received before or on the meeting date.

#### Where Can I Find More Information?

Additional information is available during regular office hours in the Planning Division of the Planning & Development Services Department at Town Hall. You may also request a copy of this notice by contacting:

Secretary-Treasurer, Committee of Adjustment Town of Wasaga Beach 30 Lewis Street Wasaga Beach, ON

Hours of operation:

Monday-Friday 8:30am-4:30pm

Phone: (705) 429-3847 ext. 2282 Email: <a href="mailto:pmnotices@wasagabeach.com">pmnotices@wasagabeach.com</a>

#### Questions? Ask the Planner!

Phone: 705.429.3847 x2250 Email: c.watt@wasagabeach.com

#### Why Am I Receiving This Notice?

You are receiving this notice because the applicant noted above has submitted a Minor Variance application to the Town of Wasaga Beach. As stipulated by the *Planning Act*, notice must be provided to property owners within 60 metres (200 ft.) of the area to which the application applies.

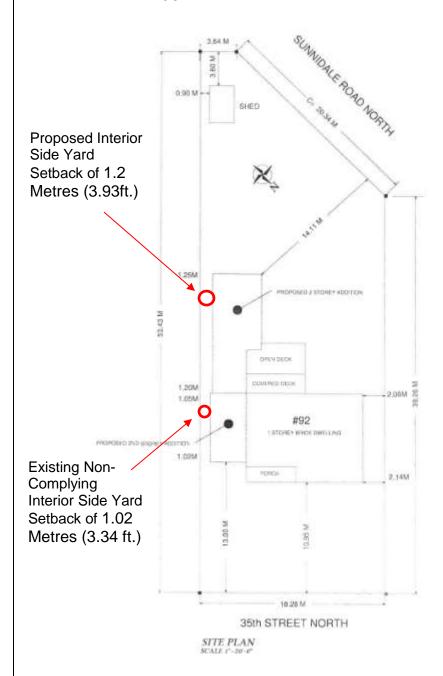
#### A note about information you may submit to the Town:

Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), all information provided for, or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record, including resident deputations. All public meetings are recorded, and the information may be posted on the Town's website, and/or made available to the public upon request.

Note: Alternative formats available upon request.

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#### **Applicant's Site Plan Sketch**



Note: Alternative formats available upon request.

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#### STAFF REPORT

**TO**: Committee of Adjustment

FROM: Cameron Watt, Planner I

**SUBJECT**: A03824, Ron Fleer on behalf of Arian Turdiu

92 35th Street North

PLAN 705 PART LOT 254 RP;51R7866 PART 21

Minor Variance – Expansion to a Non-Complying Building, Reduced

Interior Side Yard Setback(s)

DATE: October 9, 2024

#### LANDS SUBJECT TO THE APPLICATION:

The subject lands are municipally addressed as 92 35th Street North, Town of Wasaga Beach, County of Simcoe, and legally described as PLAN 705 PART LOT 254 RP;51R7866 PART 21.

#### **PURPOSE AND EFFECT:**

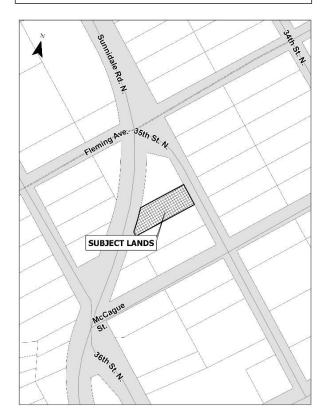
An application for Minor Variance has been submitted by Ron Fleer on behalf of Arian Turdiu, owner of the subject lands.

The applicant requests relief from Section 3.23 "Non-Complying Lots, Buildings or Structures", of Zoning Bylaw 2003-60 as amended, specifically:

Section 3.23.3 ii) – To recognize the location of the existing single-detached dwelling with an existing noncomplying interior side yard setback of 1.02 metres (3.34 feet) along the southern property boundary, whereas 1.8 metres (5.90 feet) is required. Further, the variance would permit the construction of a 2-storey addition (inclusive of the reconstruction of the existing attached garage with a new 2<sup>nd</sup> storey) along the southern portion of the dwelling, with an interior side yard setback of 1.02 metres (3.34 feet) and 1.2 metres (3.93 feet).

Additionally, the applicant requests relief from Section 4 "Residential Type 1 (R1) Zone" of the Zoning By-law, specifically:

Figure 1: Site Location



Section 4.3.5 Interior Side Yard Width (Min.) – To permit a reduced interior side yard setback of 1.02 metres (3.34 feet) and 1.2 metres (3.93 feet) along the southern property boundary to permit the construction of a 2-storey addition (inclusive of the reconstruction of the existing attached garage with a new 2<sup>nd</sup> storey), whereas a minimum interior side yard setback of 1.8 metres (5.90 feet) is required.

The variances requested would recognize the location of the existing 124.72 square metre (1,342.47 square foot) single-detached dwelling with an existing non-complying interior side yard setback along the southern property boundary; further, the variances would facilitate the construction of a new 2-storey 51 square metre (548.9 square feet) addition to the southern portion of the existing dwelling and the reconstruction of the existing 24.2 square metre (260.48 square feet) attached garage with a new 2<sup>nd</sup> floor addition, with a reduced interior side yard setback.

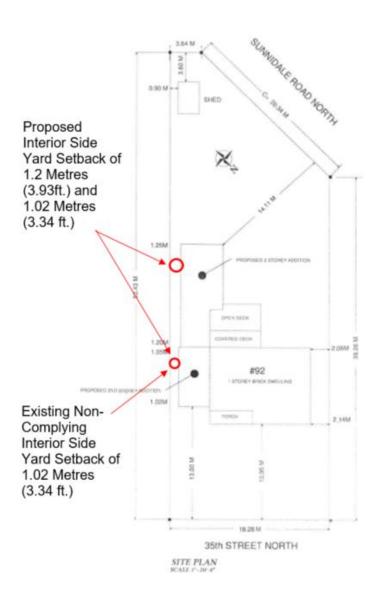


Figure 1: Proposed Site Plan Submission

#### **RECOMMENDATION:**

In consideration of the foregoing, the Planning Department supports application **A03824** subject to the following conditions being applied:

1. THAT the development will be substantially consistent with the site plan and drawings provided with the application, contained within "Appendix 1" of this report.

#### **COMMENTS:**

Submitted From				Comments						
Town	of	Wasa	aga Beach	Public	The	Town's	Public	Works/E	ngineer	ing
Works/Engineering Department			depar	tment does	not opp	ose the a	application	on.		
				Please see 'Appendix 2' for a copy of the formal						
					comm	nents.				
Nottawas	saga	Valley	Conservation	Authority	The	subject land	s are no	ot located	within 1	the
(NVCA)					NVCA	A regulation a	area.			

#### SUBJECT SITE:

The subject lands are located on the west side of 35<sup>th</sup> Street North, north of Mccague Street. The subject lands have a frontage of approximately 18.28 metres (59.97 ft.), a depth of approximately 46.34 metres (152 ft.) and an area of approximately 872.8 square metres (9,394.74 sq. ft.).

The site is currently developed with an existing 124.72 sq. m. (1,342.47 sq. ft.) single-detached dwelling and an 8.9 square metre (95.79 sq. ft.) detached accessory building (shed).

The surrounding neighbourhood is predominantly zoned "Residential Type 1" (R1), along with some commercially-zoned properties along the outlying lands on Mosley Street.

The subject lands are zoned "Residential Type 1" (R1) within the Town's Comprehensive Zoning Bylaw 2003-60 as amended, and are designated 'Residential' within the Town of Wasaga Beach Official Plan.

#### **APPLICATION:**

The applicant is requesting relief from Section 3 of the Town's Zoning By-law, as summarized in the table below:

#### 3.23.3 "Non-Complying Lots, Buildings and Structures":

#### Section 3.23.3 Provision/Requirement:

Section 3.23.3 - No person shall replace or make **an addition** to any existing building or structure **which does not comply with the required yards of the Zone in which it is located.** 

However, the said building or structure may be **replaced**, repaired and/or renovated provided that:

- i) the deterioration or damage was beyond the control of the owner;
- ii) Such replacement repair or renovation does not increase the height, **area** or **volume** of the original building or structure. Foundations are permitted provided that same does not allow for human habitation and that same foundation does not exceed 1.8 metres in total height, and;
- iii) all other applicable Zone and general provisions are complied with.

#### **Proposed Development:**

- -The existing dwelling does not comply with the required interior side yard setback requirement in the Residential Type One (R1) zone. The existing single-detached dwelling has an existing non-complying interior side yard setback of 1.02 metres (3.34 feet), whereas 1.8 metres (5.90 feet) is required.
- -The variance would recognize the existing non-complying interior side yard setback of the existing building to permit the applicant to make addition(s) in the form of a proposed two-storey 51 square metre (548.9 square feet) addition to the existing single-detached dwelling and the reconstruction of the existing 24.2 square metre (260.48 square feet) attached garage with a new 2<sup>nd</sup> floor addition.

The applicant is requesting relief from Section 4 of the Town's Zoning By-law, as summarized in the table below:

#### Section 4.3.5 Interior Side Yard Width/Setback (Min.)

Permitted	Proposed	Difference
1.8 metres (5.90 feet)	1.02 metres (3.34 feet) and 1.2	0.78 metres (2.56 ft.) and 0.6
	metres (3.93 feet)	metres (1.96 feet)

#### **ANALYSIS:**

#### Planning Act, R.S.O. 1990, c. P.13

The Ontario *Planning Act* requires that in making planning decisions, the Committee must have regard for matters of Provincial Interest, as outlined by Section 2 of the Act, and the *Provincial Policy Statement*, as outlined by Section 3 of the Act. Based on review of the pertinent policies, Staff have no concerns with respect to the provisions of Section 2 of the Ontario *Planning Act*.

#### **Provincial Policy Statement (2020)**

Section 3(5) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, provides that the Council of a municipality, or a Committee of Adjustment, in exercising any authority that affects a planning matter, shall be consistent with the policy statements issued by the Province. Upon review of the policies outlined in the *Provincial Policy Statement* (2020), it is the opinion of Planning staff that the Minor Variance, if granted, will be consistent with this subsection of the *Planning Act*.

#### A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

Section 14(1) of the Places to Grow Act, S.O. 2005, c.13, as amended, provides that a decision under the Planning Act that relates to a growth plan area shall conform with a growth plan that applies to that growth area. Planning Services staff are of the opinion that the Minor Variance, if granted, will conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (August 2020).

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

The subject lands are designated "Settlement" in the Official Plan for the County of Simcoe. The County of Simcoe Official Plan contains policies relating to the orderly development of those areas that are designated as Settlement. The County of Simcoe has provided no comments with respect to this application. However, it is the opinion of Planning Services staff that the Minor Variance, if granted, will conform to the County of Simcoe Official Plan.

#### Maintains the General Intent of the Official Plan

The subject property is designated 'Residential' within the Town of Wasaga Beach Official Plan. The existing single-detached dwelling is permitted use within the 'Residential' designation. The proposal maintains the general intent of the Official Plan.

#### Maintains the General Intent of the Zoning By-law

The subject lands are zoned "Residential Type 1" (R1) within the Town's Zoning By-law 2003-60, as amended. The existing single-detached dwelling (with the inclusion of the proposed additions) is a permitted use within this zone category.

The applicant has requested relief from Section 3.23.3 of the Town's Zoning By-Law, to permit an expansion to the existing 124.72 square metre (1,342.47 square foot) non-complying single-detached dwelling. The existing single-detached dwelling has a non-complying interior side yard setback of 1.02 metres (3.34 feet) along the southern property boundary, whereas 1.8 metres (5.90 feet) is required. The variance would permit the construction of a proposed two-storey 51 square metre (548.9 square feet) addition, and the reconstruction of the existing 24.2 square metre (260.48 square feet) attached garage with a new 2<sup>nd</sup> floor addition.

The intent of Section 3.23.3 of the Town's Zoning By-Law is to limit additions and expansions to non-complying buildings, to ensure that the existing non-complying situation is not worsened, and to ensure that the proposed addition/extension will comply with all other provisions of the Zoning By-law.

The proposed expansion of the single-detached dwelling will not worsen the existing non-complying situation. The existing deficient 1.02 metre (3.34 feet) interior side yard setback (south side) will remain unchanged for the proposed reconstruction of the attached garage. Further, the new two-storey 51 square metre (548.9 square feet) addition will have a proposed interior side yard setback of 1.2 metres (3.93 feet), which represents an improved setback from that of the existing non-complying dwelling. Pending the approval of the requested relief from Section 4.3.5 to reduce the interior side yard setback(s) along the southern property boundary, the proposed additions will comply with all other provisions of the Town's Zoning By-law.

The applicant has requested further relief from Section 4.3.5 of the Zoning By-Law to permit a reduced interior side yard setback of 1.02 metres (3.34 feet) and 1.2 metres (3.93 feet) along the southern property boundary to permit the construction of the new two-storey 51 square metre (548.9 square feet) addition to the existing single-detached dwelling and the reconstruction of the existing 24.2 square metre (260.48 square feet) attached garage with a new 2<sup>nd</sup> floor addition, whereas a minimum interior side yard setback of 1.8 metres (5.90 feet) is required.

The intent of the minimum required interior side yard setback requirement is to ensure adequate separation between properties, and to allow enough space for drainage, maintenance, and access purposes.

The Town's Public Works/Engineering department does not oppose the applicant's request to decrease the minimum required interior side yard setback requirement from 1.8 metres (5.9 ft.) to 1.02 metres (3.34 feet) and 1.2 metres (3.93 feet) along the southern property boundary, to permit the construction of new proposed additions. Additionally, the reduced interior side yard setback(s) demonstrate the ability to accommodate adequate space for property maintenance and access to the rear yard, and maintain a sufficient separation distance from the neighboring property.

Planning staff submit that the requested relief generally meets the intent of the Town's Zoning By-law.

#### **Desirable for the Appropriate Development of the Land**

Planning staff recommend that the variance(s) requested to permit an expansion to a non-complying building and to permit reduced interior side yard setbacks are not anticipated to impact the proper use of the land, the neighbourhood, nor the municipality. Planning staff suggest that the variances are considered desirable and appropriate for the development of the land.

#### **Considered Minor in Nature**

Planning staff recommend that the variances applied for are considered minor in nature, and would result in minimal impact relative to a form of development that would comply with existing provisions of the Zoning By-law.

#### **CONCLUSION:**

In consideration of the above, the Planning Department supports application **A03824** for the lands municipally addressed as 92 35th Street North. Should the Committee choose to approve application **A03824**, Planning staff recommend this approval also be subject to the above noted conditions.

Respectfully Submitted,

**Cameron Watt** 

Planner I

Can but

Appendix 1: Applicant's Site Plan Submission and Drawings

Appendix 2: Town of Wasaga Beach Public Works/Engineering Department Comments

Site Photo 1 – Existing Attached Garage

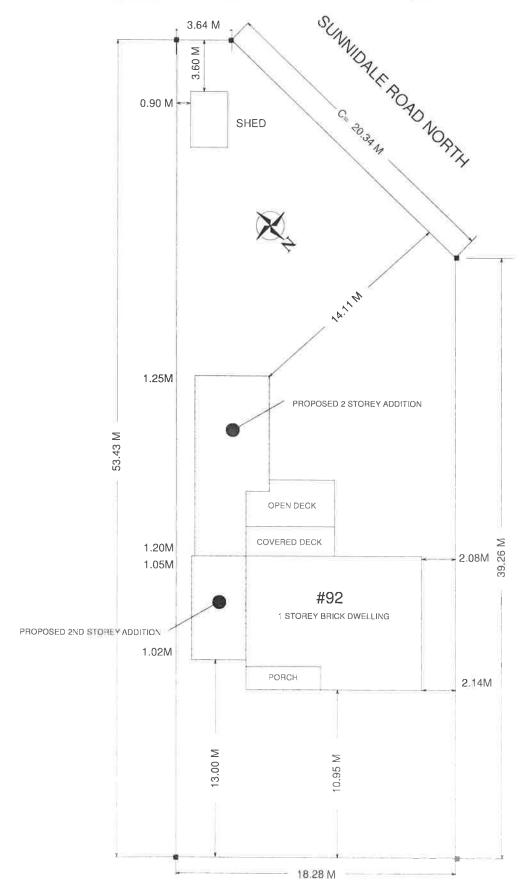


Site Photo 2 – Existing Non-Complying Interior Side Yard Setback (South Side)



Site Photo 3 – Proposed Building Envelope



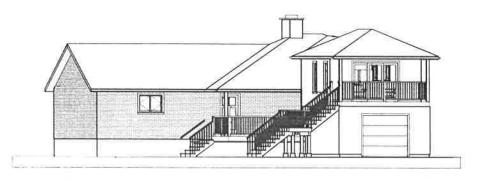


35th STREET NORTH

SITE PLAN SCALE 1"=20'-0"



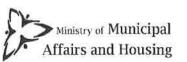
STREET VIEW



REAR VIEW

#### AREAS OF WORK

LOT AREA EXISTING DWELLING EXISTING GARAGE EXISTING COVERED DECK EXISTING OPEN DECK EXISTING SHED PROPOSED 2 STOREY ADDITION PROPOSED 2 STOREY ADDITION	872.8 SQ.M 100.52 24.2 11.7 17.6 8.9 24.2
PROPOSED 2 STOREY ADDITION LOT COVERAGE	24.2 51 213.92 24.5%



QUALIFICATION INFORMATION:

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

SIGNATURE

RONALD FLEER RF DESIGN BCIN #36378 BCIN #36992

NO. DATE: ISSUE/REVISION

1 2024 08 22: COA APPLICATION



rfdesign@rogers.com

Ronald Fleer 705 429 1274 Wasaga Beach Ontario

PROJECT:

TRUDIU ADDITION

LOCATION:

#92 35th STREET NORTH WASAGA BEACH, ONTARIO

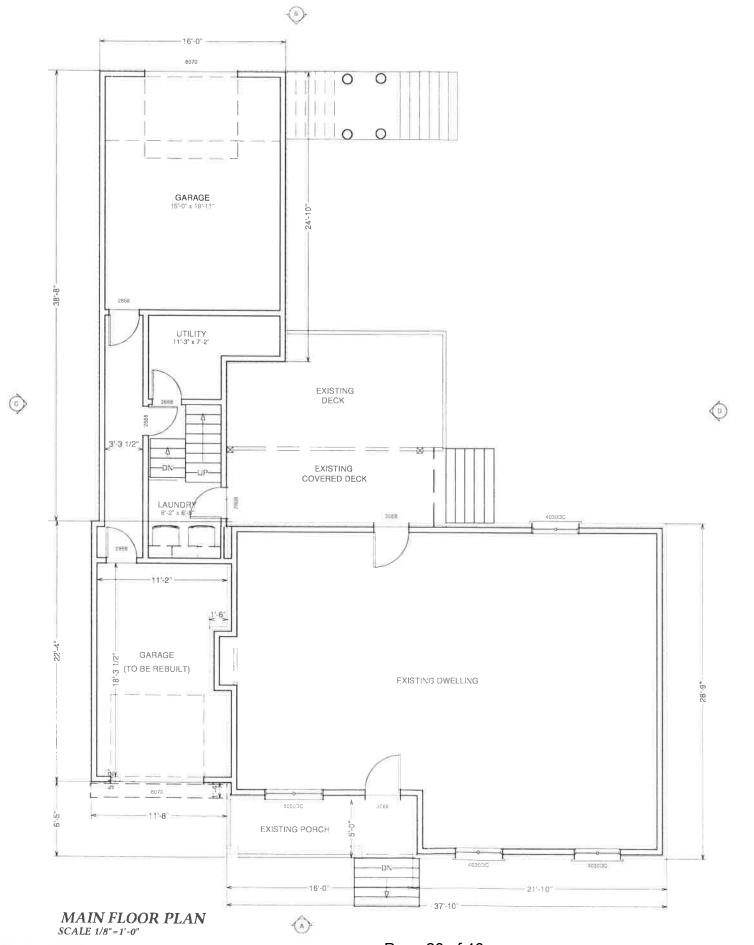
SHEET TITLE:

SITE PLAN

DATE: 2024 08 23

SHEET NO:

SCALE: AS SHOWN



Ministry of Municipal
Affairs and Housing

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

SIGNATURE

RONALD FLEER RF DESIGN BCIN #36378 BCIN #36992

NO. DATE:

ISSUE/REVISION

1 2024 08 22 COA APPLICATION



## ARCHITECTURAL DESIGN & DRAFTING

rfdesign@rogers.com ald Fleer Wasas

Ronald Fleer 705 429 1274 Wasaga Beach Ontario

PROJECT:

TRUDIU ADDITION

LOCATION:

#92 35th STREET NORTH WASAGA BEACH, ONTARIO

SHEET TITLE:

MAIN FLOOR PLAN

DATE: 2024 08 23

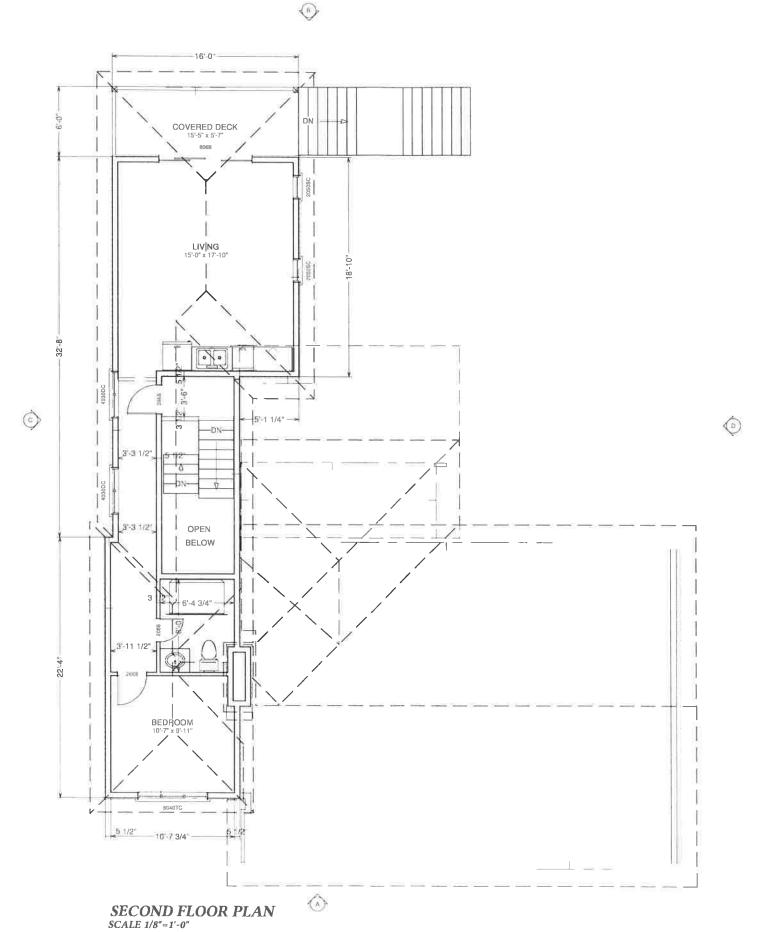
SHEET NO:

SCALE: AS SHOWN

2

JOB NO: 24-024

Page 26 of 46



Ministry of Municipal
Affairs and Housing

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

SIGNATURE

RONALD FLEER RF DESIGN BCIN #36378 BCIN #36992

NO. DATE:

ISSUE/REVISION

1 2024 08 22 COA APPLICATION



## ARCHITECTURAL DESIGN & DRAFTING

rfdesign@rogers.com Ronald Fleer Wasag 705 429 1274 Ont

Wasaga Beach Ontario

PROJECT:

TRUDIU ADDITION

LOCATION:

#92 35th STREET NORTH WASAGA BEACH, ONTARIO

SHEET TITLE:

SECOND FLOOR PLAN

DATE: 2024 08 23

SHEET NO:

SCALE: AS SHOWN

3



ELEVATION A SCALE 1/8"=1'-0"



**ELEVATION B** SCALE 1/8"=1'-0"



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MAST HE
QUALIFICATIONS AND MEETS THE
REQUIREMENTS SET OUT IN THE
ONTARIO BUILDING CODE TO BE A
DESIGNER.

SIGNATURE

RONALD FLEER RF DESIGN

BCIN #36378 BCIN #36992

NO. DATE:

ISSUE/REVISION

1 2024 08 22 COA APPLICATION



#### **ARCHITECTURAL DESIGN & DRAFTING**

rfdesign@rogers.com Ronald Fleer 705 429 1274

Wasaga Beach Ontario

PROJECT:

TRUDIU ADDITION

LOCATION:

#92 35th STREET NORTH WASAGA BEACH, ONTARIO

SHEET TITLE:

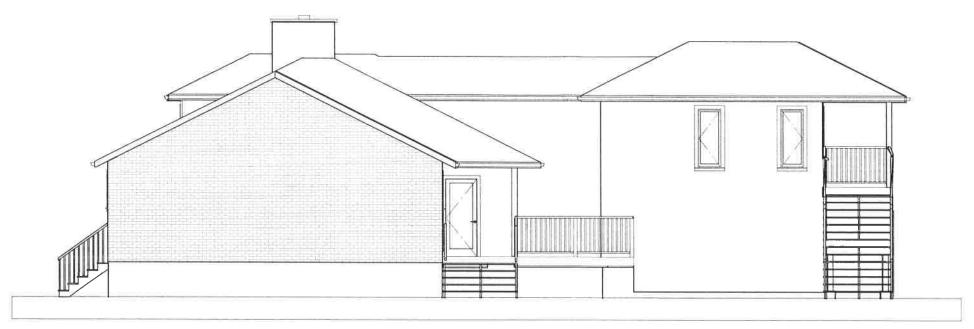
**ELEVATIONS** 

DATE: 2024 08 23

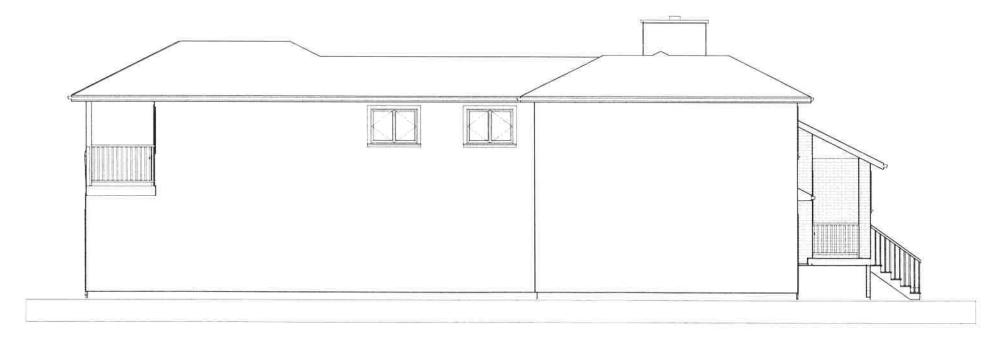
SHEET NO:

SCALE: AS SHOWN

4



ELEVATION A SCALE 1/8"=1'-0"



ELEVATION B SCALE 1/8"=1'-0"



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

SIGNATURE

RONALD FLEER RF DESIGN

BCIN #36378 BCIN #36992

ISSUE/REVISION NO. DATE:

1 2024 08 22 COA APPLICATION



ARCHITECTURAL **DESIGN & DRAFTING** 

rfdesign@rogers.com Ronald Fleer 705 429 1274

Wasaga Beach Ontario

PROJECT:

TRUDIU ADDITION

LOCATION:

#92 35th STREET NORTH WASAGA BEACH, ONTARIO

SHEET TITLE:

ELEVATIONS

DATE: 2024 08 23

SHEET NO:

SCALE: AS SHOWN

5

#### **MEMORANDUM**



TO: Cristy Wilson, Planning Application Navigator

CC: Mike Pincivero, Manager of Engineering Services

**Andrea Taylor, Planning Administrator** 

FROM: Amy Mejia, Engineering Technologist

**SUBJECT: Committee of Adjustment – A03824** 

92 35th Street North, PLAN 705 PART LOT 254 RP;51R7866 PART 21

DATE: October 7, 2024

As requested, Public Works has reviewed the above noted variance application.

#### SUMMARY OF REQUEST:

The applicant requests relief from Section 3.23 "Non-Complying Lots, Buildings or Structures", of Zoning By-law 2003-60 as amended, specifically:

Section 3.23.3 ii) – To recognize the location of the existing single-detached dwelling with an existing non-complying interior side yard setback of 1.02 metres (3.34 feet) along the southern property boundary, whereas 1.8 metres (5.90 feet) is required. Further, the variance would permit the construction of a 2-storey addition (inclusive of the reconstruction of the existing attached garage with a new 2<sup>nd</sup> storey) along the southern portion of the dwelling, with an interior side yard setback of 1.02 metres (3.34 feet) and 1.2 metres (3.93 feet).

Additionally, the applicant requests relief from Section 4 "Residential Type 1 (R1) Zone" of the Zoning By-law, specifically:

Section 4.3.5 – To permit a reduced interior side yard setback of 1.02 metres (3.34 feet) and 1.2 metres (3.93 feet) along the southern property boundary to permit the construction of a new two-storey 51 square metre (548.9 square feet) addition to the existing single-detached dwelling and the reconstruction of the existing 24.2 square metre (260.48 square feet) attached garage with a new 2<sup>nd</sup> floor addition, whereas a minimum interior side yard setback of 1.8 metres (5.90 feet) is required.

The variances requested would recognize the location of the existing 124.72 square metre (1,342.47 square foot) single-detached dwelling with an existing non-complying interior side yard setback along the southern property boundary; further, the variances would facilitate the construction of a new 2-storey 51 square metre (548.9 square feet) addition to the southern portion of the existing dwelling and the reconstruction of the existing 24.2 square metre (260.48 square feet) attached garage with a new 2<sup>nd</sup> floor addition, with a reduced interior side yard setback.

#### **PUBLIC WORKS / ENGINEERING COMMENTS**

- 1) The subject lot must manage all storm water within the property and not impact adjacent lands.
- A Lot Grading and Drainage plan is recommended and may be required at the discretion of the Chief Building Official (CBO), in accordance with the Town's Infill Lot Grading and Drainage Policy.
- 3) A Road Occupation Permit (ROP) will be required for any works within the Town's Right-of-Way (ROW).
- 4) Public Works / Engineering staff are not opposed to the requested variances.

#### **PUBLIC WORKS / ENGINEERING CONDITIONS**

• Public Works / Engineering do not have any conditions.

Regards,

Amy Mejia,

**Engineering Technologist** 

A03924

Rocco and Loredana Scocco

Date of this Notice: October 4, 2024

Tax Roll #: 436401000609300



## Notice of Public Meeting Committee of Adjustment

Application for a Minor Variance has been submitted by The Planning Agency Inc. c/o Christian Chan, on behalf of Rocco and Loredana Scocco, owners of the subject land.

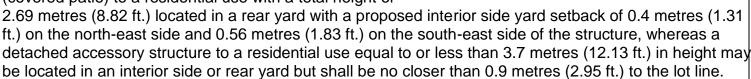
Property Location: The subject lands are located at 346 Shore Lane.

Public Meeting Date: Wednesday October 16, 2024 at 2:00 p.m.

Virtual Hearing via Zoom & In-person at Town Hall (30 Lewis St.) in the Council Chambers What is being proposed?

The applicant requests relief from Section 3.1 "Accessory Uses, Buildings and Structures", of Zoning By-law 2003-60 as amended, specifically:

Section 3.1.5.5 – To permit a 34.22 square metre (368.34 square feet) detached accessory structure (covered patio) to a residential use with a total height of



**OTHER APPLICATIONS:** The property subject to this application for minor variance/consent is not currently the subject of other application(s) under the Planning Act.

The legal description of the subject lands is: PLAN 837 LOT 24.

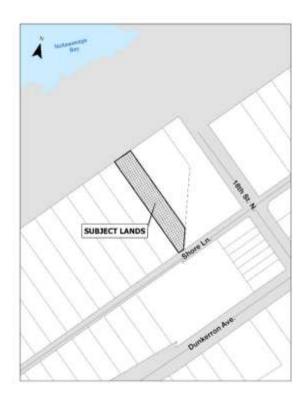
#### What happens at the Public Hearing?

The public hearing is your chance to make your views about the proposal known. Information from the public will help the Committee in their decision-making process, so make sure to have your say!

**Written Comments:** You are encouraged to provide your comments or questions in writing using email or regular letter mail to the Secretary Treasurer. Written comments received before the meeting will be read by the Secretary Treasurer at the Public Meeting for the benefit of everyone in attendance and will be included in the record of the Public Meeting.

Comments can be emailed to: <a href="mailto:pmnotices@wasagabeach.com">pmnotices@wasagabeach.com</a>

**Verbal Comments:** This Public Meeting is a hybrid meeting, allowing the public to attend the meeting in person or virtually. Those that wish to make verbal comments virtually are required to pre-register with the Secretary-Treasurer, no later than 12:00 p.m. (Noon) on the Tuesday before the Public Meeting, by **Tuesday, October 15 2024.** 



Note: Alternative formats available upon request.

Page 32 of 46

To participate in the hearing and/or provide comments, you must register by scanning the below QR code



Register

#### **Notice of Decision:**

If you wish to be notified of the decision for this application, you must make a written request by email or regular mail to the Secretary-Treasurer noted below. The written request must be received before or on the meeting date.

#### Where Can I Find More Information?

Additional information is available during regular office hours in the Planning Division of the Planning & Development Services Department at Town Hall. You may also request a copy of this notice by contacting:

Secretary-Treasurer, Committee of Adjustment Town of Wasaga Beach 30 Lewis Street Wasaga Beach, ON

Hours of operation:

Monday-Friday 8:30am-4:30pm

Phone: (705) 429-3847 ext. 2282 Email: <u>pmnotices@wasagabeach.com</u>

#### **Questions? Ask the Planner!**

Phone: 705.429.3847 x2250 Email: c.watt@wasagabeach.com

#### Why Am I Receiving This Notice?

You are receiving this notice because the applicant noted above has submitted a Minor Variance application to the Town of Wasaga Beach. As stipulated by the *Planning Act*, notice must be provided to property owners within 60 metres (200 ft.) of the area to which the application applies.

#### A note about information you may submit to the Town:

Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), all information provided for, or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record, including resident deputations. All public meetings are recorded, and the information may be posted on the Town's website, and/or made available to the public upon request.

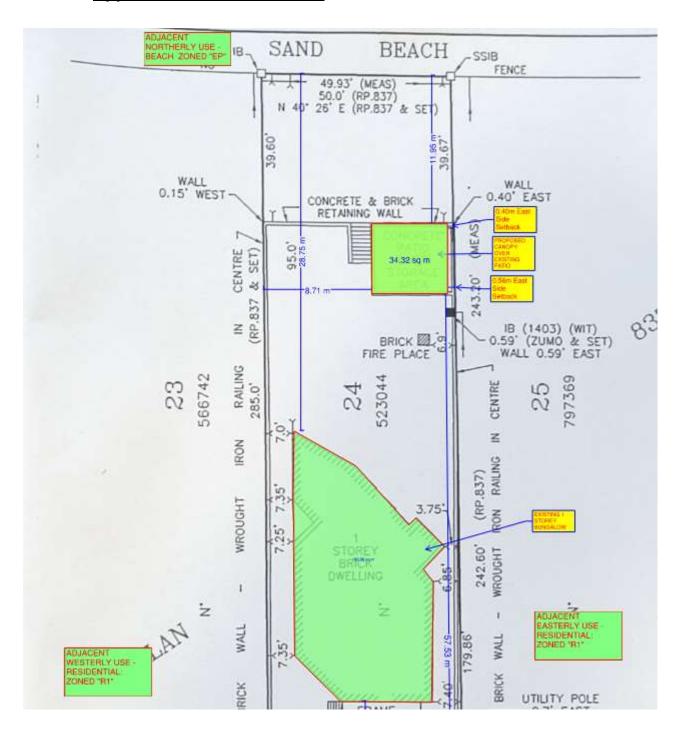
#### Appeals:

If an applicant, a specified person or public body that files an appeal of a decision of Town of Wasaga Beach Committee of Adjustment in respect of the proposed Consent does not make written submission to Town of Wasaga Beach Committee of Adjustment before it gives or refuses to give provisional consent, the Ontario Land Tribunal may dismiss the appeal.

Note: Alternative formats available upon request.

Page 33 of 46

#### **Applicant's Site Plan Sketch**



Note: Alternative formats available upon request.

Page 34 of 46



## Incidental Minor Variance Report The Corporation of the Town of Wasaga Beach

Date of Meeting: 10/16/24

**DATE**: 10/9/24

**TO**: Committee of Adjustment

FROM: Cameron Watt, Planner I

APPLICATION INFORMATION:	
Minor Variance Application No.:	A03924
Owners/Applicants:	The Planning Agency Inc. c/o Christian Chan, on behalf of Rocco and Loredana Scocco, owners of the subject land
Legal Description:	PLAN 837 LOT 24
Municipal Address:	346 Shore Lane

#### PROPOSAL:

The applicant requests relief from Section 3.1 "Accessory Uses, Buildings and Structures", of Zoning By-law 2003-60 as amended, specifically:

Section 3.1.5.5 – To permit a 34.22 square metre (368.34 square feet) detached accessory structure (covered patio) to a residential use with a total height of 2.69 metres (8.82 ft.) located in a rear yard with a proposed interior side yard setback of 0.4 metres (1.31 ft.) on the north-east side and 0.56 metres (1.83 ft.) on the south-east side of the structure, whereas a detached accessory structure to a residential use equal to or less than 3.7 metres (12.13 ft.) in height may be located in an interior side or rear yard but shall be no closer than 0.9 metres (2.95 ft.) to the lot line.

MATTERS OF PROVINCIAL INTEREST:		
Has had proper regard		
Has not had proper regard		
PROVINCIAL POLICY STATEMENT:		
FROVINGIAL FOLIOT STATEMENT:		
Is consistent with Provincial Policy Statement		
Is not consistent with Provincial Policy Statement		
COUNTY OF SIMCOE OFFICIAL PLAN DESIGNATION: Settlement		
	YES	NO
CONFORMITY:	<b>/</b>	
TOWN OF WASAGA BEACH OFFICIAL PLAN DESIGNATION: Residential		
	YES	NO
CONFORMITY:	<b>V</b>	
ZONING BY-LAW CLASSIFICATION(S):		
Residential Type One (R1) and Environmental Protection (EP)	YES	NO
CONFORMITY:		
	, <u>v</u>	
PLANNING ACT SECTION 45 - FOUR (4) TESTS:		
(4)	YES	NO
Meets general intent and purpose of the Official Plans?	V	
Meets general intent and purpose of the Zoning Bylaw?	1 17	H
3. Is appropriate and desirable?		П
4. Is minor in nature?		Ħ

#### **INTERNAL DEPARTMENT COMMENTS:**

Town Planning Department Staff:

The requested zoning relief is incidental in nature, and represents a minimal impact. The proposed zoning relief meets the intent of the applicable Section 3.1.5.5 provision/requirement. This includes the ability to accommodate adequate space for property maintenance and access to the rear yard, and the ability to maintain a sufficient separation distance from the neighboring property relative to the applicable setback requirement.

Notably, it appears that the detached accessory structure (covered patio) is unenclosed and is to be used as an outdoor amenity structure only. The proposed structure is not intended for human habitation use.

Town Public Works/Engineering Department Staff:

**EXTERNAL AGENCY COMMENTS:** 

The Town's Public Works/Engineering department does not oppose the requested relief. Please see 'Appendix 3' for a copy of the formal comments.

#### RECOMMENDATIONS:

In consideration of the above, the Planning Department supports application A039/24 for the lands known municipally as 346 Shore Lane, and legally described as PLAN 837 LOT 24

Should the Committee choose to approve application A03924, Planning Staff recommend this approval also be subject to the noted conditions.

DEFER:			
APPROVE:			
APPROVE WITH CONDITIONS:			
DENY:			
CONDITIONS:			
1.THAT the development will be substantially cons with the application, at the time of the building pern	istent with the site plan and drawings provided nit review.		
Authored by:			
1			
Cam Watt	10/9/24		
Cameron Watt, Planner I	Date		

SURVEYOR'S REAL PROPERTY REPORT PART 1) PLAN OF SURVEY OF REGISTERED PLAN 837 TOWN OF WASAGA BEACH FORMERLY TOWNSHIP OF SUNNIDALE COUNTY OF SIMCOE SCALE 1 INCH = 25 FEET

RODNEY G. REYNOLDS ONTARIO LAND SURVEYOR 2000.

SSIB - DENOTES SHORT STANDARD IRON BAR IB - DENOTES IRON BAR IP - DENOTES IRON PIPE

1403) - IDENTIFIES W.D. SMITH, O.L.S. - IDENTIFIES ZUBEK, EMO & PATTEN LTD. (WIT) - DENOTES WITNESS BAR (OU) - DENOTES ORIGIN UNKNOWN -AC- DENOTES AERIAL CABLE

## BEARING NOTE

BEARINGS ARE ASTRONOMIC, DERIVED FROM THE N 40° 26' E OF THE NORTHERLY LIMIT OF SHORE LANE IN ACCORDANCE WITH REGISTERED PLAN 674

## DISTANCE NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

# SURVEYOR'S CERTIFICATE

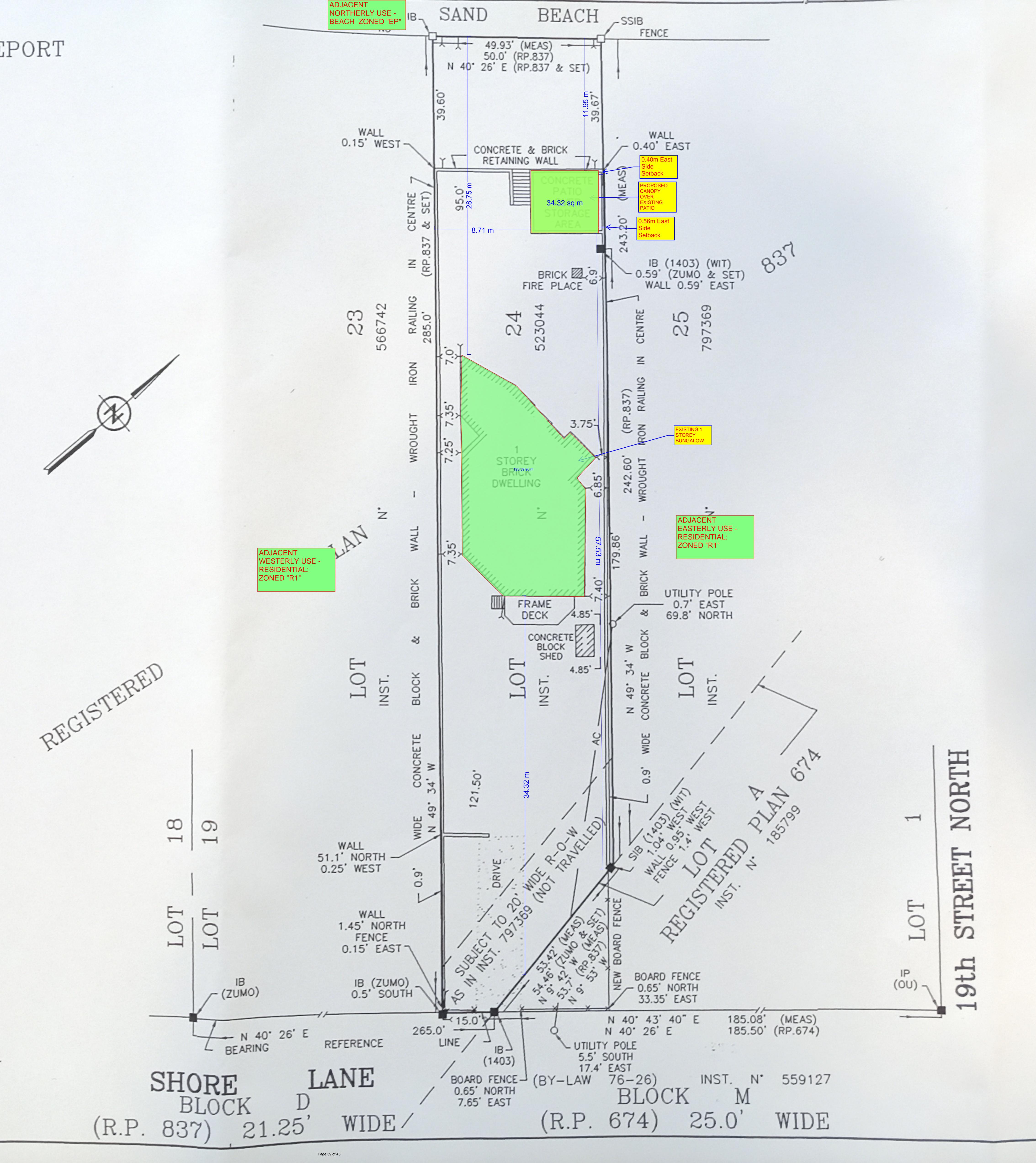
CERTIFY THAT :

THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYOR'S ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE UNDER THEM. 2. THIS SURVEY WAS COMPLETED ON THE 27th DAY OF NOVEMBER, 2000.

NOVEMBER 29, 2000

MIDLAND, ONTARIO

RODNEY G. REYNOLDS ONTARIO LAND SURVEYOR



TO

MU

COM

ASSOC

THE PLANNING AGENCY INC. 138 – 157 Adelaide St. West M5H 4E7 Toronto ON



September 5, 2024

To:

Andrea Taylor Planning Administrator Town of Wasaga Beach 30 Lewis Street, Wasaga Beach Ontario, Canada L9Z 1A1

### Re: Minor Variance Application for Patio Covering Structure, 346 Shore Lane, Wasaga Beach ON

Hello Andrea

I am the land use planning consultant for the owners of 346 Shore Lane, Lori and Rocco Scocco. My clients are seeking relief from one side yard setback variance of 0.40m, where 0.90m is required, to authorize the already-constructed patio covering on top of an existing concrete patio in the rear yard of the property.

The patio covering structure covers a patio of approximately 34m2, with a height of 2.69m. The Patio Covering was constructed by Mr. and Mrs. Scocco's contractor in order to provide a patio cover that replaced the previously non-secured and temporary patio covers that had been blown away by the wind along Wasaga Beach. Their intent was to construct a more robust structure that could withstand the effects of strong wind, in order to increase safety of the covering of the patio while enjoying its use in the warmer months. Mr. and Mrs. Scocco did not realize at the time of construction, that securing the patio cover to the existing concrete patio would require a building permit, and that also relief from the zoning by-law's provision would need to be sought.

As such, on behalf of Mr. and Mrs. Scocco, I submit this minor variance application to rectify non-compliance with the zoning by-law for the newly constructed patio cover, and to facilitate Mr. and Mrs. Scocco's future application for a building permit.

In my opinion, the requested variance for a reduction in the side yard setbacks for the patio covering from the required 0.90m setback, to 0.40m, meets the Planning Act's "four tests", in that the proposal meets the intent of the City's Official Plan and zoning by-law, is minor in nature and is desirable.

A further planning rationale will be provided in advance of the hearing date and will be filed with the Application Technician assigned to the file.

Please find included with this covering letter:

- 1. Application Form with Authorization Signature;
- 2. Survey

- 3. Site Plan
- 4. Covered Patio Construction Details
- 5. Covered Patio Photos
- 6. Zoning Map
- 7. Zoning By-law Excerpts

A further planning rationale in advance of the COA hearing will be provided upon further discussions with the Town's divisions as the application process progresses.

I await communication from The Committee of Adjustment to advise me of the method in which to pay the fees payable.

Thank you and Regards,

Christian Chan, MCIP, RPP Planner, The Planning Agency Inc. 416-858-2254

christian@theplanningagency.com

#### **MEMORANDUM**



TO: Cristy Wilson, Planning Application Navigator

CC: Mike Pincivero, Manager of Engineering Services

**Andrea Taylor, Planning Administrator** 

FROM: Amy Mejia, Engineering Technologist

SUBJECT: Committee of Adjustment - A03924

346 Shore Lane, PLAN 837 LOT 24

DATE: October 7, 2024

As requested, Public Works has reviewed the above noted variance application.

#### SUMMARY OF REQUEST:

The applicant requests relief from Section 3.1 "Accessory Uses, Buildings and Structures", of Zoning By-law 2003-60 as amended, specifically:

Section 3.1.5.5 – To permit a 34.22 square metre (368.34 square feet) detached accessory structure (covered patio) to a residential use with a total height of 2.69 metres (8.82 ft.) located in a rear yard with a proposed interior side yard setback of 0.4 metres (1.31 ft.) on the north-east side and 0.56 metres (1.83 ft.) on the south-east side of the structure, whereas a detached accessory structure to a residential use equal to or less than 3.7 metres (12.13 ft.) in height may be located in an interior side or rear yard but shall be no closer than 0.9 metres (2.95 ft.) to the lot line.

#### **PUBLIC WORKS / ENGINEERING COMMENTS**

- 1) It should be noted that the property is within the boundaries of the jurisdiction of the Nottawasaga Valley Conservation Authority (NVCA).
- 2) The subject lot must manage all storm water within the property and not impact adjacent lands, including runoff from the roof overhang.
- 3) A Lot Grading and Drainage plan is recommended and may be required at the discretion of the Chief Building Official (CBO), in accordance with the Town's Infill Lot Grading and Drainage Policy.
- 4) A Road Occupation Permit (ROP) will be required for any works within the Town's Right-of-Way (ROW).
- 5) Public Works / Engineering staff are not opposed to the requested variances.

#### **PUBLIC WORKS / ENGINEERING CONDITIONS**

Public Works / Engineering do not have any conditions.

Regards,

Amy Mejia,

Amy Mejia,

**Engineering Technologist** 

October 8<sup>th</sup>, 2024 SENT BY EMAIL

Town of Wasaga Beach 30 Lewis Street, Wasaga Beach, ON L9Z 1A1

Attn: Cristy Wilson

Secretary Treasurer

c.wilson@wasagabeach.com

**RE: Application for Minor Variance** 

Town File No. A03924 346 Shore Lane

NVCA ID #58426

Dear Ms. Wilson,

Nottawasaga Valley Conservation Authority [NVCA] staff are in receipt of a formal application for a minor variance. The application proposes a 34.22 square metre (368.34 square feet) detached accessory structure (covered patio) to a residential use with a total height of 2.69 metres (8.82 ft.) located in a rear yard with a proposed interior side yard setback of 0.4 metres (1.31 ft.) on the north-east side and 0.56 metres (1.83 ft.) on the south-east side of the structure, whereas a detached accessory structure to a residential use equal to or less than 3.7 metres (12.13 ft.) in height may be located in an interior side or rear yard but shall be no closer than 0.9 metres (2.95 ft.) to the lot line. The proposed development is on the lands located at 346 Shore Lane, Town of Wasaga Beach.

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies. Finally, NVCA has provided comments as per our Municipal Partnership and Service Agreement with the Town of Wasaga Beach and with advisory comments related to policy applicability.

#### **Ontario Regulation 41/24**

- 1. The NVCA mapping for the property illustrates a shoreline hazard on the property. Due to the presence of these hazards, the subject property is regulated pursuant to Ontario Regulation 41/24 the Prohibited Activities, Exemptions and Permits Regulation.
- 2. Permits would be required from the NVCA prior to any construction or grading associated with development within the hazard on the property. The proposal is not a candidate for permitting.

3. Should the applicant intend to make further changes to the property, staff recommend that the applicant(s) pre-consult with our Permits and Regulations Department to determine permit requirements.

#### **Provincial Policy Statement PPS (2020)**

- The PPS defines **development** to be the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.
- 5. The subject application does constitute as 'development' as it relates to determining consistency with PPS policy.

#### Natural Hazards - Regulatory

- 6. The proposed structure is to be located entirely within the shoreline hazard. As it is a covered structure there is a risk that it can be enclosed and used as habitable space in the future, which is not supported under policy.
- 7. Additionally, the placement of the structure would not be located in the area of least risk.
- 8. Some alternatives may include that the structure be reduced in size (under 15 sqm) to fall under the exceptions of O.Reg 41/24 or utilize a temporary structure.

#### **Conclusion**

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the minor variance application based upon our mandate and policies under the *Conservation Authorities Act*. Given the comments above, the NVCA cannot support the approval of the application as presented. Please feel free to contact the undersigned at extension 233 or tboswell@nvca.on.ca should you require any further information or clarification on any matters contained herein.

Sincerely,

Tyler Boswell

Tyler Boswell

Planner

