



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

Date of Meeting: November 20, 2024

DATE: November 13, 2024
TO: Committee of Adjustment
FROM: Samantha Hannah, Planner I

APPLICATION INFORMATION:	
Minor Variance Application No.:	A04024
Owners/Applicants:	Alcides Santos
Legal Description:	PLAN 705 E PT LOT 77
Municipal Address:	72 31 st Street North

PROPOSAL:
<p>The applicant requests relief from Section 3.23 “Non-Complying Lots, Buildings or Structures”, of Zoning By-law 2003-60 as amended, specifically:</p> <ul style="list-style-type: none"> Section 3.23.3 ii) – to recognize the location of the existing 18.39 square metre (197.95 sq. ft.) shed along the south-west property boundary abutting Fleming Avenue, with an exterior side yard setback of 0.9 metres (2.95 ft.) whereas an exterior side yard setback of 4.5 metres (14.76 feet) is required, and to permit an expansion of 8.5 square metres (91.49 sq. ft.) on the north-western portion of the existing shed. <p>The variance requested would recognize the location of the existing shed with a reduced exterior side yard setback along Fleming Avenue, and would facilitate the construction of a proposed 8.5 square metre (91.49 square foot) addition to the north-west side of the shed.</p>

MATTERS OF PROVINCIAL INTEREST:
Has had proper regard <input checked="" type="checkbox"/>
Has not had proper regard <input type="checkbox"/>

PROVINCIAL PLANNING STATEMENT:	
Is consistent with Provincial Planning Statement	<input checked="" type="checkbox"/>
Is not consistent with Provincial Planning Statement	<input type="checkbox"/>

COUNTY OF SIMCOE OFFICIAL PLAN DESIGNATION: Settlement		
CONFORMITY:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

TOWN OF WASAGA BEACH OFFICIAL PLAN DESIGNATION: Residential		
CONFORMITY:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

ZONING BY-LAW CLASSIFICATION(S): Residential Type 1 (R1) Zone		
CONFORMITY:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

PLANNING ACT SECTION 45 - FOUR (4) TESTS:		
1. Meets general intent and purpose of the Official Plan?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
2. Meets general intent and purpose of the Zoning By-law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is appropriate and desirable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Is minor in nature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

INTERNAL DEPARTMENT COMMENTS:	
Town of Wasaga Beach Planning Department	The proposed shed addition will not worsen the existing deficient exterior side yard setback of 0.9 metres (2.95 feet). Through measurements obtained utilizing County of Simcoe aerial imagery, it appears that there is a buffer of approximately 4.5 metres (14.76 feet) that separates the subject lands from the Fleming Avenue roadway. Additionally, based on County of Simcoe aerial imagery it appears that there are a number of buildings with reduced setbacks along Fleming Avenue; in this regard, it is not anticipated that the shed addition will have a negative impact on the surrounding streetscape.

	<p>Upon attending the site for an inspection, the Building Department identified an extension being constructed on an existing shed, as well as an enclosed structure with plumbing on the deck that would also require a building permit. The Building Department issued an Order to Comply on September 17th for the owner to obtain a permit for construction or return structures to their original state to no less than 15 square metres and remove plumbing.</p> <p>As a result of the above, the applicants have applied for a minor variance application to address the extension to the existing shed. Further, within the application form submitted the applicant has identified that the structure located on the deck being a gazebo is to be removed.</p>
Town of Wasaga Beach Public Works Department	<p>1) The subject lot must manage all storm water within the property and not impact adjacent lands.</p> <p>2) A Lot Grading and Drainage plan may be required at the discretion of the Chief Building Official (CBO), in accordance with the Town's Infill Lot Grading and Drainage Policy.</p> <p>3) A Road Occupation Permit (ROP) will be required for any works within the Town's Right-of-Way (ROW).</p> <p>4) Public Works / Engineering staff are not opposed to the requested variances.</p>

EXTERNAL AGENCY COMMENTS:	
Nottawasaga Valley Conservation Authority (NVCA)	NVCA staff has reviewed the minor variance application A04024 (72 31st Street N) and based upon our mandate and policies under the Conservation Authorities Act, we have no objection to the approval of this application.

RECOMMENDATION:	
DEFER	<input type="checkbox"/>
APPROVE	<input type="checkbox"/>
APPROVE WITH CONDITIONS	<input checked="" type="checkbox"/>

DENY



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.

Authored by:

*Samantha
Hannah.*

Samantha Hannah, Planner I

November 13, 2024

Date

Appendix 1: Site Plan and Elevation Drawings

Appendix 2: Public Works Comments