REPORT TO: COMMITTEE OF ADJUSTMENT

FROM: Chris Russell

DATE: March 4, 2015

SUBJECT: Application A03/15
D. Solly
1462 Flos Road 8 East

REPORT HIGHLIGHTS

- The applicant is proposing to construct a single-storey detached accessory structure to store a number of personal recreation vehicles including a boat, ATV, snowmobiles, lawn tractors and hobby maple syrup production equipment, which exceeds the maximum size and height permitted under By-law 5000.
- Staff are of the opinion that the application meets all four tests as prescribed under Section 45 of the Planning Act R.S.O. 1990 in considering a minor variance approval.
- Staff are recommending approval of application A03/15.

RECOMMENDATION

THAT the report from the Planner regarding Minor Variance Application A03/15 be received; and

THAT the Committee of Adjustment approve application A03/15.

BACKGROUND

The property subject to this report is located at 1462 Flos Road 8 East and consists of approximately 20.69 hectares (51.12 acres) of lot area and 265 metres (869.42 feet) of lot frontage. The property currently contains a house and garden shed (18.5 square metres (200 sq. ft.).

PROPOSAL

The applicant is seeking a minor variance to construct a single storey detached structure for personal storage totaling 222.9 square metres (2,400 square feet) with a proposed height of 4.7 metres (15.5 feet). The maximum size currently permitted under Comprehensive Zoning By-law 5000 is 115.0 square metres (1,238 square feet) and maximum height permitted is 4.5 metres (14.76 feet).

The applicant has stated that the detached garage is required in order to store a number of personal recreation vehicles including a boat, ATV, snowmobiles, lawn tractors and
hobby maple syrup production equipment. As such the following variances to By-law 5000 are requested:

<table>
<thead>
<tr>
<th>By-law Section</th>
<th>Currently Permitted</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Size - 33.3.14 h)</td>
<td>115.0 m² (1,238 ft²)</td>
<td>241.55 m² (2,600 ft²)</td>
</tr>
<tr>
<td>Height - 3.7.5 b)</td>
<td>4.5 meters (14.76 feet)</td>
<td>4.7 metres (15.5 feet)</td>
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</tbody>
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**ANALYSIS**

**Township of Springwater Official Plan**

The property is currently designated ‘Rural’ and is considered to be within the ‘Natural Heritage – Category 2’ overlay within the Township of Springwater Official Plan.

The ‘Rural’ designation permits residential uses and accessory structures to store items that are incidental to the uses. The proposed building conforms to the designation as it would provide for covered storage of items like recreational vehicles which are incidental to the residence.

The Natural Heritage - Category 2 designation signifies the presence of the Fergusonvale Area of Natural and Scientific Interest (ANSI). The purpose of this designation is to reduce the impact of development within the area through consultation with the Nottawasaga Valley Conservation Authority and potentially an Environmental Impact Study to determine the significance of the area and measures needed to reduce impacts. The lands are also partially regulated by the Nottawasaga Valley Conservation Authority (NVCA).

The detached garage is proposed to be located on lands that have been cleared and through discussions with the Nottawasaga Valley Conservation Authority (NVCA) it has been determined that an Environmental Impact Study is not required provided that the building is constructed in the proposed location on the property. The proposed variance is consistent with the ‘Natural Heritage’ designation as the proposed garage is to be constructed in an area already disturbed by a vehicular driveway.
Based on the above, it is staff’s opinion that the proposed variance maintains the intent of the Official Plan.

**Comprehensive Zoning By-Law 5000**

The property is currently zoned Agricultural (A) and Agricultural Exception (A-39), which permits a maximum total of 115 square metres (1,238 square feet) devoted to accessory buildings for all detached accessory buildings/structures on a residential property. In addition, the maximum height permitted for detached accessory buildings is the height of the existing dwelling to a maximum of 4.5 metres (14.7 feet).

The proposed detached accessory structure is sized at 222.9 square metres (2,400 square feet) and would be located to the rear of the existing residence and partially hidden by extensive forest cover. The proposed garage will cover less than 1% of the property and will be located in an area where the grade is lower than the house, which also provides visual screening from the street.

The By-law’s intent of restricting the size (total square footage/height) of accessory structures is to ensure that the use and character of the accessory structure is secondary to the house in size and does not detract from the character of the community. The proposed size of the garage is similar to other detached garages in the area and would be subordinate in size to the house meeting the general intent of the By-law.

**Appropriateness**

The property is largely forested and the proposed accessory structure will be set back approximately 113 metres (370 feet) from Flos Road 8 East and meets all setback requirements. As such, sightlines to the structure will be heavily obstructed from the street and the impact to neighbouring properties is seen as relatively minor and is not anticipated to result in negative impacts to neighbours. The location of proposed accessory building will also be set back from the proposed single detached dwelling within the rear yard and would be accessed by a common driveway with the main residence. Further, a desk top review of neighbouring properties show accessory garages of a similar size within the immediate vicinity. For the reasons outlined above, staff consider the proposed variance to be appropriate for the area.

**Minor in Nature**

The proposed application is considered “minor” for the following reasons:

- Due to the large size of the property, the addition of the proposed accessory structure will continue to be well below 1% of the maximum permitted coverage.
- With the effect of the grade change the accessory structure will appear lower from the street view.
- The existing residence will continue to maintain the dominant perspective from the street and will remain heavily shielded by dense forest cover.
CONCLUSION

Staff recommends approval of minor variance application A03/15 subject to the following condition as noted below as the proposal meets the following four tests required under the Planning Act R.S.O. 1990 as amended;

- The application conforms to the Official Plan;
- The general intent of the Zoning By-law is maintained;
- The application is deemed appropriate; and,
- The variances are considered minor in nature.

APPLICABLE MUNICIPAL POLICY OR LEGISLATION

Planning Act, R.S.O. 1990
Township of Springwater Official Plan
Township of Springwater Zoning By-law 5000

APPROVALS

Submitted by: Chris Russell MCIP, RPP, Planner
Reviewed by: Brent Spagnol MCIP, RPP, Manager of Planning
Approved by: Robert Brindley, Chief Administrative Officer

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