

Community Planning

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Web site: www.oxfordcounty.ca

Our File: **A01-24**

APPLICATION FOR MINOR VARIANCE
SUPPLEMENTARY REPORT

TO: Township of East Zorra-Tavistock Committee of Adjustment

MEETING: June 19, 2024

REPORT NUMBER: CP 2024-187

OWNER: Greg and Dawn Zehr
657173 15th Line, Tavistock, ON N0B 2R0

AGENT: Daryl Bender
656951 15th Line, Tavistock, ON N0B 2R0

VARIANCES REQUESTED:

1. Relief from **Section 10.5.2.2.1**, to increase the maximum gross floor area for residential accessory buildings from 293 m² (3,154 ft²) to 461 m² (4,960 ft²); and,
2. Relief from **Section 10.5.2.2.1**, to increase the maximum height for a residential accessory building from 5.8 m (19 ft) to 7.6 m (25 ft).

LOCATION:

The subject lands are described as Part Lot 36, Concession 14 in the former Township of East Zorra, now in the Township of East Zorra-Tavistock. The lands are located on the west side of 15th Line, lying between Perth-Oxford Road and Maplewood Sideroad. The lands are municipally known as 657173 15th Line.

BACKGROUND INFORMATION:

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "E-1" Township of East Zorra-Tavistock Land Use Plan 'Agricultural Reserve'

TOWNSHIP ZONING BY-LAW 2003-18:

'Special Residential Existing Lot (RE-2)'

COMMENTS:(a) Purpose of the Application:

For the Committee's information, this application was originally considered at the April 17, 2024 Committee of Adjustment meeting. At the meeting, Committee members raised concerns with the size of the variance and elected to defer the application in order to allow the applicants time to consider whether they wished to amend the proposal. The applicants have considered their options and have decided to move forward with the original proposal for the Committee's consideration.

The subject lands are approximately 0.5 (1.4 ac) in size and are currently zoned 'Special Residential Existing Lot Zone (RE-2).' The subject lands currently contain a single detached dwelling, which is approximately 139.3 m² (1,500 ft²) in terms of gross floor area, and an existing detached garage that is approximately 92.9 m² (1,000 ft²) in size.

The subject Variance Application has been submitted to facilitate the construction of an accessory building, approximately 367.8 m² (3,960 ft²) in size, which includes a 33.4 m² (360 ft²) mezzanine. The building would be approximately 7.6 m (25 ft) in height and would be utilized as a detached garage that will be accessory to an existing single detached dwelling on the subject lands. The applicants have advised that the requested size and height are to accommodate a travel trailer and for personal storage purposes.

The applicants have indicated that it is their desire to maintain the existing detached garage for the time being. The structure would be removed one year after the completion of the proposed detached garage. As the existing detached garage will remain for now, the cumulative gross floor area for both structures (existing and proposed) will need to be recognized as being permitted. As such, the request to increase the maximum gross floor area for accessory buildings would be required to be approximately 461 m² (4,960 ft²).

The applicants have also provided the following justification for their request:

"I would like to provide additional details and clarification regarding some of the concerns raised in the meeting. I am happy to negotiate on the removal of the existing shed and the associated timeline, however it would be impractical to have it completely removed prior to commencement of construction on the new shed.

The current shed houses the pressure tank, water treatment, and softening system for the house along with the associated power and controls. This will be transferred to the new shed upon completion but requires a temperature controlled environment to operate without failure. To avoid damage and potential contamination of the potable water it will have to be moved from one operational structure to another, hence the main reason behind the request for a grace period between construction/occupancy and the demolition. I completely understand making the demolition a condition of the permit closure and final inspection, provided it does not hinder occupancy (to allow for the system transfer etc.). I would offer to partially demolish the existing structure prior to issuance of the new building permit but unfortunately the structural design of the existing shed is not conducive to a partial demolition. I would be willing in good faith to remove outside wall cladding and the adjoining lean-to as they will not affect the structural integrity of the shed.

As I mentioned at the meeting, I would also like to reiterate the fact that it is in my best interest to remove the existing shed upon completion of the new one for functionality and access purposes as the existing shed would significantly encumber the use of the new one.

Lastly, based on a quick GIS aerial imagery exercise I calculated a total lot coverage of approximately 11% in the interim condition with both sheds including the house which is actually less than a few of the neighbours who currently exceed 12% coverage."

Plate 1, Location Map and Existing Zoning, shows the location of the subject lands and the existing zoning in the immediate vicinity.

Plate 2, Aerial Photography (2020), provides an aerial view of the subject lands and surrounding area.

Plate 3, Applicants' Sketch – Site Plan, shows the configuration and dimensions of the existing buildings on the subject lands and the proposed accessory building.

Plate 4, Applicants' Sketch - Elevations, shows the elevation drawings of the proposed accessory building.

(b) Agency Comments

The Township Chief Building Official has indicated no objection but did note that areas accessed by permanent/fixed stairs are to be included in the gross floor area calculations.

The Township Fire Chief, and the Township Public Works Manager have indicated that they had no objections or concerns with the subject application.

(c) Public Consultation:

Public Notice was mailed to surrounding landowners in accordance with the Planning Act. At the time of writing this report, no comments or concerns had been received from the public.

(d) Intent and Purpose of the Official Plan:

The subject lands are designated Agricultural Reserve in the County Official Plan. In the Agricultural Reserve designation, lands are to be developed for a wide variety of agricultural land uses, including general farming, animal or poultry operations, regulated livestock farms, cash crop farms and specialty crop farms together with farm buildings and structures necessary to the farming operation as well as accessory residential uses required for the farm.

Generally, staff are of the opinion that the construction of a building accessory to a residential use is in keeping with the Agricultural Reserve designation policies of the Official Plan, however, Planning staff are of the opinion that the size and scale of the proposed detached accessory structure is larger than what might typically be considered appropriate for the principal residential use of the lands. As such, it is the opinion of the Community Planning Office that the proposal does not maintain the intent of the Official Plan in terms of residential accessory buildings within the Agricultural Reserve designation.

(e) Intent and Purpose of the Zoning By-law:

For the Committee's information the subject lands were subject to a Zone Change Application in 2012 (ZN2-12-03) to permit an increase to the permitted height and size of accessory buildings. In 2012, the RE zone restricted accessory buildings to a maximum size of 100 m² (1,076 ft²) and a maximum height of 4 m (13.1 ft). ZN2-12-03 was approved to permit a maximum height of 5.8

m (19 ft) and a maximum size of 293 m² (3,154 ft²). According to the applicants, the structure that was proposed in 2012 was not built due to family and financial reasons. The applicants are now currently looking to further increase the maximum height and size of accessory buildings permitted under the 2012 approval.

Maximum height and size provisions in the Zoning By-law are intended to ensure that accessory uses and structures remain clearly secondary to the main residential use of the property and have minimal impact on neighbouring properties. Further, these provisions assist in ensuring that sufficient space is maintained on the property to accommodate for off-street parking, grading and drainage, private services and to allow for the provision of private amenity space.

While it is recognized that sufficient area exists on the subject lands to accommodate for drainage, private services, and amenity space, it is also the intent of the Zoning By-law to limit the size of these accessory structures to ensure they are reasonable for the residential needs of the lands and have minimal impact on adjacent land uses.

The coverage and height standards contained in the Township's Zoning By-law have been adopted by Township Council and are considered to be both reasonable and acceptable for buildings and structures accessory to a residential use. In this case, the gross floor area for the proposed accessory building appears to represent more than 2.5 times the size of the existing single detached dwelling. When accounting for the existing accessory building's size, the total gross floor area for accessory buildings would represent more than 3 times the size of the single detached dwelling. In the opinion of staff, the size of the proposed accessory building would mean that the building would not be considered secondary to the residential use.

Planning staff are of the opinion that an increase of this size and height goes beyond the provisions of the Zoning By-law such that it is not considered to be appropriate for the residential use needs of the lands and as such the proposal is not in-keeping with the intent of the Zoning By-law.

(f) Desirable Development/Use:

In determining whether a variance is desirable, the Official Plan provides that the following factors be considered:

- Whether there are constraints and/or restrictions due to physical or inherent conditions of the site;
- Whether alternative designs of the proposals are clearly not feasible or appropriate;
- Whether approval would create an undesirable precedent;
- Concerns of adjacent owners and residents, and community in general; and,
- Whether compliance with the By-law would be unreasonable or impossible and impose undue hardship on the applicant.

Planning staff are of the opinion that the proposed increase to the accessory building lot coverage and height provisions are not desirable development for the subject lands.

While it is noted that the subject lands are sufficiently large enough to accommodate the proposed structure size without resulting in typical lot coverage issues, the concern with an increase to lot coverage of this magnitude is the use of such structures for purposes that are not compatible or in-keeping with the rural residential development intended for the area. An accessory structure of this scale could potentially be used for a commercial business in the future, which is not permitted in the 'RE' zone and could have a negative impact on neighbouring properties. Additionally, the requested height increase and lot coverage increase would facilitate an accessory structure that will no longer appear secondary to the single detached dwelling on the subject lands.

Further, approval of the requested variances may result in the establishment of an undesirable precedent for similar proposals in the future. Given that the proposal represents an increase of 168 m² (1,806 ft²) to the permitted lot coverage allowance and an increase of 1.8 m (5.9 ft) to the permitted height allowance, Planning staff are of the opinion that the proposal does not represent minor deviations from the provisions of the Zoning By-law.

As such, Planning staff are of the opinion that the proposal to obtain relief from the maximum lot coverage and height provisions for a residential accessory structure is not considered to be minor or desirable for the development of the subject lands and should not be given favourable consideration.

RECOMMENDATION:

That the Township of East Zorra-Tavistock Committee of Adjustment **not approve** Application File A01-24, submitted by Daryl Bender on behalf of Greg and Dawn Zehr for lands described as Part Lot 36, Concession 14 (East Zorra) in the Township of East Zorra-Tavistock as it relates to:

1. Relief from **Section 10.5.2.2.1**, to increase the maximum gross floor area for residential accessory buildings from 293 m² (3,154 ft²) to 461 m² (4,960 ft²); and,
2. Relief from **Section 10.5.2.2.1**, to increase the maximum height for a residential accessory building from 5.8 m (19 ft) to 7.6 m (25 ft).

The proposed relief does not meet the four tests of a minor variance as set out in Section 45(1) of the Planning Act as the requested variances are not considered to be:

- i) in keeping with the general intent and purpose of the Official Plan;
- ii) minor variances from the provisions of the Township of East Zorra-Tavistock Zoning By-Law No. 2003-18;
- iii) desirable for the appropriate development or use of the land, building or structure; and,
- iv) in keeping with the general intent and purpose of the Township of East Zorra-Tavistock Zoning By-Law No. 2003-18.

Authored by: 'original signed by'

Dustin Robson, MCIP, RPP
Development Planner

Approved for submission by: 'original signed by'

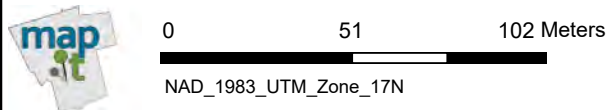
Eric Gilbert, MCIP, RPP
Manager of Development Planning



Legend

- Parcel Lines**
 - Property Boundary
 - Assessment Boundary
 - Unit
 - Road
 - Municipal Boundary
- Zoning Floodlines**
- Regulation Limit**
 - 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

April 1, 2024



Legend

- Parcel Lines**
 - Property Boundary
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- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



0 51 102 Meters

NAD_1983_UTM_Zone_17N



Subject Lands

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

June 12, 2024



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① SITE PLAN
1" = 50'-0"

*APPLY ZEHRL PROPOSED SHED
657173 15TH LINE, TAVISTOCK*

DATE:

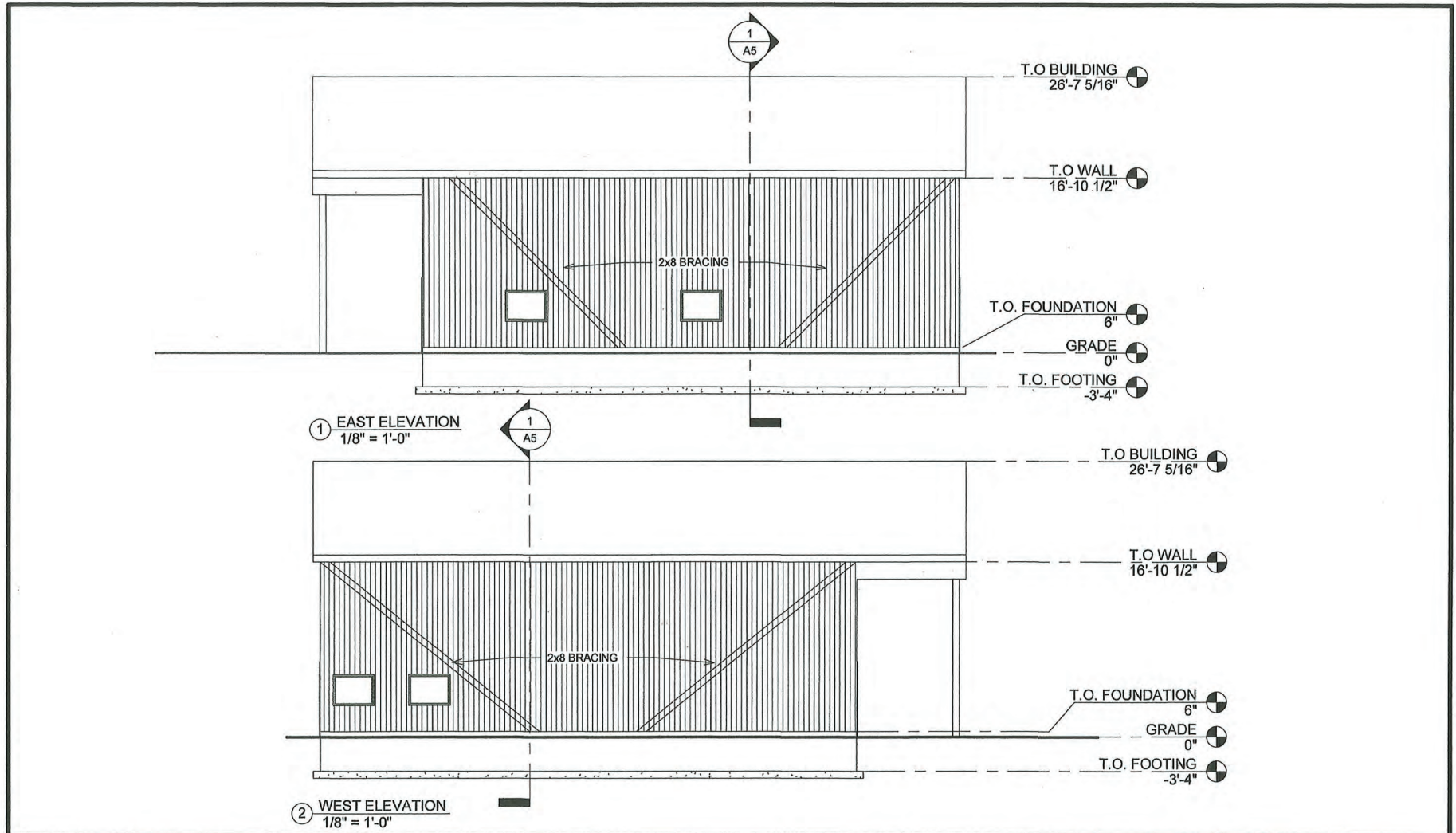
COVER SHEET

Project number	001	A1
Date	02/01/24	
Drawn by	B.B.	
Checked by	D.B.	
Scale (ARCH)		1" = 50'-0"

Plate 4: Applicants' Sketch - Elevations

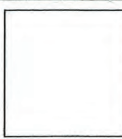
File No. A01-24 (Zehr)

Pt Lot 36, Concession 14 (East Zorra), Township of East Zorra-Tavistock - 657173 15th Line



BENDER CONTRACTING
PROJECT MANAGEMENT
DESIGN BUILD

GREG ZEHR SHOP
657173 15TH LINE NOB 2R0
TAVISTOCK, ON



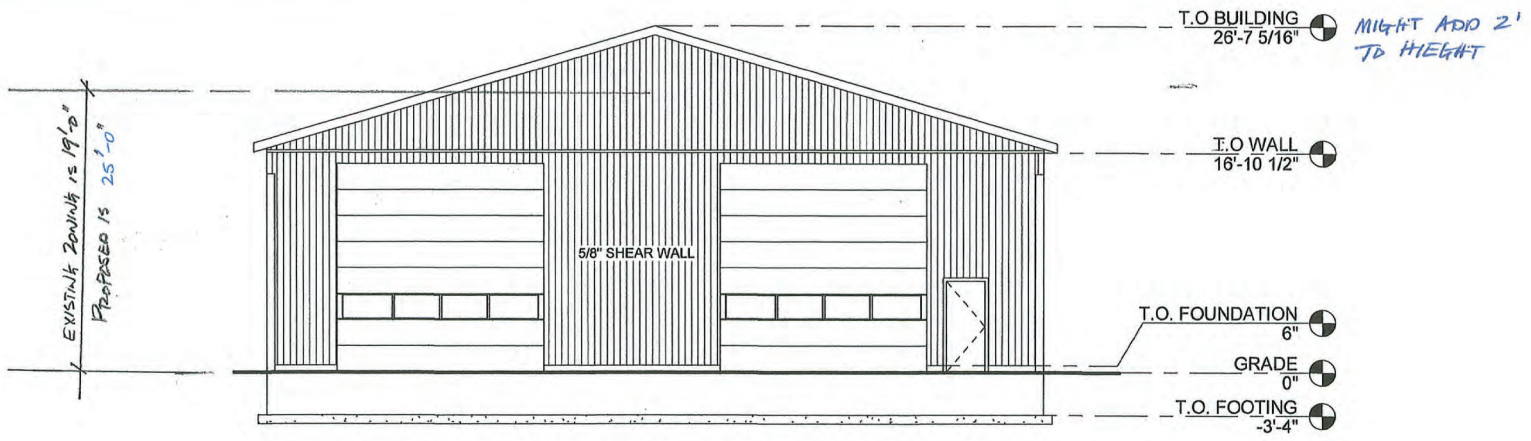
NO.	STATUS:	DATE:

ELEVATIONS	
Project number	001
Date	02/01/24
Drawn by	B.B.
Checked by	D.B.
A3	
Scale (ARCH) 1/8" = 1'-0"	

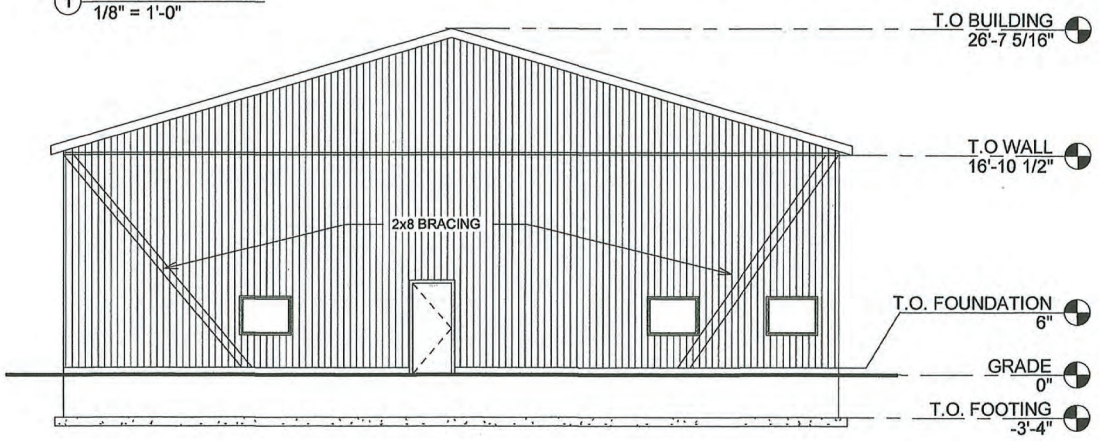
Plate 4: Applicant's Sketch - Elevations

File No. A01-24 (Zehr)

Pt Lot 36, Concession 14 (East Zorra), Township of East Zorra-Tavistock - 657173 15th Line



① SOUTH ELEVATION
1/8" = 1'-0"



② NORTH ELEVATION
1/8" = 1'-0"

*MIGHT ADD 2'
TO HEIGHT*

BENDER CONTRACTING PROJECT MANAGEMENT DESIGN BUILD	GREG ZEHR SHOP 657173 15TH LINE N0B 2R0 TAVISTOCK, ON	<table border="1"> <tr> <th>NO.</th> <th>STATUS:</th> <th>DATE:</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	STATUS:	DATE:										ELEVATIONS
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