

CORPORATION OF THE TOWNSHIP OF JOHNSON

Thursday, September 7, 2017

5:00 p.m.

**COMMITTEE OF ADJUSTMENT
AGENDA**

LOCATION:

JOHNSON TOWNSHIP PORTABLE (in front of municipal office)

1 Johnson Drive

DESBARATS, ON

-
1. Call to order.
 2. Declaration of conflict/pecuniary interest.
 3. Minor Variance Application # J1 – 2017 Algoma Power Inc.
 4. Adjournment

APPLICATION FOR MINOR VARIANCE

TAKE NOTICE THAT AN APPLICATION FOR A MINOR VARIANCE HAS BEEN MADE TO THE TOWNSHIP OF JOHNSON COMMITTEE OF ADJUSTMENT UNDER SECTION 45(2) OF THE PLANNING ACT

PURPOSE AND EFFECT: to reduce a required interior side yard from 3 m to 0.76 m to allow for the construction of a works garage and office by Algoma Power Inc. Public Meeting Date: September 7, 2017, 5:00 pm at the Township of Johnson Municipal Office, 1 Johnson Drive

For more information about this matter, contact:

Ruth Kelso

Secretary-Treasurer, Committee of Adjustment

Township of Johnson

1 Johnson Drive, Desbarats ON P0R 1E0

Phone: 705-782-6601 ext#201

Fax: 705-782-6780

Email: ruth.kelso@bellnet.ca

Township of Johnson

NOTICE OF AN APPLICATION FOR A MINOR VARIANCE

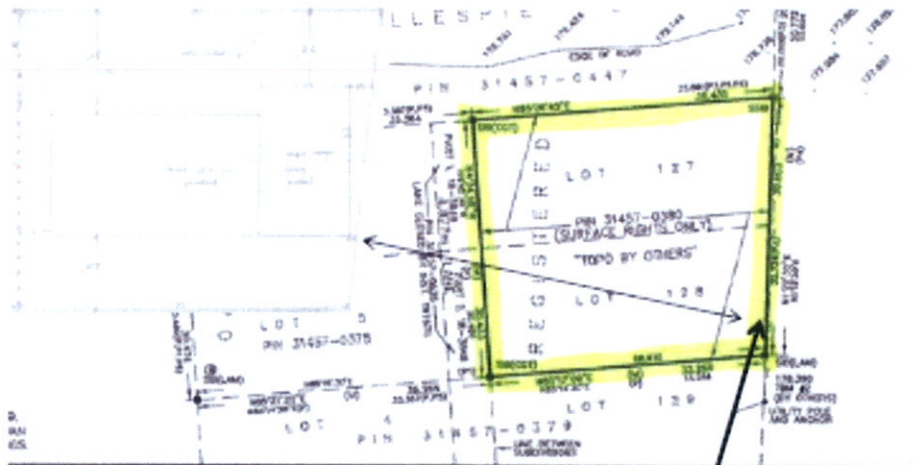
TAKE NOTICE THAT the Committee of Adjustment will be considering the following applications for a minor variance under Section 45 (2) of the Planning Act, R.S.O. 1990, c. P.13, as amended.

Subject Lands: Lots 127 and 128, M-Plan 911
Civic Address: 2 Gillespie Street, Desbarats, Ontario P0R 1E0
Public Meeting Date: September 7, 2017 at 5:00 pm, Ontario, P0J 1H0, Council Chambers, 1 Johnson Street, Desbarats Ontario P0R 1E0

PURPOSE AND EFFECT: The proposed minor variance is to reduce the required interior side yard in the Low Density Residential (R1) Zone from 3 m to 0.76 m. The effect will be to allow the construction of a works garage and office by Algoma Power Inc.

For further information or to view documents filed with the application contact the Township of Johnson office during regular business hours.

Ruth Kelso
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• community planning • building administration • adult education and training • municipal restructuring

August 14, 2017

P-2817

Planning Report – Algoma Power Minor Variance A-01-2017 Township of Johnson

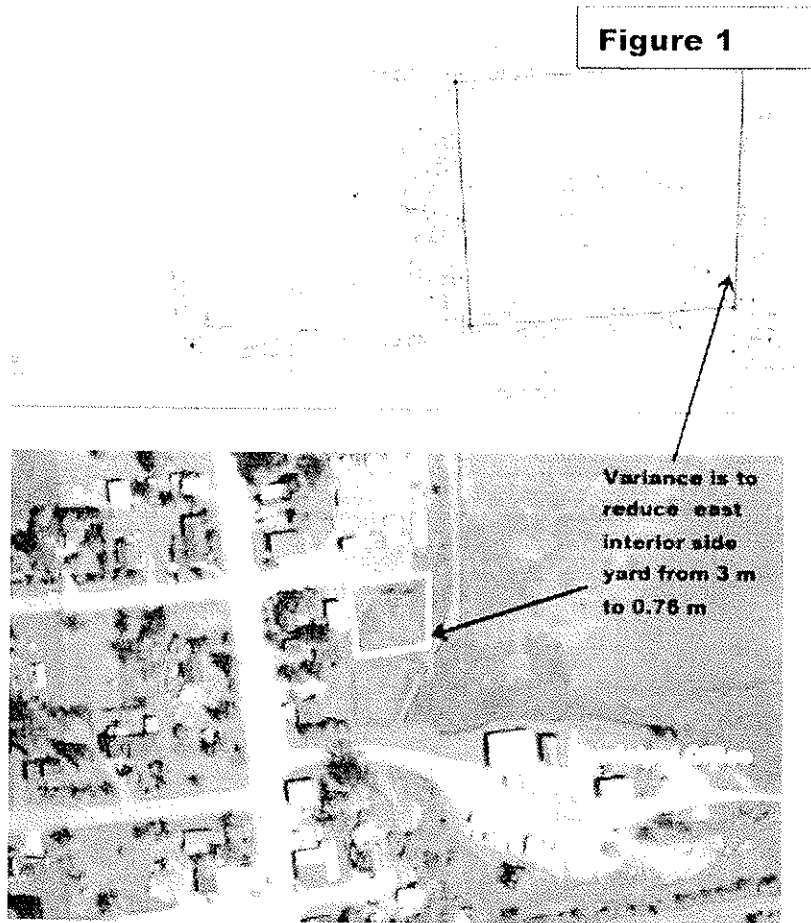
Application & Location

An application for a minor variance to the requirements of Section 5.4.2 of the Zoning By-law (Interior side yard) Residential Low Density (R1) Zone has been submitted to the Township of Johnson's Committee of Adjustment. The application for a minor variance is to reduce the interior side yard for a works garage and office complex from 3 m to 0.76 m as required by Section 5.4.2 of Zoning By-law No. 91-219 as amended (see Figure 1). The extent of the variance is from 2.2 m to 0.76 m along the length of the east wall from north to south.

Background

Algoma Power Inc. purchased two vacant lots in the Hamlet of Desbarats with the intention of constructing a new works garage (12.1 m by 51.8 m/40 ft. by 170 ft.) with an attached office measuring 9.1 m by 15.24 m/30 ft. by 50 ft.). The property is located immediately north of the Township office and is more specifically located on the south side of the east end of Gillespie Street. Adjacent land uses include vacant land to the east, residential to the west and south and a Great Lakes Power facility to the north. The proposed Algoma Power

Figure 1



facility is located in what might be considered an institutional precinct given the proximity of the municipal office and the Great Lakes Power facility.

As part of proposed the development of the site Algoma Power was requested to consolidate the 2 lots into a single parcel. By-law #2016-826 was passed by Council on July 20, 2016 consolidating two lots (127 and 128, Plan M-911) into one. A deeming by-law can be passed under the *Planning Act* to repeal subdivision control for lots in a registered plan of subdivision.

The proposed development will be located on a lot with 36.8 m (121 ft.) frontage on Gillespie Street and a lot depth of 30.48 m (9100 ft.). The lot narrows towards the rear to 33.5 m (110 ft.).

The Four Tests

Section 45(1) of the *Planning Act* permits the Committee of Adjustment to grant variances from the provisions of the zoning by-law so long as the proposed variance satisfies the intent and purpose of the (1) Official Plan and (2) Zoning By-law, (3) the proposed variance is considered minor and (4) the proposed variance is appropriate for development. This report addresses all four 'tests' as follows:

- 1) Does the application satisfy the intent and purpose of the Official Plan?

The subject lands are located in the Hamlet Policy Area designation as shown on Schedule 'A' of the Official Plan. Permitted land uses in the Hamlet Policy Area designation (Section 3.0) include institutional uses as well as the predominant residential land uses provided the development occurs on full services. Development is encouraged as infill or vacant lots. Therefore this application conforms to the permitted uses and development criteria in the Hamlet Policy Area designation of the Official Plan.

In my opinion, the application meets the first test of compliance with the general intent of the Official Plan.

- 2) Does the requested variance maintain the intent and general purpose of the Zoning By-law?

The subject lands are located in the Residential Low Density (R1) Zone as shown on Schedule 'A' of the Zoning By-law. Permitted land uses in the R1 Zone include single and semi-detached dwellings and a duplex dwelling. While this section of the by-law does not list institutional uses as permitted uses, Section 4.36 of the By-law allows for uses by a public authority; consequently the proposed use complies with the permitted uses in the by-law, subject to meeting the performance standards or zone regulations. The R1 zone specifies lot setbacks including a minimum side yard setback of 3 m. Given that the lot narrows from 36.8 m to 33.5 m, along the rear lot line, the side yard setback also narrows from the proposed 2.2 m to 0.76 m.

The intent of the side yard provision is to ensure that there is a reasonable separation distance to buildings on the adjacent lands, to allow for drainage to be contained on the same lot, to allow access to the exterior walls of a building for maintenance and to provide for access to the rear of the property. Since there is no development to the east and none in the foreseeable future, there are no building separation distances that are applicable. Drainage will be contained on the same lot as will the eaves to the building. Access for maintenance is feasible since most of the east façade of the building will be accessible by ladder without

encroaching on the adjacent property. Access to the rear of the building will be more than adequate since the abutting side yard has a proposed width of 4.57 m (15 ft.).

The proposed variance meets the second test since the lot coverage is reasonable since the general intent of the zoning by-law for access, drainage and separation criteria will still be met.

3) Is the proposed variance considered minor?

The proposed interior side lot line reduction varies from 27% to 75%; however, there are no off-site impacts or negative impacts that will affect neighbouring properties. Given the open field to the east, the setback will not be noticeable.

The third test will be met since the impacts will be negligible and the visual impact will be in keeping with the adjacent buildings and the profile of buildings along the street.

4) Is the proposed variance appropriate for development?

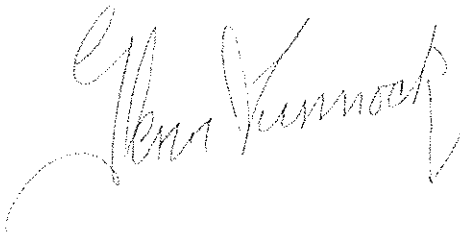
The works garage and office comprise a public use facility that services the community and surrounding area and is appropriate for development in the hamlet. The location complements nearby similar public service uses.

In my opinion the garage/office is appropriate for development and as such meets the fourth test.

Recommendation

I have reviewed this application in light of the 'four tests' of the Planning Act, and am satisfied that this application conforms with the general intent of the Official Plan and Zoning By-law, and that it is minor and appropriate for development. I recommend that the application be approved

Respectfully Submitted,



Glenn Tunnock, MPA, RPP