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June 7th, 2010

K. Smart Associates Limited Job No. 10-087

PLANNING REPORT NO. PR-10/10
FOR THE CORPORATION OF THE
TOWNSHIP OF NORTH DUMFRIES
Chen A-01/10

Type of Application: Minor Variance Application No.: **A-01/10**

Public Meeting Date: June 10th, 2010

Property Owner: Dolores Chen
Property Description: Con 8, Pt Lot 3, Beverly Section
Township of North Dumfries
Regional Municipality of Waterloo
Municipal Address: 1968 Morrison Road

Purpose of Application: To request relief from Township Zoning By-law for the subject property by increasing the maximum allowable area for an accessory building. The total maximum area permitted for all accessory buildings for a lot this size is 4% or 161.9m² (1742.4 ft²). The total cumulative area for all accessory buildings, including that which is being proposed, would be 178m².

Effect of Application: To allow development of a one storey shed 111.4m² (1199.3 ft²).

RECOMMENDATIONS:

That the Committee AUTHORIZE the Application being made subject to the following conditions:

1. The Owner paying the Township's out-of-pocket legal, planning, engineering and administrative costs and expenses associated with this Application and incurred thus far, plus depositing One Thousand Canadian Dollars (\$CDN1,000.00) with the Township from which the Township shall recover its yet to be incurred out-of-pocket expenses associated with this Application and refund the remainder of said deposit.
2. The Owner pay the Township any outstanding taxes in full for the Property.

INTRODUCTION:

The applicant wishes to build an accessory building that is larger than what the By-law permits. The maximum allowable size for an accessory building, on a property zoned Zone 3 (Z.3), is 161.9m², or 4% of the area for the subject property. What is being proposed, a 111.4m² storage shed, would raise the total area for all accessory buildings to 178m², or 4.4% of the lot size.

Appendix A is a sketch to show the location of the proposed construction. Appendix B is an aerial photo (2006) to illustrate the site and adjacent lands.

Subsections 45(1), (1.1), (2) and (3) of the Planning Act, R.S.O. 1990, c. P. 13 (the "Planning Act") set out the powers of the Committee of Adjustment (the "Committee") for the Township of North Dumfries (the "Township"). In particular, Subsection 45(1) of the Planning Act sets out four planning tests of any application for minor variance received for consideration by the Committee. This report addresses those tests and provides my professional planning opinion in regards to each.

TEST OF GENERAL INTENT & PURPOSE OF OFFICIAL PLAN:

Policy 8.2.2 defines all of the Maps attached to the OP as schedules to be read "in conjunction" with the policies as follows:

- Map No. 2.9 in the OP designates the Property as "Settlement Residential and Ancillary"

This designation intends to provide for primarily low density residential development within Rural Settlement Areas.

Therefore, it is my opinion that given appropriate conditions associated with any decision that the proposed development satisfies the test of being in keeping with the purpose and intent of the OP.

TEST OF GENERAL INTENT & PURPOSE OF ZB:

The subject Property is within Zone 3 (Z3). The Application would provide for the construction of an accessory building. The requirements currently restrict the maximum area for an accessory building to 4% of the lot area. The Application proposes an accessory building size totalling 4.4% of the lot area.

The increase in total area for the existing and proposed accessory buildings is minimal (161.9m² to 178m²).

Therefore, it is my opinion the Application is in keeping with the intent and purpose of the By-law.

TEST OF MINOR AS TO PURPOSE & EFFECT:

The Application requests an increase in the maximum allowable area for an accessory building from 4% of the lot area (161.9m²) to 4.4% of the lot area (178m²).

Due to the location residential nature of the building details, the size and location are viewed as appropriate and should not impact area land owners.

Therefore, the Application is minor in my opinion.



TEST OF APPROPRIATE USE OF LAND, BUILDING OR STRUCTURE:

Observations have been made based on Waterloo Region's land database and air photography. The construction of the accessory building will not interfere with the current uses and will not encroach into the side yard or rear yard setback further than what is permitted in the By-law.

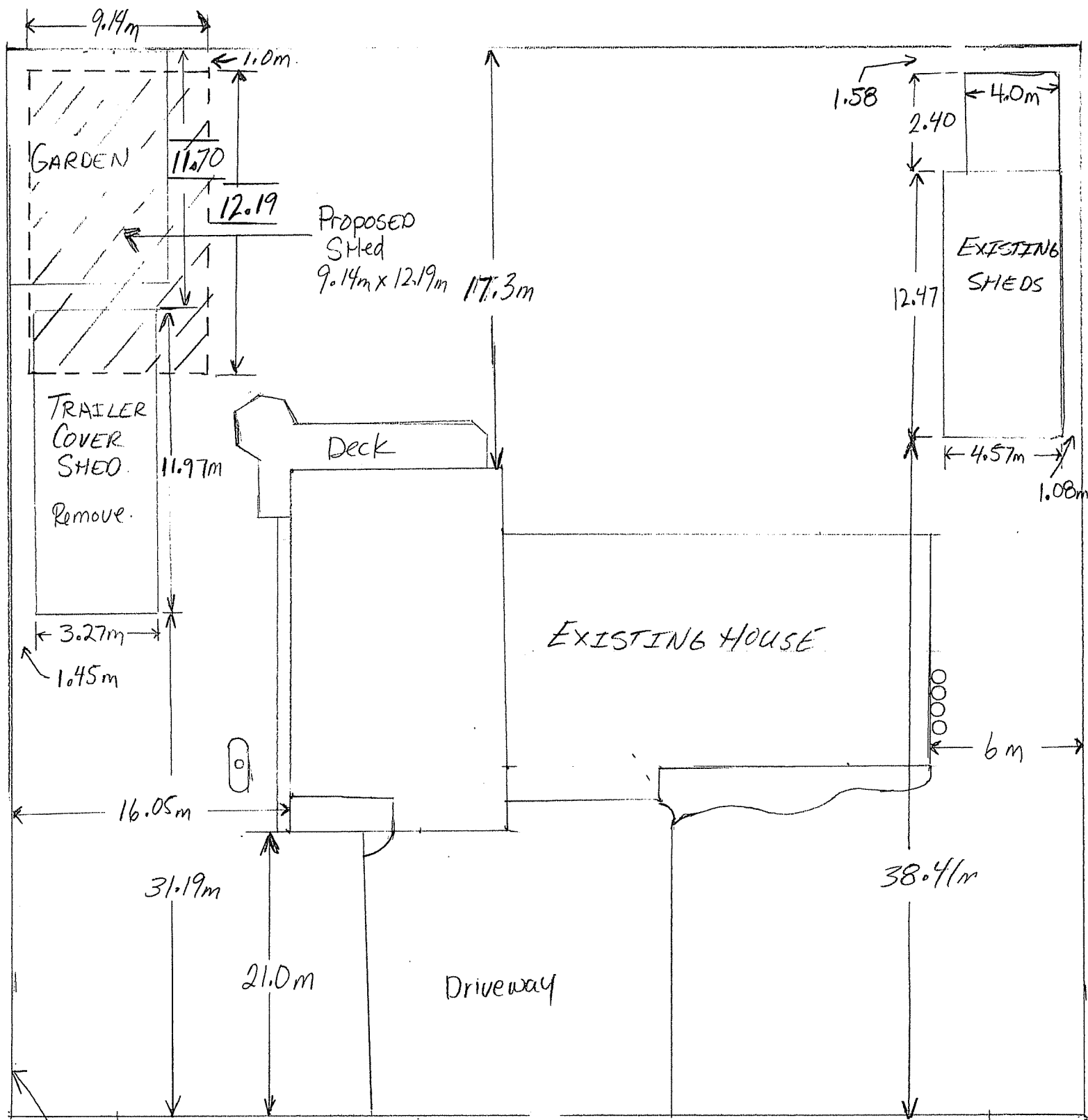
It is my opinion that the development proposed by this Application satisfies the test regarding the appropriate use of land, building or structure.

CONCLUSIONS:

It is my professional planning opinion that the Application is minor, an appropriate use, is in keeping with the general intent and purpose of the OP, and is in keeping with the general intent and purpose of the Zoning By-law. As the application of the four tests under the Planning Act requires that all of the tests be satisfied and not just one, my conclusion is the application does pass those tests.

Submitted by: 	Prepared by: 
Steve Jefferson, MCIP, RPP <i>Township Consulting Planner</i> K. SMART ASSOCIATES LIMITED	Devon Posthumus <i>Junior Planner</i> K. SMART ASSOCIATES LIMITED

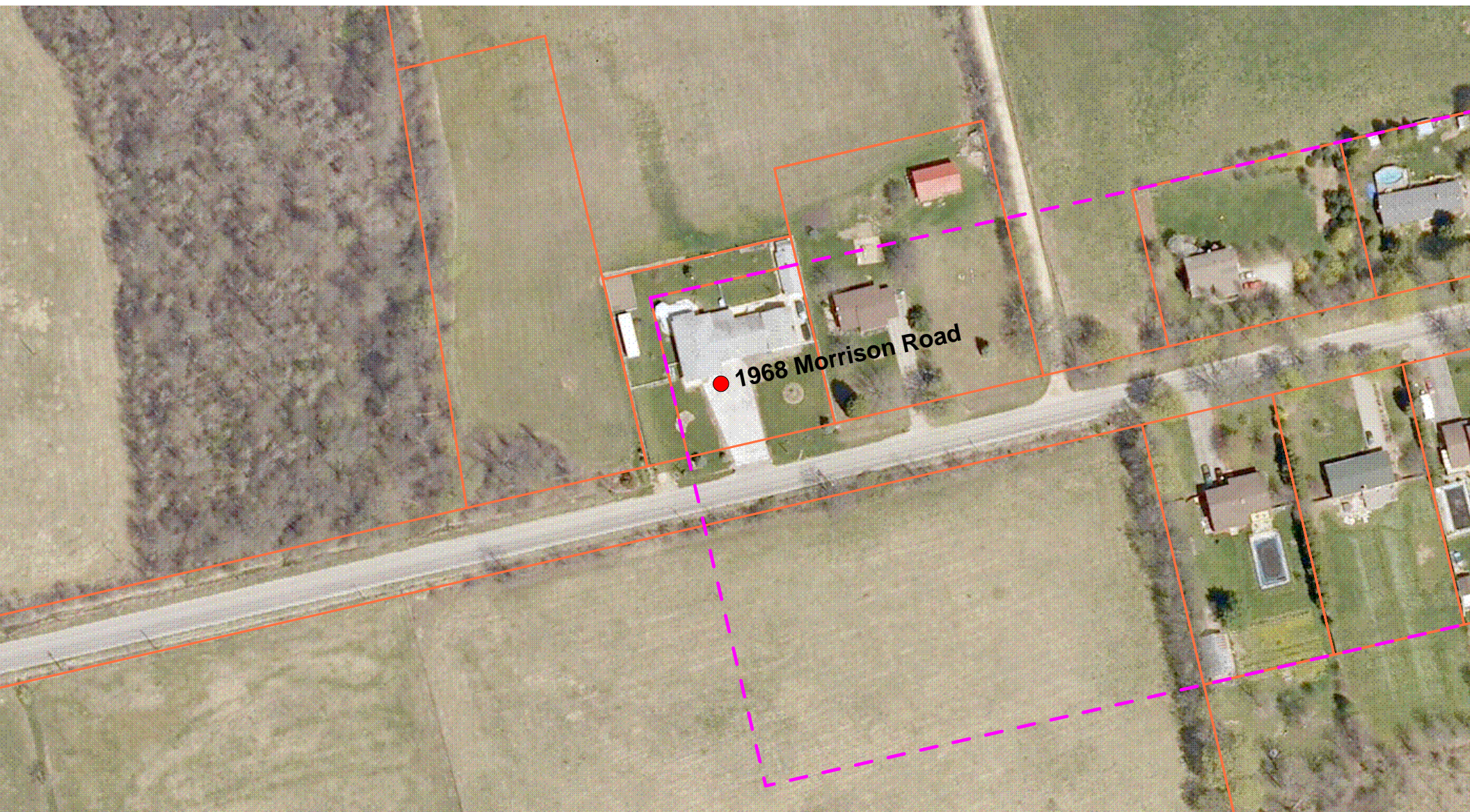
Attachments: Appendix 'A': Sketch of property
 Appendix 'B': Aerial Photo of Property



54.86m (180')

Lot is 54.86m x 54.86m





● 1968 Morrison Road