

**THE CORPORATION OF THE TOWNSHIP OF TAY
PUBLIC MEETING OF MUNICIPAL COUNCIL**

**Proposed Zoning By-law Amendment
188 Woodlands Avenue**

MARCH 11TH, 2009 at 7:00 P.M.

**OAKWOOD COMMUNITY CENTRE
AGENDA**

1. **CALL TO ORDER**
2. **MOMENT OF SILENT REFLECTION**
3. **DECLARATIONS OF PECUNIARY INTEREST**
4. **STATEMENT OF PUBLIC NOTICE**
5. **STATEMENT OF CORRESPONDENCE RECEIVED**
 - 5.1
6. **PRESENTATION OF A REPORT BY TOWNSHIP STAFF**
 - 6.1 Staff Report from the Director of Planning and Development, re: 188 Woodlands Avenue
7. **QUESTION & CLARIFICATION PERIOD - PUBLIC**
8. **SPEAKERS IN SUPPORT & OPPOSITION**
9. **QUESTION & CLARIFICATION PERIOD - COUNCIL**
10. **FINAL STATEMENT BY THE MAYOR**
11. **ADJOURNMENT**

PLANNING & DEVELOPMENT DEPARTMENT
Planning Services

TO: Mayor Warnock and Member of Council
CHAIR: Deputy Mayor Michael Ladouceur
FROM: Mara Burton, Director Planning & Development
DATE: March 5, 2009
SUBJECT: Application No. 2009ZBA01 to amend Zoning By-law 2000-57 – Anne-Marie Martin – 188 Woodlands Avenue

1.0 APPLICATION DETAILS

- 1.1 Application No.: 2009ZBA01
- 1.2 Owners: Anne-Marie Martin
- 1.3 Agent: None
- 1.4 Location: Lot 1 Registered Plan 936
188 Woodlands, Port McNicoll
- 1.5 Official Plan: Village Residential
Zoning: Village Residential Exception Sixteen Holding
“R2-16(H)”

1.6 Application Request:

The Zoning By-law Amendment proposes to rezone the subject property from the Village Residential Exception Sixteen Holding “R2-16(H)” Zone to the Village Residential Exception Thirty Holding “R2-30(H)” Zone in order to provide relief from Section 8.4.16.3 of Zoning By-law 2000-57, which requires the installation of a 15 m grouted well prior to the issuance of a building permit and a UV filtration system or similar bacterial disinfection system for the replacement of the dwelling.

2.0 SITE DESCRIPTION

The subject lands are located at the southeast corner of Woodlands Avenue and Evergreen Avenue in Paradise Point of Port McNicoll. The subject land has a frontage along Woodlands Avenue of 26.143 metres (85.8 feet), an average depth of 12.146 metres (95.6 feet) and an area of 718 square metres (7,728.7 square feet).

The owners removed the existing dwelling and are replacing it with a newly constructed dwelling.

3.0 COMMENTS

This application is still in circulation among the municipal departments; therefore comments will follow the public meeting in the report with recommendations to Council.

4.0 ANALYSIS

4.1 Background and Analysis:

The Applicant intends to use the property seasonally only and as such, rely solely on the seasonal water system. There is no existing well on this property.

In order to ensure that the property is only used seasonally, the Township has required that the Owner enter into a site plan agreement that will be registered on title. This application will come forward to the next Planning and Development Committee.

The Township of Tay passed By-law 2004-80 and Official Plan Amendment Number 29 on the 9th day of December, 2004. The subject property now falls within the Village Residential designation under the Grandview Beach/Paradise Point Special Policy Area in the Township's Official Plan. The property is currently zoned Village Residential Exception Sixteen Holding "R2-16(H)" in the Township's General Zoning By-law 2000-57. The use of the property for a single detached residential dwelling is permitted by the Official Plan and by the Zoning By-law.

4.2 Official Plan

The Official Plan special policies that pertain to the Grandview Beach/Paradise Point area and are intended to permit expansions to existing dwellings in the area that had otherwise been frozen due to health and safety concerns, including environmental impacts from surface water contamination and septic tank system effluent. The guiding principle concerning the special policies were that no development would be permitted that would likely contribute to additional effluent loading and

ground water contamination in the area. The policies of the Amendment provide two avenues for development.

One avenue permits the expansion to the dwelling provided that there is no increase in the limiting factors of bedrooms, fixture units over 20 (as defined in the Ontario Building Code) and no increase that would result in the dwelling exceeding 200 square metres. These are all triggers to increased septic effluent.

The second avenue would permit an increase in any or all of the aforementioned limiting factors if the owner entered into a site plan agreement that requires a tertiary sewage treatment system. These systems are designed for sensitive areas and ensure that there is little or no harmful bacteria being released after treatment. A conventional system relies to some degree on the material and vegetation around and under the system to clean the effluent. In either case the installation of a well having 15 metres of grout and the installation of a UV disinfection system or similar system is required. The Applicant who is seeking to pursue the first avenue by adding some living area, however, is requesting relief from the installation of the required well and disinfection system.

The intent of the well grouting requirement is to seal off as much of the ground water getting into the well as possible. The Ministry of the Environment's minimum requirement for grouting is 6 metres. However, given the minimal amount of overburden in the area and the fractured limestone, ground water is able to enter wells at a lower level than 6 metres in the Paradise Point/Grandview Beach area. As such, during the Official Plan and Zoning By-law Amendment process for this area, it was recommended by the Township's consulting Hydrologist to require grouting to a depth of 15 metres.

The intent of the Official Plan is to ensure that the property is serviced with safe drinking water and the seasonal water system provides for this.

After discussing the matter at the senior staff level we decided that an amendment to the Zoning By-law may be called for to provide for these situations. The municipality has granted approval of seasonal for two other properties via the minor variance process and site plan agreements through Council. The Committee of Adjustment had notified staff some time ago that they are not comfortable dealing with these matters through their

Committee. As such, this is the first application coming forward for Zoning By-law Amendment.

The Site Plan Agreement provides that should the owner utilize the home on a year round basis, that a well be installed and UV system pursuant to the requirements of the Zoning By-law or that they connect to the year round municipal services if they become available. Full year round servicing of sewer and water are still scheduled for 2014.

5.0 CONCLUSIONS AND RECOMMENDATIONS

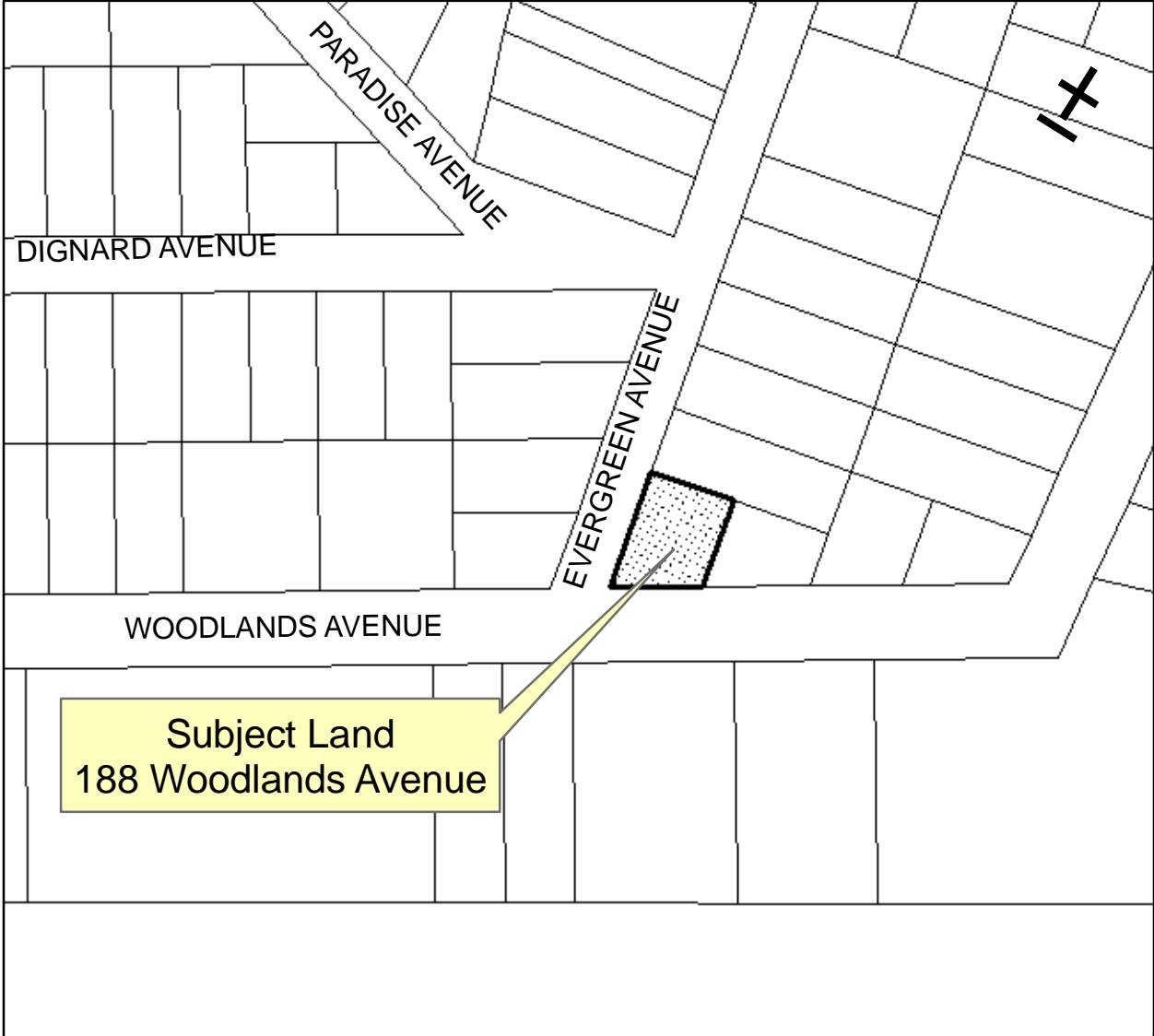
Your Director will reserve a recommendation until after we hear from the public on this matter. A recommendation will then be forwarded to the next available meeting of Council.

Respectfully submitted,

Mara Burton, BAA, MCIP, RPP
Director of Planning & Development

Attachment 1. Key Map
 2. Draft By-law

Key Map
Zoning By-law Amendment - Application 2009ZBA01
Township of Tay



**THE CORPORATION OF THE TOWNSHIP OF TAY
BY-LAW NUMBER 2009-12**

*"Being a By-law to rezone lands described as Part of Lot
19, Concession 6, being Lot 1, Plan 936, being addressed
as 188 Woodlands Avenue."*

WHEREAS By-law Number 2000-57 is the General Zoning By-law of the Corporation of the Township of Tay; and,

WHEREAS the Council of the Corporation of the Township of Tay have received an Application to Amend the General Zoning By-law and has approved the Application; and,

WHEREAS authority is granted pursuant to Section 34 of the Planning Act, R.S.O. 1990 to enact such amendments;

NOW THEREFORE be it enacted as a By-law of the Corporation of the Township of Tay the following:

1. Schedule "G" to General Zoning By-law Number 2000-57, is hereby further amended by rezoning from the Village Residential Exception Sixteen Holding "R2-16(H)" Zone to the Village Residential Exception Twenty-nine Holding "R2-29(H)" Zone, those lands described as Part of Lot 19, Concession 6, being Lot 1, Plan 936, and known municipally as 188 Woodlands Avenue, as shown on Schedule "A", which is attached hereto and forms part of this By-law.
2. Subsection 8.4 "Village Residential "R2" Zone, Zone Exceptions" is hereby amended by adding the following new article 8.4.29 immediately following the article 8.4.28 as follows:

"8.4.29 R2-29 Zone

All the regulations of the R2-16 Zone shall apply with the exception of the provision of Subsection 8.4.16.3 as it relates to the requirement of a well and UV filtration system or similar bacterial disinfection system which are not required so long as the property is serviced by a seasonal municipal water supply or is serviced exclusively by a permanent municipal water supply."

3. This By-law shall take effect and come into force pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13., as amended, and the regulations made thereunder.

BY-LAW read a **FIRST**, **SECOND**, and **THIRD** time and finally **PASSED** this 8th day of April, 2009.

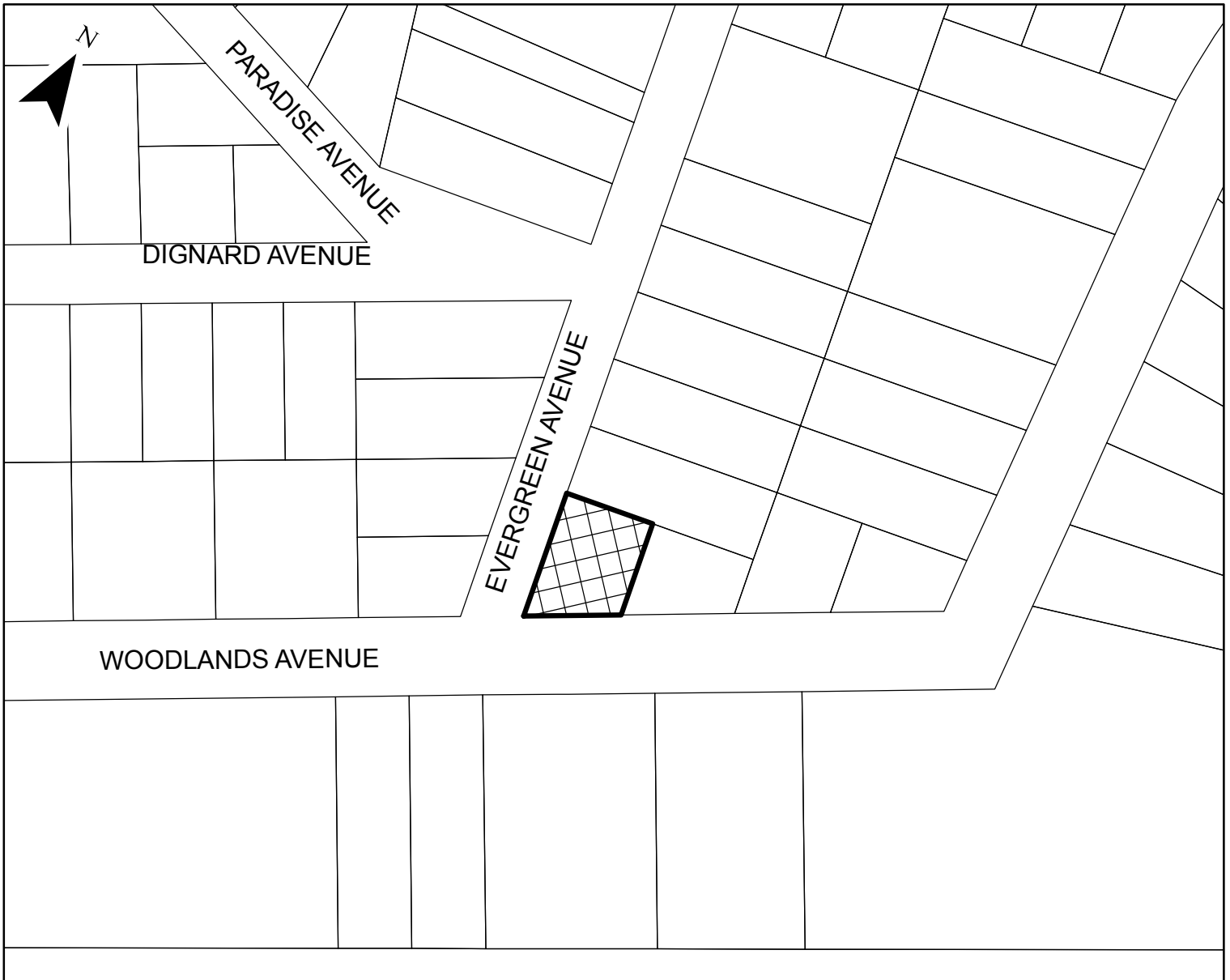
THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR Scott Warnock

CLERK Alison Thomas

SCHEDULE "A"

By-law No. 2009-12



Land re-zoned from the Village Residential Exception Sixteen Holding "R2-16(H)" Zone to the Village Residential Exception Twenty-nine Holding "R2-29(H)" Zone

This is Schedule "A" to
By-law No. 2009-12, passed
this 8th day of April, 2009

Mayor Scott Warnock

Clerk Alison Thomas