

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

ZONING BY-LAW AMENDMENT 4958 VASEY RD.

APRIL 14th, 2010 7:00 P.M.

**COUNCIL CHAMBERS
AGENDA**

1. CALL TO ORDER

2. DECLARATION OF PECUNIARY INTEREST

3. STATEMENT OF PUBLIC NOTICE

4. STATEMENT OF CORRESPONDENCE RECEIVED

5. PRESENTATION OF A REPORT BY TOWNSHIP STAFF

- 5.1 Report from the Director of Planning and Development Re: Rezoning Application for 4958 Vasey Rd.

6. QUESTION AND CLARIFICATION PERIOD – PUBLIC

7. SPEAKERS IN SUPPORT & OPPOSITION

8. QUESTION AND CLARIFICATION PERIOD – COUNCIL

9. FINAL STATEMENT BY THE MAYOR

10. 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: April 1st, 2010
**SUBJECT: Application No. 2010ZBA01 to amend Zoning By-law 2000-57
Collins – 4958 Vasey Road**

1.0 APPLICATION DETAILS

- 1.1 Application No.: 2010ZBA01
- 1.2 Owners: Raymon Collins
- 1.3 Agent: N/A
- 1.4 Location: Part of Lot 1, Concession 5
4958 Vasey Road
- 1.5 Official Plan: Agricultural
Zoning: Village Commercial “C1”

1.6 Application Request:

The application requests the rezoning of the subject lands to a site specific Neighbourhood Commercial Village Residential “R1” to recognize the existing single detached dwelling to permit and addition to this dwelling and to retain certain commercial uses including: accessory dwelling units, antique shop, bed and breakfast, business and professional office, craft shop, club, convenience store, day care facility, garden centre, home occupation, laundromat, personal service shop, restaurant, retail store, veterinary clinic.

2.0 SITE DESCRIPTION

The subject lands are located on the northeast corner of Newton Street and Vasey Road.

The subject land has a frontage of 33 metres on Newton Street and an exterior lot line and depth of 60.35 metres on Vasey Road; and, an area of approximately 1001.55 square metres. The lands currently maintain a one storey dwelling having an area of approximately 900 square feet.

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Surrounding Land Use:

North - Agricultural Zone with a single detached dwelling

South – Vasey Church

East - Agricultural Zone with a single detached dwelling

West - Agricultural Zone with a single detached dwelling

3.0 COMMENTS

The Application is still in circulation with the commenting Departments of the Township.

- 3.1 Treasury – No comments other than to say that they agree with retaining some commercial uses on the property.
- 3.2 Building Services – No comments.
- 3.3 Public Works – No concerns.
- 3.4 Fire Department – No concerns.
- 3.5 Clerk’s Department – No concerns.

4.0 ANAYLSIS

4.1 Official Plan

The subject lands are designated “Agricultural” on Schedule “A” to the Township of Tay Official Plan. The following policies would apply:

“4.4.1 General Principles

- 4.4.1.1 It shall be the policy of this Plan to protect and preserve existing and potentially productive agricultural land. As a general rule, agricultural uses shall take precedence over all other uses. This policy shall also include the preservation, wherever possible, of the natural landscape and rural characteristics of the area. It is also the intent of this Plan to encourage the use of best management practices within the agricultural areas of the Township.

4.4.2 Permitted Uses

- 4.4.2.1 The permitted uses in the "Agricultural" designation shall be general and Developmentized agricultural uses including buildings and structures normally accessory to an agricultural use such as a dwelling, barns and sheds. Even if such lands are not being used for agricultural purposes at the present time, they shall be considered as good agricultural lands."

In this case, the property is currently zoned Village Commercial and currently maintains a single detached dwelling. The property fabric is too small for an agricultural operation and is surrounded by similarly sized properties.

In light of the fact that the application will reduce the commercial uses to be more neighbourhood commercial in nature and that it recognizes an existing use, the proposal appears to generally conform to the policies of the Township's Official Plan.

4.2 Zoning

The subject lands are currently zoned Village Commercial "C1" as shown on Schedule "C". The proposal would recognize the existing dwelling as a legal permitted use so that an addition could be permitted. It was suggested by the Planning Department that the property retain some of the commercial uses under the Neighbourhood Commercial Zone for the purposes of holding the public meeting and so as to protect for future commercial uses that may service the Vasey area in the long term.

The Neighbourhood Commercial uses include the following: accessory dwelling units, antique shop, bed and breakfast, business and professional office, craft shop, club, convenience store, day care facility, garden centre, home occupation, laundromat, personal service shop, restaurant, retail store, veterinary clinic. The site specific provision will permit a detached single dwelling.

The Neighbourhood Commercial "C2" Zone requires a minimum lot area of 930 square metres and a minimum lot frontage of 25 metres. The subject property meets the zone requirements.

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5.0 CONCLUSIONS AND RECOMMENDATIONS

The Director of Planning and Development normally reserves a recommendation until after the public meeting. In this case, the existing uses are the property are not proposed to change, other than to permit an expansion of a legal non-conforming use by way of making the use a permitted use under the proposed zone. The Owner is seeking to undertake the addition during this construction season and is therefore anxious to proceed. As such, your Director is prepared to recommend approval of the application, conditional on no new information coming forward at the public meeting that would have a negative impact on the proposal. Should this be the case, the Director of Planning and Development it is hereby recommended as follows:

1. THAT APPLICATION NO. 2010ZBA01 TO PASS THE BY-LAW TO REZONE PART OF 4958 VASEY ROAD FROM THE VILLAGE COMMERCIAL "C1" ZONE TO THE NEIGHBOURHOOD COMMERCIAL EXCEPTION THREE "C2-3" ZONE BE APPROVED.

Should Council concur, the Recommendation of this report may be adopted.

Respectfully Submitted;

Mara Burton
Director of Planning & Development
Attachment 1. Draft By-law

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**THE CORPORATION OF THE TOWNSHIP OF TAY
BY-LAW NUMBER 2010-21**

*"Being a By-law to rezone lands described as the
Part of Lot 1, Concession 5, and known municipally
as
4958 Vasey Road"*

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 "C" to General Zoning By-law Number 2000-57, is hereby further amended by rezoning from the Village Commercial "C1" Zone to the Neighbourhood Commercial Exception Three "C2-3" Zone, those lands described as Part of Lot 1, Concession 5, and known municipally as 4958 Vasey Road, as shown on Schedule "A", which is attached hereto and forms part of this By-law.
2. Subsection 17.4 "Neighbourhood Commercial "C2" Zone, Zone Exceptions" is hereby amended by adding the following new article 17.4.3 immediately following the article 17.4.2 as follows:

"17.4.3 C2-3 Zone

In addition to the uses permitted in Subsection 17.2 the following uses shall also be permitted: single detached dwelling, bed and breakfast, garden centre, home occupation, restaurant and retail store."
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 14th day of April, 2010.

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THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR Scott Warnock

CLERK Alison Thomas

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