



Township of Douro-Dummer Addendum Agenda for a Regular Meeting of Council

**Tuesday, December 20, 2022, 5:00 p.m.
Council Chambers in the Municipal Building**

Please note, that Council may, by general consensus, change the order of the agenda, without prior notification, in order to expedite the efficiency of conducting business.

Please contact the Acting Clerk if you require an alternative method to virtually attend the meeting. martinac@dourodummer.on.ca or 705-652-8392 x210

Pages

9. Staff Reports:

***9.4 Request for Removal of No Habitation Agreement, Clerk's Office-2022-20**

1

Recommendation:

That the Clerk's Office-2022-20 report, dated December 20, 2022, regarding a request to have the No Habitation Agreement which is registered on title for 64 Valleyview Avenue be received and that Council approve the request to have the agreement removed from title at the expense of the property owner.

Overview:

In 2019 Mr. McLaren applied for a minor variance to provide him relief from the height restrictions on accessory structures so that he could build a garage with a second storey. That minor variance was approved and the Committee of Adjustment of the day imposed a condition that a No Habitation Agreement be registered on title to prevent the second story of the garage to be used as living space.

Due to the pandemic and other matters, Mr. McLaren has not yet built the garage but would like to move forward with the project in 2023. He has submitted a request to have the No Habitation Agreement lifted so that he may apply to have a secondary suite in the garage.

Conclusion:

Staff have reviewed the request from Mr. McLaren and sought legal advice to confirm that Council has the ability to make this decision. The Township Solicitor stated that Council does have the ability to expunge the agreement if it so chooses and the files does not need to go back to the Committee of Adjustment. The Zoning By-law does allow for secondary suites in accessory structures in this area if a building permit can be obtained. The removal of the No Habitation Agreement would be one step in obtaining a building permit for this project.

Financial Impact:

The Applicant would be responsible to pay for any costs incurred by the Township in the lifting of the No Habitation Agreement.

Strategic Plan Applicability:

To ensure and enable an effective and efficient municipal administration.

Sustainability Plan Applicability: N/A

Report Approval Details

Document Title:	Request to Remove No Habitation Agreement.docx
Attachments:	- A-06-19 - MV Review Report.docx - Letter - No Habitation Agreement - McLaren - Request for REemoval.pdf - Scan - Notice of Decision - A-06-19.pdf
Final Approval Date:	Dec 16, 2022

This report and all of its attachments were approved and signed as outlined below:

No Signature found

Christina Coulter

Elana Arthurs

Minor Variance Report

Date: May 10, 2019

File No: A-06-19

Name: Gordon Frank McLaren

Location: Conc. 11, Pt. 1, Lot 1 Plan 3 Pt Lot 6 E 1/2

64 Valleyview Ave

Douro Ward, Roll No. 010-005-02500

Purpose of Application:

The owner would like to construct a new two-storey detached garage on the subject property. To permit the structure, a variance is requested to increase the height from 4.5 metres (14.76') to 7.5m (24.5") as shown on the sketch drawn by Tony Walker, Chemong Home Hardware, dated May 2, 2019.

Comments Received:

Josh Vreeker, Neighbour – No concerns with garage project

Trever Weed, Neighbour – No objections to garage as planned

Staff Comments:

The application is to increase in height for an accessory structure to allow for the construction of a new one and a half storey detached garage. The application states the need for the variance is to increase the height is as follows:

I'm proposing to build a double car garage with a loft. I am applying for a height variance from 14' 6" to 24' 6" at mid-truss. The reason I'm asking for extra height is, I would like 10ft ceilings in the garage area, so I can put a lift in one bay in the future. In loft I'm looking for height for storage. (There will be not habitation).

The property is zoned as Residential (R) Zone. The existing use is residential and accessory structures are permitted in this Zone.

The lot is described as follows:

The property dimensions are 85' x 300', its grass with a few trees on a fairly level property. One neighbour to the east with double lot (160' x 300'), four neighbours to the west all equally sized lots to mine. Behind property is church with backyard (which is grass). Behind church yard is woods.

The notice was circulated to the Management Team and no comments were received.

Conformity to PPS: The application appears to be consistent with the PPS.

Application of Four Tests: The Committee should state in the decision how the application meets/or does not meet the 4 tests:

- 1) The application is (or is not) minor in nature.**
- 2) The application is (or is not) desirable and appropriate to the development of this land.**
- 3) The application meets (or does not meet) the general intent of the Official Plan.**
- 4) The application meets (or does not meet) the general intent of the Zoning By-law.**

Impact of Comments Received: The Committee will need to pass a resolution regarding the impact if any of any comments that were received regarding this application. Examples of the resolution could be as follows:

a) The Committee heard from members of the public concerning the application and has given due consideration (___regarding additional information if needed_____) and weight to the written and oral submissions that have been made in favour and/or in opposition regarding this minor variance application File A-05-19.

b) The Committee has not received any written or oral submissions regarding minor variance application File A-05-19 and thus have made its decision on the basis of the application, and/or submissions from the following agencies... and the staff report

Summary: The Committee will need to decide if the request is considered minor, that it is desirable and appropriate development of this parcel, and that the use intended meets the general intent of the Official Plan and Zoning by-law.

Conditions if Approved:

- The variance would be for the life of the structures only (definition)
- Obtaining any necessary permits from ORCA, the Health Unit, Trent Severn Waterway and any other required ministry/agency
- Proper Building Plans be submitted with the building permit application based on the design included on the sketch drawn by Tony Walker, Chemong Home Hardware, dated May 2, 2019 attached to this Decision as Schedule 'A' and submitted with the minor variance application.
- That an agreement between the property owners and the Municipality be entered into and registered on title that no form of habitation is permitted in the garage.
- That at the framing stage of construction of the structure, that an Ontario Land Surveyor provide the overall height measurement of the structure to ensure compliance with any relief granted by this decision of the Committee.

Original Signed by: _____
David Clifford, CMO
C.A.O.

Original Signed by: _____
Brian Fawcett,
CBO

December 12, 2022

Dear Council,

I am writing to you today to request that the no habitation agreement that is registered on title on my property be removed.

In 2019, I completed the minor variance process to receive permission to place an accessory structure (garage) on my property. The variance was to allow the garage to be taller than the Zoning Regulations allowed. Due to personal circumstances and the Covid-19 pandemic, I was not able to obtain a building permit at that time.

Now that my circumstances have changed and I have learned that the Township has passed a By-law allowing secondary suites in accessory units, I am requesting that the no habitation agreement be removed from title so that I can pursue a building permit to include a secondary suite in the accessory structure.

Sincerely,



Gord McLaren

**Township of Douro-Dummer
Committee of Adjustment
Notice of Decision of Committee**

Re: Application for Minor Variance
Planning Act, 1990, Chapter 1, Section 45 (1)

Application No. A-06-19
Applicant: Gordon Frank McLaren
Property Description: Conc. 11, Pt. 1, Lot 1 Plan 3 Pt Lot 6 E 1/2
 64 Valleyview Ave
 Douro Ward, Roll No. 010-005-02500

Purpose of Application: The owner would like to construct a new two-storey detached garage on the subject property. To permit the structure, a variance is requested to increase the height from 4.5 metres (14.76') to 7.5m (24.5") as shown on the sketch drawn by Tony Walker, Chemong Home Hardware, dated May 2, 2019.

We, the undersigned, in making the decision upon this application have considered whether or not the variance requested was minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, or in the case of a change in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(1) of the Planning Act, concur in the following decision and reasons for the decision made on the **24th day of May, 2019.**

Decision: That Minor Variance A-06-19 for Gordon Frank McLaren be approved as requested, for the life of the structure* to facilitate the issuance of a building permit for the construction of a two-storey detached garage, as shown on sketch drawn by Tony Walker, Chemong Home Hardware, dated May 2, 2019, attached to this Decision as Schedule 'A', and to bring the structure into compliance with the zoning by-law.

* "for the life of the structure" shall mean that once the approvals and conditions set out in this decision have been acted upon and completed, any further reconstruction of the structure, in compliance with this decision, shall only occur if such is required because of damages to the structure by causes beyond the control of the owner.

****Last day for appealing this decision is June 12, 2019****

Conditions: Approval is conditional on the following:


- Obtaining any necessary permits from ORCA, the Health Unit, Trent Severn Waterway and any other required ministry/agency

- Proper Building Plans be submitted with the building permit application based on the design included on the sketch drawn by Tony Walker, Chemong Home Hardware, dated May 2, 2019, attached to this Decision as Schedule 'A' and submitted with the minor variance application.
- That an agreement between the property owners and the Municipality be entered into and registered on title that no form of habitation is permitted in the garage.
- That at the framing stage of construction of the structure, that an Ontario Land Surveyor provide the overall height measurement of the structure to ensure compliance with any relief granted by this decision of the Committee.

Reasons for Decision: This variance is deemed to be minor in nature and is appropriate for the development of this land. The application maintains the general intent of the Official Plan and Zoning By-law.


The Committee heard from members of the public concerning the application and has given due consideration and weight to the written and oral submissions that have been made in favour regarding this minor variance application File A-06-19.

Signature of Committee Members:


Kim Black


Wendy Dunford


Ken Jackman


Karl Moher


Jim Patterson

=====

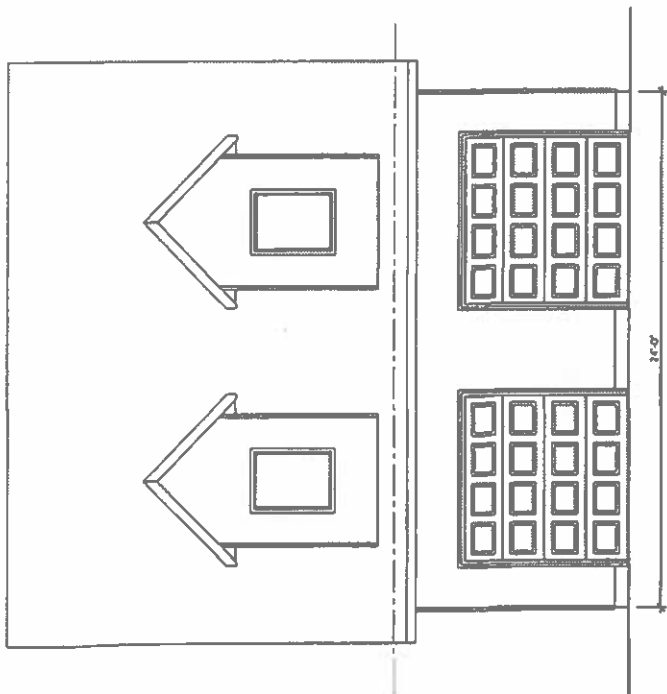
Certification

Planning Act, R.S.O. 1990, C. P.13, s 45 (10)

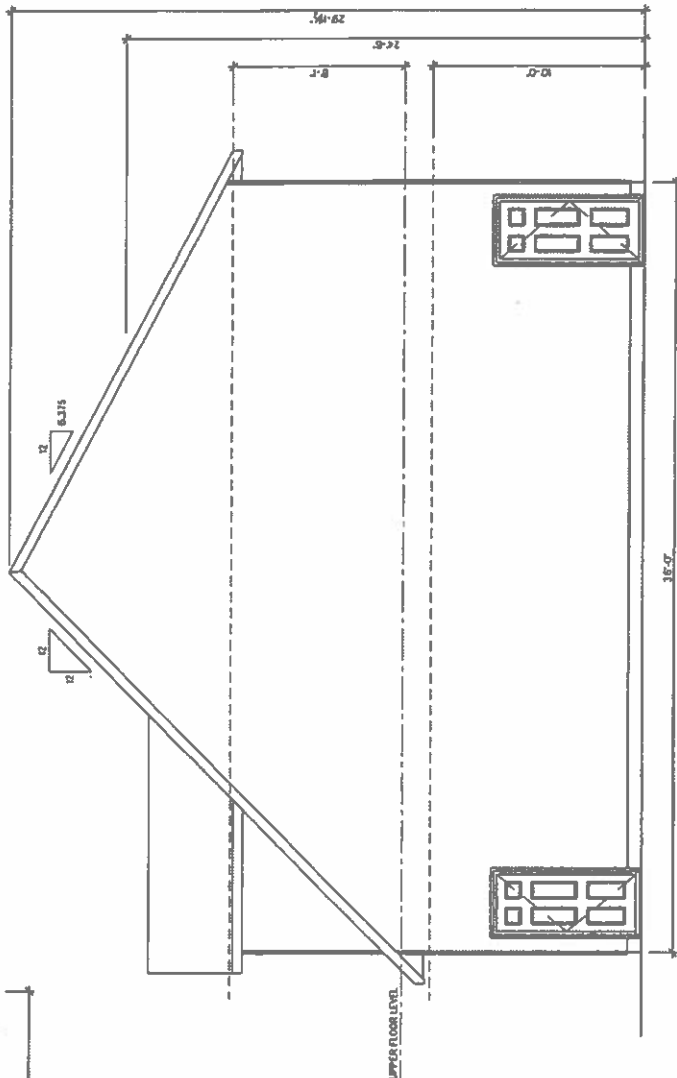
I, Martina Chait-Hartwig, Secretary-Treasurer of the Township of Douro-Dummer Committee of Adjustment, hereby certify that the above is a true copy of the decision of the committee with respect to the application recorded therein.

Dated this 24th day of May, 2019.


Martina Chait-Hartwig, Secretary-Treasurer



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

chemong Home hardware design + drafting 1898 Chemong Road North R.R. #1 Peterborough, Ontario, K2A 6K2 Tel: (705) 748-8734 Fax: (705) 748-8734 chemonghomehardware.com		Job description: Proposed Garage for Mr. G. McLaren 64 Valleyview Avenue Peterborough, Ontario	Drawing title: Front & Right Side Elevations Drawing no. A3.1								
REVISION RECORD <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		NO.	DATE	BY	DESCRIPTION					Scale: 1/4" = 1'-0" Drawn by: TW Date: May 2010 Job no.: 0-201 Revised by:	
NO.	DATE	BY	DESCRIPTION								