



**Community and Strategic Planning**

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Our File: A-6/10

**APPLICATION FOR MINOR VARIANCE**

TO: The Chair and Members of the  
Town of Ingersoll Committee of  
Adjustment

MEETING: July 5, 2010  
REPORT NO: 2010-187

**OWNER:**

Brenda Reashore  
3 McMillan Court  
Ingersoll, ON N5C 4H3

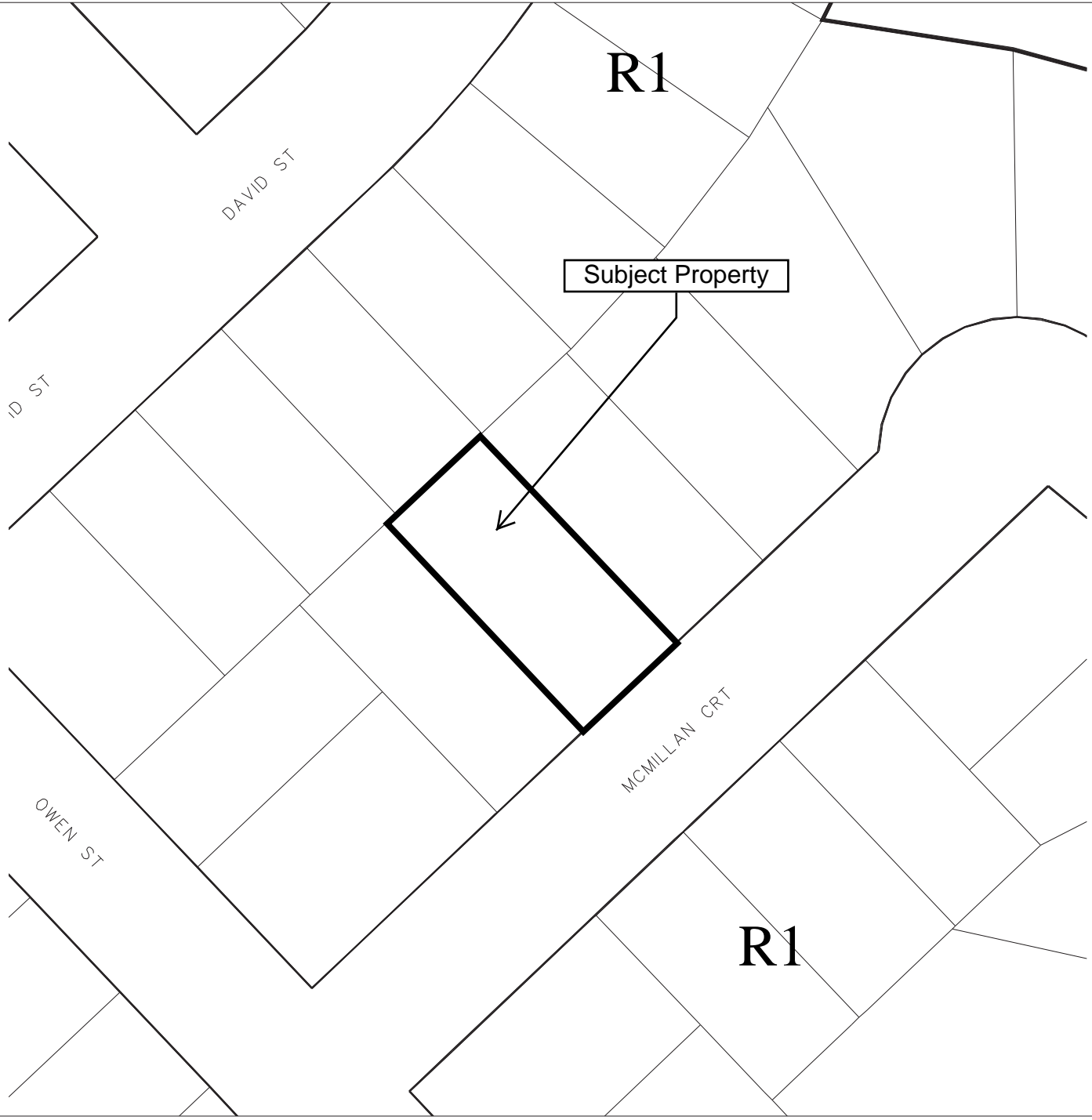
REQUESTED RELIEF: Relief from Section 5.1.1.3 (REGULATIONS FOR ACCESSORY USES) to reduce the setback from the required 1.2 m (3.9 ft.) to 0.05 m (0.16 ft.) between the accessory building and the side lot line and reduce the setback from the required 1.2 m (3.9 ft.) to 0.9 m (2.95 ft.) between the accessory building and the existing dwelling.

PROPOSAL: The applicant seeks relief from the accessory uses section of the Zoning By-Law in order to permit a 4.47 m (14.67 ft.) x 2.1 m (6.75 ft) pool cabana on the subject property.

LOCATION: Lot 2, Plan 41M-214 (3 McMillan Court)

OFFICIAL PLAN: Schedule "I-1" Residential  
Town of Ingersoll Land Use Plan  
Schedule "I-2" Low Density Residential  
Town of Ingersoll Residential Density Plan

ZONING BY-LAW: Residential Type 1 (R1)



- LEGEND**
- Structures (2000)
  - Zoning**
  - Floodway
  - Floodfringe
  - Zoning Line
  - Municipal Limits

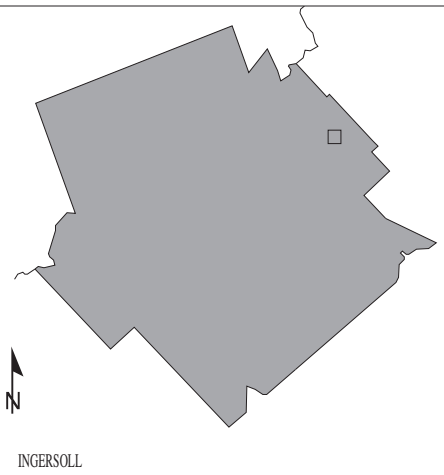


Plate 1 - Existing Zoning  
 Brenda Reashore, Lot 2, Plan 41M-214  
 File No.: A-06/10, Town of Ingersoll



## PLANNING REVIEW:

Intent and Purpose of  
the Official Plan:

The County of Oxford Official Plan states that the Committee of Adjustment, in determining whether the variance is desirable shall take into account the following:

- Whether constraints and/or restrictions to meeting the requirements of the by-law due to the physical or inherent conditions of the site are involved;
- Whether alternative designs of the proposal which would be in conformity with the relevant by-law are clearly not feasible or appropriate for this site;
- The concerns of the effect on the adjacent owners, residents, and community in general have been considered;
- The approval of the minor variance would not create an undesirable precedent; and
- The compliance with the standards of the relevant by-law would be unreasonable or impossible and would impose an undue hardship on the applicant.

The subject property is designated as Low Density Residential within the County of Oxford Official Plan. This designation encourages residential areas include those lands that are primarily developed or planned for a variety of low rise, low density housing forms including: single-detached dwellings, semi-detached dwellings, duplex, converted dwellings, quadraplexes, townhouses and low-density cluster development. Additionally, buildings accessory to residential uses are permitted within the Low Density Residential designation. As a result, it is Planning staff's opinion that the proposed application meets the intent of the Official Plan policies.

Intent and Purpose of  
the Zoning By-Law:

The subject property is zoned 'Residential Type 1 (R1)' within the Town of Ingersoll's Zoning By-Law 04-4160. The R1 zone permits residential uses including single family dwellings. Additionally, accessory buildings to residential uses are permitted as of right. Accessory buildings are also subject to setback requirements from property boundaries and main buildings to ensure that adequate area exists to provide sufficient access between buildings and for general maintenance purposes as well as for proper drainage and to minimize impacts on adjacent properties.

Through a site inspection and discussions with the Town Chief Building Official, it was confirmed that all runoff from the accessory building will be kept internal and that the elevation of the structure has been raised on piers to be level with the deck of the pool, which allows drainage to be conveyed under the structure. Planning staff acknowledge that numerous rear yard structures exist on neighbouring properties and that the

**LEGEND**

County Orthoimagery (2006)

Municipal Limits

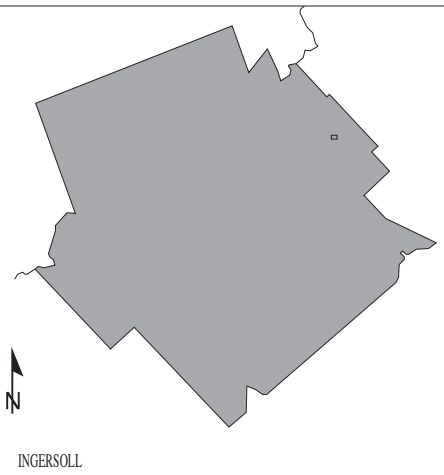


Plate 2 - 2006 Air Photo  
Brenda Reashore, Lot 2, Plan 41M-214  
File No.: A-06/10, Town of Ingersoll



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LAND RELATED INFORMATION SYSTEM  
COUNTY OF OXFORD

CREATED ON: 30-JUN-2010

property which could potentially be the most impacted is to the immediate west. That being said, the majority of the structure is concealed by a 1.5 m (5 ft.) wooden privacy fence and that that there are no openings on the structure facing west. Planning staff maintain that the location of the structure does not impact access to the rear yard. As a result, it is Planning staff's opinion that the proposal meets with the general intent of the Zoning By-Law provisions.

Desirable  
Development/Use:

The subject property is surrounded by residential uses in each direction.

Plate 1, Existing Zoning, shows the subject property as well as the existing zoning in the immediate area.

Plate 2, 2006 Air Photo, is an aerial photograph which shows the property in greater detail, including the approximate location of the accessory structure relative to the existing pool.

In terms of alternative locations for the building, through discussions with the applicant and confirmed through a site inspection the only other site that could potentially accommodate the building was on the north side of the pool, where the grade of the lands slopes upwards from the pool towards the rear property boundary. Additionally, the applicant indicated that the site of the structure has been chosen for privacy purposes.

Planning staff do not anticipate that the accessory building will impact on neighbouring properties. Therefore, the proposed expansion is considered to desirable development on the subject property.

Summary:

The applicant has requested a variance from the provisions of the Zoning By-Law to permit an accessory building (pool cabana) on the subject property being approximately 4.47 m (14.67 ft.) x 2.1 m (6.75 ft) in size. In particular, the applicant is proposing a side yard setback of 0.05 m (0.16 feet) instead of 1.2 m (3.9 ft.) and reducing the setback between the accessory building and dwelling to 0.9 m (2.95 ft.) instead of 1.2 m (3.9 ft.).

It is noted that the structure is approximately 9.19 m<sup>2</sup> (99 ft<sup>2</sup>) in area and it was confirmed by the Town's Chief Building Official that because the structure is less than 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) in area a building permit from the Town of Ingersoll is not required. Having said this, because the building is considered a 'structure' within the Town's Zoning By-Law and is in violation with the setback provisions for an accessory structure, minor variances are required.

Based on a review of the application, it is Planning staff's opinion that the application is acceptable and does not create

an undesirable precedent. Based on Planning staff's review of the application, it is our opinion that the application meets the 4 tests of a minor variance and is supportable from a planning point of view. Staff would recommend that a condition be included with the approval that states that the relief is limited to the (14.67 ft.) x 2.1 m (6.75 ft) accessory structure.

RECOMMENDATION:

Whereas the variances requested:

- (i) are minor variances from the provisions of the Zoning By-law No. 04-4160;
- (ii) are desirable for the appropriate development or use of the land, building or structure;
- (iii) are in keeping with the general intent and purpose of the Zoning By-law No. 04-4160; and
- (iv) are in keeping with the general intent and purpose of the Official Plan of the County of Oxford,

This office is of the opinion that the application is acceptable from a planning point of view and should be granted, subject to the following condition:

- i) that the variances are limited to the (14.67 ft.) x 2.1 m (6.75 ft) accessory structure affected by the subject application.

Authored by:

"Ron Versteegen"

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Ron Versteegen, MCIP, RPP  
Development Planner

Approved by:

"Gord Hough"

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Gordon K. Hough, MCIP, RPP  
Senior Development Planner

June 29, 2010  
RV/vl

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