

**THE CORPORATION OF THE TOWNSHIP OF SEVERN
COMMITTEE OF ADJUSTMENT**



**Tuesday, March 19, 2019
Council Chambers - Municipal Office**

**7:00 P.M.
AGENDA**

A. CALL TO ORDER

B. DISCLOSURE OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF

C. ADOPTION OF MINUTES

Page #

1 Committee of Adjustment - February 19, 2019

3-10

D. ADJOURNED APPLICATIONS

"NIL"

E. NEW APPLICATIONS

Page #

1 A-01-19 (Coutts) - 20 River Street

11-15

2 A-02-19 (Plunkett) - 1498 Otter Point Road

16-22

3 A-03-19 (Moriarty) - 4050 Canal Road

23-39

4 B-01-19 (Jones) - 2514 Saint Amant Road

40-45

F. REPORTS FROM OFFICIALS

"NIL"

G. CORRESPONDENCE

"NIL"

I. OTHER BUSINESS

"NIL"

J. ADJOURNMENT

MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, TUESDAY, FEBRUARY 19TH, 2019 AT 7:00 P.M.

Present: Chair Mark Vandergeest
 Members Andy Jones
 Graham Banks
 Dave Detta
 Jessica Gunby

Staff: Secretary-Treasurer, Planner Katie Mandeville

A. CALL TO ORDER

The Planner called the meeting to order at 7:00 p.m. and explained that since this is the first meeting of the newly appointed Committee, motions to appoint Committee Chair and Vice Chair, Secretary-Treasurer and Deputy Secretary-Treasurer(s), should be contemplated by the new committee.

B. MOTIONS

The following motions were passed:

Motion # 19-01

MOVED by Andy Jones and SECONDED by Mark Vandergeest

THAT the following be appointed the positions of Chair and Vice-Chair for the 2018-2022 term of Council:

January – June 2019

Mark Vandergeest, Chair
Andy Jones, Vice-Chair

July – December 2019

Andy Jones, Chair
Jessica Gunby, Vice-Chair

January – June 2020

Jessica Gunby, Chair
Graham Banks, Vice-Chair

July – December 2020

Graham Banks, Chair
Dave Detta, Vice-Chair

January – June 2021

Dave Detta, Chair
Mark Vandergeest, Vice-Chair

July – December 2021

Mark Vandergeest, Chair
Graham Banks, Vice-Chair

January – June 2022

Andy Jones, Chair
Jessica Gunby, Vice-Chair

July – December 2022

Jessica Gunby, Chair
Graham Banks, Vice-Chair

CARRIED

Motion # 19-02

MOVED by Andy Jones and SECONDED by Jessica Gunby

THAT the following persons be appointed as the Deputy Secretary-Treasurer of the Committee of Adjustment of the Township of Severn for the 2018-2022 Council term or until their successor is appointed:

- 1. Andrea Woodrow, Director of Planning and Development*
- 2. Bradley Oster, Planning Technician*

CARRIED

Motion # 19-03

MOVED by Andy Jones and SECONDED by Jessica Gunby

THAT the following person be appointed as the Secretary-Treasurer of the Committee of Adjustment of the Township of Severn for the 2018-2022 Council term or until their successor is appointed:

- 1. Katie Mandeville, Planner*

CARRIED

The newly appointed Chair then explained the meeting process and the time frame for appeals to those persons present.

C. DISCLOSURE OF PECUNIARY INTEREST

NONE

D. ADOPTION OF MINUTES

NONE

E. ADJOURNED APPLICATIONS

- | | |
|------------------------------------|---|
| 1. Consent Application No.: | B-13-14-15-18 |
| Applicant / Owner: | Norm Mason |
| Agent: | Josh Morgan, Morgan Planning & Development |
| Roll Number: | 4351 010 009 61900 0000 |
| Municipal Address: | 5174 Severn Pines Crescent |

The Secretary-Treasurer of the Committee of Adjustment outlined the application(s) and outlined the correspondence received, as follows:

Proposal:

- The subject land is located north of Washago, just south of Wasdell Falls at the intersection of Coopers Falls Road and Severn Pines Crescent.
- The land is a well treed, irregularly shaped parcel, approximately 5 hectares (12 acres) in size with approximately 245 metres (804 feet) of frontage on Coopers Falls Road and approximately 435 metres (1,427 feet) of frontage on Severn Pines Crescent.
- The land is presently vacant, and there is a hydro easement located along the southerly limit.
- The lands immediately to the east were previously approved for the development of four (4) lots by the same owner between 2003 and 2004. Existing shoreline residential development is located to the south and west, with some larger rural tracts of land to the north.
- The applicant was concurrently seeking a Zoning By-law Amendment (file number Z-18-13) to rezone the subject lands from the Estate Residential Exception Three (ER-3) Zone to a modified Estate Residential Exception Three (ER-3) Zone, in part, and the Environmental Protection (EP) Zone, in part.
- A Public Meeting was held on September 19th, 2018; Council passed the Zoning By-law Amendment on February 6th, 2019 however the appeal period is ongoing.
- Through this application to the Committee of Adjustment, the applicant is seeking to permit the creation of four (4) residential lots.
- On August 9, 2017 Council enacted the following resolution:

MOTION C080917-02:

Moved by Deputy Mayor Cox and seconded by Councillor Westcott that a presentation of Morgan Planning & Development with respect to development of 5174 Severn Pines Crescent be received; AND FURTHER THAT the Committee of Adjustment be advised that this Council has no objection to the creation of 3 additional lots and 1 retained lot at this location by way of consent.

CARRIED

- A Public Hearing was held at the October 16, 2018 Committee of Adjustment meeting where the following motion was passed:

Motion #18-34

MOVED by Emily Silk and SECONDED by Andy Jones

THAT Application No. B-13-18, B-14-18 and B-15-18 be adjourned to a future Committee of Adjustment meeting pending additional information at the request of the applicant.

CARRIED

Staff Report D19-001:

The Planner provided a brief summary of the staff report.

The Secretary-Treasurer advised that this adjourned application is not the subject of a Public Hearing and as such members of the public, including the applicant do not have a right to speak however the comments from the previous public meeting are still on record and the Committee may choose to hear from anyone present.

The Chair asked if the applicant or agent were present and had anything to add to what was presented. The agent was present and had nothing to add.

The Chair asked if the Committee had any comments on this application. Committee comments were as follows:

- Chair Vandergeest inquired with the applicant concerning the reasoning behind the request for his request of a deferral at the October 16, 2018 Committee of Adjustment meeting.
- Mr. Morgan explained it was to allow for the peer review comments to be received prior to the Committee making a decision on the application.
- Member Gunby asked the Planner if there was a minimum number of lots which triggered the requirement for a Plan of Subdivision.
- The Planner explained the Official Plan policy for the Committee member and also made reference to the motion of Council which allowed for the proposed severances to proceed by way of Consent.
- Member Gunby inquired concerning the calculation of the 5% cash-in-lieu of parkland process.
- The Planner explained staff's typical process in relation to wording of the recommended condition of Provisional Approval.

The Chair then called for a vote on the application.

**DECISION – PROVISIONALLY APPROVED
Consent Application B-13-14-15-18 (Mason)**

THE PURPOSE and EFFECT of the application is:

The applicant is requesting consent to sever three (3) lots with one retained, all fronting on Severn Pines Crescent with lot area and frontage measurements of approximately:

Lot / Application No.	Lot Area	Lot Frontage
Lot 1 / B-13-18	1.6 hectares (3.9 acres)	80 metres (262 feet)
Lot 2 / B-14-18	1.3 hectares (3.2 acres)	80 metres (262 feet)
Lot 3 / B-15-18	1.0 hectares (2.5 acres)	80 metres (262 feet)
Retained Lot	1.0 hectares (2.5 acres)	85 metres (279 feet)

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 19th day of February, 2019:

DECISION: PROVISIONALLY APPROVED

SUBJECT TO THE FOLLOWING CONDITIONS:

1. A reference plan of the severed parcels shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.
2. A copy of the electronic registration “in preparation” draft deeds for the severed lots shall be provided to the Secretary/Treasurer of the Committee together with a signed Acknowledgement and Direction so that the consent certificates may be issued.
3. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificates.
4. A payment of 5% in lieu of parkland dedication shall be paid for each of the severed lots in accordance with Section 51.1 of the *Planning Act*, acceptable to the Township of Sever, in cash or cheque. The Township shall retain an appraiser, at the applicant’s expense, to prepare the appraisal in accordance with the provisions of the *Planning Act* if the value of the land cannot otherwise be agreed on.
5. The property owner shall address the lands consisting of the existing 0.3 metre reserve and the former cul-de-sac on Severn Pines Crescent to the satisfaction of, and at no cost to, the Township or that the property owner enter into a Development Agreement in accordance with Section 51 (26) of the *Planning Act* to address the requirements of the Township with respect to same. This may include the requirement for Site Plan Approval.
6. The conveyance of a drainage easement at a width approved by, and in favour of, the Township, at no cost to the Township, or that the property owner enter into a Development Agreement in accordance with Section 51 (26) of the *Planning Act* to establish a future drainage easement where required.
7. That the property owner enter into a Development Agreement in accordance with Section 51 (26) of the *Planning Act* pertaining to the recommendations and conclusions contained within the Scoped Species at Risk (SAR) Assessment dated January 19, 2018 completed by Palmer Environmental Consulting Group Inc.
8. Passage of a site-specific Zoning By-law Amendment to recognize the setback from the Environmental Protection (EP) Zone and any other requirements from the Peer Review and staff’s report(s).
9. That the applicant agrees that all fees and disbursements (peer reviews, legal, engineering, planning), if any, incurred by the Township with respect to this application shall be paid for by the applicant.

EFFECT of written and oral submissions on the decision: NONE

THE REASONS for the Committee’s Decision are that the proposed consent is in keeping with the Township’s Official Plan and Zoning By-law, is consistent with the 2014 Provincial Policy Statement, will provide for the orderly development of the Township and does not fall under the exclusive consideration of Section 51 of the Act.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

F. NEW APPLICATIONS

- | | |
|-------------------------------------|--------------------------------|
| 1. Variance Application No.: | A-34-18 |
| Owner: | Victor Romanko |
| Agent/Applicant: | Octavio DaCosta |
| Roll Number: | 4351 010 006 08600 0000 |
| Municipal Address: | 1840 Big Chief Road |

The Secretary-Treasurer of the Committee of Adjustment outlined the application(s) and outlined the correspondence received, as follows:

Proposal:

- The approximate 0.42 hectare (1.04 acre) property with approximately 45 metres (147 feet) of frontage on Big Chief Road is currently vacant with the exception of an encroachment of the neighbouring property's building.
- The applicants have received provisional approval for Consent Application No. B-11-18 to correct the existing encroachment and as a condition of approval, require a Minor Variance to recognize a further reduced lot area.
- Section 3.19.1 of Zoning By-law 2010-65, deems undersized lots existing prior to the passing of the By-law to comply with the required Lot Area. As concurrent Consent Application No. B-11-18 requires a portion of the subject lands be severed to facilitate the proposed lot addition, a Minor Variance to recognize a further reduced Lot Area is necessary.
- The applicant has requested the following Minor Variance:
 1. A minimum lot area of 0.41 hectares (1.0 acres); whereas Zoning By-law 2010-65 as amended, establishes a minimum lot area of 10.0 hectares (24.7 acres) for the Rural (RU) Zone.

Agency Comments:

None

Public Correspondence:

None

Staff Report D19-002:

The Planner provided a brief summary of the staff report.

The Chair asked if the applicant or agent were present and had anything to add to what was presented. The agent and applicant were present and had nothing to add.

The Chair asked if anyone in the audience had any comments on this application, they were as follows: None.

The Chair asked if the Committee had any comments on this application. Committee comments were as follows: None.

DECISION – APPROVED
Variance Application A-34-18 (Romanko)

THE PURPOSE and EFFECT of the application is:

The following Minor Variance(s) to the provisions of Zoning By-law 2010-65, as amended:

1. A minimum lot area of 0.41 hectares (1.0 acres); whereas Zoning By-law 2010-65 as amended, establishes a minimum lot area of 10.0 hectares (24.7 acres) for the Rural (RU) Zone.

The Committee has considered the Application and, based upon the evidence provided, issues the following Decision on the 19th day of February, 2019:

DECISION: APPROVED

EFFECT of written and oral submissions on the decision: NONE

THE REASONS for the Committee's Decision are that the request is minor in nature, conforms to the general intent and purpose of the Zoning By-law and Official Plan and is desirable for the appropriate development or use of the land.

AND the Secretary-Treasurer is hereby authorized to sign any documents required to give effect to this Decision.

CARRIED

F. REPORTS FROM OFFICIALS

NONE

G. CORRESPONDENCE

NONE

I. OTHER BUSINESS

1. Committee of Adjustment Minutes – December 18, 2018

The following motion was adopted:

Motion # 19-04

MOVED by Andy Jones and SECONDED by Dave Detta

THAT the Minutes of the Committee of Adjustment meeting held in the Council Chambers on December 18, 2018 be received for information.

CARRIED

J. ADJOURNMENT

The following motion was adopted:

Motion #19-05

MOVED by Andy Jones and SECONDED by Jessica Gunby

THAT the Committee of Adjustment meeting be adjourned at 7:34 p.m. on February 19th, 2019. The Committee will reconvene at 7:00 p.m. on March 20, 2019 unless the Secretary-Treasurer has not received a complete application for the Committee's consideration.

CARRIED

Katie Mandeville, Secretary-Treasurer

REPORT		D19-003
TO:	Chair and Members Committee of Adjustment	
FROM:	Katie Mandeville Planner	
DATE:	March 14, 2019	
RE:	Application for Minor Variance A-01-19 Property Owner: Wallace Coutts Applicant / Agent: David Lalonde, Quantum Engineering Address: 20 River Street	

Background:

County Official Plan: Settlements
 Township Official Plan: Settlement Living (Coldwater)
 Township Zoning: Shoreline Residential One (SR1)

Part Lot 24, Concession 12, being Part 1 on 51R-2533, Parts 1 to 3 on 51R-4822 and Part 2 on 51R-37994, geographic Township of Coldwater, known municipally 20 River Street (**Appendix 1**). The approximately 613 square metre (6600 square feet) property is occupied by an existing single detached dwelling and a detached accessory structure. The property owners would like to strengthen and repair the existing dwelling by installing a new foundation. A site plan showing the existing dwelling is attached as **Appendix 2**. As the property is located within the Settlement Area, the existing dwelling is connected to full municipal sewer and water services.

The applicant has requested the following Minor Variance:

Provision	By-law 2010-65	Requested
3.19.2 b)	Strengthening or restoration to a safe condition of a building is permitted provided the size, height and volume are not increased.	To permit an increase in height of 1.2 metres (3.95 feet)

A site inspection of the property was conducted by Planning and Development staff prior to the writing of this report.

Discussion:

Typically, a discussion of the four tests for a Minor Variance as set out in Section 45(1) of the *Planning Act* is discussed within this section in addition to Section 3 of the *Planning Act* as it must be considered for all decisions including Minor Variances. While staff attempted to analyze the applicable policy documents and tests, it became evident that further information was required in order to evaluate the application.

The subject property appears to be fully or partially located within the banks of the Coldwater River. The exact location of the Coldwater River was not evident when Planning and Development Staff attended the property due to the ice and snow on the property and river. According to the Ontario Ministry of Agriculture, Food and Rural Affairs a Natural Watercourse is defined as: *“a natural channel where water flows between banks that are more or less defined. The flow of water does not need to be constant, but the channel must be a permanent landmark. The watercourse may also, at some point, spread over a level area without defined banks, before flowing again as a defined channel.”* Utilizing that definition, it would appear to staff that the subject property may be located within the Natural Watercourse of the Coldwater River. If the property is located within the Natural Watercourse, further information on the development rights of the property and ability of the Township to ultimately issue a Building Permit is required.

If the subject property is not considered to be part of the Natural Watercourse, it is likely located within the Flood Plain of the Coldwater River. The Flood Plain is defined by the Provincial Policy Statement (PPS) as: *“for river, stream and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards”*. The definition of Hazardous Lands within the County of Simcoe Official Plan (SCOP) includes properties adjacent to rivers as: *“Along river, stream and small inland lake systems, this means the land including that covered by water, to the furthest landward limit of the flooding hazard, or erosion hazard limits”*. Based upon the definition of Flood Plain and Hazards Lands it is likely that the property is considered to be both Hazardous Lands and within the Flood Plain of the Coldwater River. Township staff believe that a Hazard Lands Analysis should be completed to ensure compliance with the County of Simcoe’s Official Plan and the PPS. Although the Coldwater River Flood Plain is not mapped by the municipality it is common knowledge within the Township that the Coldwater River swells with seasonal spring melt and during significant storm events. Both the SCOP and PPS contain policies pertaining to development within a Flood Plain that would also need to be satisfied.

Additionally, the Surveyors Real Property Report submitted in support of the application does not identify the front property line or the ‘top of bank’ of the Coldwater River which would assist in the analysis of the property and existing dwelling’s location in relation to the Natural Watercourse.

Other Considerations:

The Building Division stated they have no objections to the proposed minor variance. The Building Division also advised that there is currently an order to comply and stop work order in place for this property and that the applicant would need to provide the required engineering details and drawings to obtain a building permit and to determine that a successful renovation can be completed.

The Public Works Department stated that there are “concerns with the proposed increase of building height resulting from the “strengthening or repair to a safe condition” of a non-complying structure. The existing structure is located within the watercourse of the Coldwater River and further, located within very close proximity to the River Street road allowance. The MNR / DFO should be contacted to assess impact to the watercourse and flood risk. The existing set back of 3.41 metres does not meet the requirement of 7.5 metres of our Zoning By-Law and is exaggerated by the fact that this forced road is less than the usual 20.0 metre R.O.W. width. The majority of River Street from Sturgeon Bay Road to Upper Big Chute Road is 15.24 metres wide. The R.O.W. abutting this property narrows to approximately 11.8 metres. Public Works requests a road widening in the amount required to achieve a consistent 15.24 metre R.O.W. An entrance permit would be required as we do not have an entrance filed for this address. An entrance to this parcel is anticipated to be non-standard, possibly requiring retaining walls and/or right-of-way encroachment. Public Works will require an Access Impact Study which is a study undertaken by a profession engineer that assesses the effect that a proposed entrance will have on the road network and public safety.”

Recommendation:

The Planning and Development Department requires additional information in order to analyze the applicable policy documents and tests required to form a professional opinion on application therefore staff recommend the Committee defer the application.

Respectfully submitted,

With concurrence of,



Katie Mandeville, BA, BURPI.
Planner

Andrea Woodrow, MCIP, RPP
Director of Planning & Development

Appendix 1 – Key Map
Appendix 2 – Site Plan

Appendix 1



REPORT

D19-004

TO: Chair and Members
Committee of Adjustment

FROM: Katie Mandeville
Planner

DATE: March 15, 2018

RE: Application for Minor Variance A-02-19
Applicant: Howard Punkett
Address: 1498 Otter Point Road

Background:

County Official Plan: Rural
Township Official Plan: Shoreline Residential
Township Zoning: Shoreline Residential Three (SR3) & Environmental Protection (EP)

The subject property is Part Lot 14, Concession 3, being Part 5 on Plan RD727, geographic Township of Matchedash, now in the Township of Severn, known municipally as 1498 Otter Point Road (**Appendix 1**). The approximate 0.19 hectare (0.47 acre) property with approximately 40 metres (131 feet) of frontage on Maclean Lake is currently occupied by a sleeping cabin, a privy and a detached dwelling (**Appendix 2**). The applicant is proposing to raise the existing dwelling which is the subject of this Minor Variance.

The applicant has requested the following Minor Variance to facilitate the raising of the existing dwelling:

1. A minimum front yard setback of 15.2 metres (49.9 feet) to the existing dwelling wall and 12.1 metres (39.7 feet) to an attached deck; whereas Zoning By-law 2010-65 as amended, establishes a minimum front yard setback of 20.0 metres (66 feet) for the Shoreline Residential Three (SR3) Zone.

Planning and Development Department staff site inspected the property prior to the writing of this report.

Discussion:

Section 3 of the *Planning Act* must be considered for all *Planning Act* decisions, including Minor Variances.

Provincial Policy Statement (PPS), 2014:

Section 2.2.1 (d) of the PPS speaks to ensuring that the linkages and related functions among ground water features, hydrologic features and areas, and surface water features including shorelines are maintained. Staff are of the opinion that the proposed Minor Variance is in conformity with the PPS.

Growth Plan for the Greater Golden Horseshoe (GPGGH), 2017:

The subject property is completely surrounded by the Natural Heritage System (NHS) as per the mapping released on February 9, 2018 by the Province. Although the existing dwelling is outside of the mapped feature NHS it is still considered to be lands adjacent to a Key Hydrological Feature, being Maclean Lake which is subject to a minimum 30 metre Vegetation Protection Zone (VPZ). Section 4.2.4.3 allows for Section 4.2.3 1. to be considered for construction within the VPZ. Section 4.2.3.1 permits expansions to existing buildings and structures within the VPZ provided “there is no other alternative and if the expansion is limited and scope and kept within close geographical proximity to the existing structure”. The proposed Minor Variance is required to facilitate lifting the dwelling which would not result in any expansion to the existing structure’s footprint, however, the existing development is still entirely within the VPZ. As with other developments proposed within the VPZ, staff have recommended a condition of a Development Agreement to ensure the remaining VPZ is retained. The proposed Minor Variance does not conflict with the GPGGH.

A discussion of the four tests for a Minor Variance as set out in Section 45(1) of the *Planning Act* follows.

Is the general intent and purpose of the Official Plan maintained?

The Official Plan of the County of Simcoe designates the subject property as Rural. The objectives of the Rural designation from Section 3.7 of the County of Simcoe’s Official Plan are as follows:

3.7.1 To recognize, preserve and protect the rural character and promote long-term diversity and viability of rural economic activities.

3.7.2 To encourage maintenance, protection, and restoration of significant natural heritage features and functions and to conserve the built heritage resources and cultural heritage landscapes associated with rural and agricultural areas.

The County of Simcoe’s Official Plan also contains a limited number of policies related to shoreline areas within Section 4.5 Resource Conservation. The County’s Official Plan aims to protect water and conserve natural heritage features and areas related to the shoreline while discouraging development within areas of natural hazards.

The subject property is designated Shoreline Residential under the Township of Severn’s Official Plan. The objectives of the Shoreline Residential Area as stated in Section C7.1 of the Township’s Official Plan are as follows:

“C7.1 OBJECTIVES

- a) *To maintain the existing character of this predominantly low density residential area.*
- b) *To protect the natural features and ecological functions of the shoreline area and the immediate shoreline.*
- c) *To ensure that existing development is appropriately serviced with water and sanitary services.”*

The proposed Minor Variance would recognize the existing dwelling's deficient front yard setback in order to allow the owners to lift the dwelling to add more living space below the existing dwelling. The modest sized footprint will be retained and therefore the ecological functions and natural features of the shoreline will not be impacted. The character of the area will be maintained as the existing tree coverage along the shoreline will be protected through a Development Agreement. The Township's Building-Septic Inspector has confirmed a new septic system was installed on the property. The proposed Minor Variance will conform to the general intent and purpose of the Township's Official Plan.

Is the general intent and purpose of the Zoning By-law maintained?

The proposal appears to comply with all Zoning By-law requirements with the exception of the requested Minor Variance. The intent of the front yard setback requirement within Zoning By-law 2010-65, as amended is to protect the natural features of the shoreline and create a buffer between the daily living residential uses of the property and the water. The proposed Minor Variance will maintain the existing non-complying setback therefore staff believe this to maintain the general intent and purpose of the Zoning By-law.

Is it minor?

The existing dwelling appears to be in good condition and the Building Division has not identified any potential issues with the plan to raise the structure to facilitate a new lower level to the building. The reduced setback request would allow for the addition of living space on the new lower level of the non-complying structure without increasing the lot coverage of the property. The proposed Minor Variance to recognize the deficient setback is considered minor in nature in this instance.

Is it desirable for the appropriate development or use of the land?

The property is well treed and has a change in elevation from the private road side of the property upwards to the rear of the developed area, the dwelling is then built into the downslope towards the waterfront. The proposed raising of the existing structure will facilitate the dwelling built into the natural slope of the property while maintaining the existing footprint which allows the mature vegetation to be protected through a Development Agreement. Staff believe the proposed Minor Variance is desirable and appropriate development and use of the land.

Other Considerations:

The Building-Septic Inspector provided the following comment: "I have no objections to the proposed minor variance. A new sewage system was installed on the property. The applicant must ensure that all required setbacks to the building are maintained."

The Fire Department would like to remind the property owners that their driveway and private road access should be 4 metres in clearance width and overhead to allow for adequate access as well as a turnaround should the driveway be longer than 90m. Planning & Development staff note that the winter maintenance of the private road did not meet the Fire Department's specifications.

Recommendation:

The Planning and Development Department has no objections to the Provisional Approval of the Minor Variance, subject to the recommended conditions set out in **Appendix 3**, because the variance is believed to be minor in nature, is in keeping with the general intent of the Official Plan and Zoning By-law and is desirable for the appropriate development and use of the land.

Respectfully submitted,



Katie Mandeville, BA, BURPI.
Planner

With concurrence of,



Andrea Woodrow, MCIP, RPP
Director of Planning & Development

Appendix 1 – Key Map

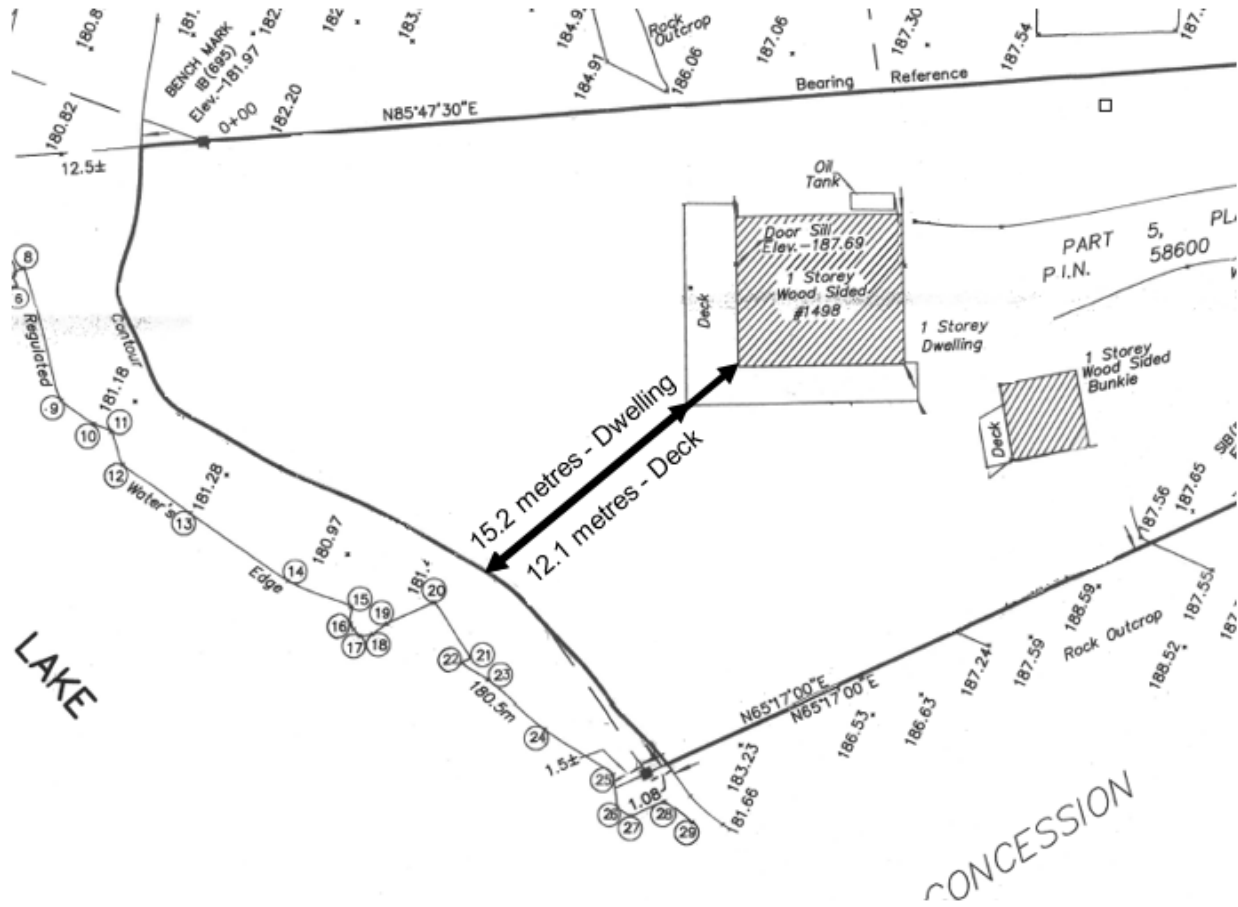
Appendix 2 – Survey

Appendix 3 – Recommended Conditions

Appendix 1



A portion of the Survey Sketch of the Subject Property



RECOMMENDED CONDITIONS

1. Municipal Taxes to be paid to date.
2. That the property owner enters into a Development Agreement with the municipality pursuant to Section 45(9.1) of the Planning Act in order to establish the following:
 - a. A vegetative protection zone parallel to the shoreline extending inland to the proposed dwelling across the entire frontage of the property.
 - b. All costs associated with the Agreement and the registration on title be the responsibility of the property owner.
3. That the construction is in substantial compliance with the plans submitted with the Application.

REPORT

D19-005

TO: Chair and Members
Committee of Adjustment

FROM: Katie Mandeville
Planner

DATE: March 15, 2018

RE: Application for Minor Variance A-03-19
Applicant: Dan Moriarty
Agent: Josh Morgan of Morgan Planning & Development
Address: 4050 Canal Road

Background:

County Official Plan: Rural
Township Official Plan: Shoreline Residential
Township Zoning: Shoreline Residential Two (SR2)

The subject property is Lot 17, Plan 1260, geographic Township of North Orillia, now in the Township of Severn, known municipally as 4050 Canal Road (**Appendix 1**). The approximate 0.14 hectare (0.35 acre) property with approximately 23 metres (75 feet) of frontage on the Severn River is currently vacant. The applicant is proposing to construct a dwelling and detached garage which are the subject of this Minor Variance application.

The applicant has requested the following Minor Variances:

1. A minimum interior yard setback of 1.89 metres (6.2 feet) to an access ramp; whereas Zoning By-law 2010-65 as amended, establishes a minimum interior yard setback of 3.0 metres (9.9 feet) for the Shoreline Residential Two (SR2) Zone.
2. A maximum lot coverage of 22.4%; whereas Zoning By-law 2010-65 as amended, establishes a maximum lot coverage of 15.0% for the Shoreline Residential Two (SR2) Zone.
3. A maximum accessory structure lot coverage of 5.5%; whereas Zoning By-law 2010-65 as amended, establishes a maximum accessory structure lot coverage of 5.0%.

Planning and Development Department staff site inspected the property prior to the writing of this report.

Discussion:

The applicant's agent, Josh Morgan submitted a Planning Justification Report and Addendum Letter which is attached as **Appendix 3** and **Appendix 4** in which Mr. Morgan analyzes the application as it pertains to the applicable policies established under Section 3 of the Planning Act as well as the four tests for Minor Variances as set out in Section 45(1) of the Planning Act. Township staff generally concur with the planning opinion given by Mr. Morgan within his report. As an additional note to Mr. Morgan's Addendum Letter, Township staff believe that although the application is being evaluated under Section 4.2.4.5 of the Growth Plan for the Greater Golden Horseshoe (GPGGH) where a Vegetation Protection Zone (VPZ) is not specifically required staff believe it would still be appropriate for the property owners to enter into a Development Agreement to protect the vegetation between the shoreline and the proposed dwelling. Section 4.2.2 of the GPGGH generally provides for the protection of the mapped Natural Heritage System which the area between the proposed dwelling and the shoreline is within therefore it is important to ensure protection of this area through a Development Agreement.

Due to staff's general agreement with Mr. Morgan's professional planning opinion, a detailed policy analysis by Township staff has not been conducted for this application.

Other Considerations:

The Building Division provided the following comment: "No objection to the application for minor variance. The applicant has submitted a Building Permit Application for a new sewage disposal system. A tertiary system is required based on the proposed property layout."

The Public Works Department stated "no concerns with the Minor Variance to permit an increased overall lot coverage and an increased accessory structure lot coverage or reduced side-yard setback to an access ramp."

Recommendation:

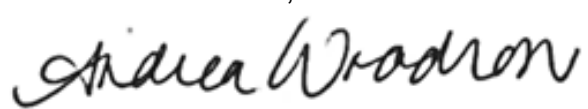
The Planning and Development Department has no objections to the approval of the Minor Variances, subject to the recommended conditions set out in **Appendix 5**, because the variances are believed to be minor in nature, are in keeping with the general intent of the Official Plan and Zoning By-law and are desirable for the appropriate development and use of the land.

Respectfully submitted,



Katie Mandeville, BA, BURPI.
Planner

With concurrence of,



Andrea Woodrow, MCIP, RPP
Director of Planning & Development

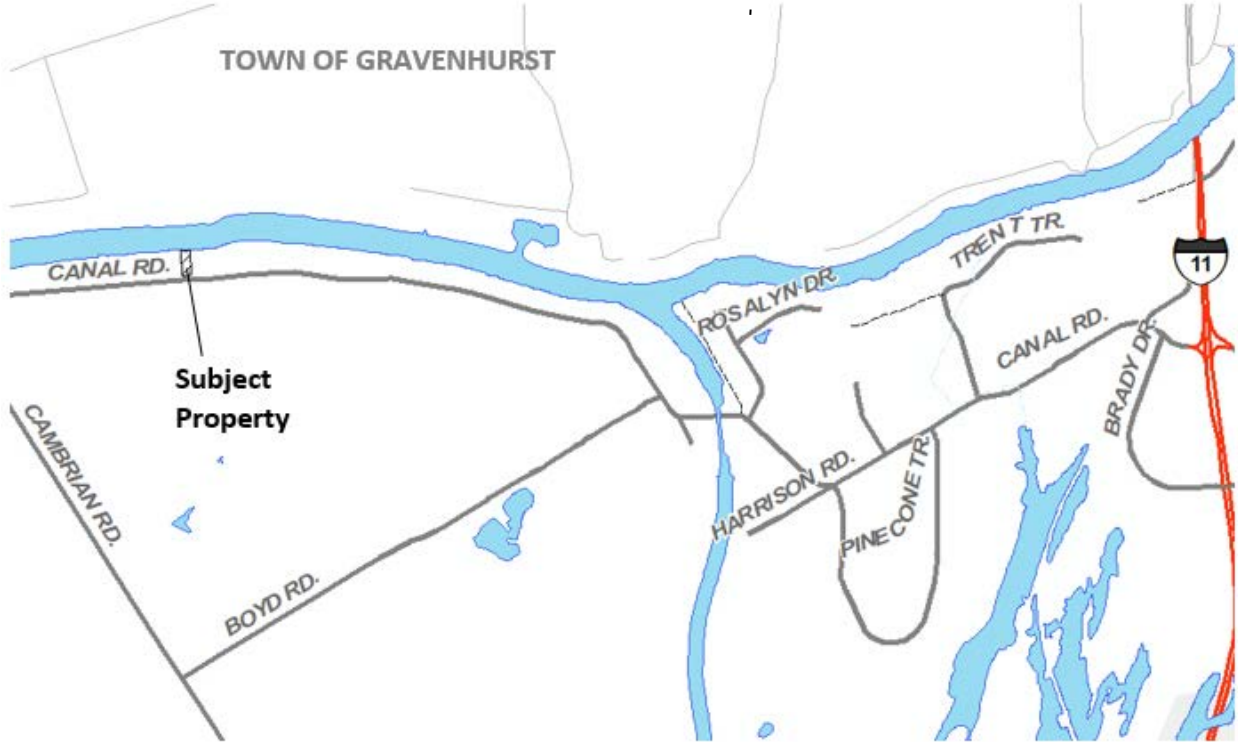
Appendix 1 – Key Map

Appendix 2 – Survey

Appendix 3 – Josh Morgan’s Planning Justification Report

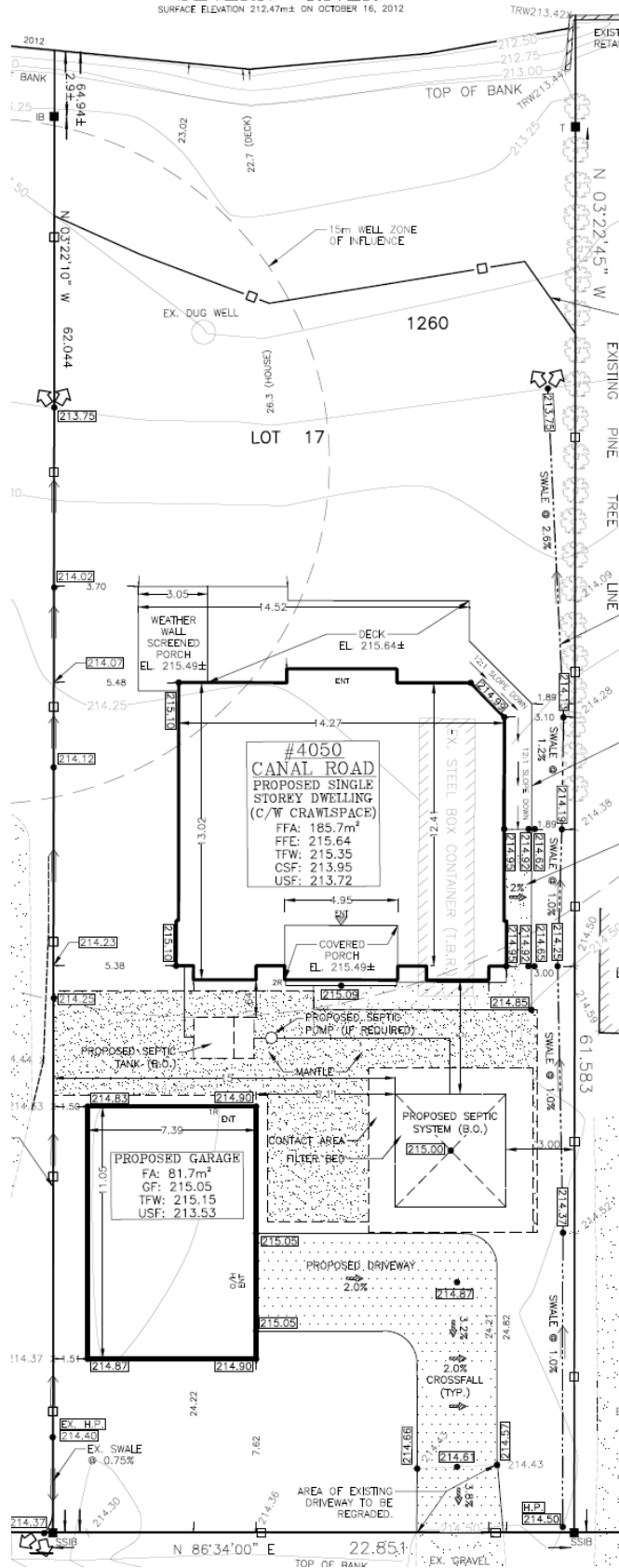
Appendix 4 – Josh Morgan’s Addendum Letter

Appendix 5 – Recommended Conditions



SEVERN RIVER

SURFACE ELEVATION 212.47m± ON OCTOBER 16, 2012





February 25, 2019

*Delivered by Hand

Township of Severn

Attention: Andrea Woodrow, Director of Planning

Re: Township of Severn
4050 Canal Road
Minor Variance Application
Planning Justification Letter

1.0 Introduction

MORGAN Planning & Development Inc. has been retained by Dan Moriarty, owner of 4050 Canal Road to assist in obtaining a minor variance approval which is required to permit the construction of a desired detached dwelling together with a detached accessory building (garage). It is proposed that both the dwelling and the accessory building be constructed concurrently.

2.0 Development Proposal

As noted above it is proposed that the vacant property be developed with a detached dwelling together with a detached garage. The dwelling is proposed with a footprint of 185.7 m² and a height of 5.87 metres. The garage is proposed with a footprint of 81.7 m² and a height of 4.1 metres. No municipal services are available to the subject property therefore the site will be serviced by a private well and a private septic system. Enclosed herein is a combined Lot Grading and Site Plan which illustrates the details of the proposed development. Also enclosed are architectural elevations of both the proposed dwelling and the proposed accessory building (garage).

3.0 Location and Description of Land

The subject property is vacant and is known municipally as 4050 Canal Road. The property has approximately 23 metres of frontage on the south shore of the Severn River and 22.8 metres of frontage on Canal Road. The total area of the property is 1,479 m² (0.14 ha/ 0.36 ac).

3.1 Surrounding Uses

North: To the north of the property is the Severn River.

East: To the east of the property is 4054 Canal Road, which is owned by the applicant and developed with a dwelling and a garage.

South: To the south of the property is Canal Road. On the south side of Canal Road there are a number of residential lots which are developed with single detached dwellings.

West: To the west of the property is 4044 Canal Road, which is developed with a single detached dwelling.

To summarize, the southern shoreline of the Severn River is predominated by a mix of seasonal and permanent single detached dwellings. The lots on the southern shoreline of the Severn River are similar in size to the subject property and are all serviced privately. The proposed development is very similar in nature to the developed lots in the neighbourhood and is therefore deemed to be compatible with the adjacent lots and the existing built form in the area.

Figure 1 – Aerial Location Map



4.0 Purpose of Minor Variance Application

The minor variance application submitted herein proposes the following three site specific variances. One of the variances relates to the construction of the proposed dwelling, one of the variances relates to the proposed accessory building (garage), and one variance relates to the cumulative effect of each.

1. Variance from ZBL Table 6.2 to permit a lot coverage of 22.4%, whereas the by-law permits 15%.
2. Variance from ZBL Table 6.2 to permit an interior side yard setback to an access ramp adjacent to the dwelling of 1.89 metres, whereas the by-law permits 3.0 metres.
3. Variance from ZBL Section 3.2.8 to permit a maximum lot coverage for the accessory building (garage) of 5.5%, whereas the by-law permits 5%.

5.0 OFFICIAL PLAN AND ZONING BY-LAW

5.1 Township of Severn Official Plan (OMB Approved 2010)

The subject property is designated 'Shoreline Residential' by Township Official Plan Schedule 'A' (Land Use – South). Single detached dwellings with accessory buildings are permitted in the Shoreline Residential designation.

The objectives of the 'Shoreline' designation are as follows:

- a) To maintain the existing character of this predominantly low density residential area.
- b) To protect the natural features and ecological functions of the shoreline area and the immediate shoreline.
- c) To ensure that existing development is appropriately serviced with water and sanitary services.

The proposed minor variances each meet the intent of the official plan. An official plan amendment is not required to permit the proposed development of a single detached dwelling with an accessory building (detached garage).

5.2 Township of Severn Zoning By-law 2010-65

The subject property is within the Shoreline Residential Two (SR2) Zone. Single detached dwellings with accessory buildings are permitted in the SR2 Zone in accordance with the performance standards listed in Table 6.2 (Lot Requirements for Residential Zones) and Section 3.2 (Accessory Uses, Buildings and Structures).

The proposed minor variances each meet the intent of the zoning by-law. A zoning by-law amendment is not required to permit the proposed development of a single detached dwelling with an accessory building (garage).

5.3 Zone Matrix

Zone Matrix – 4050 Canal Road		
	SR2 Zone	Proposed
Lot Coverage (max.)	15%	22.4% (MV) (331.4 m ²)
Front Yard to Severn River (min.)	20.0 m	22.7 m (deck) 26.3 m (dwelling)
Rear Yard to Canal Road (min.) <ul style="list-style-type: none"> this applies to both the dwelling and the accessory building 	7.5 m	7.6 m (garage) 24.2 m (dwelling)
Interior Yard (to dwelling)	3.0 m	3.0 m
Interior Yard to ramp (min.)	3.0 m	1.89 m (MV)
Interior Yard to accessory building (min.)	1.5 m	1.5 m
Landscaped Open Space (min.)	40%	71%
Building Height (max.)	9 metres	5.87 metres
Gross Floor Area of Accessory Building (max.)	Lesser of 75% of GFA of dwelling or 110 m ²	81.78 m ²
Height of Accessory Building (max.)	5.0 metres	4.18 metres
Coverage of Accessory Building (max.)	5% of total lot area (1479 m ² x 0.05% = 74 m ²)	5.5 % (MV) (81.78 m ²)

6.0 Planning Justification

In formulating the planning rationale for any minor variance application the applicant and the approval authority must consider the following 4 tests:

1. Is the variance minor when considering the impact on adjacent properties and/or uses?
2. Is the variance desirable for the appropriate development of the land?
3. Is the general intent and purpose of the zoning by-law maintained?
4. Is the general intent and purpose of the official plan maintained?

A detailed planning analysis for each of the proposed variances is provided below:

Variance from ZBL Table 6.2 to permit a lot coverage of 22.4%, whereas the by-law permits 15%.	
Minor Variance Tests	Planning Justification
Is the impact of the variance minor?	Due to the limited size of the subject property the impact of the proposed 22.4% lot coverage is considered to be minor in nature. This conclusion has been reached as the size of both the proposed dwelling (185.7 m ² / 2,000 ft ²) and the proposed

	garage (81.7 m ² / 879 ft ²) provide sufficient setbacks to the shoreline, provide sufficient setbacks to the road allowance and they provide sufficient area to accommodate the private servicing systems.
Is the variance desirable for the appropriate development?	The proposed 22.4% lot coverage will enable the appropriate development of the subject property as the size of both the proposed dwelling (185.7 m ² / 2,000 ft ²) and the proposed garage (81.7 m ² / 879 ft ²) provide sufficient setbacks to the shoreline, provide sufficient setbacks to the road allowance, provide sufficient area to accommodate the private servicing systems, and also provide a landscaped open space area of 71%.
Is the general intent and purpose of the zoning by-law maintained?	The intent of the maximum lot coverage provision is to ensure that properties are not 'over-developed' and that sufficient buffering is provided to the shoreline, to the road side and to the adjacent properties. It is the opinion of the undersigned that the intent of the Zoning By-law has been met in this regard due to the very reasonable size of both the proposed dwelling and the proposed accessory building.
Is the general intent and purpose of the official plan maintained?	<p>The intent / objectives of the Shoreline Residential designation are as follows:</p> <ul style="list-style-type: none"> a) To maintain the existing character of this predominantly low density residential area. b) To protect the natural features and ecological functions of the shoreline area and the immediate shoreline. c) To ensure that existing development is appropriately serviced with water and sanitary services. <p>As noted in foregoing sections of this report the proposed development is consistent and compatible with the existing form of development along the southern shoreline of the Severn River, and it provides sufficient area for the property to be developed with private water and sanitary services. Further, the proposal exceeds the minimum setbacks to the Severn River as established by the Township's Zoning By-law.</p>

Variance from ZBL Table 6.2 to permit an interior side yard setback to an access ramp adjacent to the dwelling of 1.89 metres, whereas the by-law permits 3.0 metres.	
Minor Variance Tests	Planning Justification
Is the impact of the variance minor?	The proposed setback to the proposed dwelling is 3.0 metres, which adheres to the setback provisions of the Zoning By-law. The requested 1.89 metre interior side yard variance is measured to an access ramp. As illustrated within the enclosed Lot Grading and Site Plan the site can be suitably developed from a lot grading perspective with the proposed 1.89 metre interior side yard setback. On the basis of the foregoing it is the opinion of the undersigned that the impact of the proposed variance is minor in nature.
Is the variance desirable for the appropriate development?	The proposed setback to the proposed dwelling is 3.0 metres, which adheres to the setback provisions of the Zoning By-law. The requested 1.89 metre interior side yard variance is measured to an access ramp. As illustrated within the enclosed Lot Grading and Site Plan the site can be suitably developed from a lot grading perspective with the proposed 1.89 metre interior side yard setback. On the basis of the foregoing it is the opinion of the undersigned that the variance is desirable for the appropriate development of the property.
Is the general intent and purpose of the zoning by-law maintained?	The intent of the interior side yard setback provision of the Zoning By-law is to ensure that developments do not adversely impact the existing and/or future use and/or enjoyment of adjacent properties. As noted above, the proposed interior side yard setback to the proposed dwelling meets the direction provided in the Zoning By-law, rather the variance is seeking to permit the encroachment of an access ramp which will not have any adverse impact on the adjacent property to the east and therefore meet the general intent and purpose of the Zoning By-law.
Is the general intent and purpose of the official plan maintained?	The intent / objectives of the Shoreline Residential designation are as follows: <ul style="list-style-type: none"> a) To maintain the existing character of this predominantly low density residential area. b) To protect the natural features and ecological functions of the shoreline area and the immediate shoreline.

	<p>c) To ensure that existing development is appropriately serviced with water and sanitary services.</p> <p>As noted in foregoing sections of this report the proposed development is consistent and compatible with the existing form of development along the southern shoreline of the Severn River, and sufficient setbacks from the interior side lot line to the proposed dwelling have been provided. On the basis of the foregoing it is the opinion of the undersigned that the general intent and purpose of the Official Plan are maintained by this proposal.</p>
--	--

Variance from ZBL Section 3.2.8 to permit a maximum lot coverage for the accessory building (garage) of 5.5%, whereas the by-law permits 5%.	
Minor Variance Tests	Planning Justification
Is the impact of the variance minor?	Due to the limited size of the subject property the impact of the proposed 5.5% lot coverage for the accessory building (garage) is considered to be minor in nature. This conclusion has been reached as the size of the proposed garage (81.7 m ² / 879 ft ²) provides sufficient setbacks to the shoreline, provide sufficient setbacks to the road allowance and sufficient area to accommodate the private servicing systems.
Is the variance desirable for the appropriate development?	The proposed 5.5% lot coverage for the accessory building (garage) will enable the appropriate development of the subject property as the proposed garage (81.7 m ² / 879 ft ²) provides a sufficient setback to the road allowance, sufficient area to accommodate the private servicing systems, and also provides a landscaped open space area of 71%.
Is the general intent and purpose of the zoning by-law maintained?	<p>The intent of the maximum lot coverage provision for accessory buildings is to ensure that properties are not over-developed and that the primary structure on a residential property is the dwelling.</p> <p>It is the opinion of the undersigned that the proposed 5.5% lot coverage for the accessory building is a result of the limited lot area and not the result of an effort to over-develop the site. On this basis it is the opinion of the undersigned that the proposed</p>

	variance meets the intent and purpose of the Zoning By-law.
Is the general intent and purpose of the official plan maintained?	<p>The intent / objectives of the Shoreline Residential designation are as follows:</p> <ul style="list-style-type: none"> a) To maintain the existing character of this predominantly low density residential area. b) To protect the natural features and ecological functions of the shoreline area and the immediate shoreline. c) To ensure that existing development is appropriately serviced with water and sanitary services. <p>As noted in foregoing sections of this report the proposed development is consistent and compatible with the existing form of development along the southern shoreline of the Severn River, and it provides sufficient area for the property to be developed with private water and sanitary services. On the basis of the foregoing it is the opinion of the undersigned that the general intent and purpose of the Official Plan are maintained by this proposal.</p>

7.0 CONCLUSION

It is the professional planning opinion of the undersigned that each of the variances meet the four tests of the Planning Act and that the proposal represents good land-use planning.

Enclosures:

- One (1) original application for a minor variance;
- One (1) cheque payable to the Township of Severn for the sum of \$1,000 representing the minor variance application fee;
- Two (2) copies of the Planning Justification Report;
- Two (2) copies of the combined Lot Grading and Site Plan;
- Two (2) copies of the dwelling elevations drawing;
- Two (2) copies of the accessory building elevation drawing.

I trust this submission is complete and I respectfully request that it be considered by the Committee of Adjustment at the next available meeting. .

Respectfully submitted,
MORGAN Planning & Development Inc.

A handwritten signature in black ink, appearing to read "Josh Morgan", with a long horizontal flourish extending to the right.

Joshua Morgan, RPP



February 26, 2019

*Sent By Email Only

Township of Severn

Attention: Andrea Woodrow, Director of Planning

**Re: Township of Severn
4050 Canal Road
Addendum to Planning Justification re: Growth Plan Conformity**

Further to the planning justification provided in the Planning Justification Report dated February 25, 2019, pertaining to the Minor Variance application for 4050 Canal Road, please accept the following overview of the applicable policies of Growth Plan for the Greater Golden Horseshoe (2017), herein referred to as the 'Growth Plan'.

The subject property is located outside of a settlement area. The Severn River, which abuts the subject property to the north is deemed to be a 'key hydrologic feature' by the natural heritage policies of the Growth Plan. On the basis of the foregoing the Minor Variance application submitted on February 26th, 2019 pertaining to 4050 Canal Road must have regard for Section 4.2.4 (Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features) of the Growth Plan.

The proposed Minor Variance which would enable the construction of a 185.7 m² dwelling and a 81.7 m² accessory building (garage) conforms to the Natural Heritage policies of the Growth Plan as Section 4.2.4.5 permits infill development in developed shoreline areas that were designated or zoned for development as of July 1, 2017 subject to the applicant's confirmation that the development will:

- a) Be integrated with existing or proposed parks and trails, and will not constrain ongoing or planned stewardship and remediation efforts;
- b) Restore, to the maximum extent possible, the ecological features and functions in developed shoreline areas.

MORGAN Planning Comment:

The subject property was zoned Shoreline Residential Two (SR2) by Township Zoning By-law 2010-65 and designated 'Shoreline Residential by Township Official Plan (OMB Approved 2010) prior to July 1, 2017. Further, the proposed infill development will not have any impact on existing or proposed parks and will not constrain any ongoing or

planned stewardship and remediation efforts in the area. Finally, the proposed dwelling is proposed with a 22.7 metre setback to the shoreline of the Severn River and the proposed septic bed is proposed between the dwelling and the road frontage to maximize its setback to the key hydrologic feature (Severn River).

Based on the restricted size of the subject property it is the opinion of the undersigned that the proposed development plan is responsible, conforms to the natural heritage policies of the Growth Plan and represents good land use planning.

Respectfully submitted,
MORGAN Planning & Development Inc.

A handwritten signature in black ink, appearing to read "Josh Morgan", with a long horizontal flourish extending to the right.

Joshua Morgan, RPP

RECOMMENDED CONDITIONS

1. Municipal Taxes to be paid to date.
2. That the property owner enters into a Development Agreement with the municipality pursuant to Section 45(9.1) of the Planning Act in order to establish the following:
 - a. A vegetative protection zone parallel to the shoreline extending inland to the proposed dwelling across the entire frontage of the property.
 - b. All costs associated with the Agreement and the registration on title be the responsibility of the property owner.
3. That the construction is in substantial compliance with the plans submitted with the Application.

REPORT		D19-006
TO:	Chair and Members Committee of Adjustment	
FROM:	Katie Mandeville Planner	
DATE:	March 15, 2019	
RE:	Application for Consent B-01-19 Property Owner / Applicant: Beverley Jones Agent: N/A Address: 2514 Saint Amant Road	

Background:

County Official Plan: Rural, Agricultural & Greenlands
Township Official Plan: Rural & Agricultural
Township Zoning: Agricultural (AG), Agricultural Haul Route (AG/HR) Rural (RU), Rural Haul Route (RU/HR), Rural Residential (RR) & Environmental Protection (EP)

The subject property is East Part Lots 12 and 13, Concession 13, geographic Township of Tay, now in the Township of Severn, known municipally as 2514 Saint Amant Road. **(Appendix 1)**. The subject lands have frontage of approximately 450 metres (1475 feet) on Saint Amant Road and 450 metres (1475 feet) on Quarry Road with an area of approximately 62 hectares (153 acres). The applicant is requesting consent to sever an area of 3045.0 square feet (283 square metres) with 4.6 metres (15 feet) of frontage on Saint Amant Road, to facilitate a lot addition to the neighbouring property municipally known as 2570 Saint Amant Road.

The property was site inspected by Planning and Development staff prior to the writing of this report.

Discussion:

A discussion of the various planning documents that have bearing on this application follows.

Provincial Policy Statement (PPS), 2014

The proposed lot addition would be considered as a minor boundary adjustment which are generally not considered as “development” for the purposes of the PPS as a new lot will not be created.

Growth Plan for the Greater Golden Horseshoe, as amended

The Growth Plan for the Greater Golden Horseshoe is silent on minor boundary adjustments. The subject property is within the Natural Heritage System as per the mapping released on February 9, 2018 by the Province; however, this application does not contemplate new development or site alteration; therefore, staff are of the opinion that the proposed Consent does not conflict with the GPGGH.

County of Simcoe Official Plan (2016)

The County of Simcoe's Official Plan maps the subject property as within the Rural, Agricultural and Greenlands designations. The portion of the property contemplated to be transferred to the neighbouring property through this Consent application is within the Rural designation. The County of Simcoe Official Plan Section 3.3.4 states *"Consents for the purpose of legal and technical reasons and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots except as otherwise permitted in this Plan, provincial policies and legislation."* The definition of legal and technical reasons "means severances for purposes such as easements, corrections of deeds, quit claims, and other minor boundary adjustments, which do not result in the creation of a new lot." As the proposed lot line adjustment does not result in the creation of a new lot, this application meets the general intent and purpose of the County of Simcoe Official Plan.

Township of Severn Official Plan (2010)

The Township of Severn's Official Plan designates the subject property as having both Rural and Agricultural lands. The portion of the subject property where the lot addition is proposed is within the Rural designation. The Township of Severn Official Plan Section B8.2.2 Boundary Adjustments states *"A consent may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan."* As the proposed lot line adjustment would not result in the creation of a new building lot, the application meets the general intent and purpose of the Township of Severn Official Plan.

Township of Severn Zoning By-law 2010-65

The subject property as well as the property receiving the lot addition are both zoned Rural Residential (RR) within Zoning By-law 2010-65, as amended; although other portions of the property are zoned Rural (RU), Agricultural (AG) and Environmental Protection (EP). Section 3.18 Multiple Zones on One Lot of Zoning By-law 2010-65, as amended states: *Where a lot is divided into more than one Zone under the provisions of this By-law, each such portion of the lot shall be used in accordance with the Permitted Uses and Zone Requirements of this By-law for the applicable Zones.*

Section 6.4 of the Zoning By-law requires a minimum lot frontage of 60 m (196.9 ft.) and minimum lot area of 4,000 square metres (1.0 acre) for lots within the Rural Residential Zone. The portion of the subject property zoned RR exceeds the minimum lot area and lot frontage requirements of Section 6.4 by more than what is contemplated to be transferred as a lot addition. The lands receiving the lot addition, 2570 Saint Amant

Road, does not currently meet the minimum required lot area. Section 3.19.1 Existing Undersized Lots recognizes these lots and deems them to comply with the By-law even if additional lands are added to the non-complying lots. The proposed Consent application for a lot addition complies with the Township's Zoning By-law.

Other Considerations:

The Township's Building-Septic Inspector provided the following comment: "No objection to the proposed consent for lot addition."

The Public Works Department provided the following comment: "No concerns with the request to sever a portion of the property to facilitate a lot addition with 2570 Saint Amant Road. Public Works anticipates a potential improvement to the alignment of the existing entrance as a result of the proposed lot addition."

Recommendation:

The Planning Department has no objection to the Provisional Approval of this application, subject to the recommended conditions set out in **Appendix 3** as stated previously in the report the application conforms or does not conflict with all applicable policy.

Respectfully submitted,



Katie Mandeville, BA, BURPI.
Planner

With the concurrence of,



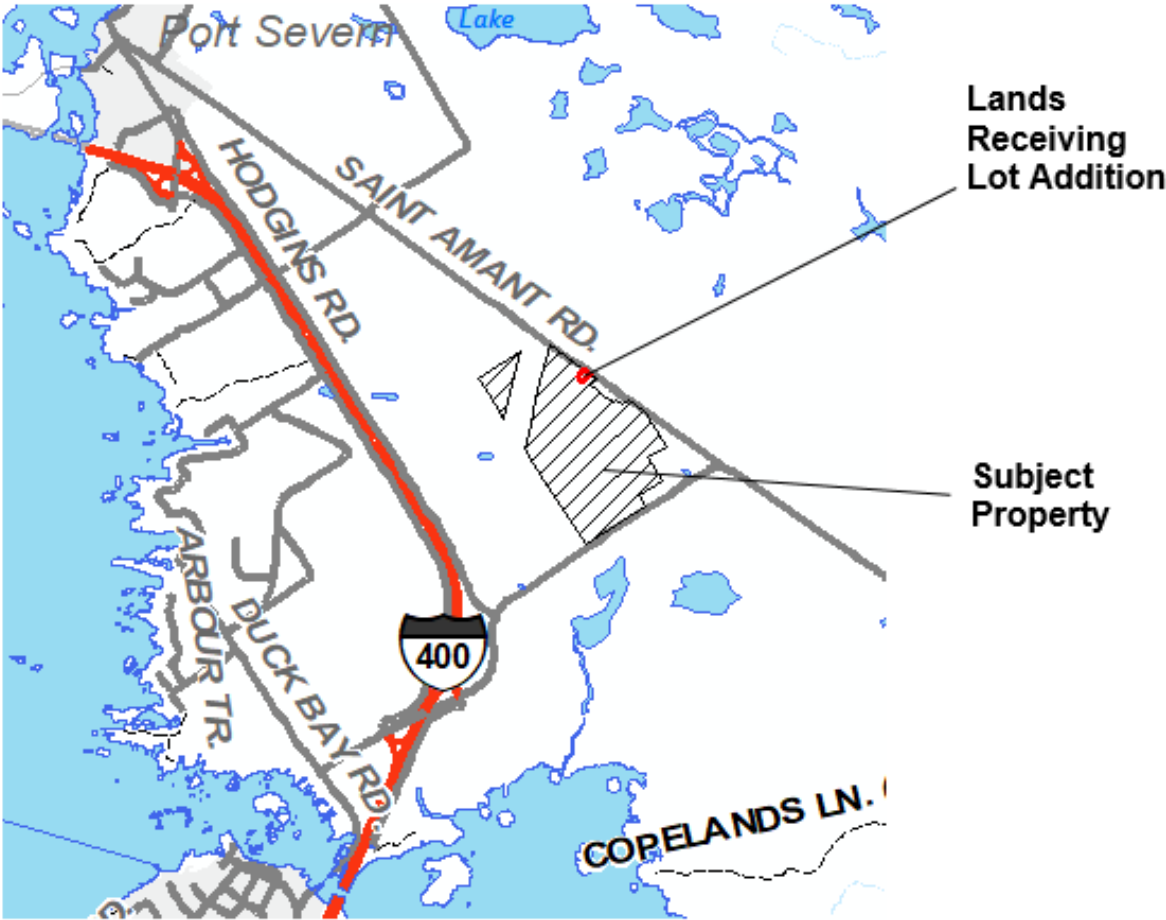
Andrea Woodrow, MCIP, RPP
Director of Planning & Development

Appendix 1 – Key Map

Appendix 2 – Consent Sketch

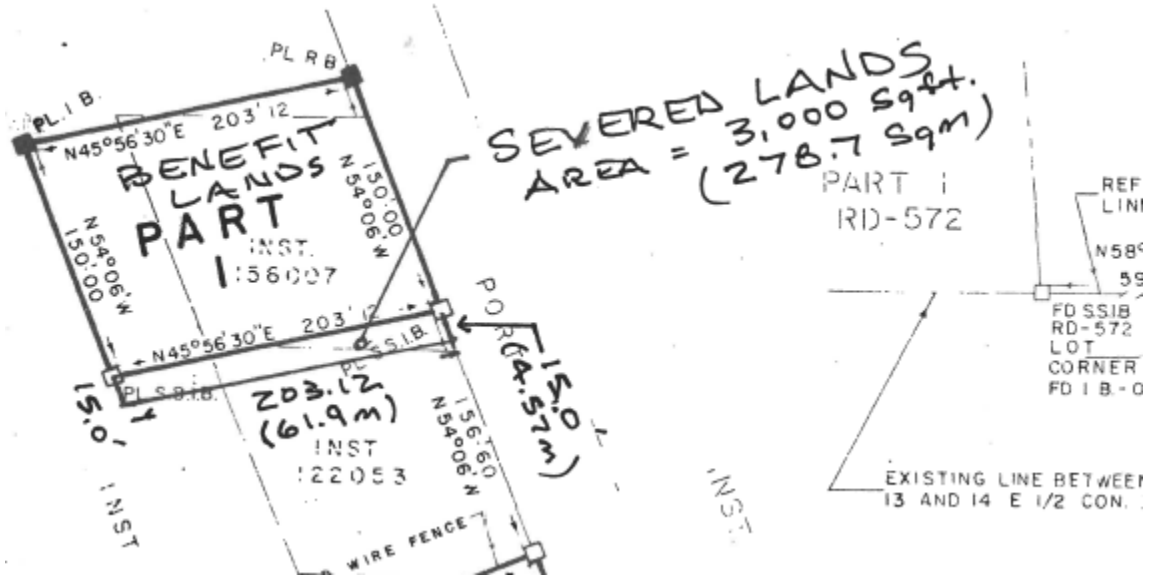
Appendix 3 – Recommended Conditions

Appendix 1



Appendix 2

Note only a portion of the subject lands are shown



RECOMMENDED CONDITIONS

1. A reference plan of the severed parcel shall be prepared and duly registered by an Ontario Land Surveyor and one copy filed with the Secretary/Treasurer of the Committee. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.
2. A copy of the electronic registration “in preparation” draft deed for the severed lot shall be provided to the Secretary/Treasurer of the Committee together with a signed Acknowledgement and Direction so that the consent certificate may be issued.
3. That the severed lands shall merge with the property municipally known as 2570 Saint Amant Road. The owners’ solicitor shall take all necessary steps to ensure that the parcels merge under the *Planning Act*.
4. That the owners’ solicitor shall provide an undertaking regarding:
 - The process they will follow to ensure the severed lands will merge with and not be separately conveyable from the adjoining lands municipally known as 2570 Saint Amant Road. This may include the conveyance to the municipality of a one-foot by one-foot square portion of land to “break” a previous severance and allow the severed lands to merge with the property municipally known as 2570 Saint Amant Road.
 - To provide the Township with a copy of the registration within three months of the date of registration of the Transfer of the severed parcel.
5. Municipal taxes shall be paid in full up to the date of request of issuance of the consent certificate.
6. That the applicant agrees that all fees and disbursements (peer reviews, legal, engineering, planning), if any, incurred by the Township with respect to this application shall be paid for by the applicant.