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**Tuesday, April 7<sup>th</sup>, 2009**

**7:00 p.m.**

**Lanark Highlands Municipal Office - 75 George Street, Lanark, Ontario  
Council Chambers**

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*\*2:30 p.m. Council Photo*  
*\*Following Committee of the Whole*  
*\*5:30 p.m. Dinner Break*  
*\*7:00 p.m. Committee of Adjustment*  
*\*Following Council*

***Chair, Mayor Bob Fletcher***

**1. CALL TO ORDER**

**2. INTRODUCTION**

- The purpose of this meeting is to hear applications for Minor Variances.
- The Committee is charged with making a decision on each application on the agenda. The decision will be based on both oral and written input received and understandings gained. The four key factors on which decisions are based include:
  - Is the application generally in keeping with the intent of the Township's Official Plan?
  - Is the application generally in keeping with the intent of the Township's Zoning By-Law?
  - Is the application desirable for the appropriate development or use of the site?
  - Is the application minor in nature and scope?
- The Planning Consultant will provide a brief overview of the details of the file. The applicant will then be given an opportunity to explain the need for the variance. Then, any person or public body, in opposition and then in favour, to the application will be heard.
- If a person or public body does not make oral or written submissions at a public meeting, or make written submissions to the Township of Lanark Highlands before the decision is passed, the person or public body may not be added to the hearing of an appeal before the Ontario Municipal Board (OMB) unless, in the opinion of the Board, there are reasonable grounds to do so.

- If you wish to be notified of the decision of the Committee of Adjustment in respect to any of the below listed applications, you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment or you must sign the attendance list provided at today's meeting. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.
- The Secretary/Treasurer must provide notice of the Committee's decision to all those who request a copy within 10 days. Anyone may appeal the decision to the OMB by filing with the Secretary/Treasurer within 20 days of the notice of decision.

### 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

### 4. APPROVAL OF MINUTES

*Suggested Motion:*

***“THAT, the minutes of the Committee of Adjustment meeting held on Tuesday, March 24<sup>th</sup>, 2009 be approved as circulated.”***

### 5. APPROVAL OF AGENDA

*Suggested Motion:*

***“THAT, the agenda be adopted as presented.”***

### 6. APPLICATIONS

i) **FILE #:** **MV09/002 DETTRICH – attached, page 5.**

- PLANNER FILE REVIEW
- APPLICANT COMMENTS
- ORAL & WRITTEN SUBMISSIONS
- DECISION OF COMMITTEE

*Recommended Decision:*

***“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application #MV09/002 be approved, to allow a variance from the requirements of Section 10.0 of Zoning By-Law No. 2003-451, for the lands legally described as Concession 9, Part Lot 12, former Township of Dalhousie, Township of Lanark Highlands and commonly referred to as 521 Stewart Lane - Roll Number 003-030-14000-0000, to reduce the minimum lot area requirement***

*to 0.08 ha (0.21 ac) from the By-Law requirement of 1 ha (2.47 ac) and to reduce the minimum lot frontage to 20 m (65.6 ft) from the By-Law requirement of 60 m (196.8 ft) and to reduce the minimum interior side yard setback for main use to 0.9 m (2.95 ft) from the By-Law requirement of 7 m (22.97 ft) and to reduce the minimum side yard requirement for accessory use to 0.2 m (0.66 ft) from the By-Law requirement of 3 m (9.84 ft) and to also allow a variance from the requirements of Section 4.32 of Zoning By-Law No. 2003-451, to reduce the minimum setback from waterbodies to 10 m (32.8 ft) from the By-Law requirement of 30 m (98.4 ft).”*

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

# APPLICATIONS

File #: MV09/002

Purpose: Minor Variance to Zoning By-Law No. 2003-451

Applicant: Dettrich

Location: Part Lot 12, Concession 9, Former Township of Dalhousie, Township of Lanark Highlands

Stewart Lane/Dalhousie Lake

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Date: March 23, 2009

## **PURPOSE**

To legally recognize the existing performance standards of an undersized lot. The property was previously subject to a severance application and as such lost legal non-conforming rights. No new construction is proposed by means of this application.

### ***Background***

The property is along the shoreline of Dalhousie Lake and is accessed by Stewart Lane, a private roadway not maintained by the municipality. No new construction is proposed therefore no permits are required by Mississippi Valley Conservation.

A cottage and two sheds are currently constructed on the site. The lands are serviced via a septic sewage system and water is drawn from the lake. No change to the existing servicing solution is proposed by means of this application. The cottage is constructed within the front yard setback.

The property has approximately 20.4 metres of frontage on Dalhousie Lake and 4.2 metres along the private roadway. Surrounding land uses are recreational, rural and residential.

The lands are designated as Lakefront Development on Schedule A2 of the Township of Lanark Highlands Official Plan and zoned Limited Services Rural on Schedule A2 of Zoning By-law 2003-451.

### ***Relief Required***

The applicant wishes to gain approval in order to finalize his severance application. The lands prior to the severance application enjoyed legal non-conforming status. The severance application requires review of applicable zoning requirements and if those

cannot be met they must be recognized by either a zoning amendment or a minor variance application. In this case as no new construction is proposed and the applicant simply requires relief of the zoning standards for a pre-existing condition a minor variance is sufficient. Relief from the zoning by-law performance standards must be assessed using the four tests outlined in the Planning Act. Section 45 of the Planning Act addresses applications for Minor Variance. The ability of applicants to demonstrate compliance with the four tests is necessary. These tests are:

- Is the proposal desirable and an appropriate land use; and
- Does it meet the general intent of the Official Plan; and
- Does it meet the general intent of the Zoning By-law; and
- Is the proposal minor?

### ***Provincial Policy***

The Provincial Policy Statement, PPS provides direction to approval authorities on matters related to development and supports the provincial goal to enhance the quality of life for the citizens of Ontario. All development applications must be consistent with the statement.

Recognition is given throughout the document to the complex inter-relationships among environmental, economic and social factors in land use planning. The lands subject to this application are rural. The PPS permits recreational activities and limited residential development that will not result in the need to expand municipal infrastructure and is appropriately serviced. The proposal will not result in an increase to any municipal services.

The policy also directs authorities to consider development along surface water features as cross-jurisdictional and that the watershed be used as a scale for ecologically meaningful planning. Protection of the water is a priority of the province.

Section 2.1.2 of the Provincial Policy Statement (PPS) directs planning authorities to protect the diversity and connectivity of surface water features. No new construction is planned and as such no sediment load from construction or erosion will occur if the application is approved. No adverse impact to the waterbody will result by means of this particular application.

### ***Official Plan***

The property is designated Lakefront Development on Schedule 'A2' of the Official Plan of the Township of Lanark Highlands. Settlement within the Lakefront lands is recognized as low density residential or recreational development. Section 3.6.3 of the Official Plan outlines policies of lands abutting any waterbody within Lanark Highlands. The Plan recognizes that the greatest threat to waterbody health is through re-development of existing undersized lots and parcels of record. It is the objective of the

plan to improve existing water quality. The proposal does not encroach on the ribbon of life and as no new development will occur no site plan application will be required. The previous severance application was undertaken because the applicant's constructed shed encroached on the abutting property owner's lands. The lot addition rationalizes that condition.

### **Zoning By-Law**

The property is zoned Limited Services Rural, LSR. This zone clearly states that municipal services such as garbage collection, road maintenance, school bussing and emergency vehicle access may not be available. The existing residential use is permitted within this zone although the property does not meet current zoning provisions. The proposed minor variance to gain relief from the lot frontage, area, front yard setback, interior side yard and the side yard requirements for the accessory use will recognize and legalize the existing conditions. No further construction is proposed.

Specifically the minor variance will provide relief from the following performance standards:

	<b>From</b>	<b>To</b>
Lot Area	1ha	0.21 acres
Lot Frontage	60m	20m
Front Yard Setback	30m	10m
Interior Side Yard Setback	7m	0.9m
Accessory Use	3m	0.2m

Side Yard Setback

### **Agency Comments**

As of the date of drafting this report no comments have been received.

### **Conclusion**

The proposal is on an existing lot of record where development has previously occurred. The cottage is an expected and permitted land use of the Provincial Policy Statement, Official Plan and Zoning By-law.

The application meets the general intent of both the Official Plan and the Zoning By-law and is a desirable and appropriate land use, will not impact the abutting land holders. As such the application meets the tests of the Planning Act and can be considered minor. Recommendation for approval is appropriate.

## ***RECOMMENDED DECISION***

“That the Committee of Adjustment approve Minor Variance Application MV09/002 to allow relief of Section 10.0 of Zoning By-law 2003-451 Limited Service Rural Zone from the minimum lot area of 1ha to 0.21 acres, lot frontage of 60 metres to 20 metres, interior side yard setback of 7 metres to 0.9 metres and the accessory side yard requirement of 3 metres to 0.2 metres. As well as approving relief of Section 4.32 Setbacks from Waterbodies the front yard requirement of 30 metres to 10 metres.

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