



The Corporation of  
**THE TOWNSHIP OF LANARK HIGHLANDS**

## **AGENDA COMMITTEE OF ADJUSTMENT**

---

**Tuesday, August 25<sup>th</sup>, 2009**

**7:00 p.m.**

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

---

*\*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, April 7<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 #:** **MV09/003 COLE** – *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 #MV09/003 be approved, to allow a variance from the requirements of Section 7.0 of Zoning By-Law No. 2003-451, for the lands legally described as Concession 2, Part Lot 4, former Village of Lanark, Township of Lanark Highlands and commonly referred to as 175 Robertson Drive – Roll Number 0940-936-015-35000-0000, to reduce the minimum lot area requirement to***

*0.14 hectares (0.35 acres) from the By-Law requirement of 0.4 hectares (0.98 acres) and to reduce the minimum lot frontage to 36.32 metres (119.2 feet) from the By-Law requirement of 60 m (196.8 ft) and to increase the maximum lot coverage to 12% from the By-Law requirement of 10%.”*

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

# APPLICATIONS

File #: MV09/003

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

Applicant: Cole

Location: Part Lot 4, Concession 2, Former Village of Lanark, Township of Lanark Highlands

174 Robertson Drive

---

Date: August 11, 2009

### **PURPOSE**

To allow for relief of certain performance standards of Zoning By-law 2003-451. To permit for the construction of an accessory garage the applicant will require relief from the 10 % lot coverage maximum to 12 %. The existing lot of record is undersized and does not enjoy sufficient road frontage. In addition, these pre-existing conditions will be recognized by means of this application.

### **Background**

The property is within the Village of Lanark with 36.32 metres frontage on Robertson Drive. The lands have an area of approximately 0.14 ha and a depth of 39.01 metres.

The lands are designated as Village on Schedule A5 of the Township of Lanark Highlands Official Plan and zoned Residential First Density, 'R1' on Schedule A5 of Zoning By-law 2003-451.

Currently constructed on the lands is a residential dwelling.

### **Relief Required**

The applicant wishes to gain approval in order to construct an accessory garage on his lands. The lands prior to the minor variance application enjoyed legal non-conforming status due to insufficient lot frontage and area. The application if so approved would result in a lot coverage of 12% - 2% over the zoning requirement. As such relief will be required from the area, frontage and coverage performance standards of Section 7.0 of Zoning By-law 2003-451.

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 residential. The PPS directs development to areas that will not result in the need to expand municipal infrastructure and that are appropriately serviced. The proposal will not result in an increase to any municipal services as no new residential development is proposed by means of this application. The application is for an accessory use to a pre-existing residential use and is consistent with provincial directives.

### **Official Plan**

The property is designated Village on Schedule 'A5' of the Official Plan of the Township of Lanark Highlands. Settlement within the Village is expected to be pre-dominantly residential with a mix of supporting and varied uses.

This application is to construct an accessory use to a permitted and existing residential use and as such meets the general intent of the Official Plan.

### **Zoning By-Law**

The property is zoned Residential First Density, R1. The existing residential use is permitted within this zone although the property does not meet current zoning provisions. The proposed minor variance requests relief from the lot coverage requirements for the accessory use. In addition the Minor Variance if so approved will recognize and legalize the existing conditions of insufficient lot frontage and area.

In particular the minor variance will provide relief from the following performance standards:

	<b>From</b>	<b>To</b>
Lot Area	0.4 ha	0.14 ha
Lot Frontage	60m	36.32m
Lot Coverage	10%	12%

### **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 residential use 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 and 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 MV09/003 to allow relief of Section 7.0 of Zoning By-law 2003-451 Residential First Density Zone from the minimum lot area of 1ha to 0.14 acres, lot frontage of 60 metres to 36.32 metres, and lot coverage from 10% to 12% maximum.”

Jane Almond AICP MCIP RPP

Stantec Consulting Ltd.

613 724 4377

[jane.almond@stantec.com](mailto:jane.almond@stantec.com)