



The Corporation of
THE TOWNSHIP OF LANARK HIGHLANDS

AGENDA COMMITTEE OF ADJUSTMENT

Tuesday, November 10th, 2009

7:00 p.m.

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

**2:30 p.m. Committee of the Whole
*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, August 25th, 2009 be approved as circulated."*

5. APPROVAL OF AGENDA

Suggested Motion:

***"THAT,** the agenda be adopted as presented."*

6. APPLICATIONS

i) FILE #: MV09/004 DRUMMOND – attached, page 5.

a) PLANNER FILE REVIEW

b) APPLICANT COMMENTS

c) ORAL & WRITTEN SUBMISSIONS

d) 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 #MV09/004 be approved, to allow a variance from the requirements of Section 6.0 of Zoning By-Law No. 2003-451, for the lands legally described as Concession 9, Part Lot 2, former Township of Lanark, Township of Lanark Highlands and commonly referred to as 111 Upper Perth Road – Roll Number 0940-934-035-01300-0000, to reduce the Main Use – Minimum Yard Requirements for Setback from the centre line of a municipal road or street to 15 m (50 ft) from the By-Law requirement of 25 m (82 ft).”

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

APPLICATIONS

File #: MV09/004

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

Applicant: Drummond

Location: Part Lot 2, Concession 9, Former Township of Lanark, Township of
Lanark Highlands

111 Upper Perth Road

Date: November 3, 2009

PURPOSE

To allow for relief of certain performance standards of Zoning By-law 2003-451. To permit for the construction of a closed in porch on the front of the existing house. As such the proposed porch requires relief from the required setback of 25 metres from the centreline of the road.

Background

The property has 152 metres (498 feet) of frontage along Upper Perth Road a depth of 182 metres (597 feet) and an area of approximately 4.1 hectares (10.1 acres).

The lands are designated as Rural on Schedule 'A 4' of the Township of Lanark Highlands Official Plan and zoned Rural, 'RU' on Schedule 'A 4' of Zoning By-law 2003-451.

Currently constructed on the lands is a residential dwelling, a barn and a machine shed.

Relief Required

The applicant wishes to gain approval in order to construct an enclosed porch on the front of the existing residential dwelling. Relief from Section 6.2 Zone Requirements of Zoning By-law 2003-451 that calls for a setback from the centre line of a municipal road or street of 25 metres. The proposed minor variance requests a setback of 14 metres from the centre line of the road.

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 the application is for an addition to an existing principal use.

Official Plan

The property is designated Rural on Schedule 'A 4' of the Official Plan of the Township of Lanark Highlands. A residential use is an expected and appropriate land use. The construction of a front porch is also an expected and appropriate land use. As such the application meets the general intent of the Official Plan.

Zoning By-Law

The property is zoned Rural, 'RU'. The existing residential use is permitted within this zone. The proposed minor variance requests relief from the setback from the centre line of a municipal road or street of 25 metres in order to construct a porch on the front of an existing residential dwelling. As the use is permitted and the applicant's lands are of sufficient size and area to support the proposed addition, the house has been previously constructed in this location and no new significant development is proposed the proposal can be considered to meet the general intent of the zoning by-law.

Agency Comments

The application has been circulated to the Township's public works department for comment and they do not have any concerns with respect to traffic movements if this application is so approved.

Conclusion

The proposal is for a small addition of 120 square metres onto an existing structure. 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 MV09/004 to allow relief of Section 6.2 of Zoning By-law 2003-451 Rural Zone from the minimum setback from the centreline of a municipal road or street of 25 metres to 14 metres. "

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