



The Corporation of
THE TOWNSHIP OF LANARK HIGHLANDS

AGENDA COMMITTEE OF ADJUSTMENT

Thursday, June 23rd, 2011

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 Peter McLaren

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, November 9th, 2010 be approved as circulated."*

5. APPROVAL OF AGENDA

Suggested Motion:

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

6. APPLICATIONS

i) **FILE #:** **MV10-003 MCKEE** – *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 #MV10-003 be approved, to allow a variance from the requirements of Section 11.2 of Zoning By-Law No. 2003-451, for the lands legally described as Concession 9, Part Lot 24, former Township of Darling, Township of Lanark Highlands and commonly referred to as 402 Donnelly Lane – Roll Number 0940 944-025-20900-0000, to reduce the Rear Yard to 7.6m*

(24.9ft) from the By-Law Requirement of 10m (32.8ft) and the Interior Side Yard to 3m (9.8 ft) from the By-Law requirement of 7 m (22.9 ft).”

ii) **FILE #:** **MV11-001 LEE** – *attached, page 9.*

- 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 #MV11-001 be approved, to allow a variance from the requirements of Section 6.2 of Zoning By-Law No. 2003-451, for the lands legally described as Concession 3, Part Lot 8 , former Township of Darling, Township of Lanark Highlands and commonly referred to as 7771 Highway 511 – Roll Number 0940 944-010-0900-0000, to reduce the Minimum Lot Frontage to 45.23m (148.3ft) from the By-Law Requirement of 60m (196.8 ft).”*

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

APPLICATIONS

File #: MV10/003
Purpose: Minor Variance to Zoning By-Law No. 2003-451
Applicant: McKee, William & Susan
Location: Part Lot 24, Concession 9, Former Township of Darling Township of Lanark Highlands
402 Donnelly Lane

PURPOSE

The purpose of the application is to provide relief from zoning by-law setback standards in order to allow for new construction to replace a portion of an existing cottage with an expanded footprint projecting into the side and rear yards.

Background

The property is located along the shoreline of White Lake and is accessed by Donnelly Lane, a private road not maintained by the municipality. A cottage is currently constructed on the site. The lands are serviced via a privately owned septic system and well.

The property enjoys approximately 39 metres of frontage on the Lake, a depth of 40 metres and an area of approximately 0.21 hectares. Surrounding land uses are recreational and residential.

The subject lands are designated Lake Development District and zoned Lakefront Development.

Relief Required

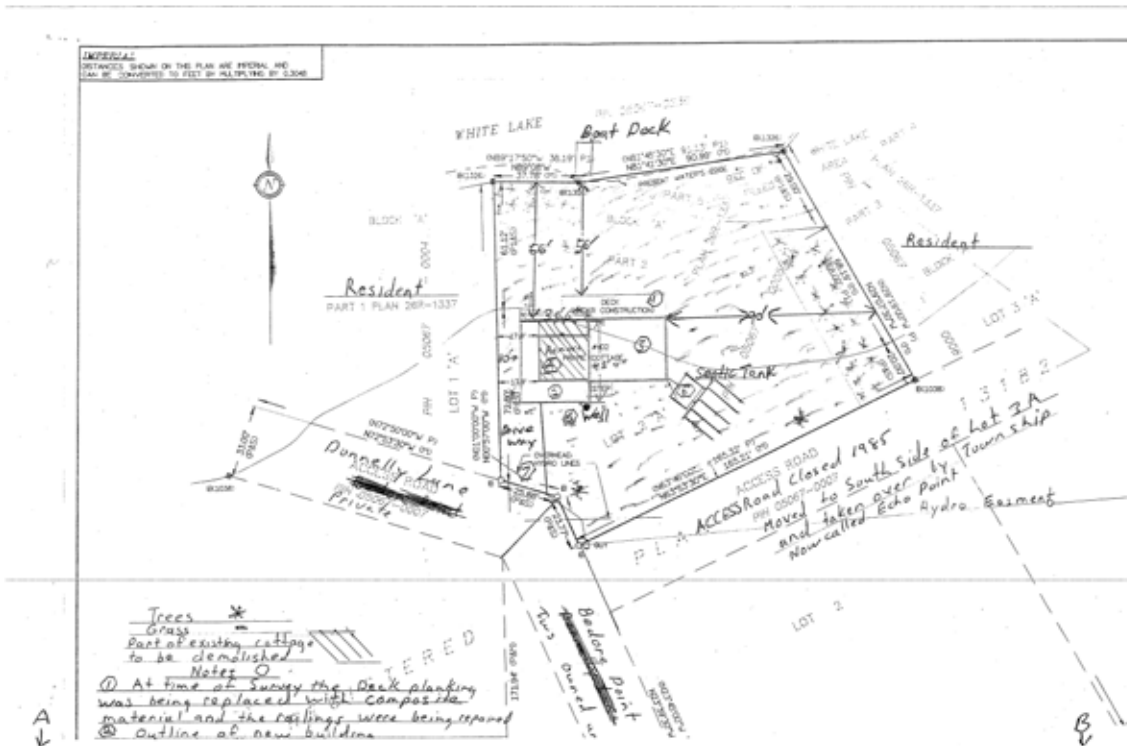
The applicant wishes to remove part of an existing cottage and rebuild with an increased footprint.

The applicant's lands and existing cottage enjoy legal non-conformity at present as it cannot meet the performance standards of the Zoning By-Law. More specifically the lot is deficient in area, frontage, depth and building setbacks from the water as well as the required side yard. The existing conditions along with the additional relief requested must be evaluated and recognized.

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?



The minor variance application seeks the following relief:

- Rear yard setback of 7.6m (10m required)
- Side yard setback of 3m (7m required)

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 between environmental, economic and social factors in land use planning. The lands subject to this application are Lake Development. 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 increased demand or impact for or on any municipal services.

The proposal will be serviced via private well and septic in accordance with Health Unit requirements.

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 system 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 and to improve existing conditions where possible. Although the existing cottage is being renovated and enlarged, the existing waterfront setback is being maintained.

The applicant will be required to undertake a site plan control agreement with the Municipality. Part of that agreement will consider the existing vegetation abutting the watercourse and if it would be beneficial to require additional plantings which will result in additional bank stabilization and vegetative overhang to the watercourse.

Official Plan

The property is designated Lake Development District on Schedule 'A3' of the Official Plan of the Township of Lanark Highlands. Settlement within the Lake Development District anticipates recreational land uses.

As this application applies to lands which abut White Lake, the policies of lands which enjoy water frontage must also be reviewed for compliance. The applicant has provided a sketch which illustrates the existing and proposed 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 is not further encroaching on the setback from the water body, but requires relief to the side and rear lot lines to permit reconstruction on part of the existing cottage. The reconstruction triggers the need to obtain site plan approval which provides an opportunity to require improvements such as shoreline vegetation which will ultimately help maintain water quality objectives.

Zoning By-Law

The property is zoned Lakefront Development. A residence and accessory structures are a permitted use within this zone. The existing lot is a legal undersized lot under the current zoning by-law. As development on the lot pre-dates the Zoning By-law it is considered to be legal and non-conforming. Any future development must occur in a manner that is in conformity with the by-law unless relief is granted through a minor variance or a zoning by-law amendment. In this case the demolition of an unsafe part of the cottage and the subsequent addition will result in an addition of approximately 60 square meters on building area and a reduction in the current side and rear yard setbacks. All other zoning standards are being maintained at their current legal non-conforming levels.

The minor variance will recognize existing conditions of area and frontage along with the additional relief as indicated previously in this report.

Conclusion

The proposed development is an expected and permitted land use of the Provincial Policy Statement, Official Plan and Zoning By-law. The relief is required in order to recognize existing conditions and permit an increased footprint to an existing cottage.

The application has been circulated to both the Health unit and Mississippi Valley Conservation. The Conservation Authority can support the application as it represents a net gain to the waterbody and have provided recommended conditions of Site Plan Approval. The Health Unit has no objections to the applications.

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 significantly impact the abutting land holders and provides the opportunity to improve the riparian zone over the long term. As such the application meets the tests of the Planning Act and can be considered minor.

The Minor Variance will be subject to site plan control as per Section 10.11.10 of the Township of Lanark Highlands Official Plan. Conditions of Site Plan Approval include those related to protection of the waterbody during and post construction, particularly with respect to storm water drainage and the potential of sediment load to the lake.

RECOMMENDED DECISION

“That the Committee of Adjustment approve Minor Variance Application MV10/003 to allow relief of Section 11.2 of Zoning By-law 2003-451 with respect to rear yard setback from 10m to 7.6m and the side yard setback from 7m to 3m conditional to the approval of a site plan agreement.

Report prepared and submitted by:



Janie Laidlaw
Planning and Administrative Assistant

Report reviewed by:



Pierre R. Mercier, MCIP, RPP

File #: MV11/001
Purpose: Minor Variance to Zoning By-Law No. 2003-451
Applicant: Roberta and Brian Lee
Location: Part Lot 8, Concession 3, Former Township of Darling Township of Lanark Highlands
7771 Highway 511

PURPOSE

The purpose of the application is to allow for a reduction in the Minimum Lot Frontage.

The property is currently being severed and due to the closing of the 'old' highway 511, the minimum lot frontage could not be met.

Background

The property is located at Part Lot 8 Con 3 in the former Township of Darling and has frontage on Highway 511. A single family dwelling is currently constructed on the site. The lands are serviced via a privately owned septic system and well.

The property meets all other requirements in the Rural Zone. Surrounding land uses are residential.

The subject lands are designated Rural and Mineral Reserve in the Township's Official Plan and zoned Rural and Mineral Aggregate Reserve Holding in the Township's zoning By-law. In 2009 the applicant amended the zoning on the property from Rural – Holding 'RU-H' to Rural 'RU' to permit the single family dwelling.

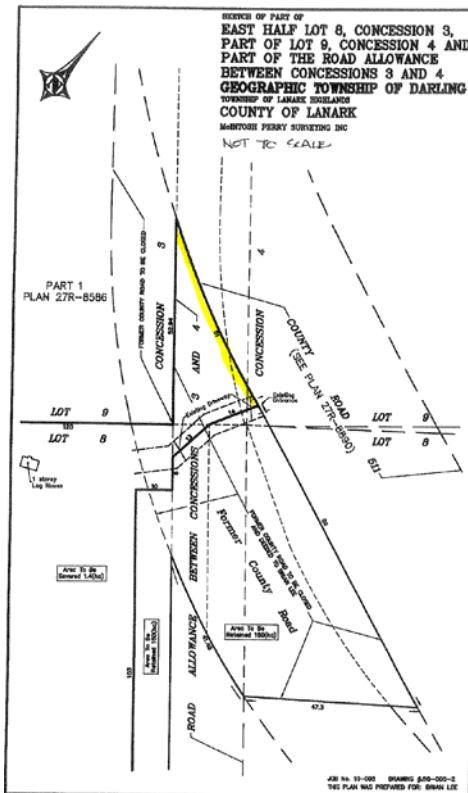
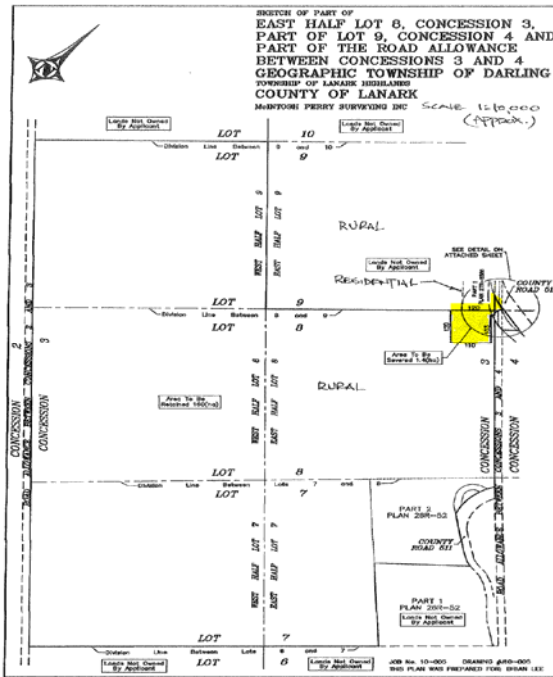
Relief Required

Due to being unable to obtain the Minimum Lot frontage required in the Township's zoning By-law, the applicant is requesting permission to reduce the Minimum Lot Frontage from 60m to 45.23m as a condition of severance. The severed and retained lots have an approved shared entrance off Highway 511.

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?



The minor variance will seeks the following relief:

- Minimum frontage of 45.23m (60m required)

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 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 increased demand or impact for or on any municipal services.

The existing dwelling is serviced via private well and septic.

Official Plan

The property is designated Rural and Mineral Aggregate Reserve on Schedule 'A3' of the Official Plan of the Township of Lanark Highlands.

The proposal meets all requirements, but requires relief from the Minimum Lot Frontage.

Zoning By-Law

The property is zoned Rural and Mineral Aggregate Reserve Holding. A residence and accessory structures are a permitted use within this zone.

The minor variance will reduce the required Minimum Lot Frontage as indicated previously in this report.

Conclusion

The severance proposal initially met the lot frontage requirements and then had to be altered due to the County closing a portion of the 'old' highway 511 and to keep the location of the shared entrance.

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 significantly 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 MV11/001 to allow relief of Section 6.2 of Zoning By-law 2003-451 Minimum lot frontage from 60 m to 45.23 m."

Report prepared and submitted by:

A handwritten signature in black ink that reads "Janie Laidlaw". The signature is written in a cursive, flowing style.

Janie Laidlaw
Planning and Administrative Assistant