

Minor Variance Report

Application No.: A-01-23
Applicant: Sherry Webster
Property Description: Part Lot 25, Con. 3 (Dummer)
1797 County Road 6
1522-020-004-09100

Purpose of Application:

The property is subject to Peterborough County Land Division File B-23-22 for the creation of a new residential lot which was given provisional consent on July 7, 2022. A minor variance is required as a condition of the decision for B-23-22 in order to permit the lot to be created with a minimum lot area of 0.38 hectares.

The purpose of the minor variance is to reduce the minimum lot area requirement for the proposed severed parcel from 0.40 hectares to 0.38 hectares. A site sketch has been prepared by Chris Musclow, Ontario Land Surveyor, dated November 30, 2022 which illustrates the proposed lot area based on the environmental (natural heritage) constraints identified on Figure 4 of the Environmental Impact Study prepared by Cambium Inc., dated January 24, 2022.

Notice of the public meeting was given on March 7, 2023 by ordinary mail and/or e-mail to all prescribed persons and public bodies and to every person and public body that has provided a written request for Notice.

Notice of the public meeting was circulated by ordinary mail to every owner of land within 60 metres of the subject property on March 7, 2023. A sign was posted on the subject property and the Notice was posted on the Township Website.

The giving of Notice complies with the applicable Regulation of the Planning Act.

Agency Comments:

The Otonabee Region Conservation Authority has indicated that the application is consistent with Section 3.1 of the Provincial Policy Statement (PPS) referencing Natural Hazards. The application is consistent with PPS Sections 2.1 and 2.2 referencing Natural Heritage and Water and in conformity with Sections 4.2.3 and 4.2.4 of the Growth Plan for the Greater Golden Horseshoe referencing Key Hydrologic Features, Key Hydrologic Areas and Key Natural Heritage Features and Lands Adjacent to these features.

The subject property is not located within an area that is subject to the policies contained in the Source Water Protection Plan.

Permits from ORCA will be required prior to any site alteration, construction or demolition on the severed parcel. ORCA Staff noted that a lot grading and drainage plan may be requested at the permit stage to ensure the site hydrology will be maintained and directed appropriately.

A copy of ORCA's comments dated March 14, 2023 are attached to this Report.

As of the writing of this Report, there have been no other written or verbal comments received from the prescribed persons or public bodies.

Public Comments:

As of the writing of this report, there have been no written or verbal comments received from members of the public.

Staff Comments:

The application was circulated to Senior Staff on March 7, 2023. There were no concerns identified by Senior Staff.

Planning Review:

Section 45 of the Planning Act provides the tests that must be satisfied to support a minor variance application. The tests are as follows:

1. Does the minor variance maintain the general intent and purpose of the Official Plan?

The subject property is designated Rural as illustrated on Schedule 'A4-2' to the Official Plan (OP). Low density residential development is permitted within the Rural designation (S. 6.2.2.2). The severed parcel complies with the applicable policies for residential lot creation in the Rural designation (S. 6.2.2).

The proposed variance meets the general intent and purpose of the Official Plan.

2. Does the minor variance maintain the general intent and purpose of the Zoning By-law?

The subject property is zoned Rural Zone (RU) as illustrated on Schedule A2 to By-law No. 10-1996, as amended. A single detached dwelling is a permitted use in the (RU) Zone and must comply with Section 9.2.4 of By-law 10-1996, as amended. In particular, a minimum lot area of 0.4 hectares is required (S. 9.2.4(a)).

An Environmental Impact Study (EIS) was prepared by Cambium Inc., dated January 24, 2022 in support of the severance application. The EIS identified a number of natural heritage features and constraints as outlined on Figure 4. Given these environmental constraints, the maximum lot area of the severed parcel is limited to 3899.8 square metres (0.38 ha).

The site sketch prepared by Chris Musclow, Ontario Land Surveyor, dated November 30, 2022 has identified a 316.9 square metre building envelope on the subject property which respects the applicable setback regulations of the (RU) Zone for a single detached dwelling (S. 9.2.4 & 3.36.2). The building envelope is capable of supporting a dwelling with a minimum first storey area of 60 square metres (S. 9.2.4 (i)). In all other respects, the proposed lot complies with the Zoning By-law.

The application meets the general intent and purpose of the Zoning By-law.

3. Is the proposed use desirable for the appropriate development or use of the land?

While irregular in shape, the air photo attached to this Report illustrates the severed lot is similar in size to existing residential development in the area.

The Temporary Chief Building Official (CBO) has indicated that, based on the severance test hole inspection, a fully raised septic bed should be planned for. The Zoning By-law prohibits a septic from being located within the 15 metre setback from the front property line. The Ontario Building Code (OBC) regulates all other setbacks. In the case of a fully raised system, the setbacks would be 6 metres from a property line and 8 metres from the structure. The CBO noted that he does not see any reason that a septic cannot fit on this property.

The severed lot has been located in accordance with Figure 4 of the EIS and preserves and protects the environmental features on the subject property.

The proposed use is desirable and appropriate to the development of the subject land.

4. Is the variance minor?

The proposed variance is minor in nature.

The minimum lot area requirement for a residential lot in the (RU) Zone is 0.40 hectares (4,000 square metres). The lot area of the severed parcel is 0.38 ha (3,899.8 square metres). The lot area variance represents a difference of only 0.02 hectares or approximately 100.2 square metres.

Conformity to PPS and A Place to Grow:

This application appears to be consistent with the Provincial Policy Statement (PPS) and to conform to A Place to Grow, Growth Plan for the Greater Golden Horseshoe.

Application of Four Tests:

The Committee should state in the decision how the application meets/or does not meet the four tests:

- 1) The application is (or is not) minor in nature.
- 2) The application is (or is not) desirable and appropriate to the development of this land.
- 3) The application meets (or does not meet) the general intent of the Official Plan.
- 4) The application meets (or does not meet) the general intent of the Zoning By-law.

Summary:

The Committee will need to decide if the request is considered minor, that it is desirable and appropriate development of this parcel, and that the use intended meets the general intent of the Official Plan and Zoning By-law.

After hearing public comment and considering all written submissions, the Committee has the following options:

1. approve the minor variance with no conditions;
2. approve the minor variance with conditions;
3. defer the minor variance for further consideration at a later date; or
4. reject the minor variance.

Recommendation:

That the Committee review and consider all verbal and written comments received regarding Minor Variance Application File A-01-23;

That the Committee approve Minor Variance Application A-01-23 as requested, to address a condition of the decision for Peterborough County Land Division File B-23-22 and to bring the proposed lot into compliance with the Zoning By-law. This variance is deemed to be minor in nature and is appropriate for the development of this land. The application maintains the general intent and purpose of the Official Plan and Zoning By-law. Approval is recommended with no conditions.

Report Approval Details

Document Title:	A-01-23 (Webster) Report.docx
Attachments:	<ul style="list-style-type: none">- A-01-23 MV Application_Redacted.pdf- A-01-23 Notice - Virtual Meeting.pdf- A-01-23 Site Sketch 8639_NOV_30.pdf- A-01-23 (Webster) Air Photo.pdf- A-01-23 EIS (B-23-22).pdf- A-01-23 Webster ORCA File PPLD-2265 (March 14, 2023).pdf
Final Approval Date:	Mar 17, 2023

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs