

Minor Variance Report

Application No.: A-03-23
Applicant: Eric Fredrick Pallett Belanger
Property Description: Part Lots 1 & 2, Con. 10 (Douro)
148 County Road 4
Part 2, Plan 45R-13600
1522-010-004-11000

Purpose of Application:

The Owner obtained a building permit (Permit DD-2022-1211) for the construction of a 64.66 square metre addition and an 8.73 square metre deck to the rear of their existing dwelling. During construction the Building Department became aware that the addition was deficient in the required interior side yard setback and found to encroach into the western interior side yard by 0.04 metres.

The purpose of the minor variance is to reduce the minimum western interior side yard setback from 6 metres to 5.9 metres to permit the addition and deck. A Surveyor's Real Property Report has been prepared by Elliott and Parr (Peterborough) Ltd., dated February 28, 2023 which illustrates the existing structures and proposed addition and deck.

Notice of the public meeting was given on March 8, 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 8, 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:

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

Public Comments:

Written comments were received from the Owner of 150 County Road 4 indicating they are in full support for granting the minor variance.

Written comments were received from the Owner of 154 County Road 4 indicating they support the renovation and the 4 cm difference.

Written comments were received from the Owner of 162 County Road 4 indicating support of the application.

A copy of the public comments are attached to this Report.

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

Staff Comments:

The application was circulated to Senior Staff on March 8, 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 Hamlet as illustrated on Schedule 'A4-4' to the Official Plan (OP). The Hamlet designation refers to existing settlement areas which function as residential and commercial service nodes (S. 6.2.3.1). Single detached dwellings are permitted within the Hamlet designation (S. 6.2.3.2). The Official Plan requires that provision shall be made for adequate setbacks from property lines (S. 6.2.3.3 (a)).

While the addition encroaches into the western interior side yard abutting the property line shared with 142 County Road 4, the attached air photo and survey illustrate the encroachment will be minimal.

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 (RU) as illustrated on Schedule B2 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. Specifically, Section 9.2.4 (d) requires a minimum interior side yard of 6 metres.

At its closest point, the addition is located 5.96 metres from the western interior side yard. While the southwest corner of the addition meets and exceeds the minimum interior side yard requirement, the existing dwelling is not parallel to the side lot lines and therefore, the rear of the addition is closer to the side lot line and encroaches by 0.04 metres. In all other respects, the proposal 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?

As illustrated on the attached survey, the addition is located 5.96 metres from the western interior lot line at its closest point and will encroach approximately 0.04 metres.

The addition is located to the rear of the existing dwelling. The photos provided by the Owner and attached to this Report, illustrate the addition is barely visible from the road frontage. The survey and air photo attached to this Report illustrate the location of the addition is adjacent to a treed fencerow and will not impact the view or privacy of adjacent residential properties.

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 addition is located 5.96 metres from the westerly interior lot line and will encroach approximately 0.04 metres. A pre-consultation held February 16, 2023 with respect to the reduced interior side yard did not raise any additional concerns from Township Staff, MTO, ORCA or the County of Peterborough.

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-03-23;

That the Committee approve Minor Variance Application A-03-23 as requested, for the life of the structure, to facilitate the construction of the 64.66 square metre addition and 8.73 square metre deck as applied for in Building Permit DD-2022-1211 and shown on the Surveyor's Real Property Report prepared by Elliott and Parr (Peterborough) Ltd., dated February 28, 2023 attached to the Decision as Schedule 'A' and to bring the structure 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-03-23 (Belanger) Report.docx
Attachments:	<ul style="list-style-type: none">- A-03-23 Belanger Application_Redacted.pdf- A-03-23 Notice - Virtual Meeting.pdf- A-03-23 148 County Road 4 Survey.pdf- A-03-23 Belanger pictures.pdf- A-03-23 Paul Voskamp Comments (150 County Road 4) (IMarch 16, 2023).pdf- A-03-23 Kory Shaughnessy Comments (154 County Road 4) (March 16, 2023).pdf- A-03-23 Gerry Clancy Comments (162 County Road 4) (IMarch 16, 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