



AGENDA
AUGUSTA TOWNSHIP
COMMITTEE OF ADJUSTMENT
March 6, 2020 at 1:30 p.m.

1. Call to Order
2. Approval of Agenda
3. Disclosure of Interest
4. Application COA-2020-01 Dorey
5. Application COA-2020-02 Stephenson
6. Adjournment

APPLICATION FOR

File No.

MINOR VARIANCE - s. 45 (1) PERMISSION - s. 45 (2)

The undersigned hereby applies to the Committee of Adjustment for the Township of
Augusta under section 45
(name of municipality)
 of the *Planning Act* for relief, as described in this application, from By-law No. (as amended).

NAME OF OWNER <u>OMGS Holdings Ltd</u>	NAME OF AGENT (if applicant is an agent authorized by the Owner) <u>Brent Collett C/O Collett Surveying Ltd.</u>
ADDRESS <u>1560 4th Concession RR 2 Prescott, On K0E 1T0</u>	ADDRESS <u>51 King St. E P.O. Box 121 Brockville, On K6V 5V2</u>
TELEPHONE <u>613-341-7445</u>	TELEPHONE <u>613-342-2611</u>

OFFICIAL PLAN - current designation of the subject land:
Settlement area

ZONING BY-LAW - current zoning of the subject land:
Village Commercial

RELIEF - nature and extent of relief from the zoning by-law:
The zoning for this property requires the owner to be occupying the residential unit on 2nd floor Area + couple of setbacks also don't meet current zoning however they would be grandfathered.

REASON why the proposed use cannot comply with the provisions of the zoning by-law:
The new owner wishes to use the commercial unit on the first level for his new office + the 2nd floor for a non-family tenant

LEGAL DESCRIPTION of subject land (such as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number):
1274 County Road 2, Maitland being lot 1 + Part Lot 2 N.S. King St, E S, Church St, + Pt. Lt 2 55 Augusta St, E Church St, Reg'd Plan 9, Village of Maitland.

DIMENSIONS OF LAND affected:
 Frontage: 41.53 m Depth: Area: 2248.15 sq m

ACCESS - Access to the subject land is by:
 Provincial highway Cty Rd 2 Municipal road - seasonal
 Municipal road - year round Right-of-way
 Other public road (specify) Water

WATER ACCESS - Where access to the subject land is by water only:

Docking facilities (specify)	Parking facilities (specify)
distance from subject land	distance from subject land
distance from nearest public road	distance from nearest public road

EXISTING USES of the subject land:	LENGTH OF TIME the existing uses of the subject land have continued:
Former General Store	

EXISTING BUILDINGS - STRUCTURES - Where there are any buildings or structures on the subject land, indicate for each:

TYPE - 2-storey dwelling (above) + former store (below)	Front lot line setback: 15.82	Height in metres: 6.87m±
	Rear lot line setback: 7.25	Dimensions: 11.6 x 9.8
DATE CONSTRUCTED ?	Side lot line setback: 13.23	Floor area: 113.68m²
	Side lot line setback: 12.98	
TYPE - Garage	Front lot line setback: 33.79	Height in metres: 3m±
	Rear lot line setback: 2.00	Dimensions: 6.1 x 7.1m
DATE CONSTRUCTED	Side lot line setback: 22.35	Floor area: 43.31m²
	Side lot line setback: 3.79	

See attached Site Plan

attach additional page if necessary

PROPOSED USES of the subject land:

Office Unit downstairs

residential rental upstairs

PROPOSED BUILDINGS - STRUCTURES - Where any buildings or structures are proposed to be built on the subject land, indicate for each:

TYPE - None	Front lot line setback:	Height in metres:
	Rear lot line setback:	Dimensions:
	Side lot line setback:	Floor area:
	Side lot line setback:	
TYPE -	Front lot line setback:	Height in metres:
	Rear lot line setback:	Dimensions:
	Side lot line setback:	Floor area:
	Side lot line setback:	

attach additional page if necessary

DATE - Subject land was acquired by current owner on: 12/16/2019

WATER is provided to the subject land by:

Publicly-owned/operated piped water system

Privately-owned/operated individual well

Privately-owned/operated communal well

Lake or other water body

Other means (specify)

SEWAGE DISPOSAL is provided to the subject land by:

Publicly-owned/operated sanitary sewage system

Privately-owned/operated communal septic system

Other means (specify)

Privately-owned/operated individual septic system

Privy

STORM DRAINAGE is provided to the subject land by:

- Sewers
- Ditches
- Swales
- Other means (specify)

OTHER APPLICATIONS - If known, indicate if the subject land is the subject of an application under the Act for:

- Approval of a plan of subdivision (under section 51) File # Status
- Consent (under section 53) File # Status
- Previous application (under section 45) File # Status

AUTHORIZATION BY OWNER

I, the undersigned, being the owner of the subject land, hereby authorize
to be the applicant in the submission of this application.

Collett Surveying Ltd.

[Signature]
Signature of witness

Victor P. Domy
Signature of owner
01-21-2020
Date

DECLARATION OF APPLICANT

I, *Burt Collett* of the *City*
Brockville in the *Province* of *Ontario*

solemnly declare that:

All the statements contained in this application and provided by me are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the *City*
of *Brockville*
in the *Province* of *Ontario*

[Signature]
Signature of applicant

this *23* day of *January, 2020*

[Signature]
Signature of commissioner, etc.

Jean Beverley Cooper, a Commissioner, etc.,
Province of Ontario, for Jill K. Addison,
Barrister and Solicitor.
Expires June 1, 2021.

It is required this application be accompanied by a fee of \$ in cash or by cheque made payable to the Treasurer of the

Personal information contained on this form, collected pursuant to the *Planning Act*, will be used for the purpose of responding to the initial application. Questions should be directed to the Freedom of Information and Privacy Coordinator at the institution conducting the procedures under the Act.

SITE PLAN
PLAN OF SURVEY
LOT 1 & PART OF LOT 2
NORTH SIDE OF KING STREET, EAST
OF CHURCH STREET
AND
PART OF LOT 2
SOUTH SIDE OF AUGUSTA STREET,
EAST OF CHURCH STREET
REGISTERED PLAN NO. 9
VILLAGE OF MAITLAND
TOWNSHIP OF AUGUSTA
COUNTY OF GRENVILLE
SCALE - 1 : 200
0 1 2 3 4 5 10 15 20
COLLETT SURVEYING LTD. 2020



METRIC
DISTANCES SHOWN ON THIS PLAN
ARE IN METRES AND ARE TO BE CONSIDERED
EXCEPT AS OTHERWISE STATED.

SITE BENCHMARK:
1. SITE BENCHMARK IS TOP OF FINISHED FLOOR HAVING A CERTIFICATE ISSUED BY THE
REGISTRY
2. ELEVATIONS ARE ORIGNETIC AND HAVE BEEN DETERMINED USING GPS QUAD AS CENS 1987.0
3. ELEVATIONS ARE ORIGNETIC AND HAVE BEEN DETERMINED USING GPS QUAD AS CENS 1987.0

SURVEY INTEGRATION NOTES:
1. THE INFORMATION PROVIDED ON THIS SITE PLAN CONFORMS WITH THE CIVIL
LAW IN THAT THE COORDINATES ARE CORRECT AS THE PLAN
CONFORMS WITH THE CIVIL LAW.
2. COORDINATES HAVE BEEN DETERMINED USING GPS.
3. DISTANCES ON THIS PLAN ARE HORIZONTAL DISTANCES AND CAN BE
CONSIDERED TO GIVE DISTANCES BY MULTIPLYING BY THE AVERAGE CORRECTION
SCALE FACTOR OF 0.9998124.

SURVEY NOTES:
1. BEARINGS ARE GIVEN IN DEGREES FROM TRUE (REAL TRUE NORTH) WITHIN
ONE TENTH OF A DEGREE. BEARINGS ARE GIVEN IN DEGREES FROM TRUE
NORTH. BEARINGS ARE GIVEN IN DEGREES FROM TRUE NORTH.
2. POINT STATIONING IS SHOWN IN METRES AND IS TO BE CONSIDERED
EXCEPT AS OTHERWISE STATED.
3. DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONSIDERED TO GIVE DISTANCES BY MULTIPLYING BY THE AVERAGE
CORRECTION SCALE FACTOR OF 0.9998124.

BEARINGS ARE GIVEN IN DEGREES FROM TRUE (REAL TRUE NORTH) WITHIN
ONE TENTH OF A DEGREE. BEARINGS ARE GIVEN IN DEGREES FROM TRUE
NORTH. BEARINGS ARE GIVEN IN DEGREES FROM TRUE NORTH.

POINT #	BEARING	DISTANCE	DIRECTION
PS	092° 15'		CLOCKWISE

ALL COORDINATES ARE IN METRES AND ARE RELATED TO THE NAD 83 DATUM. COORDINATES
ARE GIVEN IN METRES AND ARE TO BE CONSIDERED EXCEPT AS OTHERWISE STATED.
A BENCHMARK IS SHOWN ON THE PLAN.

POINT #	POINT DESC.	NORTHING (N)	EASTING (E)
CP# 1	CONTROL	434773.556	431256.946
CP# 2	CONTROL	434773.556	431256.946

THE COORDINATES ILLUSTRATED CANNOT BE TRUSTED UNLESS THEY ARE USED TO
ESTABLISH THE CONTROL FOR THE SURVEYING WORK ON THE PLAN.

LEGEND

1	DEVIATES PLANTED WITHIN	11	DEVIATES ROAD BAR
2	DEVIATES FOR ADJ. WORK	12	DEVIATES CUT CROSS
3	DEVIATES STANDARD BURN BAR	13	DEVIATES BURN BAR
4	DEVIATES SHORT STANDARD BURN BAR	14	DEVIATES BURN BAR
5	DEVIATES BURN BAR	15	DEVIATES BURN BAR
6	DEVIATES CONCRETE WALL	16	DEVIATES BURN BAR
7	DEVIATES CONCRETE WALL	17	DEVIATES BURN BAR
8	DEVIATES CONCRETE WALL	18	DEVIATES BURN BAR
9	DEVIATES CONCRETE WALL	19	DEVIATES BURN BAR
10	DEVIATES CONCRETE WALL	20	DEVIATES BURN BAR

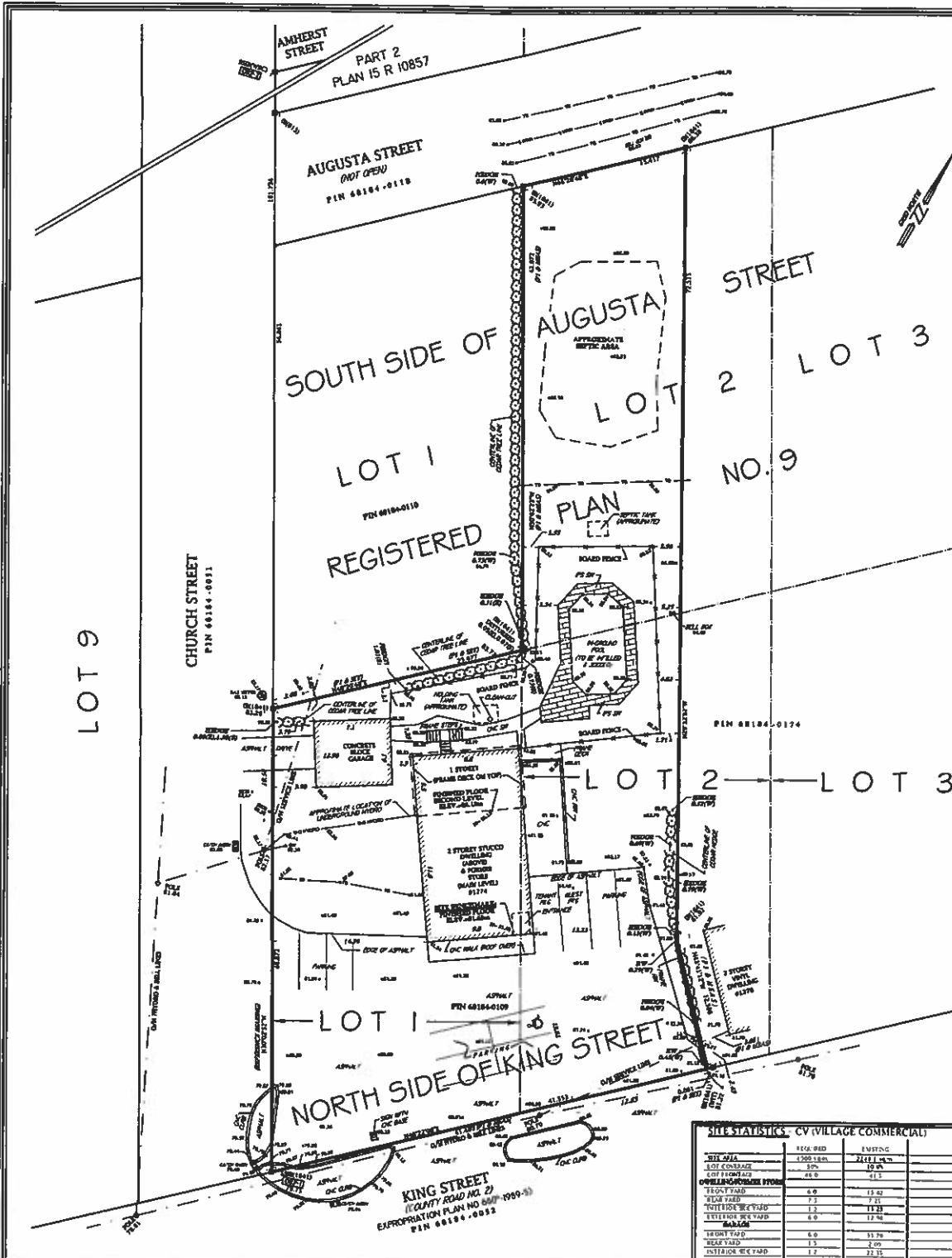
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT
2. THIS SURVEY WAS COMPLETED ON THE 18TH DAY OF JULY 2020
JANUARY 28, 2021
W. B. COLLETT
REGISTERED LAND SURVEYOR

SITE STATISTICS - CV (VILLAGE COMMERCIAL)

	REG. RED	EMING
TOTAL AREA	1200.18m ²	2211.14m ²
LOT COVERAGE	30%	10.9%
LOT FOOTAGE	42.0	41.0
OVERLAPPING FROM		
FRONT YARD	6.0	13.42
REAR YARD	7.5	7.75
INTERIOR REAR YARD	1.2	17.23
EXTERIOR REAR YARD	6.0	12.90
SIDE YARD	6.0	11.75
REAR YARD	1.2	2.00
EXTERIOR REAR YARD	1.2	22.35
INTERIOR REAR YARD	6.0	3.75

COLLETT SURVEYING LTD
1000 SHEPPARD AVENUE EAST, SUITE 100, SCARBOROUGH, ONTARIO M1S 1T7
TEL: 416-291-1111 FAX: 416-291-1112
WWW.COLLETT-SURVEYING.COM

THIS METHOD IS NOT A VALID COPY AND IS UNLAWFUL WITH OUT THE ORIGINAL SURVEYOR'S SIGNATURE.



LOT 9

CHURCH STREET
PIN 60164-0011

AMHERST STREET
PART 2
PLAN 15 R 10857

AUGUSTA STREET
(NOT OPEN)
PIN 60164-0110

SOUTH SIDE OF AUGUSTA STREET
LOT 1
REGISTERED
LOT 2
LOT 3
NO. 9

NORTH SIDE OF KING STREET
LOT 1
LOT 2
LOT 3

KING STREET
(COUNTY ROAD NO. 2)
EXPROPRIATION PLAN NO. 100-1
PIN 60164-0032



**REPORT to the
AUGUSTA TOWNSHIP
COMMITTEE OF ADJUSTMENT**

**MINOR VARIANCE APPLICATION
Under Section 45 of the Planning Act
March 6, 2020**

File No. COA-2020-01

PURPOSE OF THE APPLICATION

Relief is required from lot sizing and frontage requirements, as well as building setback requirements of Zoning By-law 2965 as it applies to a Village Commercial use in order to allow for the redevelopment of an existing lot in an established neighbourhood containing an existing two-storey structure and an existing accessory building (garage). Relief is also required to enable tenants not directly associated with the primary commercial use to reside in the Accessory Dwelling Unit.

LOCATION

The property which is subject to this application is located at 1274 County Road 2, bearing the legal description of Con 1, Pt Lot 29, Plan 9, Lt 1; Pt Lt 2 N/S King Plan 9 Pt; Lt 2 S/S Augusta in Maitland, and is shown on the key map below. The property has been vacant and underutilized for several years, prior to which the site was operated as a store. Surrounding land uses consist of primarily residential dwellings, with some commercial nearby.

LEGISLATIVE CONTEXT

Section 45 of the Planning Act lays out the “tests” which an application for a minor variance must meet in order to be approved. An application must meet all four tests or it must fail. To paraphrase the Act, the tests are as follows:

1. The variance must be minor
2. The variance must be consistent with the purpose and intent of the Official Plan;
3. The variance must be consistent with the purpose and intent of the Zoning By-law;
4. The variance must result in desirable, appropriate development, also known as good planning.

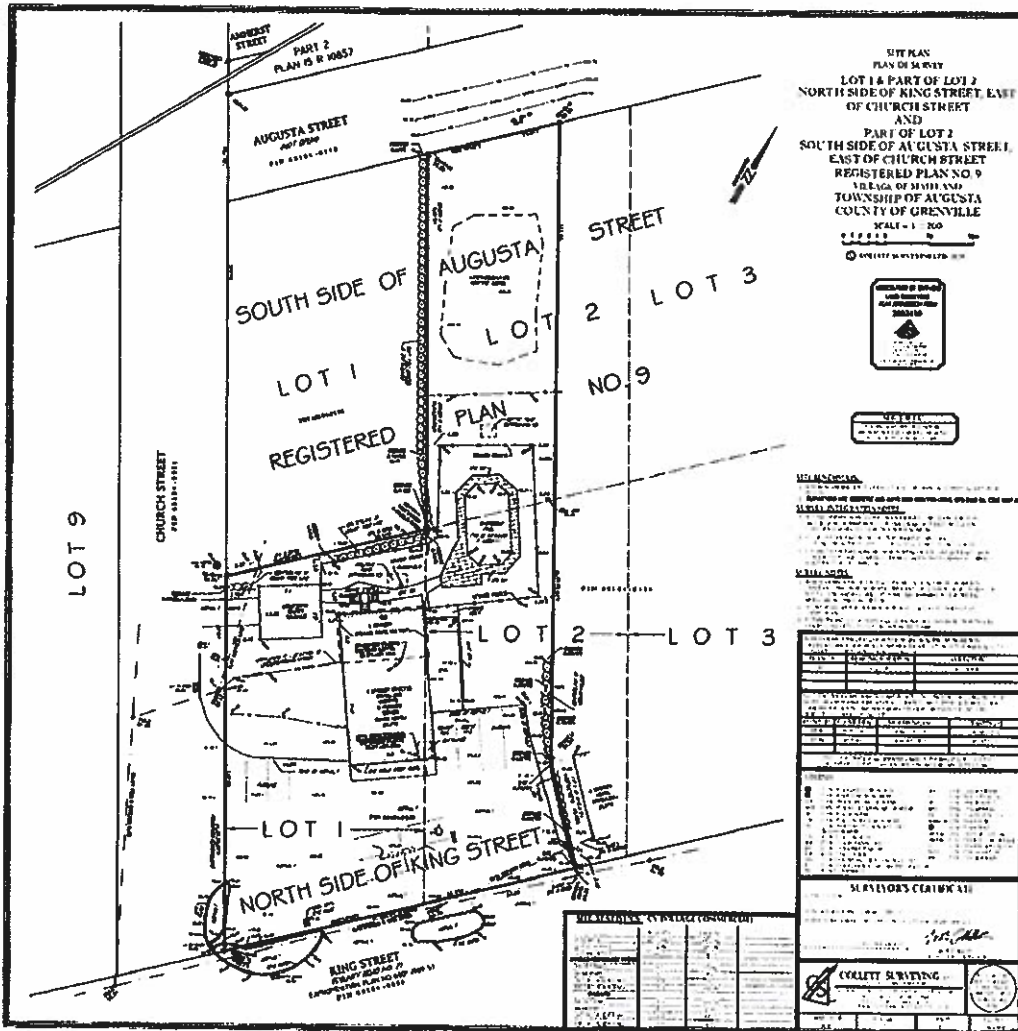
PLANNING CONTEXT

Augusta Township Official Plan

The Township's Official Plan designates the property subject to the application as Settlement Area. The designation allows for commercial and residential development in the form which is present on the subject lands. The Official Plan does provide for the use of minor variances to provide relief where required.

Zoning By-law 2965

The subject property is zoned Village Commercial (CV). The zone standards permit commercial and residential uses. Relief is sought to enable tenants not directly associated with the primary commercial use to reside in the Accessory Dwelling Unit; to reduce the minimum lot area from 4,000 m² to 2,248.1 m² and the minimum lot frontage from 46m to 41.553m for the existing parcel; to reduce the minimum rear yard from 7.5m to 7.25m for the existing main building; and to reduce the minimum rear yard from 7.5m to 2.00m and the minimum exterior side yard from 6m to 3.79m for the existing accessory building (garage). The survey below illustrates the site plan.



ANALYSIS

Is the requested relief considered to be minor?

The applicant requests relief from the requirement to have tenants directly associated and connected with the primary commercial use residing in the Accessory Dwelling Unit. There is demand for well-maintained rental housing in Maitland and the new owner wishes to maintain a rental unit, however the commercial business does not have staff that require the accommodation at the present time. The site was previously operated as a store which accommodated peak levels of activity, and having the rental unit occupied by a non-family member or non-staff member will not present any major planning, site, community, or access challenges.

Relief is sought for the minimum lot area, from 4,000 m² to 2,248.1 m² (44% reduction), and from the minimum lot frontage of 46m to 41.553m (10% reduction); this is an existing parcel in a mature community which was established well before the 2012 Zoning By-law was put in place.

Likewise, in order to maintain the footprint and placement of the existing structures, relief is sought from the requirements for a minimum rear yard setback, from 7.5m to 7.25m (3% reduction) for the existing two-storey main building, and from 7.5m to 2.0m (73% reduction) for the existing accessory building (garage); as well as relief from the minimum exterior side yard for the existing garage, from 6m to 3.79m (37% reduction).

Although certain percentage reductions, such as 37% to 73% may not seem minor, there have been numerous applications where even a 100% reduction is considered to be minor as impact is generally used as the measuring stick in these types of applications. In the context of the existing parcel and structures, situated on a main county road in a well-established community, with setbacks exceeding those of many neighbouring properties, it is my professional opinion that the requested variance is minor.

Is the application consistent with the purpose and intent of the Official Plan?

The intent of the Official Plan is to control commercial and residential development through zoning. The use of a minor variance application to resolve these types of issues is in fact consistent with the intent of the Official Plan. It is my professional opinion that the purpose and intent of the Official Plan will be maintained.

Is the application consistent with the purpose and intent of the Zoning By-law?

Related to this application, the Zoning By-law provides for "Business Office," "Office," and "Accessory Dwelling" as permitted uses in the Village Commercial Zone. It is thus my professional opinion that the purpose and intent of the zoning by-law will be maintained.

Does the decision to grant relief represent good planning?

Maintaining the existing building envelopes in place for the proposed redevelopment is reasonable and respects the existing character of the surrounding neighbourhood. This proposal is unlikely to have any negative impacts on adjacent land uses; rather, it will result in greater use of a commercial/residential building and likely increased value for the structure. As such, it is my professional opinion that the proposed minor variance represents good planning.

RECOMMENDATION

It is recommended that the minor variance to enable tenants not directly associated with the primary commercial use to reside in the Accessory Dwelling Unit; to reduce the minimum lot area from 4,000 m² to 2,248.1 m² and the minimum lot frontage from 46m to 41.553m for the existing parcel; to reduce the minimum rear yard from 7.5m to 7.25m for the existing main building; and to reduce the minimum rear yard from 7.5m to 2.00m and the minimum exterior side yard from 6m to 3.79m for the existing accessory building (garage) be granted.

Respectfully submitted,

A handwritten signature in blue ink, reading "Myron Belej", is written over a horizontal line. The signature is cursive and fluid.

Myron Belej, RPP, MCIP
Township Planner

APPLICATION FOR

File No.

MINOR VARIANCE - s. 45 (1) PERMISSION - s. 45 (2)

The undersigned hereby applies to the Committee of Adjustment for the Township
of Augusta under section 45
(name of municipality)
 of the *Planning Act* for relief, as described in this application, from By-law No. 2965 (as amended).

NAME OF OWNER <u>Dorothy Stephenson (Estate)</u>	NAME OF AGENT (if applicant is an agent authorized by the owner) <u>Bryan O. Laughway</u>
ADDRESS <u>C/O Michael Stephenson (Executor)</u>	ADDRESS <u>214 King St. W</u>
<u>3611 Weir Rd, Spencerville, ON, K0E 1X0</u>	<u>Prescott, ON, K0E 1T0</u>
TELEPHONE	TELEPHONE <u>613-925-5991</u>

OFFICIAL PLAN - current designation of the subject land:

Residential - Single family dwellings.

ZONING BY-LAW - current zoning of the subject land:

Residential

RELIEF - nature and extent of relief from the zoning by-law:

Relief from S. 73.2 requiring a single dwellings to have a minimum lot size of 2 acres

REASON why the proposed use cannot comply with the provisions of the zoning by-law:

Property previously severed and merged due to Planning Act violation, historically been treated & taxed as a separate parcel with existing well & septic. See attached.

LEGAL DESCRIPTION of subject land (such as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number):

PT LT 6 CON 3 AUGUSTA PT 1 15R 475, AUGUSTA
 PIN 68167-0387CR7 LRO#15-3666 Maple Avenue

Note: See reverse of page 3 for details of sketch required.

DIMENSIONS OF LAND affected:

Frontage: 230.00' Depth: 200.00' Area: 0.999 Acre

ACCESS - Access to the subject land is by:

<input type="checkbox"/> Provincial highway	<input type="checkbox"/> Municipal road - seasonal
<input checked="" type="checkbox"/> Municipal road - year round	<input type="checkbox"/> Right-of-way
<input type="checkbox"/> Other public road (specify)	<input type="checkbox"/> Water

WATER ACCESS - Where access to the subject land is by water only:

Docking facilities (specify)	Parking facilities (specify)
distance from subject land	distance from subject land
distance from nearest public road	distance from nearest public road

EXISTING USES of the subject land:	LENGTH OF TIME the existing uses of the subject land have continued:
Residential	44 years

EXISTING BUILDINGS - STRUCTURES - Where there are any buildings or structures on the subject land, indicate for each:

TYPE - Single Family Home	Front lot line setback: > 10m	Height in metres: < 11m
DATE CONSTRUCTED ~ 1974	Rear lot line setback: > 10m	Dimensions:
	Side lot line setback: 3.6m	Floor area:
	Side lot line setback:	
TYPE -	Front lot line setback:	Height in metres:
	Rear lot line setback:	Dimensions:
DATE CONSTRUCTED	Side lot line setback:	Floor area:
	Side lot line setback:	

attach additional page if necessary

PROPOSED USES of the subject land:

Residential

PROPOSED BUILDINGS - STRUCTURES - Where any buildings or structures are proposed to be built on the subject land, indicate for each:

TYPE - No change	Front lot line setback:	Height in metres:
	Rear lot line setback:	Dimensions:
	Side lot line setback:	Floor area:
	Side lot line setback:	
TYPE -	Front lot line setback:	Height in metres:
	Rear lot line setback:	Dimensions:
	Side lot line setback:	Floor area:
	Side lot line setback:	

attach additional page if necessary

DATE - Subject land was acquired by current owner on: September 12, 1975

WATER is provided to the subject land by:

<input type="checkbox"/> Publicly-owned/operated piped water system	<input type="checkbox"/> Lake or other water body
<input checked="" type="checkbox"/> Privately-owned/operated individual well	<input type="checkbox"/> Other means (specify)
<input type="checkbox"/> Privately-owned/operated communal well	

SEWAGE DISPOSAL is provided to the subject land by:

<input type="checkbox"/> Publicly-owned/operated sanitary sewage system	<input checked="" type="checkbox"/> Privately-owned/operated individual septic system
<input type="checkbox"/> Privately-owned/operated communal septic system	<input type="checkbox"/> Privy
<input type="checkbox"/> Other means (specify)	

STORM DRAINAGE is provided to the subject land by:

Sewers Ditches Swales Other means (specify)

OTHER APPLICATIONS - If known, indicate if the subject land is the subject of an application under the Act for:

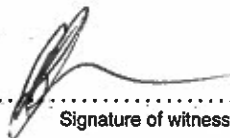
Approval of a plan of subdivision (under section 51) File # Status


Consent (under section 53) File # Status

Previous application (under section 45) 59 File # V-3-19 Status Hearing Feb 5, 2020

AUTHORIZATION BY OWNER

I, the undersigned, being the owner of the subject land, hereby authorize Brian D. Laushway to be the applicant in the submission of this application.

 Signature of witness

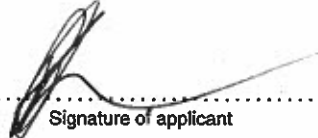
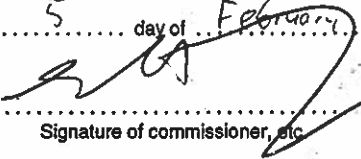
 Signature of owner
 Executor - Estate of Dorothy Stephenson
 Feb 5, 2020 Date

DECLARATION OF APPLICANT

I, Brian D. Laushway of the Town of Prescott in the County of Crenville solemnly declare that:

All the statements contained in this application and provided by me are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the Town of
 of Prescott
 in the County of Crenville
 this 5 day of February 2020

 Signature of applicant
 Signature of commissioner, etc

It is required this application be accompanied by a fee of \$ 1000.00 in cash or by cheque made payable to the Treasurer of the Township of Aasysta.

Personal information contained on this form, collected pursuant to the *Planning Act*, will be used for the purpose of responding to the initial application. Questions should be directed to the Freedom of Information and Privacy Coordinator at the Institution conducting the procedures under the Act.





Schedule to Application for Minor Variance

This application arises from a historical violation of the Planning Act. Initially three parcels were created from land owned by James and Eunice Watt.

PIN 0386 was sold with proper Planning Act Consent on May 17, 1973.

Mr. and Mrs. Watt then sold Pin 0385 without Planning Act Consent. Accordingly, without consent, title is deemed remain with Mr. and Mrs. Watt. Of note, the ownership to this parcel has subsequently been corrected by way of a Vesting Order which vests all ownership rights in the property to Ms. Roode. The Vesting Order has the effect of curing the past Planning Act violation for PIN 0385.

Lastly, Mr. and Mrs. Watt sold and registered a Deed transferring the subject property PIN 0387 to Francis Engineering Limited on October 22, 1974. Given that the Planning Act violation had invalidated the transfer of 0385, this transfer would have required Planning Act consent. A deed was subsequently registered conveying title from Francis Engineering to my client and her husband in 1975 without consent. Again the Planning Act renders this deed invalid as Francis Engineering had no legal ownership of to convey.

Since 1975, the subject property has been treated as a separate parcel of land and taxed as such by the municipality. It contains it's own well and septic system.

However, the lot is 0.99 acres rather than the 2 acres required by the zoning by-law. An application for Certificate of Validation has been commenced with the United Counties of Leeds and Grenville to correct the Planning Act violation and vest the property in the name of Dorothy Stephenson, who has occupied the property since 1975.

The requested minor variance is necessary to satisfy the Township's approval of the Validation Order.



**REPORT to the
AUGUSTA TOWNSHIP
COMMITTEE OF ADJUSTMENT**

**MINOR VARIANCE APPLICATION
Under Section 45 of the Planning Act
March 6, 2020**

File No. COA-2020-02

PURPOSE OF THE APPLICATION

Relief is required from the minimum lot area requirement of Zoning By-law 2965 as it applies to a residential dwelling in a Rural Zone in order to allow an existing single detached dwelling and accessory building (garage) to remain in place, and for an associated validation of title and land transfer of the property to proceed.

LOCATION

The property which is subject to this application is located at 3666 Maple Avenue, being Pt Lot 6, Concession 3; and Pt 1, 15R475, in Augusta Township. The residential property has been in existence for approximately 45 years, and has a parcel area comparable to many adjacent and nearby residential properties on the same street.

LEGISLATIVE CONTEXT

Section 45 of the Planning Act lays out the 'tests' which an application for a minor variance must meet in order to be approved. An application must meet all four tests or it must fail. To paraphrase the Act, the tests are as follows:

1. The variance must be minor
2. The variance must be consistent with the purpose and intent of the Official Plan;
3. The variance must be consistent with the purpose and intent of the Zoning By-law;
4. The variance must result in desirable, appropriate development, also known as good planning.

PLANNING CONTEXT

Augusta Township Official Plan

The Township's Official Plan designates the property subject to the application as Rural land. The designation allows for residential development in the form which is present on the subject lands. The Official Plan does provide for the use of minor variances to provide relief where required.

Zoning By-law 2965

The subject property is zoned Rural (RU). The zone permits single detached residential dwellings. Relief is required to reduce the minimum lot area from 2 acres to 0.999 acres, a lot size similar to many neighbouring parcels. The aerial image below illustrates the layout of the site.



ANALYSIS

Is the requested relief considered to be minor?

In order to maintain the existing structures and property, relief is sought for the minimum lot area, from 2 acres to 0.999 acres (50% reduction). The home on the lot was constructed in 1974 and has been in place for several decades.

Although a 50% reduction from the present standard may not seem minor, there have been numerous applications where even a 100% reduction is considered to be minor as impact is generally used as the measuring stick in these types of applications. In the context of an existing parcel on a street with many comparable-sized lots (see below), established several decades before the 2012 Zoning By-law was put in place, it is my professional opinion that the requested variance is minor.



Is the application consistent with the purpose and intent of the Official Plan?

The intent of the Official Plan is to control residential development through zoning. The use of a minor variance application to resolve these types of issues is in fact consistent with the intent of the Official Plan. It is my professional opinion that the purpose and intent of the Official Plan will be maintained.

Is the application consistent with the purpose and intent of the Zoning By-law?

The Zoning By-law provides for single family dwellings on lands with Rural (RU) zoning. The zone standards as they apply to the main use, i.e., the single detached residential dwelling, are all being met with the exception of the lot area. Adjacent land uses are primarily rural residential properties, farms, and vacant/open lands being maintained in a natural state. Accordingly, it is my professional opinion that the purpose and intent of the zoning by-law will be maintained.

Does the decision to grant relief represent good planning?

The existing development has been in place for some time and has not resulted in any negative impacts on adjacent land uses. As such, it is my professional opinion that the proposed minor variance represents good planning.

RECOMMENDATION

It is recommended that the minor variance to reduce the minimum lot area from 2 acres to 0.999 acres be granted.

Respectfully submitted,



Myron Belej, RPP, MCIP
Township Planner