

THE CORPORATION OF THE TOWNSHIP OF NORTH GLENGARRY
Committee Of Adjustment Hearing

Monday, September 30th, 2024,
5:45 pm Council Chamber
3720 County Road
34 Alexandria, On.
K0C 1A0

The Council of the Township of North Glengarry would like to advise the public that this meeting is or may be recorded by either the press or any other individuals.

- 1. DISCLOSURE OF CONFLICT INTEREST**
- 2. ACCEPT THE AGENDA (Additions/Deletions)**
- 3. RATIFY MINUTES**
 - a. Committee of Adjustment Minutes – February 26th, 2024
- 4. MINOR VARIANCES**
 - a. MV-04-2024
 - b. MV-05-2024
- 5. OLD BUSINESS**
- 6. NEW BUSINESS**
- 7. NOTICE OF MOTION**
- 8. ADJOURNMENT**

THE CORPORATION OF THE TOWNSHIP OF NORTH GLENGARRY

Committee of Adjustment Hearing

Monday, February 26, 2024. 5:00pm

Council Chamber

3720 County Road 34

Alexandria, On. K0C 1A0

PRESENT: Mayor - Jamie MacDonald
Deputy Mayor - Carma Williams
Councillor (At Large) - Jacques Massie
Councillor (Kenyon Ward) - Jeff Manley
Councillor (Alexandria Ward) - Michael Madden
Councillor: (Maxville) - Gary Martin

REGRETS: Councillor: (Lochiel) - Brian Caddell

ALSO PRESENT: CAO/Clerk - Sarah Huskinson
Director of Building, By-law & Planning - Jacob Rhéaume
Deputy Clerk: Jena Doonan

- 1. DISCLOSURE OF CONFLICT INTEREST**
- 2. ACCEPT THE AGENDA (Additions/Deletions)**

Resolution No. 1

Moved By: Micheal Madden

Seconded By: Jacques Massie

THAT the Council of the Township of North Glengarry accepts the Committee of Adjustment Hearing agenda of Monday February 26, 2024.

Carried

- 3. RATIFY MINUTES**

Resolution No. 2

Moved By: Jacques Massie

Seconded By: Carma Williams

THAT the Council of the Township of North Glengarry accepts the Committee of Adjustment Hearing Minutes of January 29, 2024.

Carried

- 4. MINOR VARIANCES**

MV-02-2024

Owner: Janice Lynne Blaney

Location: 18079B County Road 22 Maxville, On

Purpose of application: to seek relief from the zoning by-law requirements within Section 11.2(2)(b)(iv) for a reduction in lot frontage from the required 45m to the proposed 18m for the new property boundaries of the existing residential-use lot, as per condition No. 2 of Consent Application B-136-23.

Resolution No. 3

Moved By: Gary Martin

Seconded By: Jeff Manley

It is the recommendation of the Planning Department that the Committee of Adjustment approve Minor Variance application **MV-02-2024** as submitted.

The clerk asked 3 times for comments from the public in attendance and from members of Council.

Carried

5. OLD BUSINESS

6. NEW BUSINESS

7. NOTICE OF MOTION

8. ADJOURNMENT

Resolution No. 4

Moved By: Jeff Manley

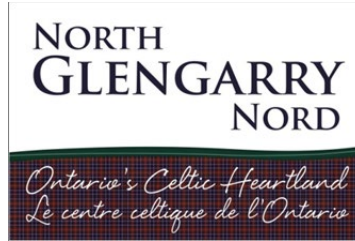
Seconded By: Gary Martin

THERE being no further business to discuss the Committee of Adjustment Hearing was adjourned at 5:59pm.

Carried

CAO/Clerk/Deputy Clerk

Mayor/Deputy Mayor



STAFF REPORT COMMITTEE OF ADJUSTMENT

DATE: September 30, 2024

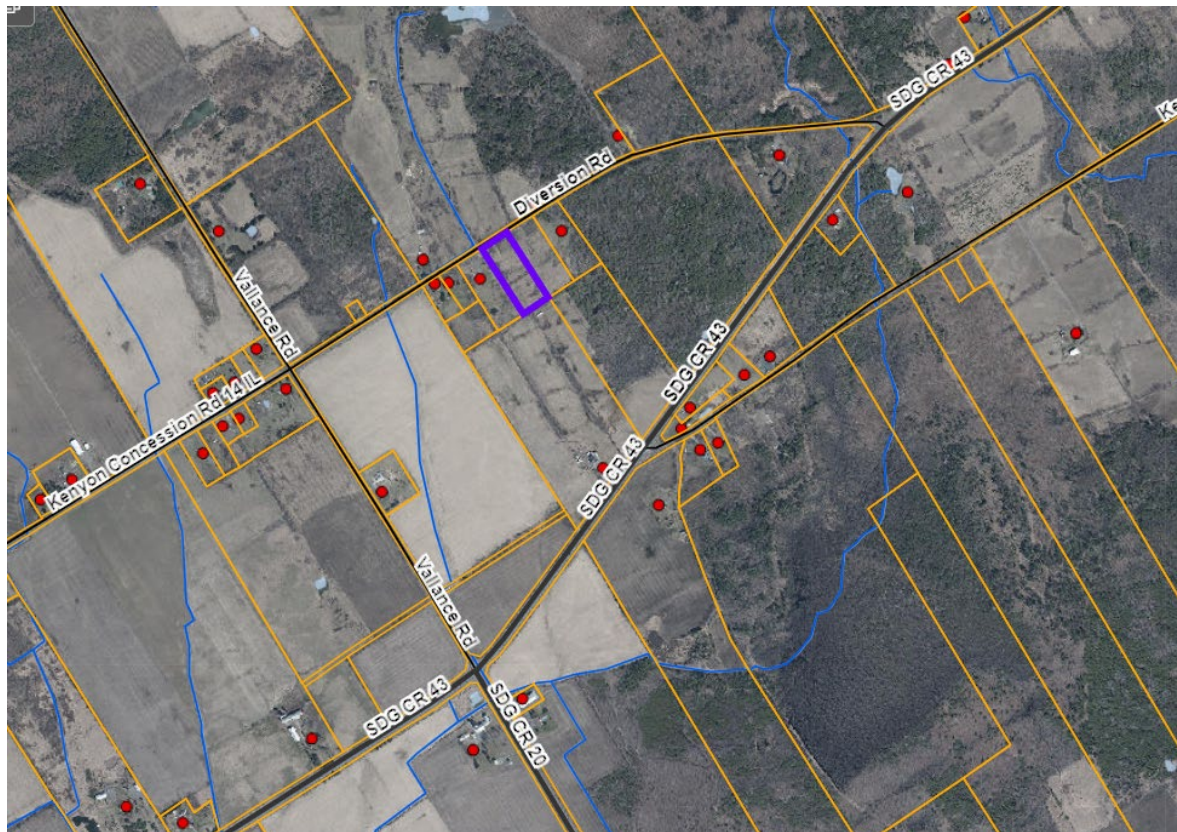
TO: Committee of Adjustment Members

FROM: Jacob Rheaume, Director of Building, By-law & Planning

RE: MV-04-2024

Owner: Wendell Toews

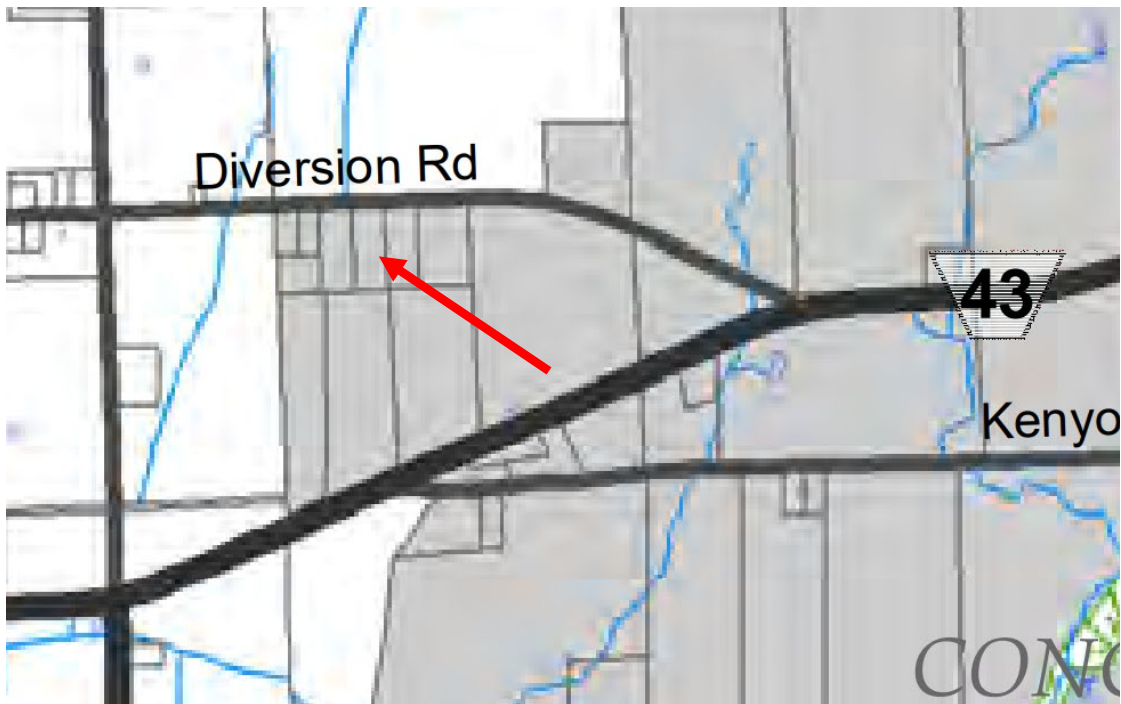
Location: 18578 Diversion Road, Apple Hill, ON, K0C 1B0
Concession 3, Part Lot 35; RP14R4350 Part 1





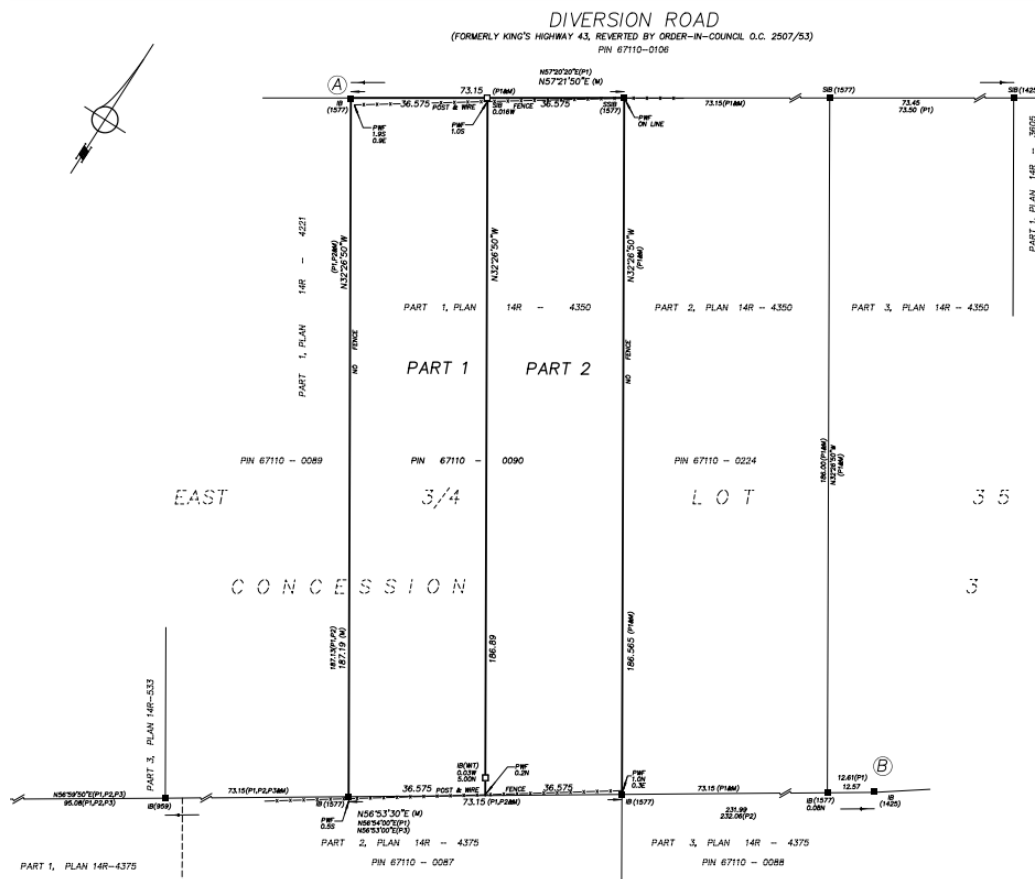


Official Plan designation: Rural District



Zoning designation: General Agricultural – Deemed Rural (OP)





The Minor Variance application is only for the relief in lot frontage of the retained portion. All other requirements are being met, including the lot area, where 1 acre minimum is required and 1.7 acres is proposed for the retained portion. And, 1.7 acres is proposed for the severed portion, which is also compliant with the Township's Zoning By-law.

As the new Official Plan designation for the property is now Rural District, even if our current zoning for the property is General Agriculture, we are to consider this property Rural, making this severance possible. The zoning will be changed as part of our new Zoning By-law in the coming months. A dwelling could eventually be constructed on either portion of the severance as the Rural zoning does not prohibit residential development, and because the OP designation is Rural.

The proposed lot area for the retained portion can accommodate a single-family dwelling, a conventional septic system and a well, and any accessory buildings for residential use, while complying with all required minimum setbacks and requirements.

The exact location for the new dwelling and septic system will be determined later. It would have its own private septic system and private water supply. Both are of no concern from a planning, environmental, nuisance, or building code standpoint.



It is possible and normal that local demands may cause temporary minor drawdowns within the sub watershed, but the conclusion is that 2 (two) additional wells are unlikely to cause a significant drop in the water table. The typical residential water draw of 350L/day is of no geological concern.

A Site Plan Control Development Agreement will not be required for a residential development. A building permit will have to be obtained for a dwelling and for a septic system, to ensure Ontario Building Code compliance. The building permit will also deal with parking, pedestrian safety, minor neighborhood character details, drainage, grading, actual building size and location, setbacks, servicing, lighting, garbage collection, etc., no issues are anticipated throughout the process.

The owner has currently constructed 2 new entrances, after receiving authorization/permits from the Township's Public Works Manager, one for each future lot. Both entrances are as per municipal By-law, and both are on Diversion Road. Civic numbers will also be assigned as per the Township's Civic Number By-law.



We have received a comment from RRCA as there is a mapped watercourse on and within 15m of the subject lot. Alterations to the watercourse including but not limited to shoreline restoration, crossings, bridges, culverts, channelization, channel closures, realignment and cleanouts shall require permission from the Raisin Region Conservation Authority, as per O. Reg. 175/06.

No other agencies, Township departments or members of public expressed concerns or provided any comments regarding this Minor Variance Application.

Four Tests of the Minor Variance: Planning Act Section 45(1)

The Committee of Adjustment may approve any variance provided, in their opinion, the variances:

1. Comply with the intent and purpose of the Official Plan.

The lands are designated Rural District in the United Counties of Stormont, Dundas and Glengarry Official Plan (2018). The Rural District permits residential uses. (Table 3.5), as well as lot creation for residential purposes (8.12.13.3(6)a).

The proposed use conforms to the relevant policies of the United Counties of Stormont, Dundas, and Glengarry Official Plan.

2. Comply with the intent and purpose of the Zoning By-law.

The Township of North Glengarry Zoning By-law (2000) Rural zone permits residential uses including single detached homes. Despite the relief requested from the zoning by-law provisions for lot frontage, the proposed use complies with the intent and purpose of the zoning by-law.

Provision	Description	Required	Proposed	Relief
12.1(2)(iii)(b)	Lot frontage (min)	45m	36.575m	8.425m

As mentioned above, all other requirements such as lot area, are compliant with the Township Zoning By-law, and there is enough area to comply with all the required setback for the single-family dwelling and the conventional septic system and well, and the accessory detached garage.

3. *Are deemed suitable and desirable for the surrounding area.*

The surrounding area is zoned Rural (RU) and General Agricultural (AG) on all sides with mostly rural residential properties and farmers' fields. The immediate surrounding uses consist of vacant and rural/agricultural residential properties.

The Township's Public Works Director and Roads Department Manager deemed the entrance compliant with the Entranceway By-laws as no concerns were expressed about the existing entrance.



Looking West



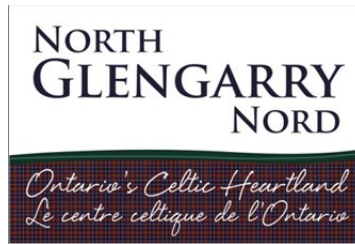
Looking East

4. *Are minor in nature.*

The proposed relief from the zoning by-law requirements will generate minimal impact on the adjacent lands and dwellings despite the reduction in the required lot frontage for lot creation, thus the minor variance is considered minor in nature.

Planning staff is of the opinion that the applicant's requested variance to the zoning by-law requirements can be considered minor in nature, desirable and appropriate, and meets the intent and purpose of the Zoning By-law and the objectives and policies of the Official Plan.

Recommendation: It is the recommendation of the Planning Department that the Committee of Adjustment approve Minor Variance application MV-04-2024 as submitted.



STAFF REPORT COMMITTEE OF ADJUSTMENT

DATE: September 30, 2024

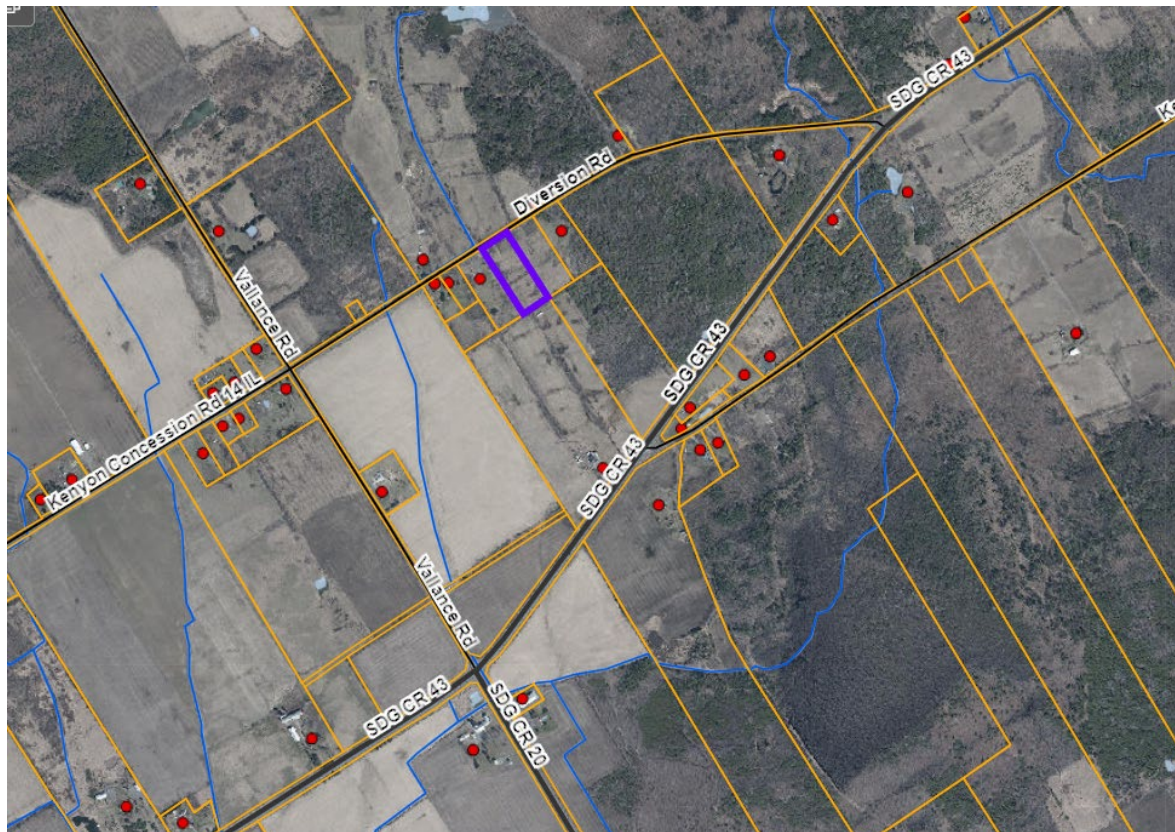
TO: Committee of Adjustment Members

FROM: Jacob Rheaume, Director of Building, By-law & Planning

RE: MV-05-2024

Owner: Wendell Toews

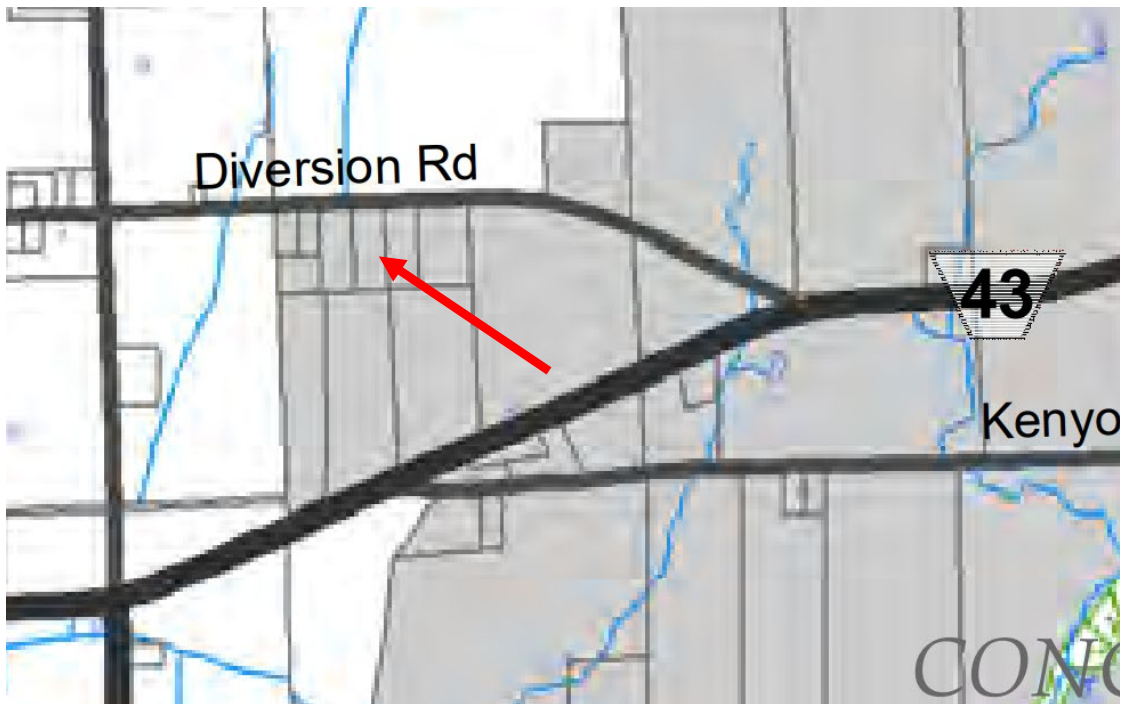
Location: 18578 Diversion Road, Apple Hill, ON, K0C 1B0
Concession 3, Part Lot 35; RP14R4350 Part 1







Official Plan designation: Rural District



Zoning designation: General Agricultural – Deemed Rural (OP)



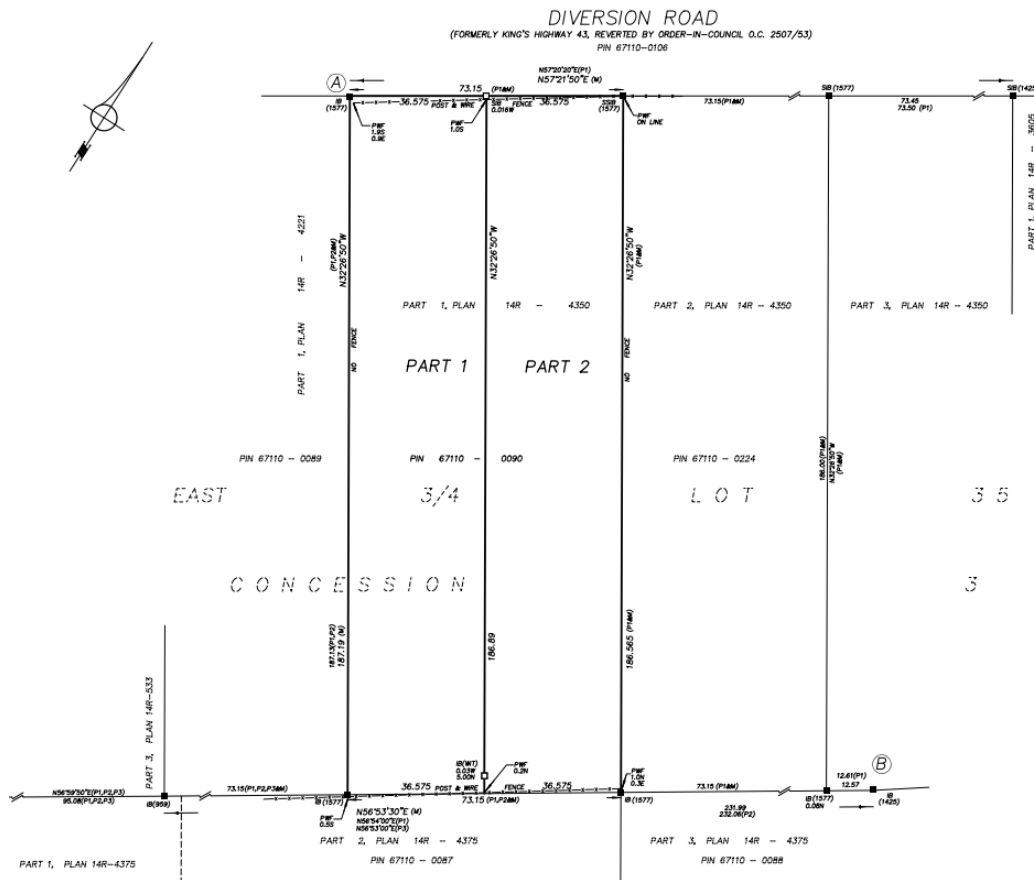
Purpose of the Application: To seek relief from the Comprehensive Zoning By-law 39-2000 for a reduction in the lot frontage minimum (on Diversion Road) from the required 45m to the proposed 36.575m for a new 1.7 acres property being Part 2 as the severed portion of Consent Application No.: B-52-24.

Discussion:

The owner, Wendell TOEWS, applied for a Consent Application (B-52-24) to sever his property in half, in order to create a new rural-residential lot of 1.7 acres. The property is located on Diversion Road and both portions would have frontage on Diversion. The severed portion would also be 1.7 acres. Both the severed and the retained portions of the consent application are affected by this reduction, a different Minor Variance application (MV-04-2024) is required for each portion as MV relief are site specific.

A Notice of Decision was issued by the United Counties of Stormont Dundas & Glengarry Department of Transportation and Planning Services and a **PROVISIONAL CONSENT WAS GIVEN** to the owner for the proposed lot addition on July 10, 2024.

One of the conditions is to obtain a Minor Variance for the lot frontage from the required 45m to the proposed 36.575m for each portion as both are to be used for rural-residential lots.



The Minor Variance application is only for the relief in lot frontage of the severed portion. All other requirements are being met, including the lot area, where 1 acre minimum is required and 1.7 acres is proposed for the severed portion. And, 1.7 acres is proposed for the retained portion, which is also compliant with the Township's Zoning By-law.

As the new Official Plan designation for the property is now Rural District, even if our current zoning for the property is General Agriculture, we are to consider this property Rural, making this severance possible. The zoning will be changed as part of our new Zoning By-law in the coming months. A dwelling could eventually be constructed on either portion of the severance as the Rural zoning does not prohibit residential development, and because the OP designation is Rural.

The proposed lot area for the retained portion can accommodate a single-family dwelling, a conventional septic system and a well, and any accessory buildings for residential use, while complying with all required minimum setbacks and requirements.

The exact location for the new dwelling and septic system will be determined later. It would have its own private septic system and private water supply. Both are of no concern from a planning, environmental, nuisance, or building code standpoint.



It is possible and normal that local demands may cause temporary minor drawdowns within the sub watershed, but the conclusion is that 2 (two) additional wells are unlikely to cause a significant drop in the water table. The typical residential water draw of 350L/day is of no geological concern.

A Site Plan Control Development Agreement will not be required for a residential development. A building permit will have to be obtained for a dwelling and for a septic system, to ensure Ontario Building Code compliance. The building permit will also deal with parking, pedestrian safety, minor neighborhood character details, drainage, grading, actual building size and location, setbacks, servicing, lighting, garbage collection, etc., no issues are anticipated throughout the process.

The owner has currently constructed 2 new entrances, after receiving authorization/permits from the Township's Public Works Manager, one for each future lot. Both entrances are as per municipal By-law, and both are on Diversion Road. Civic numbers will also be assigned as per the Township's Civic Number By-law.



We have received a comment from RRCA as there is a mapped watercourse on and within 15m of the subject lot. Alterations to the watercourse including but not limited to shoreline restoration, crossings, bridges, culverts, channelization, channel closures, realignment and cleanouts shall require permission from the Raisin Region Conservation Authority, as per O. Reg. 175/06.

No other agencies, Township departments or members of public expressed concerns or provided any comments regarding this Minor Variance Application.

Four Tests of the Minor Variance: Planning Act Section 45(1)

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1. Comply with the intent and purpose of the Official Plan.

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The proposed use conforms to the relevant policies of the United Counties of Stormont, Dundas, and Glengarry Official Plan.

2. Comply with the intent and purpose of the Zoning By-law.

The Township of North Glengarry Zoning By-law (2000) Rural zone permits residential uses including single detached homes. Despite the relief requested from the zoning by-law provisions for lot frontage, the proposed use complies with the intent and purpose of the zoning by-law.

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The surrounding area is zoned Rural (RU) and General Agricultural (AG) on all sides with mostly rural residential properties and farmers' fields. The immediate surrounding uses consist of vacant and rural/agricultural residential properties.

The Township's Public Works Director and Roads Department Manager deemed the entrance compliant with the Entranceway By-laws as no concerns were expressed about the existing entrance.



Looking West



Looking East

4. *Are minor in nature.*

The proposed relief from the zoning by-law requirements will generate minimal impact on the adjacent lands and dwellings despite the reduction in the required lot frontage for lot creation, thus the minor variance is considered minor in nature.

Planning staff is of the opinion that the applicant's requested variance to the zoning by-law requirements can be considered minor in nature, desirable and appropriate, and meets the intent and purpose of the Zoning By-law and the objectives and policies of the Official Plan.

Recommendation: It is the recommendation of the Planning Department that the Committee of Adjustment approve Minor Variance application MV-05-2024 as submitted.