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ITEM: Minor Variance – Recommendation Report
DATE: April 17th, 2024
TO: Committee of Adjustment
FROM: Planning & Development Department
FILE NO: A-2024-04
OWNER(S): Laura and Edward Morawski
ADDRESS: 789 Highway 94

1. Description of Property

This property is located at 789 Highway 94 in Corbeil Ontario. The lot is currently vacant. The property is approximately 88 acres.

2. Background

The applicant is requesting a minor variance to address the existing deficient frontage on the lot at the request of Council. The existing lot is the remainder of a larger parcel that was subject to multiple severances in 2003. At the time the retained lands (what is now 789 Highway 94) were intended to be merged with the adjacent lot (also labelled 789 Highway 94 on our mapping). These two lots were not merged but were rather tied together through a restrictive covenant. The two lots are shown on **Schedule A**. The restrictive covenant prevents either lot from being transferred independently of the other so they must always be sold together.

The lots were intended to be merged as a result of deficient frontage. Due to the lots not being merged and instead being tied together by covenant, the lots are already technically existing lots that are deemed to be compliant with the East Ferris Zoning By-law 2021-60. The covenant can be removed by Council without any planning issues; however, Council deemed it necessary to engage in a public process prior to removing the covenant due to the history of the property. Council has passed Resolution 2024-46 which states that the restrictive covenant will be removed if the minor variance request is granted by the Committee of Adjustment.

3. Planning Review

A. Ontario Planning Act

Section 45 (1) of the Ontario Planning Act establishes four 'tests' for the review and consideration of a minor variance. The four 'tests' are:

1. Is the proposal minor in nature?
2. Is the proposal desirable for the appropriate development or use of land, building or structure?
3. Does the proposal maintain the purpose and intent of the Official Plan?
4. Does the proposal maintain the general purpose and intent of the Zoning By-law?

The four tests must be considered when reviewing a minor variance application and all tests must be met in order for an application to be approved.

B. Provincial Policy Statement

The Provincial Policy Statement (PPS 2020) was issued under Section 3 of the Planning Act, and came into effect May 1st, 2020. The PPS 2020 requires that decisions affecting planning matters "shall be consistent with" policy statements issued under said Act. The PPS 2020 contains high level direction for planning matters in the Province of Ontario, with the general vision being implemented through local Official Plans.

The current proposal has been reviewed in the context of the PPS 2020 and deemed to be consistent with the policies outlined in it.

C. Zoning By-Law and Official Plan

The property is zoned Rural. The rural zone would typically require 60m of frontage; whereas the applicant is requesting a reduction to 32.67m of frontage. The variance is technical in nature in the sense that it is Council's way of seeking to formally recognize the existing deficiency on the lot. The variance is not required in order for this lot to legally exist and a building permit could be achieved on this lot and it would be in compliance with the zoning by-law.

An existing home is already on the smaller lot and this lot and this lot is also entitled to building rights without the need for variances. The covenant does not prevent any as of right building permissions for each lot, it only prevents them from being sold separately. This does not achieve the intent of the zoning by-law as far as standard building practices and residential development is concerned. Although the initial intention of the 2003 severances was to have these two lots merged together, the smaller lot would have been able to have been re-established as a result of a previous consent. The approval of the frontage variance would

recognize the existing condition and allow the lots to be dealt with in a logical manner, which is in line with the general intent of the Official Plan policies around residential development.

D. Conclusions

The application has been reviewed with the four 'tests' of Section 45(1) of the Ontario Planning Act. Due to the technical nature of the application and the legal framework surrounding it, staff are of the opinion that the application meets the general intent of our planning documents and is desirable for the appropriate development of the lands.

E. Recommendation

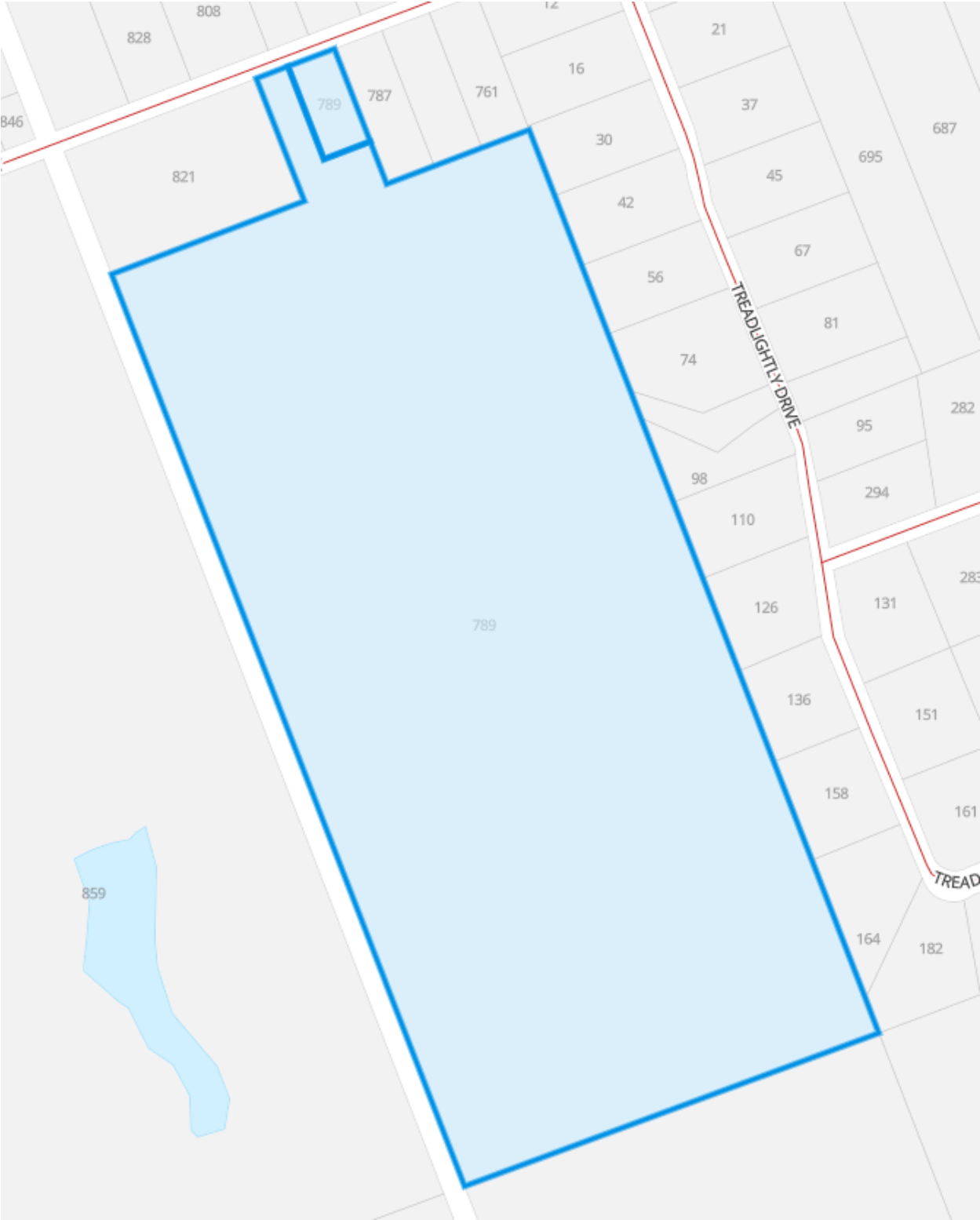
That Minor Variance Application A-2024-04 to permit a reduction in the required lot frontage on the subject property be approved.

Respectfully Submitted,



Greg Kirton, RPP, MCIP
Director of Community Services

Schedule A – Property Location



Sketch

