

Municipality of East Ferris

Report to Council

Report No.: PLAN-2021-07 Date: March 23, 2021
Originator: Greg Kirton, Manager of Planning and Economic Development
Subject: Permission to Make Minor Variance Application – Robert & Joanne Guillemette –
Lot 7 Plan 36M-707 – Nosbonsing Park Road

RECOMMENDATION

1. That Robert & Joanne Guillemette be permitted to make an application for minor variance under section 45 of the Planning Act for Lot 7, Plan 36M-707, located on Nosbonsing Park Road.
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BACKGROUND

Municipal staff have received an application for minor variance from Rick Miller on behalf of Robert and Joanne Guillemette for the property described as Lot 7, Plan 36M-707. This lot forms part of the residential development from Nosbonsing Park Ltd. as approved through files SB-2018-03 & C-2018-03.

Section 45(1.3) of the *Planning Act* states that minor variances are not permitted to be applied for on a property which was granted a site specific zoning by-law amendment in the last 2 years. The zoning on this property was implemented through file C-2018-03, which was passed by Council on June 11, 2019. As a result, a minor variance application would not be permitted on this property until after June 11, 2021. However, section 45(1.4) of the *Planning Act* allows for an exception to section 45(1.3) in the case where the Council for a municipality passes a resolution allowing an application for minor variance to be made prior to the second anniversary of the implementation of the zoning.

This provision of the *Planning Act* is relatively new, being implemented through Bill 73 on July 1, 2016. The general intent of this provision was to prevent applications being made for minor variance immediately after a fulsome and detailed zoning by-law amendment exercise had taken place. This was sometimes done by developers who agreed to zoning provisions in bad faith and then immediately applied for minor variances after getting zoning approvals in place.

In this case, the applicant is seeking to apply for a minor variance to allow for an increase to the permitted garage floor area, which was never specifically addressed by zoning by-law application C-2018-03. Further, the same zoning provisions related to accessory structures

apply to the lots that form part of the subdivision development as apply to all other properties in the Municipality of East Ferris. This type of application could come from any person purchasing a vacant lot anywhere in the municipality. Lastly, the 2 year cut off for minor variances applications would end naturally within 3 months from now, so the applicant is not attempting to immediately alter zoning provisions against the spirit of section 45(1.3) of the *Planning Act*.

Staff are of the opinion that the applicant should be granted permission to move forward with their application for minor variance prior to June 11, 2021. The applicant requires a decision on their minor variance application before staff are able to process their pending site plan control agreement application and prior to a building permit being issued.

Allowing an application to move forward does not presuppose the outcome of the application or override any authority of the Committee of Adjustment. If the application is permitted to move forward, all standard requirements for review and evaluation of a minor variance application must be followed as they always would.

OPTIONS

1. Option 1

That Robert & Joanne Guillemette be permitted to make an application for minor variance under section 45 of the *Planning Act* for Lot 7, Plan 36M-707, located on Nosbonsing Park Road.

2. Option 2

That Robert & Joanne Guillemette **not** be permitted to make an application for minor variance prior to the 2 year anniversary of the implementation of the site specific zoning on Lot 7, Plan 36M-707. This would result in staff being unable to accept and process the application prior to June 11, 2021.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this recommendation.

RECOMMENDATION

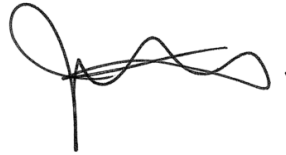
It is recommended that Robert & Joanne Guillemette be permitted to make an application for minor variance under section 45 of the *Planning Act* for Lot 7, Plan 36M-707, located on Nosbonsing Park Road

Respectfully Submitted,



Greg Kirton
Manager of Planning and
Economic Development

I concur with this report,
and recommendation



Jason H. Trottier, BBA, CPA, CMA
CAO/Treasurer