



STAFF REPORT

To:	Committee of Adjustment
From:	Erica Kellogg –Deputy Clerk – Planning and Development
Application:	Minor Variance, Condition of Consent B021-23
Subject Land:	Plan M230 Lots 1 & 2 PCL, 11172SS, Concession 4, Part Lots 27 & 28, Plan PSR-593 Part 1 & 85 Audrey Smith Road - Zwierschke
Report Date:	March 13, 2024

Recommendation:

That the Minor Variance Application MV-01-24, 75 Audrey Smith Road be approved as requested with the following conditions:

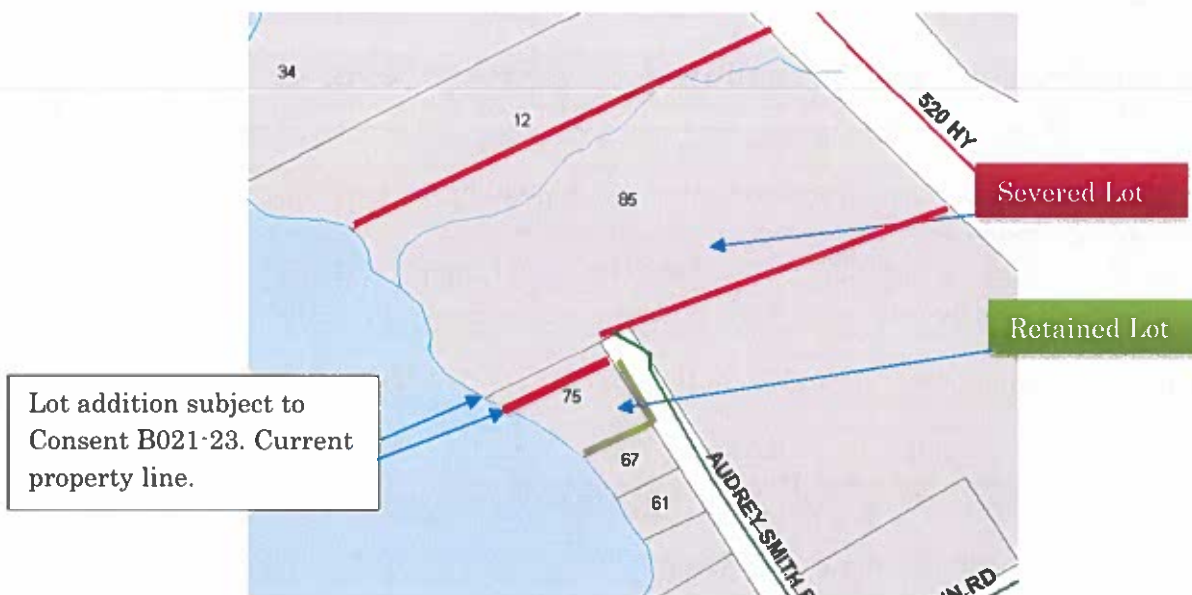
- 1) That all taxes and monies owing to the Municipality are paid to date.

Background

The Applicants, Robert and Janet Zwierschke, have received conditional support from the Central Almaguin Planning Board for a lot addition, B021-23. The conditional support is to sever and convey a portion of land from 75 Audrey Smith Road (retained lot) and add it to the property directly to the north, municipality known as 85 Audrey Smith Road (beneficiary lot). Provisional support includes a requirement to obtain a Minor Variance to bring the retained lot into conformity with the Zoning By-law for the undersized lot and frontage.

Both the retained lot and beneficiary lot are currently developed and accessed via Audrey Smith Road, refer to Figure 1. The intent of the boundary adjustment is to provide additional frontage to the beneficiary lot to accommodate a future boathouse, outside of the Environmentally Protected Area.

Figure 1:



Planning Review

Section 45 of the *Planning Act* identifies four tests that must be satisfied in order to support Minor Variance applications, these include:

Is the general intent and purpose of the Official Plan maintained?

The subject lands are designated Shoreline Residential within the Official Plan. This designation permits residential, commercial tourist operation and recreational activities. As noted, both lots are currently developed with a residential dwelling and accessory structures. There is no indication within the application the retained lot will be further developed.

Appendix 1 of the Official Plan identified that Lake Cecebe is a lake which is to be developed with a "cautionary approach". With the retained lot development and no new development being proposed, other than the addition of a proposed future boathouse on the beneficiary lot, there does not appear to be any additional capacity concerns.

Section 7.7.1 b) requires any new lots within the Shoreline designation to meet setbacks and lot size commented to in Section 5.4.2 the Official Plan. The retained lot will not comply with the required minimum lot area nor the required lot frontage. The deficiency requires the applicant seek conformity through the approval of a Minor Variance.

All other requirements of the Official Plan are either met or are not applicable to this application.

Is the general intent and purpose of the Zoning By-law maintained?

The retained lot is zoned Shoreline Residential (RS) in the Municipality's Zoning By-law 2001-26, Schedule A-2. The Zoning By-law specifically requires new lots to achieve a minimum lot area and frontage, Figure 2 showcases the requirement and the shortfall of the retained lot.

Figure 2:

Zoning By-law Requirements			Lot Configuration
Shoreline (RS) Zone			Proposed Retained Lot
Minimum Area	Lot	1.0 hectares	3,103 square metres (0.3hectares)
Minimum Frontage	Lot	90 metres	50.9 metres

With the residential use existing and no further development proposed, the general intent of the Zoning By-law is maintained.

With the Minor Variance approved, the retained lot would comply with the lot are and frontage of the existing Zoning By-law.

Is the proposed amendment desirable for the appropriate development or use of the land?

There is no further development proposed for the retained lot. The existing use of the land is in conformity with the current Official Plan and Zoning By-law.

Is the proposed development minor in nature?

There is no new development proposed, as part of the Minor Variance application except for the proposed future boathouse on the beneficiary lot.

Summary:

It is the opinion of Staff that this application meets the four tests of a minor variance; therefore, we recommend that the application be approved with conditions.

Public Consultation & Notice

Notice of the application and Public Hearing has been circulated to property owners within 60 metres of the subject property and to those that have requested Notice. Residents have the right to speak in favour or opposition of the application at the Public Hearing or by making a written or oral statement to the Municipality prior to the decision. Notice was also provided to required agencies in accordance with the *Planning Act*.

This report will be posted on the Municipality website along with the Notice of Hearing for further information to the public.

Respectfully submitted,



Erica Kellogg

Acting Deputy Clerk – Planning and Development

