

2023-09-15



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 2523 Manse Road
Legal Description: Part of Lot 15 Concession 1 (Old Survey)
Geographic Township of Cumberland
File No.: D08-02-23/A-00185
Report Date: September 14, 2023
Hearing Date: September 19, 2023
Planner: Jack Graham
Official Plan Designation: Village
Zoning: V1E – Village Residential First Density Zone, Subzone E

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the application.

DISCUSSION AND RATIONALE

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. Staff are not satisfied that the requested minor variance meets the “four tests”.

The subject site is designated as Village and zoned as V1E – Village Residential First Density Zone, Subzone E. The applicant is seeking relief from the watercourse setback requirement of the Zoning By-law, to permit the septic system to be 7.94 metres from the top of bank, and the dwelling to be 19.93 metres from the top of bank of the adjacent watercourse.

Section 4.9.3 Policy 2 of the Official Plan states that development shall not be approved within the minimum setback from surface water features. Policy 7 outlines the requirements for exceptions to Policy 2, which include City and Conservation Authority coordination to permit the reduced setback, that the area between the structure and the watercourse be naturalized, and that buildings are located to an area that improves the existing setback, to the greatest extent possible. The minimum front yard setback for the V1E Zone is 7m. The proposal is for the front yard setback to be at 7.17 metres from the front lot line, effectively as far as possible away from the watercourse.

The applicant has not submitted any evidence to show that the area between the structure and watercourse will be naturalized. Therefore, staff are requesting an adjournment so that the applicant can submit a planting plan to ensure that the above-noted policy is met.



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