

2023-09-14



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

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

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Site Address: 95 Martin Street  
Legal Description: Part 1 Plan of Unit 37 Index Plan D-12  
File No.: D08-02-23/A-00206  
Report Date: September 14, 2023  
Hearing Date: September 19, 2023  
Planner: Luke Teeft  
Official Plan Designation: Rural Transect, Village, Village Residential 1  
Zoning: V1C

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**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **has no concerns with** 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 satisfied that the requested minor variance meets the “four tests”.

The applicant is seeking to build a new addition to their dwelling with a rear yard setback of 3 metres rather than the minimum of 9 metres. In this situation, the applicant has argued that the rear yard of the building is functionally the side yard, and as such falls well within the minimum interior side yard setback distance of 1 metre. This conforms to the existing layout of multiple other properties in the area. It is also in keeping with the intention of the Zoning By-Law in that the new addition does not infringe on the rear yard of any neighbouring property. The proposed structure does not pose any significant impacts on the privacy of their neighbours or any functional challenges to the continued use of the property, such as access to the rear yard. Planning staff have no concerns with the application as submitted.

## ADDITIONAL COMMENTS

### Right of Way Management

- The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application, as there are no requested changes to the private approach/driveway.



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Luke Teeft  
Planner I, Development Review, Rural  
Planning, Real Estate and Economic  
Development Department



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Cheryl McWilliams  
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Planning, Real Estate and Economic  
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