

2023-09-15



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 363 Entrepreneur
Legal Description: Part of Block 3, Registered Plan 50M-136
File No.: D08-02-23/A-00195
Report Date: September 14, 2023
Hearing Date: September 19, 2023
Planner: Jack Graham
Official Plan Designation: Rural Industrial and Logistics
Zoning: RG2 – Rural General Industrial Zone, Subzone 2

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(s) meet(s) the “four tests”.

The subject site is designated as Rural Industrial and Logistics and zoned as RG2 – Rural General Industrial Zone, Subzone 2. The applicant is currently undertaking a Site Plan Control application, and requires variances to comply with zoning.

The proposal is to permit a reduced side yard setback of 1.5 metres from 3 metres, and a reduced rear yard setback of 6.8 metres from 15 metres.

City mapping identifies a watercourse/ditch that runs adjacent to the rear property line of the subject site. The applicant has prepared and submitted an Environmental Impact Study (EIS) to address the natural features present. Through discussion between the applicant and City environmental planning staff, it was determined that the feature was indeed a watercourse, and as such, Section 69 of the Zoning By-law, relating to setbacks from watercourses, shall apply. City staff have agreed with the applicant a 5 metre setback from the watercourse would be appropriate.

Official Plan Section 4.9.3 Policy 2 states that development shall not be approved within the minimum setback from surface water features. Policy 7 outlines the exceptions to

Policy 2. Through discussion with City planning staff, it was agreed that a setback of 5 metres from the watercourse would be appropriate and meet the general intent of the Official Plan.

The submitted EIS states that the ditch has no natural heritage value and does not require a setback. This conflicts with previous discussions and the position of City staff. As such, staff are requesting an adjournment to revise the EIS, and to amend the Minor Variance to address Section 69 of the Zoning By-law.

Staff have no concerns with the side yard setback variance.



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