

2024-02-01



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

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

Site Address: 3984-4000 Carroll Side Road  
Legal Description: Part of the Northeast Half of Lot 17, Concession 11, West Carleton  
File No.: D08-02-23/A-00298  
Report Date: January 29, 2024  
Hearing Date: February 06, 2024  
Planner: Stephan Kukkonen  
Official Plan Designation: Rural Transect, Greenspace Designation  
Zoning: EP3, **EP2[709r]**

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **recommends refusal 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 variances meet the “four tests”.

The application requests authorization from the Committee for minor variances from the Zoning By-law as follows:

- a) To permit separate well and separate septic systems for the coach house and principal dwelling, whereas the By-law requires a shared well or septic system for the coach house and principal dwelling.
- b) To permit a reduced front yard setback of 5 metres, whereas the By-law requires a minimum front yard setback of 10 metres.

These applications seek to remedy the non-conforming status of the existing development. The property currently contains two separate dwellings. The smaller dwelling located 5 metres from the front lot line is the original dwelling. In 2007, the owners applied for a Temporary Zoning By-law Amendment to consider the original

dwelling a garden suite for a 10-year period and permit the construction of a new permanent dwelling (Application D02-02-07-0049). The zoning amendment was approved, and a new dwelling was constructed. Once the 10-year period lapsed, the temporarily approved garden suite was never removed, creating the current non-conforming status.

Section 4.2.1 4) of the *Official Plan* provides policies related to coach houses and their services. These policies require coach houses to be located on lots that are sufficiently sized to support private services and that the coach house shares either the water or wastewater system, or both, with the main dwelling.

In this case, the existing dwellings are established and were originally approved to have their own separate water and wastewater services. It is understood that these uses function with no adverse impact to either of the independent services existing onsite or the surrounding properties. However, the current servicing arrangement does not technically meet the intent of the Official Plan and therefore cannot meet the four tests.

In terms of requested variance b), the location of the original dwelling is long established, as such reducing the required front yard setback from 10 metres to 5 metres appears to meet requirements of the four tests.

## ADDITIONAL COMMENTS

### Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed consent application as there are no requested changes to private approaches.



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Stephan Kukkonen  
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Planning, Real Estate and Economic  
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Cheryl McWilliams  
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