

2024-02-01



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

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

Site Address: 6118 James Bell Road  
Legal Description: Lot 28, Registered Plan 480, former Geographic Township of North Gower  
File No.: D08-02-23/A-00300  
Report Date: January 29, 2024  
Hearing Date: February 06, 2024  
Planner: Stephan Kukkonen  
Official Plan Designation: Rural Transect, Rural Countryside  
Zoning: RR10

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **has 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 not satisfied that the requested minor variances meet the “four tests”.

The application requests authorization from the Committee for a minor variance from the Zoning By-law to permit an increased lot coverage of 19.75% whereas the By-law permits a maximum lot coverage of 15%.

The subject property is a part of a historical plan of subdivision. All the lots included in this subdivision are much smaller than the 0.8 hectare minimum that is required for rural lots on private servicing. This is recognized by the current zoning, RR10, which requires a minimum lot size 1350 square metres (0.135 ha). The subject lot area is 1382.01 square metres and has a current lot coverage of 222.87 square metres, approximately 16.1 % of the total lot area. The proposed addition of 50.03 square metres for a garden suite will increase the lot coverage to 19.75%.

It should be noted that the existing shed was not included in the lot coverage calculation. Although the shed has no impact on this application because it covers a very small area, it may cause issues at the zoning plan examination and building permitting stages.

Based on the following definition of Lot Coverage from the Zoning By-law, the lot coverage of the shed should have been included.

**Lot Coverage** means that part of a lot covered by building but does not include:

(a) an eaves or eaves trough or any other feature that is located at or above the ceiling of the first storey; or

(b) any projection permitted under Section 65.

Section 4.7.2 of the Official Plan includes policies to ensure development patterns for infrastructure development are sustainable. 4.7.2 policy 9) requires that new development on private sewage systems require a minimum area of 800 square metres of undeveloped land for the sewage system. From review of the proposed septic plan and site plan, it is clear that the property is too small to be able to meet these requirements. Further, because of the proposed layout of the site, the largest undeveloped area falls within the required separation distance of the neighbouring well and would not be a suitable location for a future replacement septic system – if required. As such, Planning Staff are concerned that the lack of undeveloped area onsite is already insufficient and will be lessened as a result of the new addition.

Although the application appears to be minor on the surface, it does not fully contemplate the potential ramifications related to private servicing as required by the Official Plan. It is recommended that the applicant reconsiders the design and location of the addition to adequately address this concern.

## 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 private approaches. However, the Owner shall be made aware that a private approach permit is required to construct any newly created driveway/approach, or, to remove an existing private approach.



---

Stephan Kukkonen  
Planner I, Development Review, Rural  
Planning, Real Estate and Economic  
Development Department



---

Cheryl McWilliams  
Planner III, Development Review, Rural  
Planning, Real Estate and Economic  
Development Department