



AGENDA COMMITTEE OF ADJUSTMENT

**IN PERSON AND LIVESTREAMED ELECTRONICALLY
TUESDAY, JUNE 20TH, 2023, 5:30 P.M.**

1. OPENING OF MEETING

Land Acknowledgement

“The Council and staff of the Township of Montague acknowledge that this sacred land on which the Township of Montague is now located and this meeting is being held is the ancestral and unceded territory of the Algonquin Anishinaabe Nation.”

2. INTRODUCTION

- The purpose of this public meeting is to hear the following application for Minor Variance:
 - **A23-002 (Brady)**
- The Committee is charged with making a decision on the application noted on this agenda. The decision will be based on both oral and written input received and understandings gained. The four key factors on which decisions are based include:
 - Is the application generally in keeping with the intent of the Township’s Official Plan?
 - Is the application generally in keeping with the intent of the Township’s Zoning By-Law?
 - Is the application desirable for the appropriate development or use of the site?
 - Is the application minor in nature and scope?
- The Junior Planner will provide a brief overview of the details of the file. The applicant will then be given an opportunity to explain the need for the variance. Then, any person or public body in opposition, and then in favour, to the application will be heard.
- If a person or public body does not make oral or written submissions at a public meeting, or make written submissions to the Township of Montague before the decision is passed, the person or public body may not be added to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- If you wish to be notified of the decision of the Committee of Adjustment with respect to the below listed application(s), you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment at planner@township.montague.on.ca or you must sign the attendance list provided at this evening’s meeting. This will also

entitle you to be advised of a possible OLT hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the OLT by the applicant or another member of the public.

- The Secretary/Treasurer must provide notice of the Committee's decision to all those who request a copy. Anyone may appeal the decision to the OLT by filing with the Secretary/Treasurer within twenty (20) days of the notice of decision.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST & GENERAL NATURE THEREOF

4. APPROVAL OF AGENDA

Suggested Motion:

“THAT, the agenda be adopted as presented.”

5. APPROVAL OF MINUTES

Suggested Motion:

“THAT, the Committee of Adjustment Minutes dated May 16th, 2023, be accepted as presented.”

6. APPLICATIONS

i) File #A23-002 – Brady

- a) JUNIOR PLANNER FILE REVIEW
- b) APPLICANT COMMENTS
- c) ORAL & WRITTEN SUBMISSIONS
- d) DECISION OF COMMITTEE

Recommended Decision:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application A23-002 is approved, to allow for a variance from the requirements of Section 3.19 (Secondary Dwelling Units and Second Dwellings) of Zoning By-Law 3478-2015, for the lands municipally described as 274 Weedmark Road and legally described as Part of Lot 9, Concession 6, Township of Montague, County of Lanark, designated as Part 1 on 27R-10386 (Roll Number 0901-000-015-07202) to permit the construction of a second dwelling a distance of 72m from the primary dwelling, rather than the 30m required, subject to the following conditions:

1. *The variance is solely for relief from the separation distance between the primary and second dwelling, increased from 30m to 72m, to permit the construction of a second dwelling.*
2. *The minor variance is approved based on the sketch submitted with the application.*
3. *The Applicant is required to obtain all required building and septic permits from the Township of Montague.*
4. *The Applicant is required to obtain a civic address for the second dwelling from the Township of Montague.*

7. NEW/OTHER BUSINESS

None

8. ADJOURNMENT

Suggested Motion:

***“THAT,** the Committee of Adjustment Meeting adjourn at _____p.m.”*



COMMITTEE OF ADJUSTMENT MINUTES

IN PERSON AND LIVESTREAMED ELECTRONICALLY
TUESDAY, MAY 16TH, 2023, 5:00 P.M.

MEMBERS PRESENT: Jeffrey Carroll, Chair
Karen Jennings
Tom May
Brian Gibbs
Kirsten Cote, Secretary-Treasurer

MEMBER REGRETS: Jim Abbass

STAFF PRESENT: Grace Francis, Administrative Assistant
Allison Vereyken, Clerk Administrator/Acting Treasurer
Stephen Rothwell, Public Works Manager
Miles Greer, Fire Chief

PUBLIC PRESENT: Phillip Miller, Applicant
Chantal Berthelot

1. CALL TO ORDER

The meeting was called to order at 5:05pm.

2. OPENING OF MEETING

Land Acknowledgment

“The Council and staff of the Township of Montague acknowledge that this sacred land on which the Township of Montague is now located and this meeting is being held is the ancestral and unceded territory of the Algonquin Anishinaabe Nation.”

3. APPOINTMENT OF CHAIR

Resolution #COA-2023-01

Moved By Tom May

Seconded By Karen Jennings

THAT, Jeffrey Carroll be appointed as Chair of the Committee of Adjustment.

ADOPTED

4. APPOINTMENT OF SECRETARY-TREASURER

Resolution #COA-2023-02

Moved By Brian Gibbs

Seconded By Tom May

THAT, Kirsten Cote be appointed as Secretary-Treasurer of the Committee of Adjustment.

ADOPTED

5. INTRODUCTION

The purpose of this public meeting is to hear the following application for Minor Variance:

- **A23-001 (Miller)**

The Committee is charged with making a decision on the application noted on this agenda. The decision will be based on both oral and written input received and understandings gained. The four key factors on which decisions are based include:

- Is the application generally in keeping with the intent of the Township's Official Plan?
- Is the application generally in keeping with the intent of the Township's Zoning By-Law?
- Is the application desirable for the appropriate development or use of the site?
- Is the application minor in nature and scope?

The Junior Planner will provide a brief overview of the details of the file. The applicant will then be given an opportunity to explain the need for the variance. Then, any person or public body in opposition, and then in favour, to the application will be heard.

If a person or public body does not make oral or written submissions at a public meeting, or make written submissions to the Township of Montague before the decision is passed, the person or public body may not be added to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Committee of Adjustment with respect to the below listed application(s), you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment at planner@township.montague.on.ca or you must sign the attendance list provided at this evening's meeting. This will also entitle you to be advised of a possible OLT hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the OLT by the applicant or another member of the public.

6. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST & GENERAL NATURE THEREOF

None

7. APPROVAL OF AGENDA

Resolution #COA-2023-03

Moved By Karen Jennings

Seconded By Brian Gibbs

THAT, the Agenda be adopted as presented.

ADOPTED

8. APPROVAL OF MINUTES

Resolution #COA-2023-04

Moved By Tom May

Seconded By Karen Jennings

THAT, the Committee of Adjustment meeting minutes of May 12th, 2022, be approved as circulated.

ADOPTED

9. APPLICATIONS

9.1 Application for Minor Variance – Miller (A23-001)

The Secretary-Treasurer provided the Committee members with a brief overview of the file. The subject property is located in Part of Lot 26, Concession 5, Township of Montague and is municipally known as 946 Code Drive. The property is approximately 21.7 hectares in size and is accessed by Code Drive, a Township maintained road.

The purpose of the application is to permit the construction of a single-family dwelling a distance of 300m from a quarry, rather than the 500m required.

The property is located within the “Rural” zone, pursuant to the Township’s Zoning By-Law 3478-2015.

Section 3.18 (Residential Separation Distances from Other Land Uses) of the Township’s Zoning By-Law 3478-2015 provides for a separation distance of 500m from a quarry to a residence.

No comments were received from Township Staff resulting from the circulation of this application.

RVCA has advised that, while they have no objections to the subject application, they do recommend the implementation of certain best practices, which will be included in a Development Agreement that is to be registered on title.

The adjacent quarry owner provided a letter expressing concern with the reduction of the setback in that it could cause a nuisance for the applicant related to noise, vibration, and dust. An acknowledgement that these nuisances could incur will be included in a Development Agreement that is to be registered on title.

The applicant briefly spoke in support of his application.

No public comments were received at the Meeting in support of or against the application.

The Committee reviewed the Staff Report and draft conditions, which enabled them to make an informed decision.

Resolution #COA-2023-05

Moved By Brian Gibbs

Seconded By Tom May

THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application A23-001 is approved, to allow for a variance from the requirements of Section 3.18 (Residential Separation Distances from Other Land Uses) of Zoning By-Law 3478-2015, for the lands municipally described as 946 Code Drive and legally described as Part of Lot 26, Concession 5, Township of Montague, County of Lanark (Roll Number 0901-000-035-09210) to permit the construction of a single family dwelling a distance of 300m from a quarry, rather than the 500m required, subject to the following conditions:

1. The variance is solely for relief from the required residential separation distance from a quarry of 500m to 300m to permit the construction of a single-family dwelling.
2. The minor variance is approved based on the sketch submitted with the application.
3. The Applicant is required to enter into a Development Agreement with the Township of Montague to address:
 - the potential impacts of the adjacent quarry operation on the subject lands, including blast vibrations, noise, and dust;
 - well construction recommendations, as outlined in the Hydrogeological Assessment prepared by McIntosh Perry Consulting Engineers Ltd., dated April 12th, 2023;
 - best practice recommendations related to source water protection outlined by RVCA in their letter of May 5th, 2023; and
 - a Risk Mitigation Plan in accordance with the Wildland Fire Assessment and Mitigation Standards identified by the Ministry of Natural Resources and Forestry.

Said agreement is to be prepared by the Township and registered on title by the owner, at the owner's expense.

4. The Applicant is required to obtain all required building and septic permits from the Township of Montague.
5. Excavated material shall be disposed of well away from the watercourse.
6. Regular pick-up of construction debris is encouraged to prevent such materials from blowing into the watercourse.

ADOPTED

10. ADJOURNMENT

Resolution #COA-2023-06

Moved By Karen Jennings

Seconded By Brian Gibbs

THAT, the meeting adjourn at 5:27pm.

ADOPTED

Jeffrey Carroll, Chair

Kirsten Cote, Secretary/Treasurer



COMMITTEE OF ADJUSTMENT

June 12th, 2023

Prepared By: Kirsten Cote, Junior Planner
Reviewed By: Forbes Symon, RPP, MCIP, Senior Planner

Application A23-002 (Brady)
274 Weedmark Road
Part of Lot 9, Concession 6, Township of Montague, County of Lanark,
designated as Part 1 on 27R-10386

1. LOCATION AND DESCRIPTION

The subject property is located in Part of Lot 9, Concession 6, Township of Montague, and is municipally known as 274 Weedmark Road (See Appendix "A").

The property totals approximately 0.74 hectares (1.83 acres) and has approximately 46m of frontage on Weedmark Road, a Township maintained road. The subject lands are currently occupied by a single-family dwelling with an attached garage and is serviced by a private well and septic system.

The Applicants are seeking to construct a second dwelling with an attached garage, that will be serviced by a separate private well and septic system (See Existing and Proposed Site Sketches at Appendix "B").

The current lot coverage is 5.6%. The development proposed would result in lot coverage of 7.5%. The resultant total lot coverage would be 13.1%. In the Rural zone, the maximum lot coverage allowed is 20%.

2. SUMMARY OF PROPOSAL

The Applicant is seeking relief from the provisions of Section 3.19 (Secondary Dwelling Units and Second Dwellings) of the Township's Zoning By-Law 3478-2015 to permit the construction of a second dwelling 72m from the existing primary dwelling, rather than the 30m required.

The reason for the variance request is partly due to the location of the current septic system at the rear of the existing dwelling.

3. REVIEW COMMENTS

3.1 Provincial Policy Statement (PPS) 2020

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning, providing for appropriate development, while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Section 3(5)(a) of the Planning Act, R.S.O. 1990, provides that all planning decisions must be consistent with the PPS.

The subject property is located within a Rural Area, defined under the PPS as “a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas”.

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;*
- b) resource-based recreational uses (including recreational dwellings);*
- c) **residential development, including lot creation, that is locally appropriate;***
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) home occupations and home industries;*
- f) cemeteries; and*
- g) other rural land uses.*

The Applicant proposes to build a second dwelling with attached garage serviced by a separate private well and septic system on the subject lands, which is an appropriate permitted use.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

The subject property is located on a maintained Township road and is in proximity to other developed residential properties.

3.2 Official Plan

Schedule “A” of the Township’s Official Plan designates the subject property as “Rural”. See Appendix “C” herein.

3.6.2 Within the Rural area, a variety of land uses shall be permitted including agriculture, forestry, management or use of resources, conservation, various outdoor recreational uses, and commercial, industrial and limited residential uses...

The property is currently occupied by a single-family dwelling with an attached garage, serviced by a private well and septic system.

2.8.1 Secondary units are self-contained dwelling units, often with a separate entrance, located within and subordinate to an existing single dwelling, semi-detached dwelling or rowhouse, or in a building or structure ancillary to the principal dwelling, that contains its

own separate cooking and bathroom facilities in addition to the usual living quarters.... In conjunction with a single dwelling, semi-detached dwelling or rowhouse, secondary units will be permitted 'as of right' in certain zones of the implementing Zoning By-law or by amendment to the implementing Zoning By-law.

The Township's new Official Plan acknowledges the need for alternate housing options and supports the construction of second dwellings and secondary dwelling units on lots that allow for same, pursuant to the provisions of the Township's Zoning By-Law 3478-2015.

2.21.4(5) ...prior to permitting any development or site alteration such as filling, grading, and excavating that would change the landform and natural vegetative characteristics of the site within a significant wildlife habitat or natural corridor area identified on Schedule B or adjacent lands, the approval authority shall require an environmental impact assessment demonstrating that no negative impacts on the natural features or their ecological functions.

The subject property is located within a Significant Wildlife Habitat designation, as illustrated in Schedule "D" herein. As the subject property is already developed, and the proposed development is not anticipated to negatively impact the natural environment, the Applicants were not required to obtain and submit an Environmental Impact Assessment to support their development.

A review of the Official Plan mapping does not provide for any development constraints associated with the subject lands that would be affected by, or impede, the proposed development.

3.3 Zoning By-Law

Under the Township's Zoning By-Law 3478-2015, the subject property is zoned Rural (RU) – see Appendix "D" herein.

The proposed second dwelling and attached garage will be in compliance with the provisions of the RU zoning designation, as it is a permitted use, and meets with the RU site specific performance standards.

Zone Provisions		Current	Proposed	
Front Yard:	7.5m plus 13m from the centre line of the road	23.8m	107m	
Rear Yard:	7.5m	143m	55m	
Interior Side Yard:	6m	12m & 6.5m	22.7m & 8m	
Dwelling Height (maximum):	10m	9.1m	9.6m	
Lot Coverage (maximum):	20%	5.6%	7.5%	Total of 13.1%

4. INTERNAL COMMENTS

The application was circulated to Township staff for comment. The Manager of Public Works advised that he had no concerns as the two dwellings would be sharing a common entrance. The Chief Building Official advised that he had no comments.

5. EXTERNAL COMMENTS

The application was circulated to various public agencies as prescribed under the Planning Act. As of the date of this report, no comments have been received.

Notice of this application was circulated to all landowners within 60m of the subject property. As of the date of this report, no comments have been received.

6. EVALUATION OF APPLICATION

The following is the applicable Planning Act “test” for a minor variance.

1. Is the application generally in keeping with the intent of the Township’s Official Plan?

The subject property is designated as Rural in the Township’s Official Plan. The applicable Official Plan policies related to this application are:

- Residential development is a permitted use
- Second dwellings are permitted “as of right” in certain zones as set out in the Township’s Zoning By-Law
- Natural heritage features are to be protected.
- Natural and other hazards are to be avoided.

Section 3.6.2 of the Township’s Official Plan provides that residential uses are permitted within the Rural designation.

Section 2.8.1 of the Township’s Official Plan provides that second dwellings are “efficient and cost-effective means of increasing the supply of affordable accommodations for rental purposes and for providing alternative living arrangements for those who, by virtue of their personal circumstances, require the support of others to live on their own”.

There are no concerns related to the natural heritage features present on the subject lands and there are no identified natural or man-made hazards present that require avoidance or mitigation.

Staff are of the opinion that the above have been adequately addressed herein and this application meets with the intent of the Township’s Official Plan.

2. Is the application generally in keeping with the intent of the Township's Zoning By-Law?

The subject property is designated as Rural (RU) in the Township's Zoning By-Law 3478-2015. The applicable zoning regulations related to this application are:

- Single-family dwellings are permitted within the RU zone
- A new accessory building may be constructed as a second dwelling provided that it complies with all applicable zoning provisions
- A second dwelling shall share the driveway entrance to the lot with the principal dwelling
- A second dwelling shall be separated by less than 30 m from the principal dwelling.

The submitted application is for the construction of a second dwelling, which is permitted in the RU zone.

The proposed development complies with the development provisions of the RU zone (ie. lot coverage, setbacks, building height) as set out in Section 3.3 above.

The existing and proposed dwellings will share the current entrance although the applicants are requesting a variance from the separation distance provisions. When the zoning amendment related to second and secondary dwelling units was passed in 2021, with a provision that the second dwelling is to be located within 30m of the existing dwelling, the intention was to not only provide alternate housing options, but to also ensure that landowners did not interpret the opportunity as automatic support for a potential severance application.

The subject property is 0.74 hectares (1.83 acres) in size and has 46m of road frontage. The minimum lot size and frontage for a severance, which would apply to both the severed and retained lots, would be 0.4 hectares (0.99 acres) and 46m of frontage. This property would not qualify for a severance.

Staff are of the opinion that the above have been adequately addressed herein and this application meets with the intent of the Township's Zoning By-Law.

3. Is the application desirable for the appropriate development or use of the site?

The subject property is proposed to be developed with a second dwelling serviced by a separate private well and septic system on lands zoned to permit same, which fronts on a Township maintained road and is in an area with like development. There are no natural heritage features of concern, nor are there any hazards to avoid.

Due to the current housing crisis in Ontario, providing housing options to residents, where it can be accommodated, is both necessary and responsible.

Staff are of the opinion that the proposed development is a desirable and appropriate use of the subject lands.

4. Is the application minor in nature and scope?

In determining whether a proposal is minor in nature the potential impact of the variance on adjacent lands and the neighbourhood where the property is located must be considered.

No objections have been expressed by any agencies circulated under this application, nor have any circulated landowners provided any letters of concern or objection.

Staff are of the opinion that if the Committee believes the proposed development is minor in nature and scope, then the four tests have been satisfied.

7. STAFF RECOMMENDATION

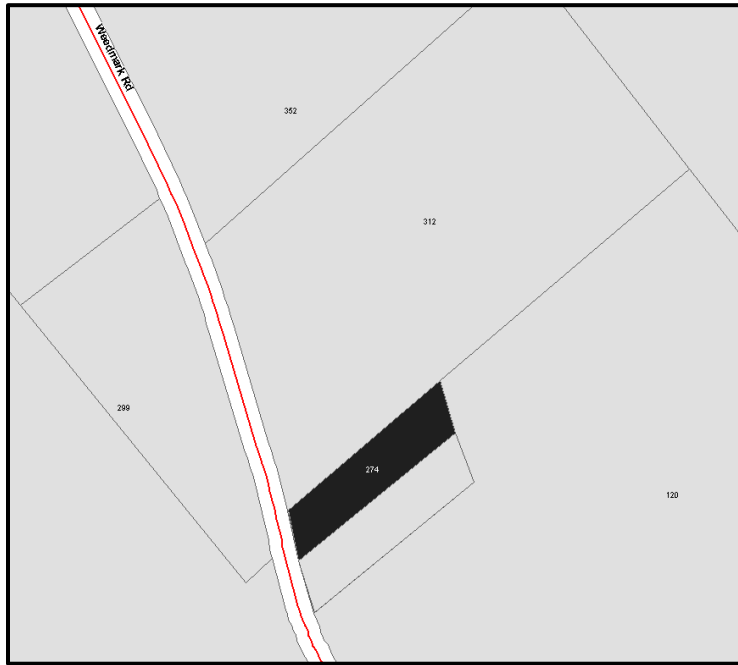
Based on the above information, and the conditions suggested below, the increased separation distance of 72m proposed in Application A23-002 (Brady) would meet the four tests for evaluating a minor variance, as established under the Planning Act.

Staff would accordingly recommend that the variance requested to accommodate the proposed relief from the established 30m separation distance to the requested 72m between the existing single-family dwelling and the proposed second dwelling be granted, provided that the Committee is satisfied that any issues raised during the Public Meeting do not require further evaluation, the submission of additional information or the application of conditions other than as follows:

1. The variance is solely for relief from the separation distance between the primary and second dwelling, increased from 30m to 72m, to permit the construction of a second dwelling.
2. The minor variance is approved based on the sketch submitted with the application.
3. The Applicant is required to obtain all required building and septic permits from the Township of Montague.
4. The Applicant is required to obtain a civic address for the second dwelling from the Township of Montague.

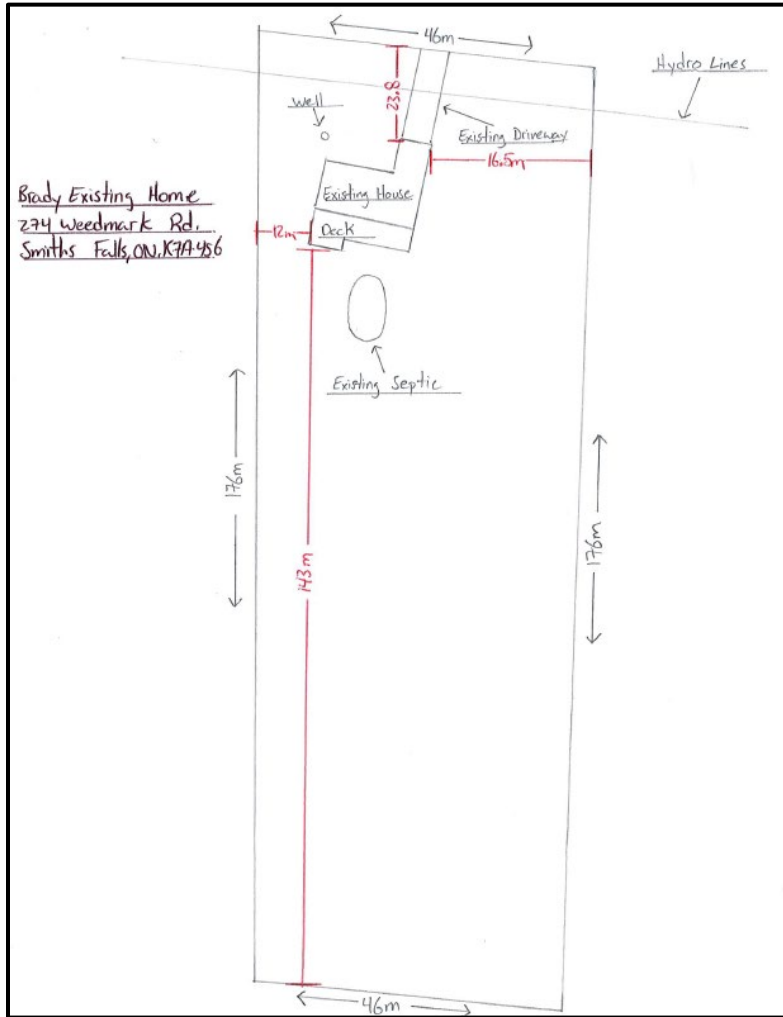
APPENDIX "A"

Key Map

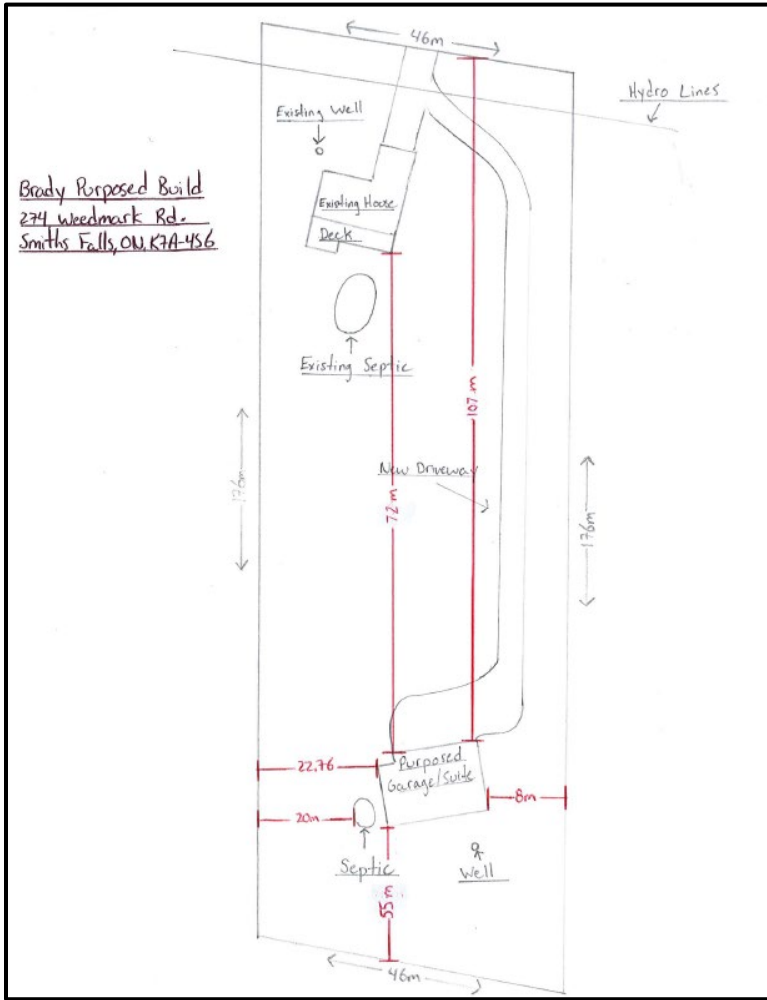


APPENDIX "B"

Site Sketch - Existing

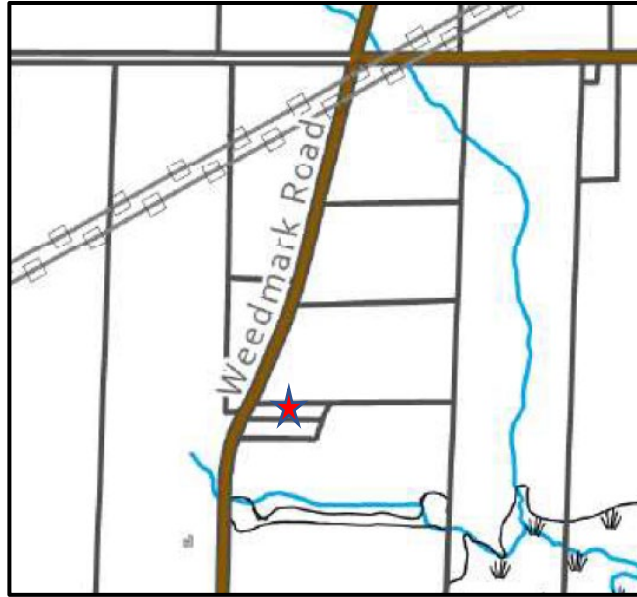


Site Sketch - Proposed



APPENDIX "C"


Official Plan – Schedule "A" – Land Use

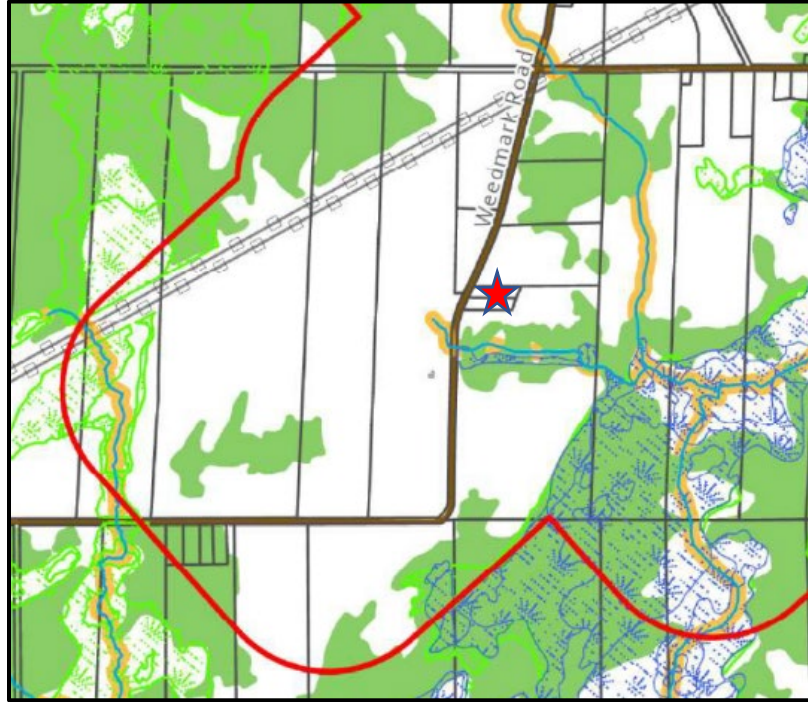



★ Subject Land – Rural designation

APPENDIX "D"

Official Plan – Schedule "C" – Natural Heritage Features

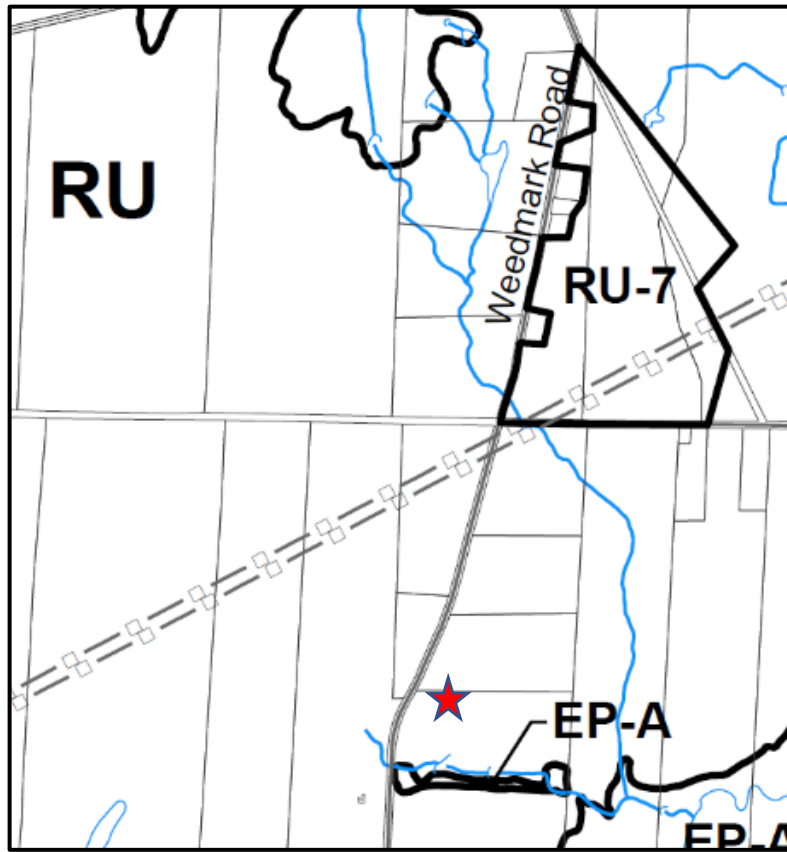
 SIGNIFICANT WILDLIFE HABITAT



 Subject Land

APPENDIX "E"

Zoning By-Law



★ Subject Land: Rural (RU)