

Application for a Minor Variance

File No. MV/002/13

Purpose: To seek relief from Section 11.2 of Lanark Highlands Zoning Bylaw No. 2003-451, to allow for the reduction of the Minimum Interior Side Yard Setback from 7m to 3m.

Applicants: Anne Fleming and Lorna Bradley

Location: 134 Cedar Cove Road, Lot 20, Concession 10 Geographic Township of Darling, now in the Township of Lanark Highlands.

Date: June 20, 2013

Purpose

The purpose of the application is to provide relief from zoning by-law setback standards in order to allow for an addition to be constructed onto an existing four season cottage / home. The lands are serviced via a privately owned septic system and well.

The property enjoys approximately 100 feet of frontage on White Lake, a depth of 261 feet, lot frontage of 82.5 feet, and an area of approximately .89 acres. Surrounding land uses are recreational and residential.

The subject lands are designated Lake Development District and zoned Lakefront Development.

Relief Required

The applicants wish to construct an addition to the rear of the existing four season cottage / home.

Relief from the zoning by-law performance standards must be assessed using the four tests outlined in the Planning Act. Section 45 of the Planning Act addresses applications for Minor Variance. The ability of applicants to demonstrate compliance with the four tests is necessary. These tests are:

1. Is the proposal desirable and an appropriate land use; and
2. Does it meet the general intent of the Official Plan; and
3. Does it meet the general intent of the Zoning By-law; and
4. Is the proposal minor?

The minor variance application seeks the following relief:

Side yard setback from 7m to 3m.

Provincial Policy

The Provincial Policy Statement, PPS, provides direction to approval authorities on matters related to development and supports the provincial goal to enhance the quality of life for the citizens of Ontario. All development must be consistent with the statement.

Recognition is given throughout the document to the complex inter-relationships between environmental, economic, and social factors in land use planning. The lands subject to this application are Lake Development. The PPS permits recreational activities and limited residential development that will not result in the need to expand municipal infrastructure and is appropriately serviced. The proposal will NOT result in an increased demand or impact for or on any municipal services.

The proposal will be serviced via private well and septic in accordance with Health Unit requirements.

Although the existing cottage is being renovated and an addition constructed, the existing waterfront setback is being maintained.

Official Plan

The property is designated Lake Development District on the Official Plan of the Township Of Lanark Highlands. Settlement within the Lake Development District anticipates recreational land uses.

The proposal is not encroaching on the setback from the water body, but requires relief to the side to permit construction on part of the existing cottage.

Zoning By-Law

The property is zoned Lakefront Development. A residence and accessory structures are a permitted use within this zone. The existing lot is legal under the current zoning by-law. Development must occur in a manner that is in conformity with the by-law unless relief is granted through a minor variance. In this case the subsequent addition will result in an addition of approximately 1046 square feet (floor area), and a reduction in the current side yard setback. All other zoning standards are being maintained at their current legal levels. The minor variance will recognize existing conditions of area and frontage along with the additional relief as indicated previously in this report.

Conclusions

The proposed development is an expected and permitted land use of the Provincial Policy Statement, Official Plan and Zoning By-Law.

The application has been circulated to the Health Unit. The Health Unit has no objections to the application.

The application meets the general intent of both the Official Plan and the Zoning By-Law and is a desirable and appropriate land use and will not significantly impact the abutting land holders. As such the application meets the tests of the Planning Act and can be considered minor.

The Minor Variance will be subject to site plan control as per Section 10.11.10 of the Township of Lanark Highlands Official Plan.

Please view the following site for extra information.

<http://www.whitelakewoodwright.com/home/portfolio/cottage-addition>