



STAFF REPORT PUBLIC MEETING

September 11, 2023

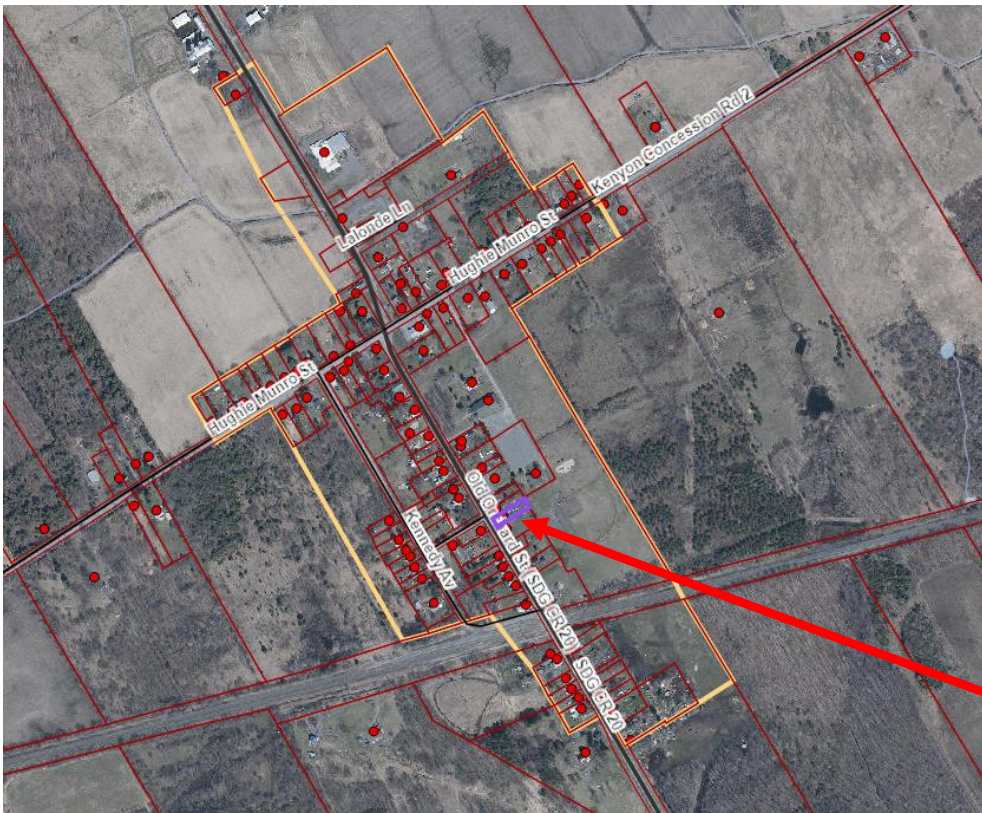
TO: Committee of Adjustment Members

FROM: Jacob Rheaume, Director of Building, By-law & Planning

RE: MV-07-2023

Owner: Lisa Faye & Stephane Joseph ROBINSON

Location: 3755 Old Orchard Street, Apple Hill, ON
Con 1, Part Lot 36, RP14R1961; Part 1





Official Plan designation: Rural Settlement Area (Apple Hill)



Zoning: Residential Hamlet (RH)



Purpose of the Application: To seek relief from the Comprehensive Zoning By-law 39-2000 within Section 5.5 (2) (e) for:

- A reduction in the interior side yard width setback from the required 1.5m (for an accessory storage building - ZBA 3.1 (a) (ii)) to the proposed 0.2m to permit the re-construction of an accessory storage building for residential use.

Discussion:

The property located at 3755 Old Orchard Street, in Apple Hill, is approximately 44' x 180', with an approximate area of 0.18 acres (735 m²). This lot is not compliant with all the Residential Hamlet Zone requirements but is considered "legal non-confirming" as the lot existed, and the buildings were also there, prior to the passing of the current Township's Zoning By-law. The lots are small in that area so most properties in the surroundings are also legal non-confirming, making any development difficult, the properties are narrow, and they all have a septic system.

This existing lot is in a rural settlement area (residential neighborhood) of Apple Hill, north of the railway tracks, and adjacent to the Catholic Church's property where the ball diamond is located. It's an existing residential property that currently consists of a single-family dwelling with access decks, and a smaller accessory storage building. The owner wishes to construct a new, larger accessory storage building 18' x 30' instead of the existing 12' x 24', at the same location, to replace the smaller one. The existing setback would be the same, the Minor Variance is now required to make the location "legal".



The owners, Lisa Faye & Stephane Joseph ROBINSON, wish to construct a 18' x 30' accessory storage building in a strategic location to allow for enough room for the required septic system and to accommodate the existing location of the driveway. The building will be compliant with the Zoning By-law minimum required setbacks for the North (side), East (rear) and West (front) yard depth setback, and for maximum building height of 16'-5". The minor variance is required only for the interior side yard depth setbacks (South).

The property being zoned Residential Hamlet (RH) permits residential uses and Public Works confirmed that this will not create an issue for their department and the existing civic number will remain. We have not received any feedback or comments from the United Counties of Stormont Dundas & Glengarry or any other agencies. Also, no members of the public expressed any concerns or comments for the minor variance.

The property will not be subject to Site Plan Control to deal with the development, servicing, driveway, entrance, lighting, garbage, access, storm water management, lot grading, soil conditions, etc. will all be evaluated at the building permit stage.



Four Tests of the Minor Variance: Planning Act Section 45(1)

The Committee of Adjustment may approve any variance provided that, in their opinion, the variances:

1. Comply with the intent and purpose of the Official Plan.

The lands are designated Urban Settlement Area (Apple Hill) in the United Counties of Stormont, Dundas and Glengarry Official Plan (2018). The Urban Settlement Area designation permits residential uses, as well as any accessory buildings to the residential use.

The proposed use conforms to the relevant policies of the United Counties of Stormont, Dundas and Glengarry Official Plan 2018.

2. Comply with the intent and purpose of the Zoning By-law.

The Township of North Glengarry Zoning By-law Residential Hamlet (RH) zone permits residential uses including single detached homes and all accessory uses. The proposed does comply with the intent and purpose of the zoning by-law.

The building is subject to a building permit under section 8 of the Building Code Act and the owner is to obtain the permit prior to the work being started. The lot area is large enough to comply with the required other setbacks for the proposed accessory building.

The proposed residential accessory storage building is permitted as an accessory use to a residential property.

3. Are deemed suitable and desirable for the surrounding area.

The surrounding area is residential in all directions with the Catholic Church's property where the ball diamond is located on the East side and the Canada Post Office on the South. The surrounding uses consist of mostly residential properties.





4. *Are minor in nature.*

The proposed relief from the zoning by-law requirement will generate minimal impact on the adjacent lands and property owners despite the reduction in the required minimum Interior Side Yard Depth, the property affected the most being the one on the South, being the Canada Post Office and they have not expressed any objections with the reduction. Thus, the minor variance is considered minor in nature.

Planning staff is of the opinion that the applicant's requested variance to the zoning by-law requirements can be considered minor in nature, desirable and appropriate, and meets the intent and purpose of the Zoning By-law and the objectives and policies of the Official Plan.

It is the recommendation of the Planning Department that the Committee of Adjustment approve Minor Variance application **MV-07-2023** as submitted.