



ARNPRIOR
Town of Arnprior

Committee of Adjustment Meeting

Date: Wednesday, November 20th, 2024

Time: 7:00 p.m.

**Location: Council Chambers, 2nd Floor, Town Hall
105 Elgin Street West, Arnprior**

- 1. Call to Order**
- 2. Roll Call**
- 3. Land Acknowledgement Statement**

I would like to begin by acknowledging that the land on which we work, and gather is the traditional unceded territory of the Anishinaabe People. This Algonquin Nation have lived on this land for thousands of years, long before the arrival of the European settlers, and we are grateful to have the opportunity to be present in this territory.

- 4. Adoption of Agenda (Additions/ Deletions)**
- 5. Disclosures of Pecuniary Interest**
- 6. Adoption of the Minutes of Previous Meeting(s)**

a) August 14th, 2024

- 7. Presentations/ Delegations**

- 8. Matters Tabled/ Deferred/ Unfinished Business**

a) A4/21 – 235 Arthur St - application was adjourned sine die May 13, 2021 – to allow a deck with access stairs to be setback 2.0 m from the rear lot line, whereas the by-law requires 3.0 m (Section 6.4.7)

b) Consideration of report contents for future applications

- 9. New Business**

a) A12/24 – 132 Mac Beattie Dr – Minor variance application to allow pool equipment to be setback 0.2 m from the exterior side lot line whereas the by-law requires 1.5 m (Section 6.4.11(c))

- b) B9/24 – 15 Norma St – Consent application to create a new conveyable lot
- e) ~~B10/24 – 245 Daniel St – Consent application to allow a lease of 21 years or more directly or by entitlement to renewal (Removed)~~

10. Adjournment

Full Distribution: Committee of Adjustment

Amended



**Minutes of Committee of Adjustment Meeting
August 14, 2024
7:00 PM**

1. Committee and Staff Attendance

Committee Members Present:

Murray Chown, Chair
Dan Lynch
Ted Strike
Bradley Samuel
Peter Anas

Committee Members Absent

None

Town Staff Present:

Alix Jolicoeur, Secretary-Treasurer

2. Call to Order

Chair Murray Chown called the Committee of Adjustment meeting to order at 7:00 PM and welcomed those present.

3. Land Acknowledgement

I would like to begin by acknowledging that the land on which we work, and gather is the traditional unceded territory of the Anishinaabe People. This Algonquin Nation have lived on this land for thousands of years, long before the arrival of the European settlers, and we are grateful to have the opportunity to be present in this territory.

4. Adoption of Agenda

Request was made to add to the agenda a motion to appoint Alix Jolicoeur, Manager of Community Services/Planner as Secretary Treasurer of the Committee of Adjustment.

Moved by Peter Anas

Seconded by Ted Strike

Be It Resolved That the agenda for the Regular Meeting of the Committee of Adjustment dated August 14, 2024 be adopted as amended

Carried

5. Disclosures of Pecuniary Interest

Bradley Samuel declared a pecuniary interest with respect to item 9 d) B4/24 Vimy Ridge – Consent application due to the nature of his employment.

Murray Chown declared a pecuniary interest with respect to item 9.b) A08/24 – 130 Staye Court Drive – Minor variance due to the nature of his employment.

Minutes of Committee of Adjustment Meeting

6. Administrative Items

Moved by Dan Lynch

Seconded by Bradley Samuel

That Alix Jolicoeur be appointed as Secretary-Treasurer of the Committee of Adjustment.

Carried

Moved by Peter Anas

Seconded by Ted Strike

That Bradley Samuel be appointed as Deputy Chair and move item 9.d) to the start of the meeting and adoption of the minutes of the previous meeting to after new business.

Carried

7. Presentations and delegations

None

8. Matters Tabled/Deferred/Unfinished Business

None

9. New Business

Bradley Samuel moved from the Committee table to the applicants table to represent the application.

d) B4/24 – 60 Vimy Ridge – Consent application

To create an easement for access to the rear yard of 58 Vimy Ridge Crescent. An easement of 1.2 to 2 metres in width is proposed to be used to provide rear yard access.

Bradley Samuel identified that the purpose of the application was to register an easement for access to rear yards. He noted that the application was only to register an easement over part 12 not part 12 and 15.

Moved by Peter Anas

Seconded by Ted Strike

That B4/24 be approved as amended subject to the following conditions:

1. That the easement be registered on title and a copy of the easement agreement registered on title is provided to the Secretary-Treasurer of the Committee of Adjustment.

Carried

Bradley Samuel resumed his seat at the Committee table.

Minutes of Committee of Adjustment Meeting

- a) **A03/24 to A07/24 – 3, 7, 11, 15 and 19 Leo Moskos Street, being Lots 110-114, Plan 49M-75, Callahan Estates – Minor Variances to permit increases to the maximum driveway width and percentage of frontage occupied by a driveway under Section 6.4.3(d) as follows:**

Lot/Address	Proposed Max Driveway Width	Proposed percentage of frontage of the lot	Permitted Max driveway width/max percentage of frontage of the lot
110/19 Leo Moskos	9.20m	51.1%	7m/50%
111/15 Leo Moskos	9.15m	Less than 50%	7m/50%
112/11 Leo Moskos	9.15m	Less than 50%	7m/50%
113/7 Leo Moskos	9.15m	Less than 50%	7m/50%
114/3 Leo Moskos	9.15m	50.2%	7m/50%

Cody Campanale presented the application noting they are looking to build 5 homes as 3-unit dwellings with 3 parking spaces in driveways on 2 separate driveways with 3 garage parking spaces. The variance is requested for relief from the maximum driveway width of 7 m and not more than 50% of the lot frontage. The details of the variance requested for each lot were presented.

Cody spoke to the 4 tests for a minor variance indicating the intent of the Official Plan is to allow low and medium density including singles to townhouses and the 3-unit dwelling type proposed is permitted on any residential lot that permits single detached dwellings as per Bill 23. The intent of the zoning by-law is met as the larger lots allow for parking, snow storage and soft landscaping for stormwater management and the driveways are only slightly above the maximum percentage of driveway based on lot frontage. A minor variance is desirable for the appropriate development of the lot as the houses and driveways have been designed to mimic a semi-detached, so they fit in well with the neighbourhood while offering a unique unit type. The request is minor as the total driveway widths are between 9.15 and 9.2 and they are only slightly over the 50% maximum.

Ted Strike: Snow storage was mentioned. Have you done calculations?

Cody Campanale: No, however, the product is similar to semi-detached dwellings in terms of lot coverage for driveways so we are confident it will work.

Moved by Dan Lynch

Seconded by Bradley Samuel

That application A03/24, A04/24, A05/24 and A06/24 be approved as applied for.

Carried

Murray Chown, Committee of Adjustment chair stepped out of the room for the application due to the declared conflict of interest. Bradley Samuel, Deputy Chair, to act as chair for this file.

Minutes of Committee of Adjustment Meeting

b) A08/24 – 130 Staye Court Drive - Minor variance application to:

- a. permit a reduced minimum planting strip width of 0 metres along a 6-metre portion of the front lot line whereas the Zoning By-law requires a 3-metre-wide planting strip across the full length of the front lot line (Section 7.3.2).
- b. permit a reduced minimum planting strip width of 2.75 metres whereas the Zoning By-law requires a 3-metre-wide planting strip across the full length of the front lot line (Section 7.3.2).
- c. To permit a reduced rear yard setback of 11.5 metres whereas the Zoning By-law requires a minimum rear yard setback of 12 metres (Section 7.6, Table 7.6).

Simran Soor, from Novatech presented the application with a slide deck presentation.

Simran Soor provided background on the site, and existing structures and listed the variances requested. Simran Soor spoke to the four tests for a minor variance indicating that it met the intent of the Official Plan. The Official Plan designation of the subject property is Mixed-Use Commercial Employment, and the proposed variance would allow for better utilization of the site and increased employment opportunities. The proposed variances are consistent with the intent of the zoning by-law. There is landscaping along most of the frontage that almost meets minimum required and there is 18 m to the neighbouring building. The variances are desirable for the appropriate development of the property as they facilitate warehouse development and employment opportunities, located near existing employment uses, and allow a more functional site layout. The variances are minor as the reduction in landscaping is only 0.25 m along most of the front. The reduction in rear yard setback is only 0.5 m and there will be no negative impact on neighbouring properties.

Moved by Ted Strike

Seconded by Peter Anas

That Application A08/24 be approved as requested.

Carried

Murray Chown returned to the meeting as Chair for the remainder of the meeting.

c) A10/24 – 132 Mac Beattie Dr – Minor variance application to:

- a. to reduce the required minimum pool heater setback from the exterior side property line from 1.5 metres to 0 metres (Section 6.4.11(c))

Kevin Whalen spoke to the application. Kevin advised that a member of the Committee Ted Strike, had come to the property and they had measured and in fact the heater is 17 $\frac{3}{4}$ " from the property line. Kevin Whalen advised the application met the four tests for a minor variance.

Ted Strike confirmed that he had visited the property and that the pool heater was 17 $\frac{3}{4}$ " from the lot line. Ted also indicated that he foresaw no issue with current location and that to move it elsewhere would potentially create more problems.

Dan Lynch asked if there was any heat form this unit.

Kevin Whalen advised the heat vent is directed towards the front of the property, towards Mac Beattie.

Minutes of Committee of Adjustment Meeting

Moved by Dan Lynch

Seconded by Ted Strike

That application A10/24 be approved as amended allowing a setback of 0.45 m to the exterior side lot line for pool equipment.

Carried

e) Consideration of report contents for future applications

Presented by Alix Jolicoeur.

The Committee discussed the three options. The Committee requested examples of the three options.

Alix Jolicoeur, offered to bring examples to a future meeting of the Committee.

Moved by Peter Anas

Seconded by Bradley Samuel

That this item be deferred to the next meeting of the Committee of Adjustment.

Carried

10. Adoption of Minutes of Previous Meeting(s)

Moved by Dan Lynch

Seconded by Ted Strike

Be It Resolved That the minutes of August 14, 2024 be adopted as amended.

Carried

11. Adjournment

Moved by Dan Lynch

Seconded by Ted Strike

That this meeting of Committee be adjourned at 7:55 pm.

Carried

Signatures

Murray Chown, Chair

Alix Jolicoeur, Secretary-Treasurer



Town of Arnprior Committee of Adjustment Report

File Number: A4/21

Meeting Date: November 20, 2024

Report Author: Alix Jolicoeur, Manager of Community Services/Planner

Re: Application for Minor Variance at 235 Arthur Street

Application Overview:

Agent/Owner: Doug Smith, Owner: Elizabeth Evans

Location of Property: 235 Arthur Street, Arnprior

Purpose of Application

Permission is requested for variance from Section 6.4.7 of the Town of Arnprior Zoning By law No. 6875-18, to allow a deck with access stairs to be setback 2.0 m from the rear lot line, whereas the by-law requires 3.0 m. The applicant is seeking to recognize a deck that was constructed without required approvals.

Background:

Official Plan: Established Residential Area

Zoning: Residential One (R1)

Zone Provisions for Residential One

Minimum Front Yard Setback: 6.0 meters

Minimum Rear Yard Setback: 6.0 meters

Minimum Interior Side Yard Setback: 1.2 meters, 1.5 meters on both sides for new single, semi-detached and duplex dwelling units

Rear Yard Deck Setback: 3.0 meters

The subject property is approximately 0.19 acres in area, with approximately 48 meters of frontage along Arthur Street. The property is developed with a single-detached dwelling and is used for residential purposes.

The minor variance application seeks to reduce the rear yard setback for decks from 3.0 meters to 2.0 meters to recognize an existing deck constructed without approvals. The existing covered porch is setback approximately 6.0 meters from the rear lot line; the applicants are seeking planning approvals to attach an uncovered deck that is approximately

13" by 10".

Application history

A minor variance application was received in 2021.

A public meeting with the Committee of Adjustment was scheduled for May 13, 2021. Notice of the public meeting was circulated as required under the Planning Act.

May 10, 2021, an email was received from MTO requesting this application be deferred. The deferral was requested to provide additional time to access and review their files. Due to Covid-19 restrictions staff were working from home and a request had been made for the files, however, MTO staff advised "we do not foresee us having the information in time to provide comments."

May 11, 2021 MTO advised the municipality that it could not support the minor variance application or the deck, however, additional information was requested at this time.

May 13, 2021, at the Committee of Adjustment meeting the Chair, Murray Chown, confirmed that the MTO was requesting deferral of the application and recommended that the application be adjourned. The Chair sought comments from the Committee on the adjournment of the application.

Mr. Smith spoke and provided an overview of the history of the building and the MTO setback at the time versus the current setback.

The application was adjourned sine die.

On August 14, 2024 the issue was raised that no decision was made on this application. On August 29, 2024 the option to withdraw the application or to bring the application to another public meeting and receive a decision on the application were offered. No response regarding the preferred option was received.

The notice of public meeting for the meeting November 20, 2024 was circulated to MTO. MTO sent a comment letter on the application and noted "The Ministry maintains the position that it cannot support the application as the deck as currently proposed will not be permitted." The full comment letter from MTO, dated November 15, 2024, can be found in attachment.

The application is being presented at a public meeting before the Committee of Adjustment for a decision on the application.

The decision of the Committee of Adjustment does not affect MTOs ability to refuse a permit application.

Staff Recommendation

Under Section 45(1) of the Planning Act there are four tests a minor variance must meet. In order to be considered the application must meet all four tests:

- Does the application conform to the general intent and purpose of the Official Plan?
- Does the application conform to the general intent and purpose of the Zoning By-law?

- Is the application desirable for the appropriate development of the lands in question?
- Is the application minor?

In the opinion of staff, the application does not meet one or more of the four tests for a minor variance under the Planning Act.

Does the application conform to the general intent and purpose of the Official Plan?

The requested variance would allow the deck in the MTO setback. Official Plan section E2.2.4 Provincial Highways states “In addition to all applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a Provincial Highway within Ministry of Transportation’s (MTO) permit control area under the Public Transportation and Highway Improvement Act (PTHIA) will be subject to MTO approval”

Development is defined in the Official Plan as “the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.” As the proposed deck requires approval of a minor variance under the Planning Act it would be considered development by staff. Development within the MTO permit control area where MTO has identified that a permit would not be issued would not meet the intent of the Official Plan policy in Section E2.2.4.

Does the application conform to the general intent and purpose of the Zoning By-law?

Permission is requested for variance from Section 6.4.7 of the Town of Arnprior Zoning By law No. 6875-18, to allow a deck with access stairs to be setback 2.0 m from the rear lot line, whereas the by-law requires 3.0 m.

Section 4.15.1. Setback from Provincial Highways states “No building or structure shall be located closer than 14.0 m to the edge of the Provincial Highway right-of-way. This provision is intended to maintain the setback from Highway 417 established by MTO.

MTO has identified that they are not supportive of the requested variance and deck within the MTO setback area, therefore, the requested variance does not conform to the general intent of the zoning by-law.

Previous/Concurrent Applications:

No concurrent planning applications have been filed.

Comments:

In 2021, a comment was received from a neighboring property owner. Comments provided by the public are attached to the report.

Recommended Conditions:

N/A

Attachments:

1. Images provided by the Applicant for the Committee’s Review

2. Public Comment received in 2021
3. MTO comment letter dated November 15, 2024
4. A4-21 Notice of public meeting – November 20, 2024

Attachment 1 – Images provided by the Applicant for the Committee’s Review















Attachment 2 - Public Comment received in 2021

Committee of Adjustment for the Town of Arnprior
RE: Application for Minor Variance
LOCATION: 235 Arthur Street, Arnprior

When we received the letter, dated April 26, 2021, regarding the application for minor variance we assumed this would be for a "new structure" which is yet to be built. The New Deck, as outlined in red in your diagram, is already built. This application seems unusual.

Is the variance necessary so the owner is able to obtain a building permit for this "new structure"?

An occupant of the residence, who is a band member, indicated this "new structure" could be used as a stage for band practices and performances. If this is the intended use we would oppose the variance.

We do not want the ambience of this residential area compromised.

Thank you for your consideration and we would like to be notified of your decision.

Regards,
Barrie & Brenda Stewart
222

thur Street, Arnprior

Attachment 3 - MTO comment letter dated November 15, 2024



Committee of Adjustment for the Town of Arnprior

File No. A4/21

Notice of Public Hearing
Application for Minor Variance

In The Matter of Section 45, of the Planning Act, R.S.O. 1990; and
In The Matter of an application for minor variance, with respect to the following:

Take notice that the minor variance application will be heard by the Committee of Adjustment for the Town of Arnprior on **Wednesday, November 20th, 2024 at 7:00 p.m.** in Council Chambers at Town Hall, 105 Elgin Street West, Arnprior, ON.

Location of Property: 235 Arthur St., Arnprior ON

Purpose and Effect of Minor Variance Application:

Permission is requested for variance from Section 6.4.7 of the Town of Arnprior Zoning By-law No. 6875-18, to allow a deck with access stairs to be setback 2.0 m from the rear lot line, whereas the by-law requires 3.0 m

Official Plan: Established Residential Area

Zoning: Residential One (R1)

A key plan is attached. Application A4/21 as well as additional related information, are available for inspection during regular office hours. Please contact the Planning Department prior to attending the Town Hall to set up an appointment.

If you are receiving this notice because you are the owner of property in the area of the variance that contains seven or more residential units, you must also post this notice in a location that is visible to all of the residents of your property.

If you wish to make written comments on this application, they may be forwarded to the Secretary-Treasurer of the Committee of Adjustment at the address below. If you do not attend the hearing, it may proceed in your absence. If you wish to be notified of the decision of the Town of Arnprior Committee of Adjustment in respect of the proposed consent, you must make a written request to the Town of Arnprior Committee of Adjustment.

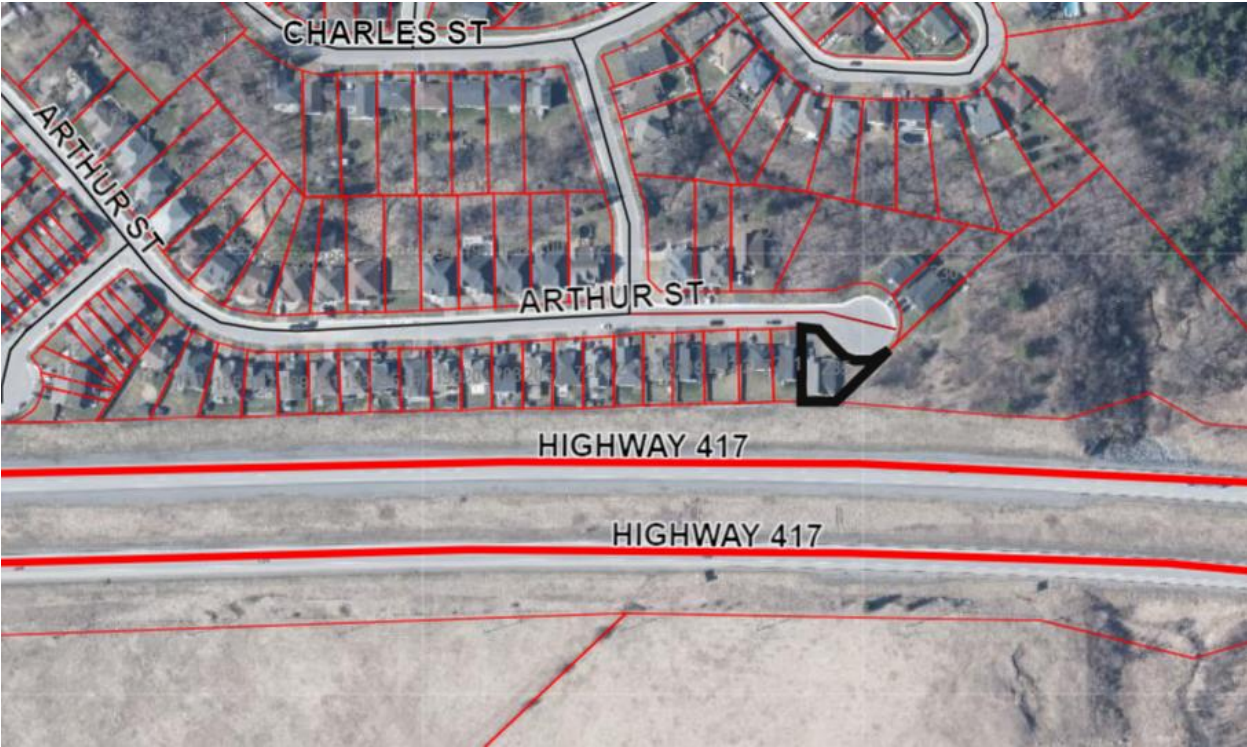
If a person or public body that files an appeal of a decision of the Town of Arnprior Committee of Adjustment in respect of the proposed consent does not make a written submission to the Town of Arnprior Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

Dated this 31st day of October 2024

Alix Jolicoeur

Secretary-Treasurer, Committee of Adjustment
(613)-623-4231 ext. 1816 or planning@arnprior.ca
Town of Arnprior
105 Elgin Street West
Arnprior, ON K7S 0A8

Key Plan:



Attachment 4 - A4-21 Notice of public meeting – November 20, 2024

Ministry of Transportation

Corridor Management Section
1355 John Counter Boulevard
Postal Bag 4000
Kingston, Ontario K7L 5A3
Tel.: 613-202-1786
Robert.Cole@ontario.ca

Ministère des Transports

Section de gestion des couloirs routiers
1355, boulevard John Counter
CP/Service de sacs 4000
Kingston (Ontario) K7L 5A3
Tél.: 613-202-1786
Robert.Cole@ontario.ca



November 15, 2024

Alix Jolicoeur

Secretary-Treasurer, Committee of Adjustment
(613)-623-4231
Town of Arnprior

Via email: planning@arnprior.ca

Re: MTO Comments – Minor Variance
Location: 235 Arthur Street, Arnprior
File # A4/21

Thank you for re-circulating the proposed Minor Variance application for the above referenced location to the Ministry of Transportation (MTO) for review. The Ministry understands that the proposal is to reduce the lot line setbacks at the, to facilitate the construction of a deck on a lot adjacent to Highway 417. MTO has reviewed the application in accordance with *the Public Transportation and Highway Improvement Act* (PTHIA) and the Highway Corridor Management Manual to provide the following comments:

- The Ministry maintains the position that it cannot support the application as the deck as currently proposed will not be permitted.

Under the authority of the PTHIA, the Ministry, through the issuance of permits, controls all land use within 45 metres of the Highway 417 right-of-way (corridor) and the area within 395 metres of the centre-point of the highway intersection and any intersecting road. Please note that the benefiting lot is within the Ministry's permit control area as defined by PTHIA. Therefore, Ministry approvals and permits are required prior to the construction and/or alteration of any buildings and/or structures and prior to the issuance of any municipal building permits or approvals as per Section 8. (2) (a) of the *Building Code Act*.

The Ministry does offer the following comments:

- The Ministry will work with the proponents to develop a site plan that is acceptable per the PTHIA and MTO policies.
- The Ministry advises that these are the Ministry's official comments.
- Please note that the Ministry reserves the right to modify and expand on these preliminary comments as further information is submitted to MTO for review.

Conclusion:

MTO, as an agent of the Crown, will not issue an approval that will contravene another regulatory agency's statutory mandate. Therefore, prior to issuing any approvals, MTO requires confirmation that the necessary approvals from the municipality and other regulatory agencies have been granted, approvals in principle have been provided or no approvals are required.

If you have any further questions concerning this matter, please feel free to contact me at Robert.Cole@ontario.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Cole', written over a light grey rectangular background.

Robert Cole
Corridor Management Planner
MTO, Eastern Region



Town of Arnprior Committee of Adjustment Report

File Number: N/A

Meeting Date: November 20, 2024

Report Author: Alix Jolicoeur

Re: Report contents for future applications

Overview

When receiving applications and preparing reports for the Committee of Adjustment, staff provide the Committee with a brief report. Staff are reviewing the contents of the reports being presented to the Committee of Adjustment to determine if changes to the contents of reports should be made going forward to better support the work of the Committee.

Purpose

The Committee of Adjustment reviews applications for Minor variance and Consents and decides on these applications. Staff reports provide the Committee with information to support informed decision making by members based on applicable planning policies and provisions.

The purpose of reviewing the contents of reports presented to the Committee is to ensure that the Committee is being provided with the information they are looking for to make an informed decision.

This review was triggered when staff received the minor variance report for applications A03 to A07/24 prepared by Saide Sayah from Fotenn, who was providing maternity leave coverage for staff. This report included an analysis and opinion on whether each of the four tests was met.

Consideration was given of the proposed options at the meeting of the Committee of Adjustment held August 14, 2024. The matter was deferred, and staff were directed to bring the matter back for consideration at the next meeting of the Committee, with examples of each option.

Attached are examples of Options 1, 2 and 3. I have used strikethrough to show information that would not be included in each option and highlighted text where it was added or changed. I have included the list of attachments to show this would remain the same,

however, as the Committee has already decided on these applications, I have not included the attachments noted in the example reports.

Analysis:

Current staff reports to the committee outline:

- The purpose of the application
- The Official Plan designation
- Zoning and applicable provisions
- Planning analysis

Staff are reviewing the scope of the planning analysis section to determine if additional information should be included. Staff also want to know if the Committee would like Official Plan and Zoning By-law Map sections be included in the report showing the zoning and Official Plan designation of the subject and surrounding properties. The overview and purpose of the application sections would remain the same.

The contents of the planning analysis section are where staff are looking for input from the Committee on what to include. Having reviewed Minor Variance reports and Consent reports prepared by staff in several municipalities it is clear there are a diversity of approaches. The main approaches are:

1. State the applicable planning policies and provisions from the Provincial Planning Statement, Planning Act (as needed), the Official Plan, Zoning By-law and other Town Planning Documents as appropriate with minimal analysis beyond identifying whether zoning provisions are met.

Reports prepared for the Committee in the past appear to have been either approach 1 or 2. Some reports have included staff's opinion on the intent or purpose of policies, or on the recommendation for a consent, while others have not.

2. State the applicable planning policies and provisions from the Provincial Planning Statement, Planning Act (as needed), Official Plan, Zoning By-law and other Town planning documents with analysis from staff on the intent and purpose of applicable policies and provisions but no discussion of whether the application conforms to the general intent and purpose of these policies and provisions.

This approach would allow the Committee to consider staff's opinion of the purpose and intent of applicable policies and based on this the Committee would need to analyze whether they felt the application met the four tests for a minor variance or whether the consent is consistent with these policies and provisions. The report would still include statements on whether zoning provisions were met.

3. State the applicable planning policies and provisions from the Provincial Planning Statement, Planning Act (as needed), Official Plan, Zoning By-law and other Town planning documents with analysis from staff on the intent and purpose of applicable policies and provisions and a discussion of whether the application conforms to the

general intent and purpose of these policies and provisions including an opinion from staff on the application.

This approach would allow the Committee to consider staff's opinion of the purpose and intent of applicable policies, whether policies and provisions were met, and staff's opinion on whether the four tests are met for a minor variance application and whether approval of the application is recommended for consents.

The Committee of Adjustment would still maintain the ability to provide an alternative interpretation or to disagree with staff's opinion based on their own analysis of the application and to make a decision regarding the application.

This approach has the advantage of potentially making the application process simpler for applicants who do not have a planning background. Currently, applicants are often asked to provide a planning analysis for their own applications. Applicants have expressed that this is difficult without incurring the added cost of hiring a planner as they are unfamiliar with the 4 tests and with the purpose and intent of applicable policies and provisions. With this approach staff would be undertaking this analysis more formally, though staff are already considering the purpose and intent of policies and the four tests when discussing minor variances with potential applicants.

Staff are looking for direction on the future content of reports to the Committee of Adjustment around 3 questions:

1. Should Official Plan and Zoning By-law Maps be included in the report showing the zoning and Official Plan designation of the subject and surrounding properties?
2. What level of planning analysis would the Committee like to see in reports moving forward based on the three (3) approaches discussed above?
3. Is there any additional information or analysis not discussed here that Committee members would find helpful to have included in the reports?

Previous/Concurrent Applications:

N/A

Comments:

No public consultation was undertaken.

Attachments

Option 1 – Example report

Option 2 – Example report

Option 3 – Example report

Key Plan

N/A

Option 1 – Example Committee of Adjustment Report

File Number: A03 to A07/2024

Meeting Date: August 14, 2024

Report Author: Saide Sayah RPP MCIP, Fotenn Planning + Design

Re: Application for Minor Variances for Plan 49M75 Lot 110 (19 Leo Moskos Street), Lot 111 (15 Leo Moskos Street), Lot 112 (11 Leo Moskos Street), Lot 113 (7Leo Moskos Street), Lot 114 (3 Leo Moskos Street), Arnprior

Application Overview:

Agent/Owner: 2273710 Ontario Inc. (O/A Campanale), Cody Campanale

Location of Property: Plan 49M75 Lot 110 (19 Leo Moskos Street), Lot 111 (15 Leo Moskos Street), Lot 112 (11 Leo Moskos Street), Lot 113 (7 Leo Moskos Street), Lot 114 (3 Leo Moskos Street)

Purpose of Application

Permission is requested for variance from Section 6.4.3(d) of the Town of Arnprior Zoning By-law No. 6875-18, to to permit increases to the maximum driveway width and percentage of frontage occupied by a driveway as follows:

Lot/Address	Proposed Maximum Driveway Width	Proposed percentage of frontage of the lot	Permitted Max driveway width/max percentage of frontage of the lot
110/19 Leo Moskos	9.20m	51.1%	7m/50%
111/15 Leo Moskos	9.15m	Less than 50%	7m/50%
112/11 Leo Moskos	9.15m	Less than 50%	7m/50%
113/7 Leo Moskos	9.15m	Less than 50%	7m/50%
114/3 Leo Moskos	9.15m	50.2%	7m/50%

Background:

The subject properties are part of the Callahan Estates subdivision currently under development by Campanale Homes. The lots are comprised of 5 lots (110 to 114 on Plan

49M75) and illustrated in excerpt from the Plan of Subdivision below. The lot layout and building elevations as submitted with the application are in attachment.

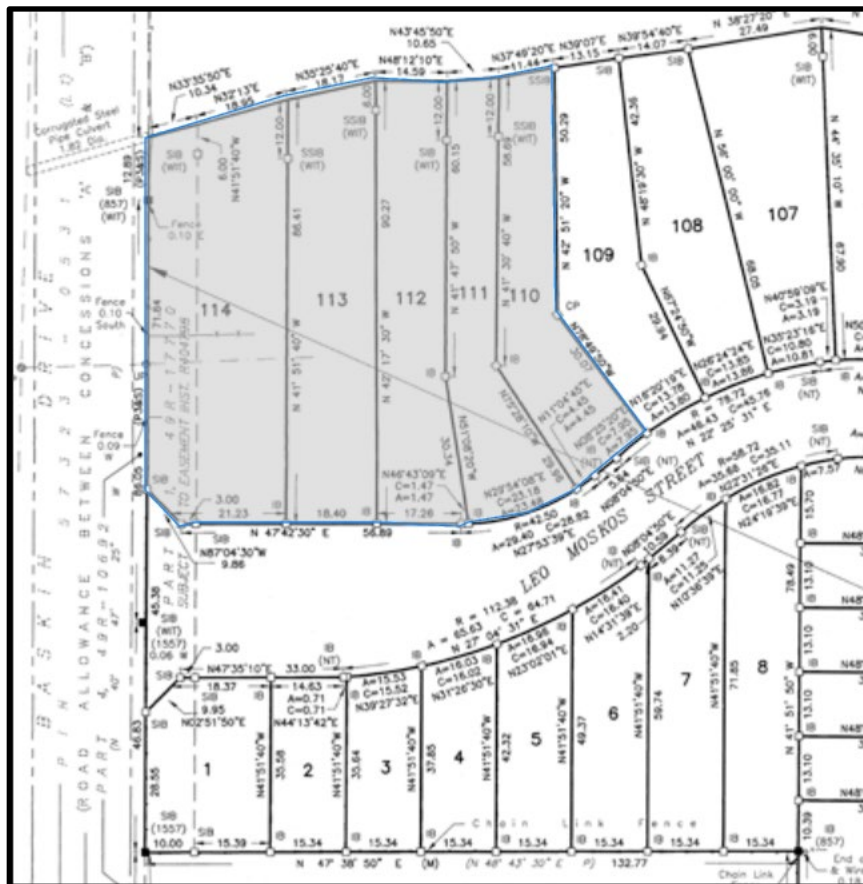


Figure 1: Excerpt from Draft Plan of Subdivision, identifying lots 110 through 114 under consideration.

Planning Act:

In November 2022, the Provincial Government passed Bill 23, More Homes Built Faster Act, which is part of Ontario's Housing Supply Action Plan and aims to support the province's goal to add 1.5 million new homes in Ontario by 2031. As a result of Bill 23, Municipalities are now required to:

- (a) permit 2 residential units in a detached, semi-detached or townhouse dwelling, and 1 additional residential unit in an accessory building; or
- (b) permit 3 residential units in a detached, semi-detached or townhouse dwelling where there are no dwelling units in an accessory building

In these cases, a maximum of 1 parking space can be required per residential unit and no minimum unit size can be imposed. In addition, any official plan policy that contravenes the changes is of no effect.

The Town of Arnprior is undertaking a series of amendments to the Official Plan and Zoning By-law that is expected to be brought before Council for a decision in September 2024. As such the 3 units dwellings proposed are being treated as permissible in this new context with

~~Minor Variances required for performance standards related to the building size, location and in this the case of these applications, driveway width.~~

Official Plan:

Schedule A (Land Use) of the Official Plan (OP) classifies the Subject Site as Low / Medium Density Residential, subject to Section C2 of the OP.

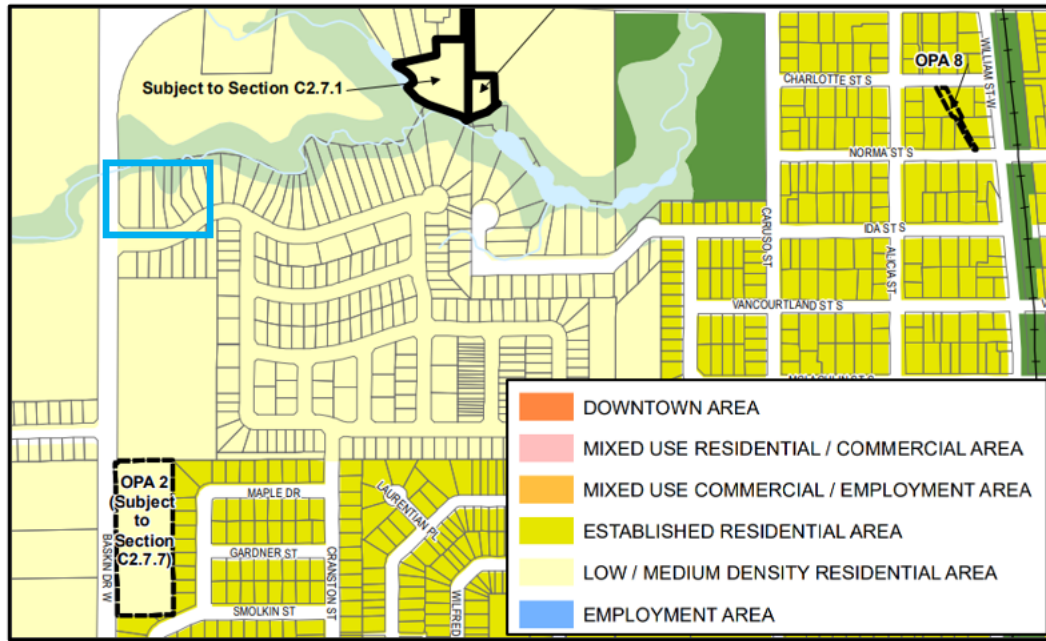


Figure 2: Schedule A, Land Use

Lands designated Low/Medium Density Residential Area are the recently developed and vacant residential areas on the edges of the of the Town and are envisioned to provide a variety of housing forms. The objectives of the Low / Medium Density Residential designation are to:

- (a) Provide for new housing opportunities to meet the Town's projected housing needs;
- (b) Provide for a range of housing types and forms to ensure accessible, affordable, adequate, and appropriate housing for all socio-economic groups;
- (c) Achieve more compact forms of residential development in a manner that is compatible with the character and pattern of adjacent surrounding development;
- (d) Ensure that new residential areas permit a variety of complementary and compatible land uses, including community facilities, open space areas; and,
- (e) Establish a comprehensive set of design guidelines and policies for new residential development that fosters the establishment of an urban environment that is safe, functional, sustainable, and attractive.

Zoning:

The subject properties are zoned R3*11 (Residential Three) with exception number 11. This zone permits single detached dwellings as well semi-detached dwellings, duplex-dwellings and secondary residential units and exception 11 permits all uses in the R3 zone. The R3 is a low to medium density residential zone that provides for a mix of ground-oriented dwellings with modest forms of density. While a 3-unit dwelling is not permitted in the R3 Zone, amendments under Bill 23 to the Planning Act supersede these restrictions in the Zoning By-law.

Although the Planning Act permits three-unit dwellings on the subject property, the building envelope(s) and driveways must still meet standards established in the Zoning By-law.

Section 6.4.3 of the Zoning By-law states that:

- d) The maximum width of a driveway leading to a private garage or carport that is attached to a single detached dwelling or each unit in a semidetached dwelling is 50% of the frontage of the lot up to a maximum of 7.0 metres.*

The minor variances in the subject applications relate to the combined width of driveways in each lot. Planning staff notes that the applicant has selected frontages that are wider than others in the subdivision and will be close to 50% or less drive / impermeable paved surface in the front yards.

Planning Analysis:

Under Section 45(1) of the Planning Act there are four tests a minor variance must meet. To be considered appropriate, the application must meet all four tests:

Planning Staff have evaluated the requested minor variance(s) pursuant to the prescribed tests as set out in Section 45 (1) of the Planning Act, as follows:

1. Does the proposed variance meet the general intent and purpose of the Official Plan?

The intent of the Low/Medium Density Residential Area designation is to accommodate a variety of housing forms as well as to meet the Town's projected housing needs. The policies within this designation also refer to a range of housing types and forms to ensure accessible, affordable, and appropriate housing for all socio-economic groups. The applicant has selected lots with wide frontage to ensure that the ratio of driveway to landscaped frontage remains compatible with other housing that will be developed within the subdivision.

Staff are of the opinion that the requested variances are in keeping with the general intent and purpose of the Official Plan.

2. Does the proposed variance meet the general intent and purpose of the Zoning By-law?

The intent of the maximum driveway width in the Residential Three (R3) zone is to ensure that neighbourhood streetscapes are designed to minimize driveway widths in order to

~~accommodate permeable landscaping for stormwater management, allow for snow storage, space for on street parking, pedestrian safety and that driveways specifically are sited to allow for street trees and/or avoid tree loss along the front of residential properties.~~

~~Staff are of the opinion that the proposed variance maintains the general intent and purpose of the Zoning By-law.~~

3. Is the proposed variance considered desirable for the appropriate development of the land?

~~The proposed 3 units dwellings and driveways have been designed to meet the intent of the Official Plan and Zoning By-law balancing the needs of future residents and neighbourhood vision of the Town. Each property will have approximately 50% or more of frontage to accommodate landscaping and street trees as well as maintain the low to moderate density housing typology in the new subdivision.~~

~~Staff are of the opinion that the requested variance is desirable for the appropriate development of the land.~~

4. Is the proposed variance considered minor in nature?

~~It is the opinion of Staff that the proposed variance is minor in nature as the proposed driveways will not negatively impact the development of the neighbourhood. The requested zoning relief with respect to the required maximum driveway width for the three units dwellings will not result in negative impacts to the neighbourhood, streetscape or functionality of the subject lands and abutting properties.~~

~~As such, Staff are of the opinion that the requested variances are minor in nature.~~

Previous/Concurrent Applications:

Subdivision application 47-T-09001 – Approved

ZBLA approved as per by-law 6192-13

Comments:

No public comment was received.

Attachments:

1. A03-07/24 Public Hearing Notice
2. Supporting Documents Minor Variance Application Plan No 49M75 Lot 110
3. Supporting Documents Minor Variance Application Plan No 49M75 Lot 111
4. Supporting Documents Minor Variance Application Plan No 49M75 Lot 112

5. Supporting Documents Minor Variance Application Plan No 49M75 Lot 113

6. Supporting Documents Minor Variance Application Plan No 49M75 Lot 114

Key Plan:



EXH

Option 1 – Example Committee of Adjustment Report

File Number: A03 to A07/2024

Meeting Date: August 14, 2024

Report Author: Saide Sayah RPP MCIP, Fotenn Planning + Design

Re: Application for Minor Variances for Plan 49M75 Lot 110 (19 Leo Moskos Street), Lot 111 (15 Leo Moskos Street), Lot 112 (11 Leo Moskos Street), Lot 113 (7Leo Moskos Street), Lot 114 (3 Leo Moskos Street), Arnprior

Application Overview:

Agent/Owner: 2273710 Ontario Inc. (O/A Campanale), Cody Campanale

Location of Property: Plan 49M75 Lot 110 (19 Leo Moskos Street), Lot 111 (15 Leo Moskos Street), Lot 112 (11 Leo Moskos Street), Lot 113 (7 Leo Moskos Street), Lot 114 (3 Leo Moskos Street)

Purpose of Application

Permission is requested for variance from Section 6.4.3(d) of the Town of Arnprior Zoning By-law No. 6875-18, to to permit increases to the maximum driveway width and percentage of frontage occupied by a driveway as follows:

Lot/Address	Proposed Maximum Driveway Width	Proposed percentage of frontage of the lot	Permitted Max driveway width/max percentage of frontage of the lot
110/19 Leo Moskos	9.20m	51.1%	7m/50%
111/15 Leo Moskos	9.15m	Less than 50%	7m/50%
112/11 Leo Moskos	9.15m	Less than 50%	7m/50%
113/7 Leo Moskos	9.15m	Less than 50%	7m/50%
114/3 Leo Moskos	9.15m	50.2%	7m/50%

Background:

The subject properties are part of the Callahan Estates subdivision currently under development by Campanale Homes. The lots are comprised of 5 lots (110 to 114 on Plan

49M75) and illustrated in excerpt from the Plan of Subdivision below. The lot layout and building elevations as submitted with the application are in attachment.

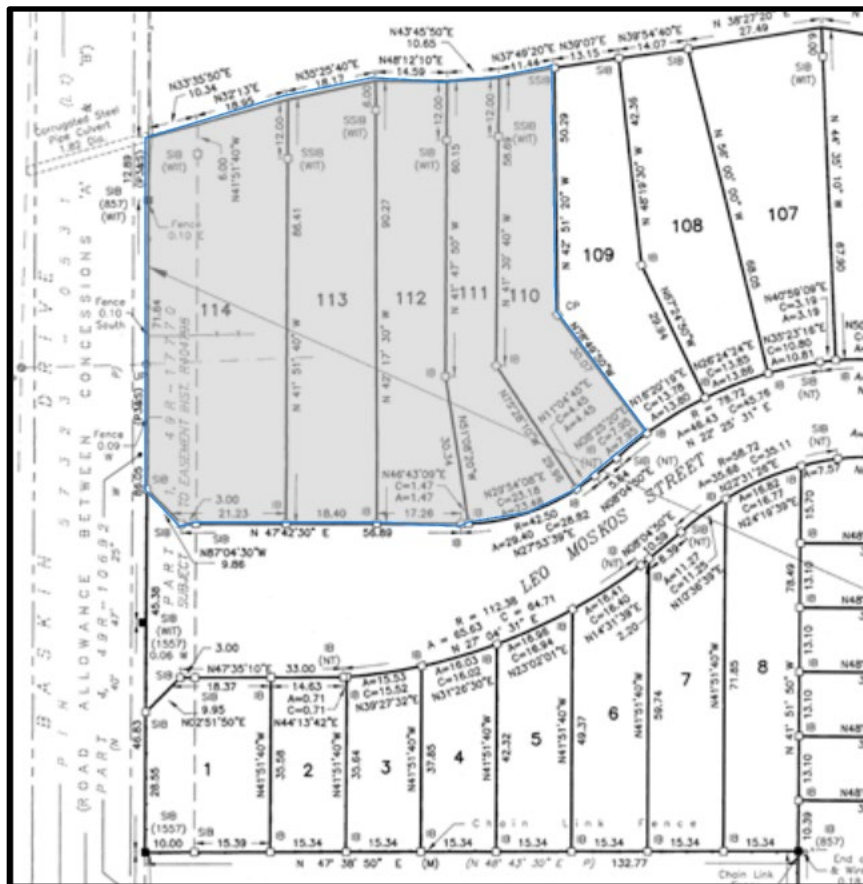


Figure 1: Excerpt from Draft Plan of Subdivision, identifying lots 110 through 114 under consideration.

Planning Act:

In November 2022, the Provincial Government passed Bill 23, More Homes Built Faster Act, which is part of Ontario’s Housing Supply Action Plan and aims to support the province’s goal to add 1.5 million new homes in Ontario by 2031. As a result of Bill 23, Municipalities are now required to:

- (a) permit 2 residential units in a detached, semi-detached or townhouse dwelling, and 1 additional residential unit in an accessory building; or
- (b) permit 3 residential units in a detached, semi-detached or townhouse dwelling where there are no dwelling units in an accessory building

In these cases, a maximum of 1 parking space can be required per residential unit and no minimum unit size can be imposed. In addition, any official plan policy that contravenes the changes is of no effect.

The Town of Arnprior is undertaking a series of amendments to the Official Plan and Zoning By-law that is expected to be brought before Council for a decision in September 2024. As such the 3 units dwellings proposed are being treated as permissible in this new context with

~~Minor Variances required for performance standards related to the building size, location and in this the case of these applications, driveway width.~~

Official Plan:

Schedule A (Land Use) of the Official Plan (OP) classifies the Subject Site as Low / Medium Density Residential, subject to Section C2 of the OP.

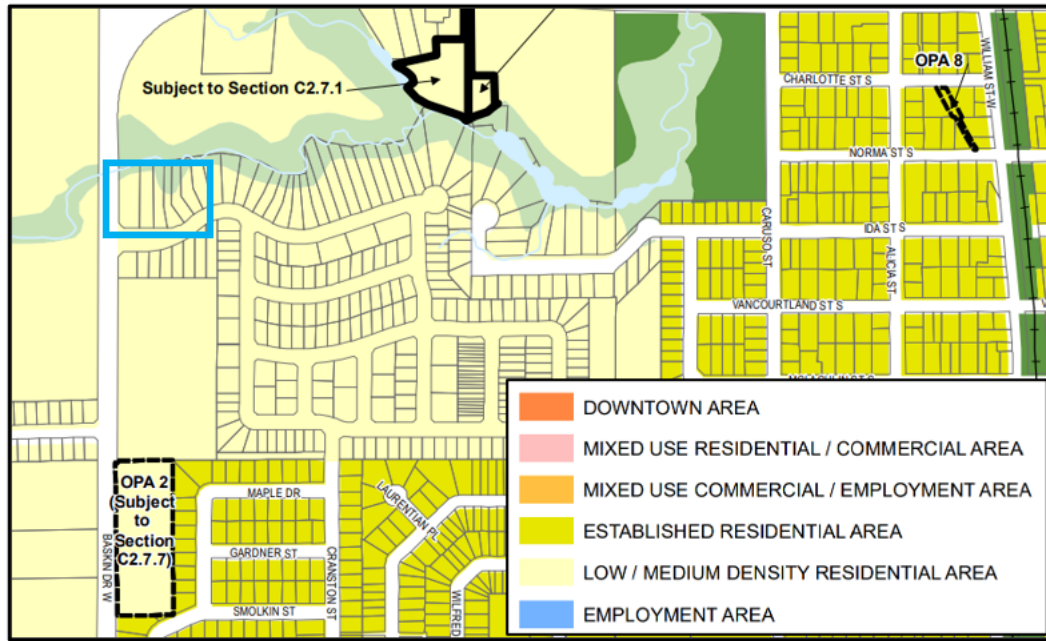


Figure 2: Schedule A, Land Use

Lands designated Low/Medium Density Residential Area are the recently developed and vacant residential areas on the edges of the of the Town and are envisioned to provide a variety of housing forms. The objectives of the Low / Medium Density Residential designation are to:

- (a) Provide for new housing opportunities to meet the Town’s projected housing needs;
- (b) Provide for a range of housing types and forms to ensure accessible, affordable, adequate, and appropriate housing for all socio-economic groups;
- (c) Achieve more compact forms of residential development in a manner that is compatible with the character and pattern of adjacent surrounding development;
- (d) Ensure that new residential areas permit a variety of complementary and compatible land uses, including community facilities, open space areas; and,
- (e) Establish a comprehensive set of design guidelines and policies for new residential development that fosters the establishment of an urban environment that is safe, functional, sustainable, and attractive.

Zoning:

The subject properties are zoned R3*11 (Residential Three) with exception number 11. This zone permits single detached dwellings as well semi-detached dwellings, duplex-dwellings and secondary residential units and exception 11 permits all uses in the R3 zone. The R3 is a low to medium density residential zone that provides for a mix of ground-oriented dwellings with modest forms of density. While a 3-unit dwelling is not permitted in the R3 Zone, amendments under Bill 23 to the Planning Act supersede these restrictions in the Zoning By-law.

Although the Planning Act permits three-unit dwellings on the subject property, the building envelope(s) and driveways must still meet standards established in the Zoning By-law.

Section 6.4.3 of the Zoning By-law states that:

- d) The maximum width of a driveway leading to a private garage or carport that is attached to a single detached dwelling or each unit in a semidetached dwelling is 50% of the frontage of the lot up to a maximum of 7.0 metres.*

The minor variances in the subject applications relate to the combined width of driveways in each lot. Planning staff notes that the applicant has selected frontages that are wider than others in the subdivision and will be close to 50% or less drive / impermeable paved surface in the front yards.

Planning Analysis:

Under Section 45(1) of the Planning Act there are four tests a minor variance must meet. To be considered appropriate, the application must meet all four tests:

Planning Staff have evaluated the requested minor variance(s) pursuant to the prescribed tests as set out in Section 45 (1) of the Planning Act, as follows:

1. Does the proposed variance meet the general intent and purpose of the Official Plan?

The intent of the Low/Medium Density Residential Area designation is to accommodate a variety of housing forms as well as to meet the Town's projected housing needs. The policies within this designation also refer to a range of housing types and forms to ensure accessible, affordable, and appropriate housing for all socio-economic groups. The applicant has selected lots with wide frontage to ensure that the ratio of driveway to landscaped frontage remains compatible with other housing that will be developed within the subdivision.

Staff are of the opinion that the requested variances are in keeping with the general intent and purpose of the Official Plan.

2. Does the proposed variance meet the general intent and purpose of the Zoning By-law?

The intent of the maximum driveway width in the Residential Three (R3) zone is to ensure that neighbourhood streetscapes are designed to minimize driveway widths in order to

accommodate permeable landscaping for stormwater management, allow for snow storage, space for on street parking, pedestrian safety and that driveways specifically are sited to allow for street trees and/or avoid tree loss along the front of residential properties.

~~Staff are of the opinion that the proposed variance maintains the general intent and purpose of the Zoning By-law.~~

3. Is the proposed variance considered desirable for the appropriate development of the land?

~~The proposed 3 units dwellings and driveways have been designed to meet the intent of the Official Plan and Zoning By-law balancing the needs of future residents and neighbourhood vision of the Town. Each property will have approximately 50% or more of frontage to accommodate landscaping and street trees as well as maintain the low to moderate density housing typology in the new subdivision.~~

~~Staff are of the opinion that the requested variance is desirable for the appropriate development of the land.~~

4. Is the proposed variance considered minor in nature?

~~It is the opinion of Staff that the proposed variance is minor in nature as the proposed driveways will not negatively impact the development of the neighbourhood. The requested zoning relief with respect to the required maximum driveway width for the three units dwellings will not result in negative impacts to the neighbourhood, streetscape or functionality of the subject lands and abutting properties.~~

~~As such, Staff are of the opinion that the requested variances are minor in nature.~~

Previous/Concurrent Applications:

Subdivision application 47-T-09001 – Approved

ZBLA approved as per by-law 6192-13

Comments:

No public comment was received.

Attachments:

1. A03-07/24 Public Hearing Notice
2. Supporting Documents Minor Variance Application Plan No 49M75 Lot 110
3. Supporting Documents Minor Variance Application Plan No 49M75 Lot 111
4. Supporting Documents Minor Variance Application Plan No 49M75 Lot 112

5. Supporting Documents Minor Variance Application Plan No 49M75 Lot 113

6. Supporting Documents Minor Variance Application Plan No 49M75 Lot 114

Key Plan:



EXH

Option 3 – Example Committee of Adjustment Report

File Number: A03 to A07/2024

Meeting Date: August 14, 2024

Report Author: Saide Sayah RPP MCIP, Fotenn Planning + Design

Re: Application for Minor Variances for Plan 49M75 Lot 110 (19 Leo Moskos Street), Lot 111 (15 Leo Moskos Street), Lot 112 (11 Leo Moskos Street), Lot 113 (7Leo Moskos Street), Lot 114 (3 Leo Moskos Street), Arnprior

Application Overview:

Agent/Owner: 2273710 Ontario Inc. (O/A Campanale), Cody Campanale

Location of Property: Plan 49M75 Lot 110 (19 Leo Moskos Street), Lot 111 (15 Leo Moskos Street), Lot 112 (11 Leo Moskos Street), Lot 113 (7 Leo Moskos Street), Lot 114 (3 Leo Moskos Street)

Purpose of Application

Permission is requested for variance from Section 6.4.3(d) of the Town of Arnprior Zoning By-law No. 6875-18, to to permit increases to the maximum driveway width and percentage of frontage occupied by a driveway as follows:

Lot/Address	Proposed Maximum Driveway Width	Proposed percentage of frontage of the lot	Permitted Max driveway width/max percentage of frontage of the lot
110/19 Leo Moskos	9.20m	51.1%	7m/50%
111/15 Leo Moskos	9.15m	Less than 50%	7m/50%
112/11 Leo Moskos	9.15m	Less than 50%	7m/50%
113/7 Leo Moskos	9.15m	Less than 50%	7m/50%
114/3 Leo Moskos	9.15m	50.2%	7m/50%

Background:

The subject properties are part of the Callahan Estates subdivision currently under development by Campanale Homes. The lots are comprised of 5 lots (110 to 114 on Plan

49M75) and illustrated in excerpt from the Plan of Subdivision below. The lot layout and building elevations as submitted with the application are in attachment.

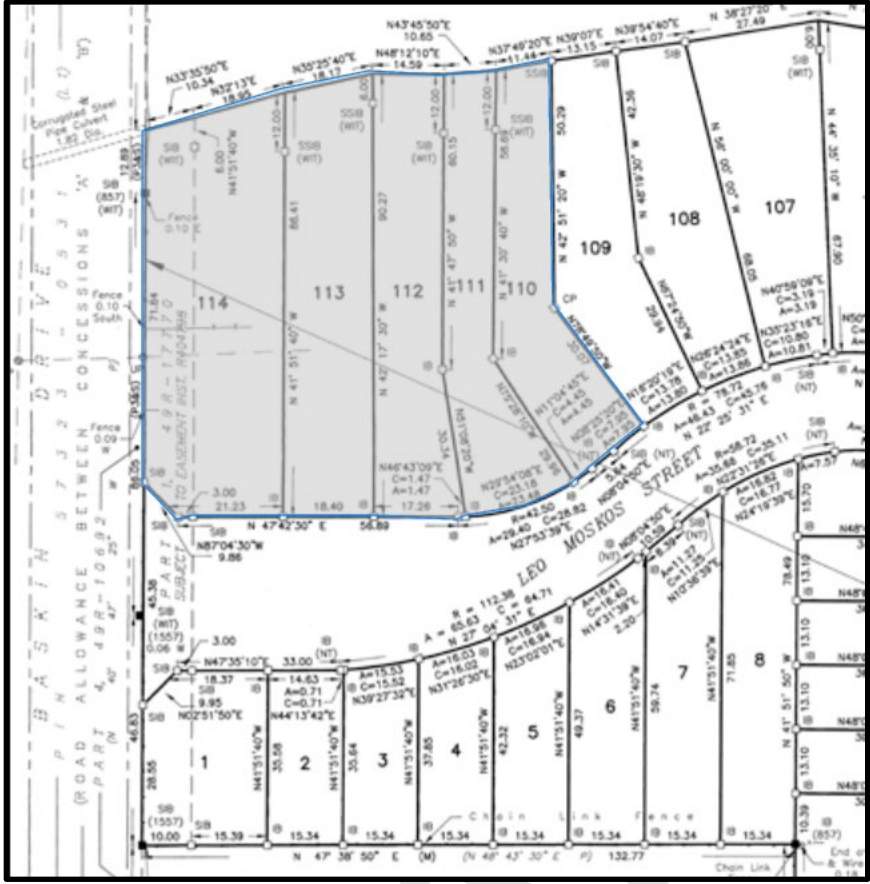


Figure 1: Excerpt from Draft Plan of Subdivision, identifying lots 110 through 114 under consideration.

Planning Act:

In November 2022, the Provincial Government passed Bill 23, More Homes Built Faster Act, which is part of Ontario’s Housing Supply Action Plan and aims to support the province’s goal to add 1.5 million new homes in Ontario by 2031. As a result of Bill 23, Municipalities are now required to:

- (a) permit 2 residential units in a detached, semi-detached or townhouse dwelling, and 1 additional residential unit in an accessory building; or
- (b) permit 3 residential units in a detached, semi-detached or townhouse dwelling where there are no dwelling units in an accessory building

In these cases, a maximum of 1 parking space can be required per residential unit and no minimum unit size can be imposed. In addition, any official plan policy that contravenes the changes is of no effect.

The Town of Arnprior is undertaking a series of amendments to the Official Plan and Zoning By-law that is expected to be brought before Council for a decision in September 2024. As such the 3 units dwellings proposed are being treated as permissible in this new context with

Minor Variances required for performance standards related to the building size, location and in this the case of these applications, driveway width.

Official Plan:

Schedule A (Land Use) of the Official Plan (OP) classifies the Subject Site as Low / Medium Density Residential, subject to Section C2 of the OP.

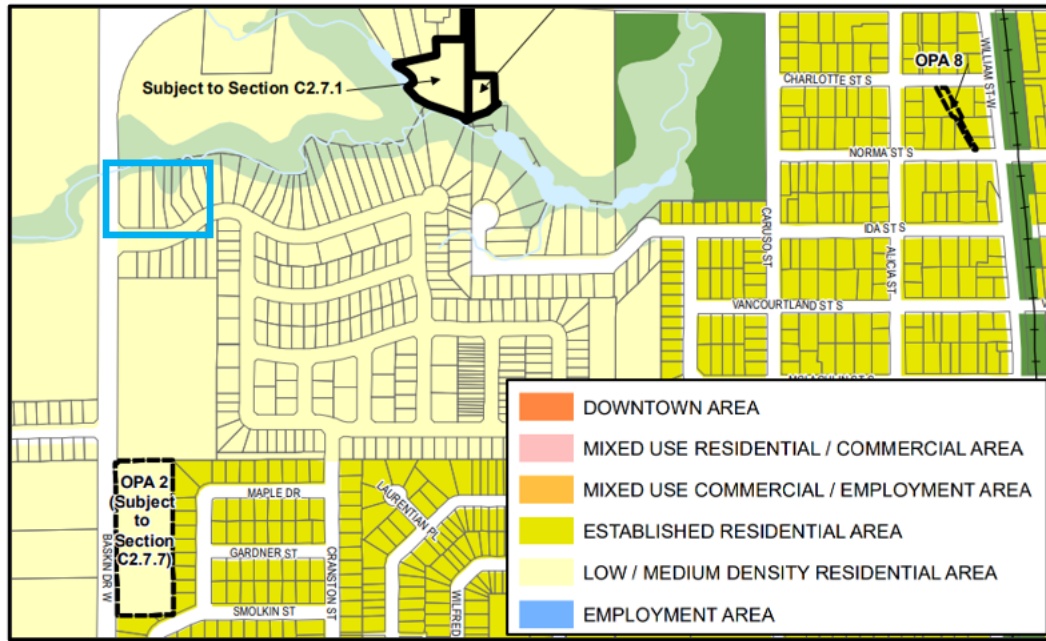


Figure 2: Schedule A, Land Use

Lands designated Low/Medium Density Residential Area are the recently developed and vacant residential areas on the edges of the of the Town and are envisioned to provide a variety of housing forms. The objectives of the Low / Medium Density Residential designation are to:

- (a) Provide for new housing opportunities to meet the Town’s projected housing needs;
- (b) Provide for a range of housing types and forms to ensure accessible, affordable, adequate, and appropriate housing for all socio-economic groups;
- (c) Achieve more compact forms of residential development in a manner that is compatible with the character and pattern of adjacent surrounding development;
- (d) Ensure that new residential areas permit a variety of complementary and compatible land uses, including community facilities, open space areas; and,
- (e) Establish a comprehensive set of design guidelines and policies for new residential development that fosters the establishment of an urban environment that is safe, functional, sustainable, and attractive.

Zoning:

The subject properties are zoned R3*11 (Residential Three) with exception number 11. This zone permits single detached dwellings as well semi-detached dwellings, duplex-dwellings and secondary residential units and exception 11 permits all uses in the R3 zone. The R3 is a low to medium density residential zone that provides for a mix of ground-oriented dwellings with modest forms of density. While a 3-unit dwelling is not permitted in the R3 Zone, amendments under Bill 23 to the Planning Act supersede these restrictions in the Zoning By-law.

Although the Planning Act permits three-unit dwellings on the subject property, the building envelope(s) and driveways must still meet standards established in the Zoning By-law.

Section 6.4.3 of the Zoning By-law states that:

- d) The maximum width of a driveway leading to a private garage or carport that is attached to a single detached dwelling or each unit in a semidetached dwelling is 50% of the frontage of the lot up to a maximum of 7.0 metres.*

The minor variances in the subject applications relate to the combined width of driveways in each lot. Planning staff notes that the applicant has selected frontages that are wider than others in the subdivision and will be close to 50% or less drive / impermeable paved surface in the front yards.

Planning Analysis:

Planning Staff have evaluated the requested minor variance(s) pursuant to the prescribed tests as set out in Section 45 (1) of the Planning Act, as follows:

1. Does the proposed variance meet the general intent and purpose of the Official Plan?

The intent of the Low/Medium Density Residential Area designation is to accommodate a variety of housing forms as well as to meet the Town's projected housing needs. The policies within this designation also refer to a range of housing types and forms to ensure accessible, affordable, and appropriate housing for all socio-economic groups. The applicant has selected lots with wide frontage to ensure that the ratio of driveway to landscaped frontage remains compatible with other housing that will be developed within the subdivision.

Staff are of the opinion that the requested variances are in keeping with the general intent and purpose of the Official Plan.

2. Does the proposed variance meet the general intent and purpose of the Zoning By-law?

The intent of the maximum driveway width in the Residential Three (R3) zone is to ensure that neighbourhood streetscapes are designed to minimize driveway widths in order to accommodate permeable landscaping for stormwater management, allow for snow storage,

space for on street parking, pedestrian safety and that driveways specifically are sited to allow for street trees and/or avoid tree loss along the front of residential properties.

Staff are of the opinion that the proposed variance maintains the general intent and purpose of the Zoning By-law.

3. Is the proposed variance) considered desirable for the appropriate development of the land?

The proposed 3 units dwellings and driveways have been designed to meet the intent of the Official Plan and Zoning By-law balancing the needs of future residents and neighbourhood vision of the Town. Each property will have approximately 50% or more of frontage to accommodate landscaping and street trees as well as maintain the low to moderate density housing typology in the new subdivision.

Staff are of the opinion that the requested variance is desirable for the appropriate development of the land.

4. Is the proposed variance considered minor in nature?

It is the opinion of Staff that the proposed variance is minor in nature as the proposed driveways will not negatively impact the development of the neighbourhood. The requested zoning relief with respect to the required maximum driveway width for the three-unit dwellings will not result in negative impacts to the neighbourhood, streetscape or functionality of the subject lands and abutting properties.

As such, Staff are of the opinion that the requested variances are minor in nature.

Previous/Concurrent Applications:

Subdivision application 47-T-09001 – Approved

ZBLA approved as per by-law 6192-13

Comments:

No public comment was received.

Attachments:

1. A03-07/24 Public Hearing Notice
2. Supporting Documents Minor Variance Application Plan No 49M75 Lot 110
3. Supporting Documents Minor Variance Application Plan No 49M75 Lot 111
4. Supporting Documents Minor Variance Application Plan No 49M75 Lot 112
5. Supporting Documents Minor Variance Application Plan No 49M75 Lot 113

6. Supporting Documents Minor Variance Application Plan No 49M75 Lot 114

Key Plan:



EXAM



Town of Arnprior Committee of Adjustment Report

File Number: A12/24

Meeting Date: November 20, 2024

Report Author: Alix Jolicoeur, Manager of Community Services/Planner

Re: Application for Minor Variance for 132 Mac Beattie Dr

Application Overview:

Agent/Owner: Asta Wallace and Kevin Whalen

Location of Property: 132 Mac Beattie Drive, legally known as Lot 28 Plan 49M109

Purpose of Application

Variance from Section 6.4.11(c) of the Town of Arnprior Zoning By-law No. 6875-18, to allow pool equipment to be setback 0.2 m from the exterior side lot line whereas the by-law requires 1.5 m.

Background:

Official Plan: Low/Medium Density Residential Area

Zoning: Residential Three (R3)

Zone Provisions

The applicable provisions for a swimming pool are found in section 6.4.11 of the zoning by-law and require the following:

- a. Outdoor swimming pools and hot tubs are permitted in the interior side, rear and exterior side yards, provided they are set back a minimum of 1.2 metres from the interior side and rear lot lines and 3.0 metres from the exterior side lot line, with the setback measured from the water's edge of the swimming pool or hot tub.
- b. The maximum height of a swimming pool or hot tub is 1.5 metres above grade.
- c. Swimming pool pumps, filters and heaters, are permitted in the interior side, rear and exterior side yards, provided they are set back a minimum of 0.6 metres from the interior side and rear lot lines and 1.5 metres from the exterior side lot line.

Context

The subject property is located within the Fairgrounds subdivision. The lot contains an existing detached dwelling on a corner lot.

In August 2023, the Building Department reviewed an application for a pool permit for an inground pool for the subject property. A pool permit was issued August 29, 2023. An engineering lot grading and drainage plan submitted showed the proposed pool equipment located 1.5 m from the exterior side lot line. The hand drawn site plan submitted showed the pool equipment at 0 m from the exterior side lot line. Building Department staff marked up the hand drawn site plan with a note in red pen identifying the pool equipment to be minimum 1.5 m from the property line and the permit was issued on this basis.

When the pool inspection was conducted, on June 11, 2024, Building Department staff noted that the pool equipment did not meet the minimum required 1.5 m to the exterior side lot line, and that in order to meet the provision in the zoning by-law the pool equipment would need to be relocated or, alternatively the applicant could apply for a minor variance to request a variance from the required 1.5 m setback for pool equipment from an exterior side lot line.

Minor variance application A10-/24 was submitted by the applicant in July of 2024. The requested variance was to allow pool equipment to be 0 m from an exterior side lot line. A public meeting and hearing of the application by the Committee of Adjustment was held August 14, 2024. At the Committee of Adjustment hearing the applicant indicated that he had measured the distance between the pool heater and the exterior side lot line and that it was in fact 17 ¾" from the exterior side lot line. The Committee of Adjustment requested the decision be amended to reflect a setback of 0.45 m (17.7 inches). A variance to allow pool equipment 0.45 m from the exterior side lot line was approved by the Committee and no appeal was received.

To close the pool permit application, Chief Building Official (CBO), Jacques Benoit, attended the property for an inspection on September 12, 2024. During the inspection Mr. Benoit noted that the pool equipment was 0.27 m (10 ¾") from the exterior side lot line. This was confirmed based on survey information upon return to the office. Based on this new information a new minor variance application requesting permission for pool equipment to be located 0.45 m from the exterior side lot line is being presented.

Planning Analysis:

The pool meets applicable pool provisions 6.4.11 a) and b), however, the pool heater and equipment was installed at 0.27 m from the exterior side lot line where the by-law requires 1.5 m.

The applicant has applied for relief from the Zoning By-law in order to allow the pool heater to remain at 0.2 m from the exterior side lot line.

The purpose of the 1.5 m setback to the exterior side lot line is to ensure adequate space for any required maintenance to the heater and/or fence, as required, without impeding in the municipal road allowance in case it is in active use in the future.

CSA Natural Gas and Propane Installation Code section B149.1.20 requires a minimum of:

- 18" (0.4572 m) of clearance from the side, rear and above pool heating equipment;
- and

- 48" (1.2192 m) clearance from the front of the unit.

According to the application the pool equipment is 17 ¾" m from the lot line and fence. It should be noted that the municipality does not apply or enforce CSA Natural Gas and Propane Installation Code as this falls under the Technical Standards and Safety Authority.

The required distance from the pool equipment to the dwelling, and more specifically to building openings, varies between 5' and 10' (between 1.524 m and 3.048 m) and is detailed further in the manufacturer specifications for the specific product. There are windows on the existing dwelling adjacent to the location where the pool heater is installed. It is therefore possible, depending on the manufacturer's specifications, that it was not possible to meet manufacturer specifications for distance to building openings with a 1.5 m setback from the lot line at the original location proposed. Manufacturer specifications for the specific pool equipment installed were not provided as part of supporting materials with this application.

The applicant could have reached out to staff to consider alternative locations for the pool equipment. It does appear there are locations in the rear yard that could have met manufacturer specifications (based on the current distance to openings), CSA Code requirements and Town zoning provisions.

The Town Official Plan does not contain specific policies which apply to pool heaters and/or equipment.

Under Section 45(1) of the Planning Act there are four tests a minor variance must meet. To be considered appropriate, the application must meet all four tests:

1. Does the application conform to the general intent and purpose of the Official Plan?
2. Does the application conform to the general intent and purpose of the Zoning By-law?
3. Is the application desirable for the appropriate development of the lands in question?
4. Is the application minor?

Previous/Concurrent Applications:

A10-2024 Minor variance approved to allow pool equipment to be located minimum 0.45 m to an exterior side lot line.

Comments:

No public comment was received.

Attachments:

1. A12/2024 Public Hearing Notice
2. Hand drawn site plan with measurements from the CBO
3. Reasons for requesting relief submitted by the applicant

Key Plan:



Attachment 1 - A12/2024 Public Hearing Notice



Committee of Adjustment for the Town of Arnprior

File No. A12/24

Notice of Public Hearing
Application for Minor Variance

In The Matter of Section 45, of the Planning Act, R.S.O. 1990; and
In The Matter of an application for minor variance, with respect to the following:

Take notice that the minor variance application will be heard by the Committee of Adjustment for the Town of Arnprior on **Wednesday, November 20th, 2024 at 7:00 p.m.** in Council Chambers at Town Hall, 105 Elgin Street West, Arnprior, ON.

Location of Property: 132 Mac Beattie Drive., Arnprior ON

Purpose and Effect of Minor Variance Application:

Permission is requested for variance from Section 6.4.11(c) of the Town of Arnprior Zoning By-law No. 6875-18, to allow pool equipment to be setback 0.2 m from the exterior side lot line whereas the by-law requires 1.5 m.

Official Plan: Low/Medium Density Residential Area

Zoning: Residential Three (R3)

A key plan is attached. Application A12/24 as well as additional related information, are available for inspection during regular office hours. Please contact the Planning Department prior to attending the Town Hall to set up an appointment.

If you wish to make written comments on this application, they may be forwarded to the Secretary-Treasurer of the Committee of Adjustment at the address below. If you do not attend the hearing, it may proceed in your absence. If you wish to be notified of the decision of the Town of Arnprior Committee of Adjustment in respect of the proposed consent, you must make a written request to the Town of Arnprior Committee of Adjustment.

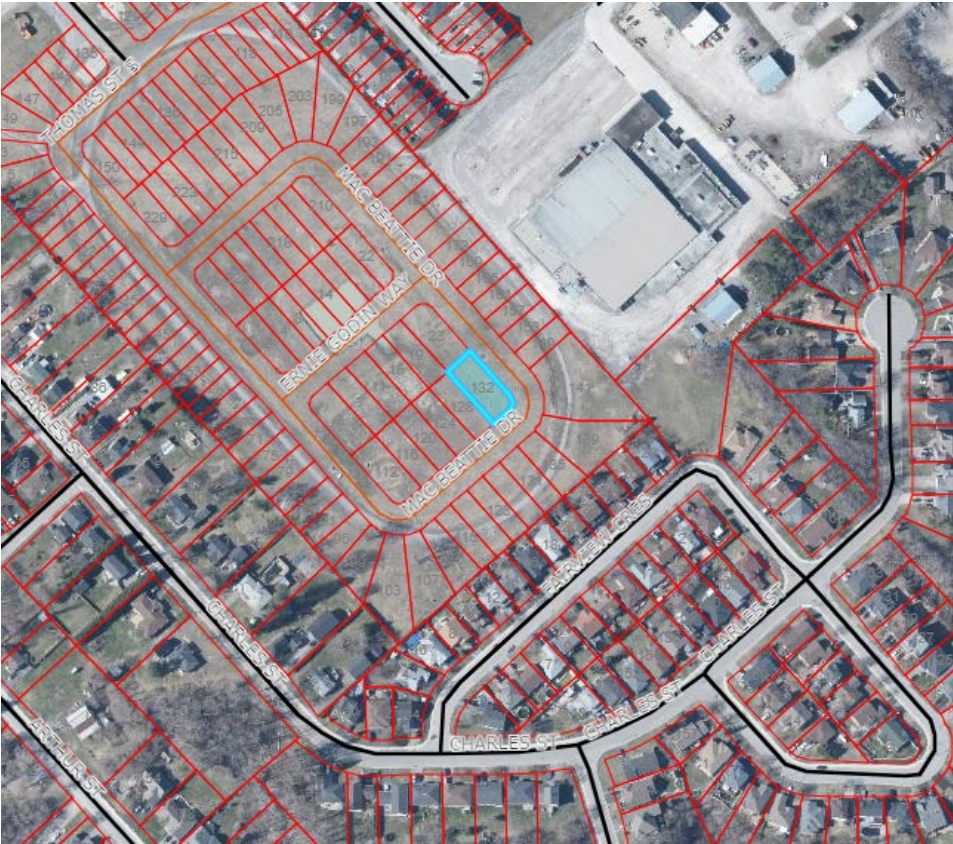
If a person or public body that files an appeal of a decision of the Town of Arnprior Committee of Adjustment in respect of the proposed consent does not make a written submission to the Town of Arnprior Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

Dated this 31st day of October 2024

Alix Jolicoeur

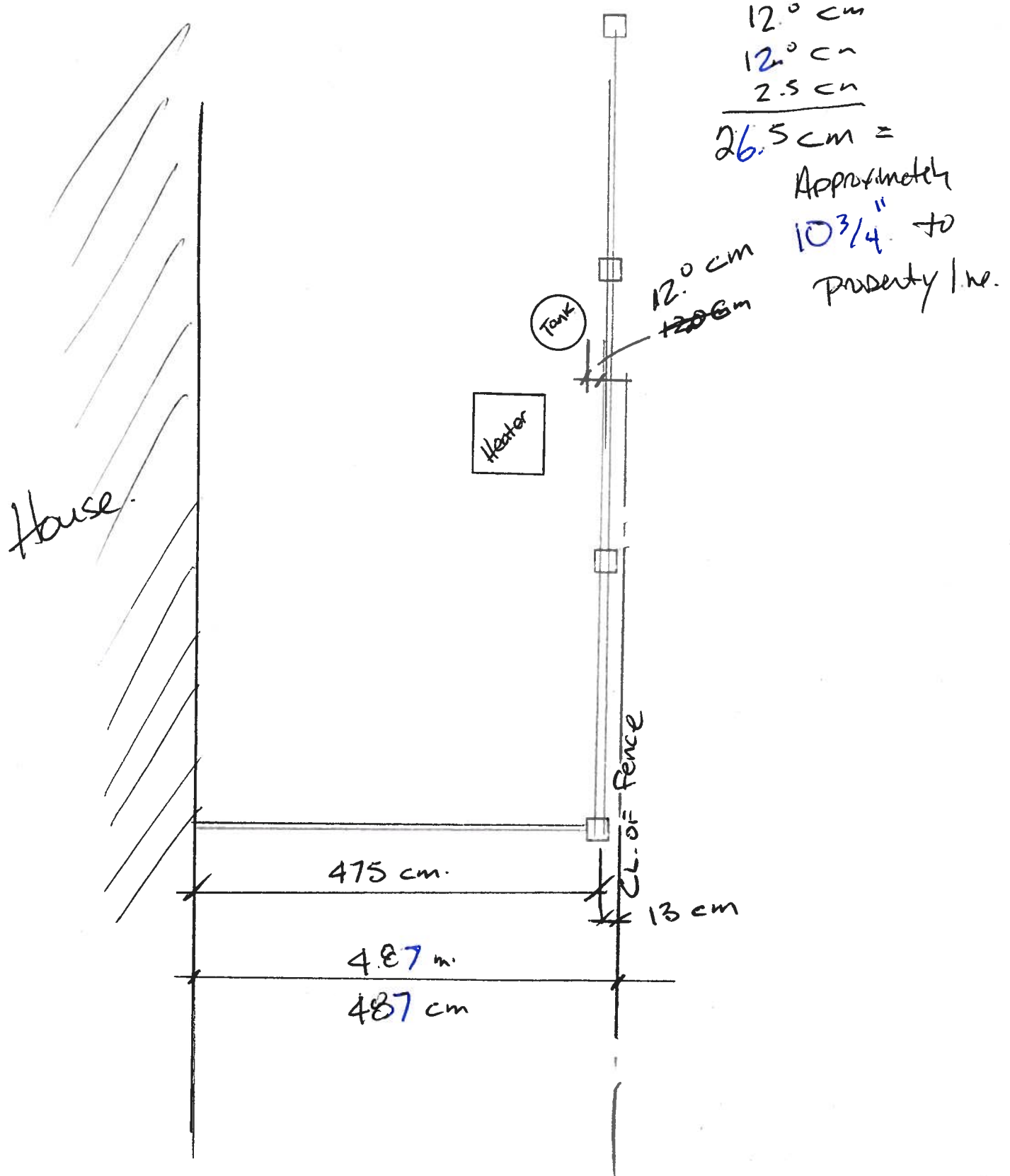
Secretary-Treasurer, Committee of Adjustment
(613)-623-4231 ext. 1816 or planning@arnprior.ca
Town of Arnprior
105 Elgin Street West
Arnprior, ON K7S 0A8

Key Plan:



Attachment 2 - Hand drawn site plan with measurements from the CBO

Fence Boards are
50 mm thick.
(5 cm)



Attachment 3 - Reasons for requesting relief submitted by the applicant

Please explain the reason(s) why the proposed use cannot comply with the provision(s) of the Zoning By-law (use a separate page if necessary)?

- Pool installer ASSURED IT WAS THE BEST PLACE FOR EQUIPMENT.
- IF MOVED 5' INTO THE YARD PLUS THE 3' PAD IT WOULD BRING EQUIPMENT TOO CLOSE TO THE HOUSE TO MEET CODE FOR GAS HEATER
- MOVING EQUIPMENT WOULD BE A HUGE COST
- EQUIPMENT IN THE MIDDLE OF THE SIDE YARD WOULD ALSO BE A SAFETY CONCERN. BLOCKS ACCESS TO AND FROM THE YARD.
- THE SIDE YARD IS ALSO FOR OUR DOG, PUTTING HEATER IN MIDDLE NOT SAFE.



Town of Arnprior Committee of Adjustment Report

File Number: B9/24

Meeting Date: November 20, 2024

Report Author: Alix Jolicoeur, Manager of Community Services/Planner

Re: Application for consent to create a new lot at the rear of 15 Norma St. S.

Application Overview:

Owner: Ellard, Deborah, and Kyle Rueckwald

Location of Property: 15 Norma Street South, Part of Lots 62, 64, 65, 66, 67 & 69, on Plan 32; Arnprior, Ontario

Purpose of Application

The purpose of the application is to sever a parcel of land 13.71 metres x 46.75 metres for the creation of a new lot on Charlotte Street South. The retained parcel is occupied by a single detached dwelling.

Background:

Official Plan: Established Residential Area

Zoning: Residential One (R1)

The subject property was merged with 15 Norma St. S. in order to allow development of the existing house on the retained parcel.

The subject property was part of a former railway line. The lands may have potential contamination from this past use of the lot. A new residential lot would be considered a more sensitive land use; therefore, an Environmental Site Assessment is recommended as a condition of severance approval. A record of site condition may be required based on the findings of the Environmental Site Assessment.

Planning Analysis:

Provincial Planning Statement, 2024

The Provincial Policy Statement, 2024, requires that municipalities provide for an appropriate range and mix of housing options to meet projected needs of current and future residents by “permitting and facilitating all types of residential intensification including... development and introduction of new housing options within previously developed areas...” (2.2.1. b) 2.)

The proposed severance would allow for residential intensification within a previously developed area on existing municipal services.

Town of Arnprior Official Plan

The subject property is designated Established Residential Area. The designation permits single-detached dwellings, semi-detached dwellings, and duplex dwellings.

Policies for established residential areas permit new lot creation subject to the following criteria:

- a) "The frontage of the new lot(s) is generally compatible with the average lot frontages on the same side of the street to maximize, to the greatest extent possible, the separation between new and existing dwellings;
- b) The trees and vegetation will be retained and enhanced where possible on the new lots and additional landscaping will be provided to integrate the proposed development with adjacent development and the existing neighbourhood;
- c) New driveways are sited to minimize tree loss;
- d) The width of new driveways are minimized; and,
- e) The orientation and sizing of the new lots do not have a negative impact on significant views and vistas that help define a residential neighbourhood."

The existing lot is a through lot, and based on the definition of a through lot, in the zoning by-law, both lot lines abutting a street are deemed to be the front lot line. The existing lot line, abutting Charlotte Street South, is therefore existing lot frontage. The width of the frontage on Charlotte Street South is proposed to remain the same.

The width of existing lot frontages on the same side of the street is highly variable in this area. The proposed new lot meets the minimum requirements for lot widths as per the zoning by-law for the Residential One zone. The orientation of the new lot does not negatively impact significant views or vistas.

Town of Arnprior Zoning By-law

The subject property is zoned Residential One (R1)

Permitted uses in the Residential One zone include: single-detached dwelling, semi-detached dwelling, duplex dwelling, secondary residential unit, home business, bed and breakfast establishment, childcare center, and home child care.

Applicable provisions for the Residential One zone are outlined below:

Minimum lot frontage:

Single-detached dwelling: 13.5 m

Semi-detached dwelling: 16.0 m or 8.0 m if separate lots

Duplex dwelling: 14.5 m

Minimum front yard: 6.0 m or the average front yard on the abutting lots on either side

Minimum setback to private garage and carport: 6.0 m

Minimum rear yard: 6.0 m

Minimum interior side yard: 1.5 m for new dwellings

The proposed severed lot has dimensions of 13.71 m x 46.75 m. The retained lot has dimensions of 29.01 m x 41.12 m with an irregular lot shape. The proposed severed and retained lot meets applicable provisions for the R1 zone for single-detached dwellings.

**Planning Evaluation
of
Consent Application B9/24**

Concern:	YES	NO
Appropriateness of Consent Process:		
More than one or two lots being created		X
New municipal road will be required		X
Further severances intended		X
Past consent or subdivision applications have been processed for this site		X
Consent activity in area has been reviewed	X	
Conformity with Policy and Land Use Controls:		
"Consistent With" matters of Provincial Interest	X	
Conforms to the Official Plan and any adjacent development (OP Designation <u>Established Residential Area</u>)	X	
Complies with existing or proposed Zoning By-law (Zoning: <u>Residential One</u>)	X	
If it does not comply, is a rezoning is required?		N/A
If it does not comply, is a minor variance is required?		N/A
Evaluation of Site and Surrounding Area:		
Site is suitable for proposed use	X	
Road access is adequate	X	
Dimensions and shape of lot are appropriate	X	
Consideration given to natural resources and flood control	X	
Utilities and municipal services adequate	X	
School sites adequate	X	
Any land proposed for public purposes? If yes, extent:		X
Consideration given to physical layout as it relates to energy conservation		N/A

Concern:	YES	NO
Long Term Impact of Approval (Cumulative Effect of Many Consents):		
Affect on municipal servicing costs (additional roads, snow plowing, garbage collections) and local rates of taxation		X
Negative influence on how surrounding land can or cannot be used (create remnant parcels of inappropriate size for future use)		X
Affect on safety and efficiency of road systems		X
Affect on future use of area's natural resources (will resources be available for use now and in the future)		X
Affect attractiveness of landscape (can it be enhanced with site planning, landscaping, buffers, etc.)		X
Are conditions required?		
Parkland Dedication		X
Road Widening		X
Drainage Plan		X
Site Plan		X
Other: Environmental Site Assessment Survey Plan	X	

Previous/Concurrent Applications:

There are two previous applications for the subject property, Zoning By-law Amendment ZBL 7/23 to amend the zoning of the property from Open Space to Residential One (R1), and Official Plan Amendment OPA #8 to amend the designation of the property from Parks and Open Space to Established Residential Area. The purpose of the applications was to amend the zoning and official plan designation of a parcel added to 15 Norma St. S. to match the existing designation and zoning of the property to permit construction of the detached dwelling now at 15 Norma St. S.

Comments:

No comments received.

Recommended Conditions:

Should the Committee find it appropriate to approve this application, the following conditions are recommended:

1. That a registered Plan of Survey in conformity with the key map depicting the severed lands be supplied to the Secretary-Treasurer of the Committee of Adjustment.
2. That prior to issuance of the Certificate an Environmental Site Assessment demonstrating the subject property is suitable for residential development be provided. A Record of Site Condition may be required prior to Building Permit issuance.

Attachments:

1. Key map showing proposed retained and severed lands.
2. Plan of Survey part of lots 62, 64, 65, 66, 67 & 69 Registered Plan 32, Town of Arnprior
3. B9-24 Notice of public hearing

Attachment 1 - Key map showing proposed retained and severed lands

 Severed Lands

 Retained Lands



**Attachment 2 - Plan of Survey part of lots 62, 64, 65, 66, 67 & 69 Registered Plan 32,
Town of Arnprior**

PLAN OF SURVEY
OF PART OF
LOT 62, 64, 65, 66, 67 & 69
REGISTERED PLAN 32
TOWN OF ARNPRIOR
COUNTY OF RENFREW
SCALE 1 : 200
ADAM KASPRZAK SURVEYING LTD.

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM GPS INFORMATION SHOWN ON PLAN 49R-18298, UTM ZONE 18 (75° WEST LONGITUDE) NAD 83 (CSRS).

ASTRONOMIC BEARINGS CAN BE CALCULATED BY ROTATING THE GRID BEARINGS COUNTER CLOCKWISE 5'07"40" AS REFERRED TO THE NORTH LIMIT OF NORMA STREET AS SHOWN ON PLAN 49R-14553, SHOWN THEREON HAVING AN ASTRONOMIC BEARING OF N53°45'30"E.

FOR COMPARISON WITH ASTRONOMIC BEARINGS ON UNDERLYING PLANS, THE FOLLOWING ROTATIONS HAVE BEEN APPLIED:
P1 & P2 5'07"40" CLOCKWISE

METRIC NOTE:

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DISTANCE NOTE:

DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99974.

ELEVATION NOTE:

ELEVATIONS SHOWN ON THIS PLAN ARE GEODETIC AND REFER TO BENCHMARK 01019805153 HAVING AN ELEVATION OF 92.695 (CGVD28:78)

CONTOUR NOTE:

MAJOR CONTOURS GENERATED AND SHOWN ON THIS PLAN INDICATE A CHANGE OF 0.20m IN ELEVATION.
MINOR CONTOURS GENERATED AND SHOWN ON THIS PLAN INDICATE A CHANGE OF 0.10m IN ELEVATION.

NOTE:

SSIB PLANTED DUE TO INSUFFICIENT OVERBURDEN.

INTEGRATION DATA:

OBSERVED REFERENCE POINTS (ORP) DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, UTM ZONE 18 NAD 83 (CSRS) (1997).

POINT ID	NORTHING	EASTING
ORP1	5 032 482.17	393 158.70
ORP2	5 032 530.65	393 213.78

COORDINATE VALUES ARE TO RURAL ACCURACY PER SEC. 14 (2) OF O. REG. 215/10 AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LEGEND (If Applicable)

- IB — IRON BAR
- SIB — STANDARD IRON BAR
- SSIB — SHORT STANDARD IRON BAR
- RB — ROCK BAR
- RP — ROCK POST
- RPL — ROCK PLUG
- CP — CONCRETE PIN
- MF — MONUMENT FOUND
- MS — MONUMENT SET
- WIT — WITNESS
- WIT (OU) — ORIGIN UNKNOWN
- (MS) — MEASURED
- (ORP) — OBSERVED REFERENCE POINT
- WP — WOODEN POST
- (918) — GIBSON, SURY & ROWE LTD.
- (857) — FAIRHALL, MOFFATT & WOODLAND LTD.
- (AOG) — ANNIS, O'SULLIVAN & VOLLEBECK LTD.
- (1557) — SURY, ROWE & KASPRZAK LTD.
- (SRK) — SURY & ROWE LTD.
- (782) — ANTHONY C. BOURNE, O.L.S.S.
- P1 — PLAN 49R-14553
- P2 — PLAN 49R-12945
- P3 — PLAN 49R-18474

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON AUGUST 23, 2023.

DATE: **SEPTEMBER 18, 2023**

DRAFT
ADAM KASPRZAK
ONTARIO LAND SURVEYOR

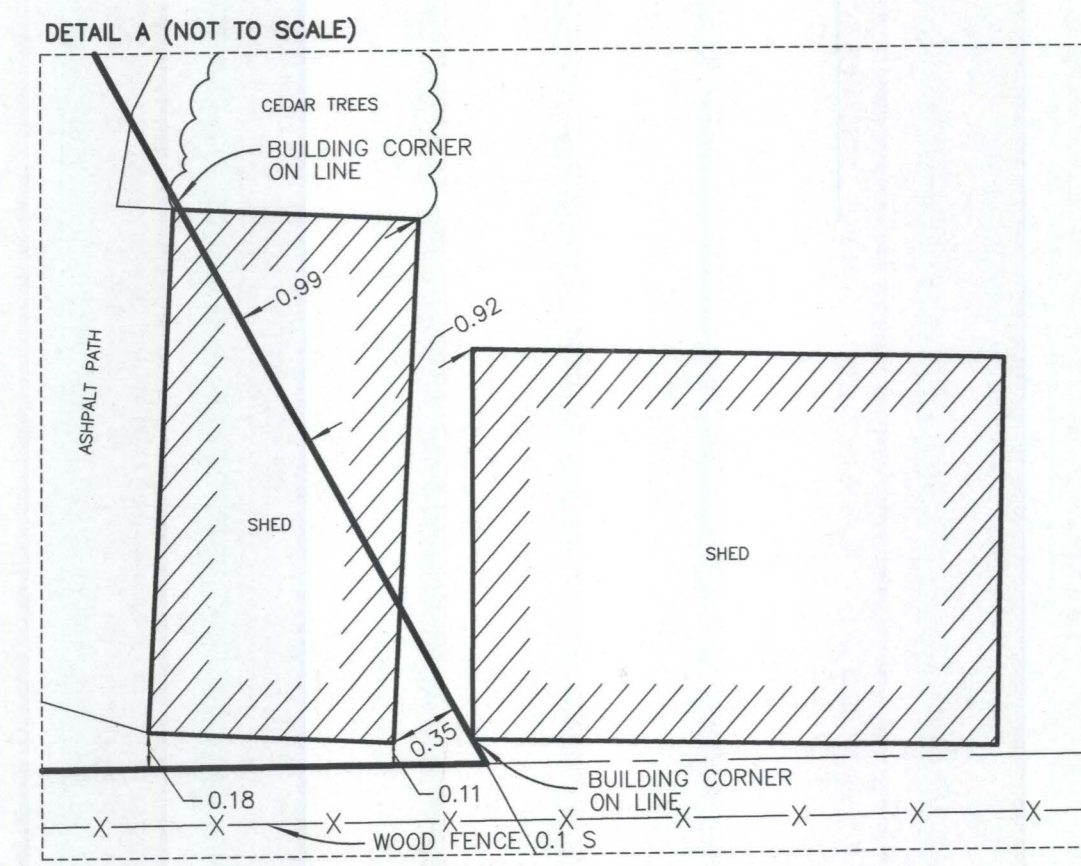
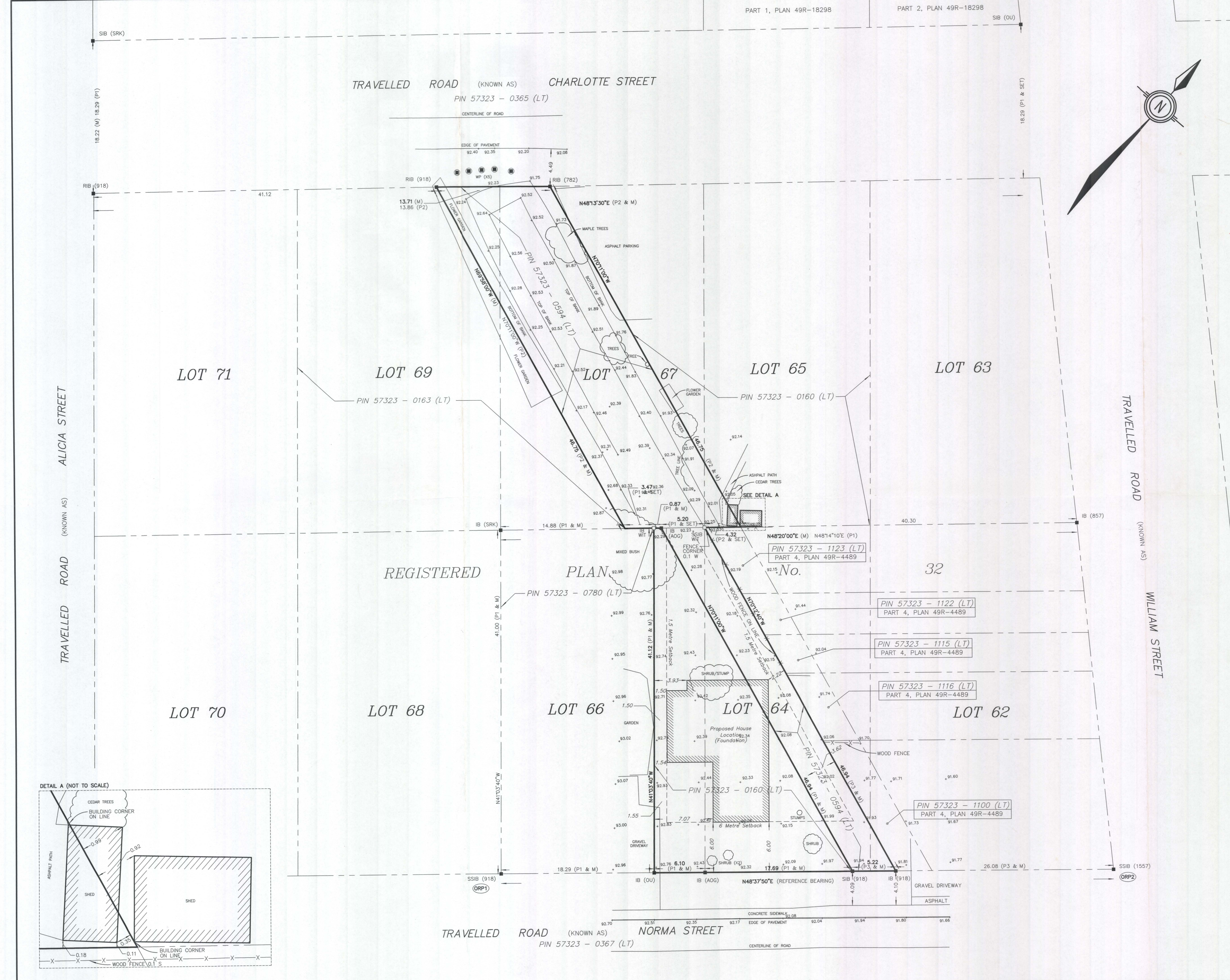
THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-xxxxx

ADAM KASPRZAK SURVEYING LTD.
ONTARIO LAND SURVEYORS
432 PEMBRIDGE ST. W., P.O. BOX 492
PEMBROKE ONTARIO K8A 6X7
PHONE (613) 735-0764

SCALE: 1 : 200

REF: 22-2208 U

FILE: 22-2208_S.dwg



Attachment 3 - B9-24 Notice of public hearing



Committee of Adjustment for the Town of Arnprior

File No.B9/24

Notice of Public Hearing
Application for Consent

In The Matter of Section 53, Chapter P.13 of the Planning Act, R.S.O. 1990; and
In The Matter of an application for consent, with respect to the following:

Location of Property: 15 Norma St. S., Arnprior, Part of Lots 62, 64, 65, 66, 67 & 69, on Plan 32

Purpose and Effect of Consent Application:

The purpose of the application is to sever a parcel of land 13.71 metres x 46.75 metres for the creation of a new lot on Charlotte Street. The retained parcel is occupied by a single detached dwelling.

Take notice that the consent application will be heard by the Committee of Adjustment for the Town of Arnprior on **Wednesday, November 20th, 2024 at 7:00 p.m. in Council Chambers, 2nd floor Town Hall, 105 Elgin Street West, Arnprior.**

A key plan is attached. Additional information and materials regarding this application are available for inspection during regular office hours at Town Hall, 105 Elgin Street West, Arnprior.

You are entitled to attend this Public Hearing in person to express your views about the application or you may be represented by Counsel for this purpose. If you wish to make written comments on this application, they may be forwarded to the Secretary-Treasurer of the Committee of Adjustment at the address below. If you do not attend the hearing, it may proceed in your absence.

If a person or public body has the ability to appeal the decision of Corporation of the Town of Arnprior in respect of the proposed consent to the Ontario Land Tribunal but does not make written submissions to Corporation of the Town of Arnprior before it gives or refuses to give a provisional consent, the Tribunal may dismiss the appeal.

If you wish to be notified of the decision of Corporation of the Town of Arnprior in respect of the proposed consent, you must make a written request to the Corporation of the Town of Arnprior at Town of Arnprior 105 Elgin Street W., Arnprior, ON K7S 0A8

Dated this 31st day of October 2024.

Alix Jolicoeur

Secretary-Treasurer, Committee of Adjustment
(613)-623-4231 or planning@arnprior.ca
Town of Arnprior
105 Elgin Street West
Arnprior, ON K7S 0A8

Key Plan:

 Severed Lands

 Retained Lands

