



**THE CORPORATION OF THE TOWNSHIP OF JOHNSON  
COMMITTEE OF ADJUSTMENT  
PUBLIC MEETING UNDER THE PLANNING ACT  
Tuesday, April 21, 2020  
5:30 P.M.  
Location: Electronic Meeting  
Zoom Webinar ID - 978-2026-2891 (Password 228165)  
AGENDA**

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**1.0 CALL TO ORDER AND NOTE MEMBERS PRESENT**

1.1 Mayor Mersereau

**2.0 DECLARATION OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF**

**3.0 REVIEW OF ADDENDUM & APPROVAL OF AGENDA**

3.1 Resolution

**4.0 MEETING MINUTES**

4.1 Approve Minutes – Committee of Adjustment, September 18, 2019 (Resolution)

**5.0 PRESENTATIONS & DELEGATIONS**

5.1 None

**6.0 PUBLIC MEETINGS – PLANNING ACT R.S.O.**

6.1 Minor Variance – Wilson – A-01-2020

**7.0 STAFF INFORMATIONAL REPORTS**

7.1 WRAY- A-01-2020

**8.0 APPLICATION DECISION**

8.1 Resolution

**9.0 CLOSE OF MEETING**

9.1 Resolution



THE CORPORATION OF THE TOWNSHIP OF JOHNSON  
COMMITTEE OF ADJUSTMENT  
PUBLIC MEETING UNDER THE PLANNING ACT  
September 18, 2019  
5:30 P.M.  
Location: Council Chambers  
1 Johnson Drive, Desbarats, ON

MINUTES

1.0 CALL TO ORDER AND NOTE MEMBERS PRESENT

1.1 Mayor Mersereau

The meeting was called to order at 5:45 pm and, Mayor Mersereau welcomed everyone to the meeting.

**PRESENT**

Mayor: Blaine Mersereau  
Councillors: Reg McKinnon  
Gavin Grant  
Jason Kern

Staff: Chris Wray – Clerk  
Paula Spurway – Treasurer

Applicants None Present

2.0 DECLARATION OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF

3.0 REVIEW OF ADDENDUM & APPROVAL OF AGENDA

3.1 Resolution

**Moved by:** Reg McKinnon      **Seconded by:** Gavin Grant      P2019-014

**RESOLVED THAT** the Agenda for the Committee of Adjustment under the Planning Act for Wednesday, September 18, 2019, be and is hereby approved.

**CARRIED**

4.0 MEETING MINUTES



THE CORPORATION OF THE TOWNSHIP OF JOHNSON  
COMMITTEE OF ADJUSTMENT  
PUBLIC MEETING UNDER THE PLANNING ACT  
September 18, 2019  
5:30 P.M.  
Location: Council Chambers  
1 Johnson Drive, Desbarats, ON

MINUTES

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4.1 Approve Minutes – Committee of Adjustment, August 28, 2019 (Resolution)

**Moved by:** Reg McKinnon      **Seconded by:** Gavin Grant      P2019-015

**BE IT RESOLVED THAT** the following Minutes of the Committee of Adjustment of the Township of Johnson be adopted as presented;

- a) Minutes of a Committee of Adjustment Meeting held on Wednesday, June 19, 2019
- b) Minutes of a Committee of Adjustment Meeting held on Wednesday, July 17, 2019
- c) Minutes of a Committee of Adjustment Meeting held on Wednesday, August 28, 2019

**CARRIED**

**Action**

*Clerk to ensure that Minutes are signed and filed.*

5.0 PRESENTATIONS & DELEGATIONS

6.0 PUBLIC MEETINGS – PLANNING ACT R.S.O.

6.1 Minor Variance – Kettles, A-04-2019

**Moved by:** Reg McKinnon      **Seconded by:** Gavin Grant      P2019-016

**RESOLVED THAT** the Township of Johnson does hereby approve of the actions of the Clerk with respect to the Notification of the following applications:

**A-04-2019 - Kettles**

An application for a Minor Variance for lands located at 119B Lantern Lane, BLK J PT BLK S PT in the Township of Johnson. The purpose of the application is to allow for an increase in the height of a proposed garage from 6 m (19.6 feet) to 7.62 m (25 feet).

**CARRIED**



THE CORPORATION OF THE TOWNSHIP OF JOHNSON  
COMMITTEE OF ADJUSTMENT  
PUBLIC MEETING UNDER THE PLANNING ACT  
September 18, 2019  
5:30 P.M.  
Location: Council Chambers  
1 Johnson Drive, Desbarats, ON

MINUTES

7.0 STAFF INFORMATIONAL REPORTS

7.1 WRAY-A-04-2019

**Moved by:** Reg McKinnon      **Seconded by:** Gavin Grant      P2019-017

**BE IT RESOLVED** that the Committee of Adjustment receive the following reports from the Clerk:

1. WRAY A-04-2019, Kettles

**CARRIED**

**Action**

*Clerk to ensure report is filed.*

8.0 APPLICATION DECISION

8.1 Resolution

**Moved by:** Gavin Grant      **Seconded by:** Reg McKinnon      P2019-018

**WHEREAS** Application A-04-2019, was submitted by James and Mary Kettles for a Minor Variance, in the Township of Johnson

**WHEREAS** two (2) objections were received

**WHEREAS** it is the opinion of the Committee of Adjustment that the application meets the four(4) part test of Section 45(1) of the Planning Act

**THEREFORE, BE IT RESOLVED THAT** the Committee of Adjustment approves the Minor Variance Application, A-04-2019, Kettles

**CARRIED**

**Action**

*Clerk to ensure that the decision is properly executed and communicated*



THE CORPORATION OF THE TOWNSHIP OF JOHNSON  
COMMITTEE OF ADJUSTMENT  
PUBLIC MEETING UNDER THE PLANNING ACT  
September 18, 2019  
5:30 P.M.  
Location: Council Chambers  
1 Johnson Drive, Desbarats, ON

MINUTES

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9.0 CLOSE OF MEETING

9.1 Resolution

**Moved by:** Gavin Grant      **Seconded by:** Reg McKinnon      P2019-019

**BE IT RESOLVED THAT** this meeting close at 6:02 P.M.

**CARRIED**

\_\_\_\_\_  
Chris Wray, Clerk

\_\_\_\_\_  
Blaine Mersereau, Mayor



1 Johnson Drive, Box 160 Desbarats - Ontario - P0R 1E0  
Phone (705) 782-6601 Fax (705) 782-6780

**NOTICE OF A PUBLIC MEETING  
TO INFORM THE PUBLIC OF A PROPOSED  
MINOR VARIANCE**

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**RECEIPT OF COMPLETE APPLICATION**

**TAKE NOTICE** that the Township of Johnson has received a complete application to consider the proposed Minor Variance to Municipal Zoning By-law 91-219, under Section 45 of the Planning Act, R.S.O. 1990, c.P.13 The application affects lands located on PLAN H800 LOTS 6 & 7PT RP 1R9980 PART 2, located at 3 Foster Drive, Desbarats. (see attached Key Map).

**AND PURSUANT** to Section 34 (10) of the Planning Act, the application file is available for review at the Municipal Office. Please contact the Municipal Clerk to arrange to review this file.

**NOTICE OF PUBLIC MEETING WITH COUNCIL**

**TAKE NOTICE** that the Council for The Corporation of the Township of Johnson will be holding a public meeting under Section 34 of the Planning Act, R.S.O. 1990, c.P.13 as amended, to allow the public to comment on an application for a proposed Minor Variance.

The public meeting is being held for the application described below to enable interested members of the public to understand and comment on the Minor Variance.

**DATE AND LOCATION OF PUBLIC MEETING**

Date: Wednesday, March 18, 2020  
Time: 5:30 p.m.  
Location: 1 Johnson Drive – Johnson Township Office  
Desbarats, Ontario

**DETAILS OF THE ZONING BY-LAW AMENDMENT**

The purpose of the proposed Minor Variance is to allow for

1. Relief from the minimum front yard setback of 50m to 29.7m
2. Relief from the minimum lot size of 1 ha to 0.2 ha

of Zoning By-Law No. 91-219 as amended to lands located PLAN H800 LOTS 6 & 7PT RP 1R9980 PART 2 located at 3 Foster Drive.

The purpose of the application is to provide for the above noted exemptions as a condition of Planning Board consent of File No. J 2019-06 that severed 0.1 ha from the subject lands and added it to the adjoining neighbour.

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**NOTICE OF A PUBLIC MEETING  
TO INFORM THE PUBLIC OF A PROPOSED  
MINOR VARIANCE**

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Information relating to this application including a site plan is available at the Township of Johnson Municipal Office for public review during regular office hours.

**ADDITIONAL INFORMATION AND MAP OF LAND SUBJECT TO THE APPLICATION**

A key map showing the land to which the proposed amendment applies is provided on this notice.

The purpose of this meeting is to ensure that sufficient information is made available to enable the public to generally understand the applicant's proposed Minor Variance. Any person who attends the meeting shall be afforded an opportunity to make representations in respect of the application.

If a person or public body does not make oral submissions at a public meeting or make written submissions to Council before the proposed Minor Variance is approved, the person or public body is not entitled to appeal the decision of Planning Board to the Local Planning Appeal Tribunal.

If a person or public body would otherwise have an ability to appeal the decision of Council of the Township of Johnson to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at the public meeting or make written submissions to the Township of Johnson before the Minor Variance is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to Council before the proposed Minor Variance is approved, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Additional information regarding the proposed amendment is available to the public for inspection at the Township of Johnson Municipal Office located in the community of Desbarats on Monday to Friday, between the hours of 9:00 a.m. and 4:30 p.m.

Mailing Date of this Notice: January 30, 2020

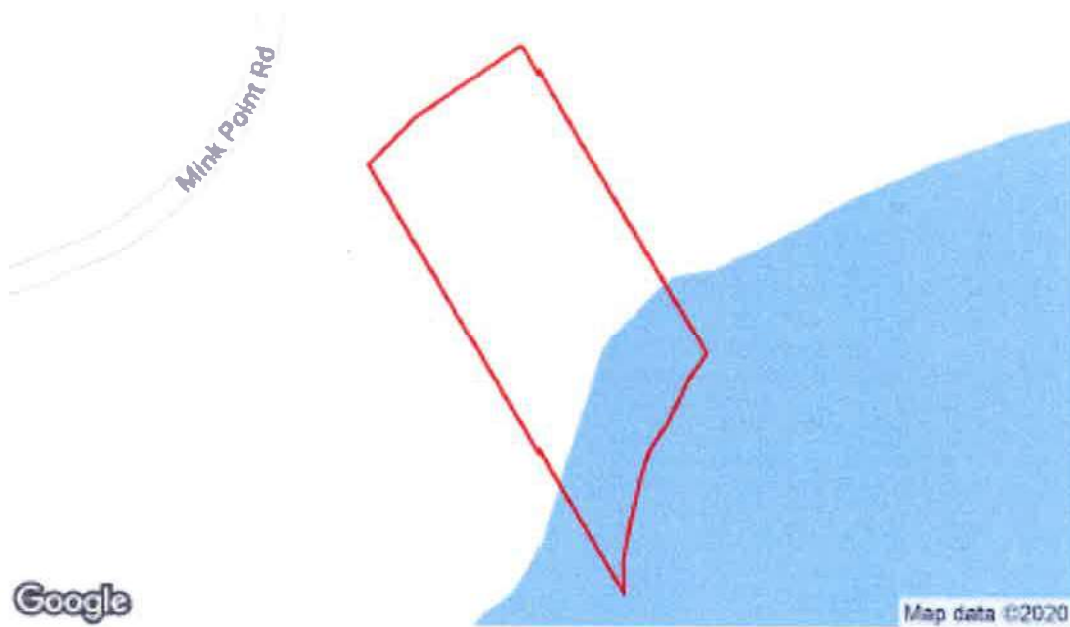


Chris Wray – Clerk  
Township of Johnson

**NOTICE OF A PUBLIC MEETING  
TO INFORM THE PUBLIC OF A PROPOSED  
MINOR VARIANCE**

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**LANDS SUBJECT TO APPLICATION FOR  
MINOR VARIANCE  
PLAN H800 LOTS 6 & 7PT RP 1R9980 PART 2**





MUNICIPALITY OF TOWNSHIP OF JOHNSON

APPLICATION FOR MINOR VARIANCE  
COMMITTEE OF ADJUSTMENT

The Planning Act, Section 45

1.0 APPLICANT INFORMATION			
1.1 Name of Owner(s). An owner's authorization is required in Section 8, if the applicant is not the owner.			
Name of Owner(s)	Home Telephone No.	Business Telephone No.	
JEANNIE MACDONALD WILSON	416 567 0112		
Address	Postal Code	Fax No.	
1 PINE CRES. TORONTO	M4E 1L1		
Email:		Cell No.	
1.2 Agent/Applicant: Name of the person who is to be contacted about the application. If different than the owner. (This may be a person or firm acting on behalf of the owner. See Section 8)			
Name of Contact Person/Agent	Home Telephone No.	Business Telephone No.	
HUGH MACDONALD		No. 705 946 5830	
Address	Postal Code	Fax No.	
603-421 BAY ST. SAULT STE. MARIE, ONT	B6A 1X3	705 946 5835	
Email:		Cell No.	
1.3 Indicate to whom correspondence is to be sent (check one please)			
Owner <input type="checkbox"/> Authorized Agent <input checked="" type="checkbox"/>			

2.0 LOCATION OF THE SUBJECT LAND (COMPLETE APPLICABLE BOXES IN 2.1)			
2.1 Municipal Address (mailing address)			
3 FOSTER DRIVE, DESBARATS			Postal Code
Concession Number(s)	Lot Number(s)	Registered Plan No.	Lot(s)/Block(s)
	LOT 6	H-616	
Reference Plan No.	Part Number(s)	Parcel Number(s)	Former Township
Assessment Roll No. 5719-000-005-08300-0000			

**5.5 Land Acquisition and Structures**

- i. Date subject property was acquired August 17, 2018
- ii. Date of Construction of all Buildings \_\_\_\_\_

Main Building 1960's Additions (if applicable) \_\_\_\_\_

Accessory Buildings: tool shed

Type of Accessory Building  
(e.g. garage, storage building, etc.)

Shed  
\_\_\_\_\_  
\_\_\_\_\_

Year of Construction

1960's  
\_\_\_\_\_  
\_\_\_\_\_

**6.0 Development**

**a. Existing** (if more than four buildings, use separate sheet of paper)

1. Type of Building:

Cottage

Length/Width/Height:  
40' / 20' / (m)

Floor Area: 800sq (m<sup>2</sup>) # of Storeys: 1

Setbacks from Lot Lines

Front: 10m (m) Rear: 60m (m)

Side: 10m (m) Side: 9m (m)

2. Type of Building:

Length/Width/Height:  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ (m)

Floor Area: \_\_\_\_\_ (m<sup>2</sup>) # of Storeys: \_\_\_\_

Setbacks from Lot Lines

Front: \_\_\_\_\_ (m) Rear: \_\_\_\_\_ (m)

Side: \_\_\_\_\_ (m) Side: \_\_\_\_\_ (m)

3. Type of Building:

Length/Width/Height:  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ (m)

Floor Area: \_\_\_\_\_ (m<sup>2</sup>) # of Storeys: \_\_\_\_

Setbacks from Lot Lines

Front: \_\_\_\_\_ (m) Rear: \_\_\_\_\_ (m)

Side: \_\_\_\_\_ (m) Side: \_\_\_\_\_ (m)

4. Type of Building:

Length/Width/Height:  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ (m)

Floor Area: \_\_\_\_\_ (m<sup>2</sup>) # of Storeys: \_\_\_\_

Setbacks from Lot Lines

Front: \_\_\_\_\_ (m) Rear: \_\_\_\_\_ (m)

Side: \_\_\_\_\_ (m) Side: \_\_\_\_\_ (m)

**3.0 PURPOSE OF APPLICATION**

3.1 From which section(s) of the By-law is this application seeking relief? min. lot size and frontage.

3.2 For what reason(s) are you seeking relief?

It is not possible to comply with the provisions of the by-law because \_\_\_\_\_

transferring adjacent lot addition being pt lot 7  
(pt 2 IR-9980) to add to lot addition + lots 8, 9 and 10  
as buffer.

OR

It is preferable not to comply with the provisions of the by-law because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**4.0 DESCRIPTION OF SUBJECT LAND**

4.1 Description of land seeking relief:

Frontage (m) 29.7 m Area (ha/m<sup>2</sup>) .2 ha

Depth (m) 85.1 m Interior Side Yard \_\_\_\_\_

Exterior Side Yard \_\_\_\_\_ Front Yard \_\_\_\_\_ Rear Yard \_\_\_\_\_

Other (specify) \_\_\_\_\_ Proposed Buildings/Structures \_\_\_\_\_

4.2 Minimum By-law Requirements:

Frontage (m) 50 m ✓ Area (ha/m<sup>2</sup>) 1 ha. .4

Depth (m) \_\_\_\_\_ Interior Side Yard \_\_\_\_\_

Exterior Side Yard \_\_\_\_\_ Front Yard \_\_\_\_\_ Rear Yard \_\_\_\_\_

Other (specify) \_\_\_\_\_

4.4 Type of access (Check appropriate box and state road name):

Provincial Highway (#) \_\_\_\_\_

Municipal road, maintained year round  \_\_\_\_\_

Municipal road, seasonally maintained \_\_\_\_\_

County Road (#) \_\_\_\_\_

Private Road \_\_\_\_\_

Right of way \_\_\_\_\_

Water Access \_\_\_\_\_

4.7 Type of water supply existing or proposed (check appropriate box)

- Publicly owned and operated piped water system
- Privately owned and operated piped water system (communal)
- Drilled well
- Lake or other water body
- Other means (please state) \_\_\_\_\_
- Water service not proposed

4.8 Sewage Disposal (Check appropriate box for type of service proposed):

- Publicly owned and operated sanitary sewage system
- Privately owned and operated individual septic system\*
- Privately owned and operated communal septic system\*
- Privy
- Holding tank
- Other (please state) \_\_\_\_\_
- Sewage disposal service not proposed

4.9 Proposed Services

Please provide information about any proposed upgrading in services that you intend to install in relation to the subject application \_\_\_\_\_

N/A

5.0 LAND USE AND HISTORY OF THE SUBJECT LAND

5.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under the Planning Act?  Yes  No  Unknown

If Yes and if known, provide below, the application file number and the decision made on the application. J99-12 - consent given to divide vacant lot additions.

5.2 Current Zoning rural residential Main Use cottage subdivision lot

Main Use of abutting properties: East cottage West cottage

North \_\_\_\_\_ South \_\_\_\_\_

5.3 Current Official Plan Land Use Designation Seasonal Residential/Rural

5.4 Is the subject land the subject of any other application under the Act such as a Zoning By-law Amendment; a Minister's Zoning Order Amendment; a Minor Variance; another Consent; or an approval of a Plan of Subdivision?

Yes  No If yes, specify the following: Type of Application: Planning Bd consent  
 File Number J 2019-06  
 Status of Application conditional of minor variance

**b. Proposed**

[New] [Addition to] N/A  
(circle one) Specify to which building described above the addition is being added to.

Main Use of Proposed Construction: N/A

Type of Building: \_\_\_\_\_  
Length/Width/Height: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (m)  
Floor Area: \_\_\_\_\_ (m<sup>2</sup>) # of Storeys: \_\_\_\_\_  
Setbacks from Lot Lines  
Front: \_\_\_\_\_ Rear: \_\_\_\_\_  
Side: \_\_\_\_\_ Side: \_\_\_\_\_

Other: If the application for the Minor Variance is not to construct a building, please provide a description of the proposal for which you are seeking a minor variance. Include all dimensions and any other information pertinent to this application. \_\_\_\_\_

**6.0 OTHER INFORMATION**

6.1 Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach a separate sheet if necessary.

The applicant applies to vary to conform to original lot size before prior owner added 1/2 lot as buffer. Cottage + septic all constructed on original lot and conforming prior to buying lot addition from neighbour. Severance consent approved Sept. 2/19.

10.0 REQUIRED SKETCH

Owner: J. M. Wilson  
Geographic Township of Johnson Lot \_\_\_\_\_  
Conc. \_\_\_\_\_  
Plan H 616 Part Lot G


**NOTE:** To ensure that this application proceeds without any unnecessary delays, please be sure to complete a reasonably accurate sketch illustrating all the required information as outlined below:

- The boundaries and dimensions of the subject land (i.e. both the part that is to be severed and the part that is to be retained)
- The boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land
- The distance between the subject land and the nearest municipal lot line or landmark, such as municipal road, bridge, etc.
- The location of all previously severed from the parcel originally acquired by the current owner of the subject land
- The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, roads, watercourses, wetlands, wooded areas, wells and septic tanks
- The existing use(s) on adjacent lands such as but not limited to residential, agricultural and commercial uses
- The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, A public traveled road, a private road or a right-of-way
- If access to the subject land is by water only, the location of the parking and boat docking facilities to be used
- The location and nature of any easement affecting the subject land
- If a lot addition, clearly identify the lands to which the subject parcel will be added

**7.0 AFFIDAVIT OR SWORN DECLARATION**

Declaration for the prescribed information: I Jeannie MacDonald Wilson of the City of Toronto in the province of Ontario make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true.

Sworn (or Declared) before me at the City of Sault Ste. Marie in the District of Algoma, this 27th day of September, 20 19

 Commissioner of Oaths (include stamp below) JM Wilson Signature of Applicant/Solicitor or Authorized Agent

**8.0 AUTHORIZATION (if applicable)**

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed. I Jeannie MacDonald Wilson am the owner of the land that is the subject of this application for consent and I authorize Wilson to make this application on my behalf.

Signature of Owner JM Wilson Date Sept 27, 2019

**9.0 IMPORTANT - PLEASE READ NOTICE OF COLLECTION MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

Personal information collected on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, as amended and will be used to assist in making a decision on this matter. All names, Addresses, opinions and comments will be made available for public disclosure. Questions Regarding this collection should be forwarded to: The Clerk, Municipality of \_\_\_\_\_, 123 Main Street North, \_\_\_\_\_, Ontario XXX-XXX, Phone: 555-555-5555.

- 9.1 Please indicate on the enclosed key map, the location of the subject property.
- 9.2 In order to enable the required personnel to inspect the property, please provide on Page 8, clear & concise directions to the subject land. If property is not located on a highway or municipal road, please provide a sketch below or on the reverse. Please note it is very important that the directions are adequate. If the inspectors are unable to locate the subject lands because of poor directions, your application may be delayed.
- 9.3 It is required that two (2) copies of the application along with the prescribed fee be filed with the Secretary Treasurer of the Municipality of \_\_\_\_\_ Committee of Adjustment accompanied by the prescribed fee in cash or by cheque payable to the Municipality of \_\_\_\_\_





**Desbarats to Echo Bay Planning Board**  
**Township of Johnson**  
 J2019-06 Wilson  
 Registered Plan No H616  
 Foster Drive, Part Lot 7, Part No 2

Maps are provided as a courtesy only and the Desbarats to Echo Bay Planning Board makes no warranties as to the accuracy of this information. This map is not intended to be used for conveyance, authoritative definition of the legal boundary, or property title. This is not a survey product.







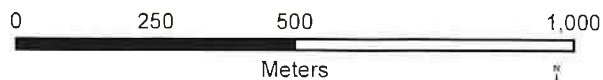
# Desbarats to Echo Bay Planning Board

Johnson Township

J2019/06 Wilsoni

Registered Plan No H616

Foster Drive, Part Lot 7, Part No 2



Maps are provided as a courtesy only and the Municipality of Wawa makes no warranties as to the accuracy of this information. This map is not intended to be used for conveyance, authoritative definition of the legal boundary, or property title. This is not a survey product.



**The Corporation of the Township of Johnson  
Report**

**The Office of the Clerk  
Chris Wray, AMCT**

<b>Prepared For:</b> Committee of Adjustment	<b>Report No.</b> WRAY-A-01-2020
<b>Agenda Date:</b> March 18, 2020	<b>File No:</b> A-01-2020 Wilson

**Subject**

The subject of this report is an application by Jeannie MacDonald Wilson for relief from the Zoning Bylaw that restricts the minimum front yard setback to 50m and the minimum lot size to 0.2 ha.

The relief being sought as a condition of Planning Board Application J-2019-06.


**List of Stakeholders**

The list of stakeholders with respect to the subject of this report includes:

1. Ratepayers
2. The Township of Johnson
3. Mayor and Council
4. Jeannie MacDonald Wilson

**Summary of Recommendation**

The Application should be approved as it meets the four (4) test of a Minor Variance in the Planning Act.

<b>Respectfully Submitted By:</b> 	<b>Reviewed By:</b>
<b>Chris Wray Clerk</b>	<b>Chris Wray Clerk</b>



## Background & Analysis

### Background

The subject land is legal non-conforming in nature. This means that if the subject land and was to be created today and under the present Zoning Bylaw it would not conform to that bylaw. It would be subject to a zoning amendment and quite possibly an Official Plan amendment. Its existence at the time of the creation of the present bylaw grants the legal non-conforming status.

In September 2019, the applicant sold 0.1 ha to the neighbouring property owner (Welles) to allow the property owner to maintain the land as a buffer between the two residences. An application for the severance was approved by the Planning Board subject to the Minor Variance.

The sale and severance of the 0.1 ha from the Applicant to the adjoining property owner did not affect the property of the Applicant in any way. The reduction of the 0.1 ha does not have an effect of the zoning status. However, the Minor Variance is required in order for the Planning Board to remove the conditional status from the lot severance.

The Applicant, Jeannie MacDonald Wilson submitted an Application for a Minor Variance to allow relief from the front yard setback of 50m and the minimum lot size of 1 ha.

The subject lands are located at 3 Foster Drive and noted as, PLAN H800 LOTS 6 & 7PT RP 1R9980 PART 2 and as shown in the figure below.



The Applicant is seeking to continue the legal non-conforming status that was granted through Zoning By-law 91-219. The Applicants have provided the following information:

1. The subject property is 0.2 ha; 28.8 m of frontage and an irregular depth of 71.77 m and 85.1 m.
2. The property is zoned Seasonal Residential (SR).
3. There is a cottage on the property that was built in the 1960's and has an area of 800 sq. m.
4. There are no other distinguishing features of the property.

### **Policies Affecting Proposal**

Section 5.7.2 of Zoning Bylaw 91-219 restricts the Minimum Lot Area per Dwelling Unit at 1 ha. and a Minimum Lot Frontage of 50 m. Anything below these restrictions requires a minor variance.

### **Options**

#### **Option 1**

Reject the application

#### **Option 2**

Approve the Application

### **Recommendation**

The applicant has taken all the necessary measures to ensure that the Application was complete and provided the necessary information.

In my opinion, the relief being sought is minor in that:

1. The application is minor in nature.
2. The application is desirable for the appropriate development of the lands in question as it is a continuation of the legal non-conforming use of the property.
3. The application conforms to the general intent of the Zoning Bylaw and does not require consideration of an amendment to the Bylaw.
4. The application conforms to the general intent of the Official Plan in that is not changing the use of subject property.

It is my recommendation that the variance be granted.