

**Filing Date:** September 3, 2019

**Hearing Date:** July 28, 2020

**Files:** B19-026 and A19-166

**Owner/  
Applicant:** **DAVID JEFFREY ROLLINGS AND KAREEN MARY ROLLINGS**

**Address:** **1553 Hallstone Road**

**Ward:** 6

**Contact:** Shelby Swinfield, Planner I, Development

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**Recommendations:**

That consent application B19-026 is supportable subject to the following conditions being imposed:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given.
  - a) A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
  - b) Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received;
2. That the applicant shall enter into an agreement with the City relating to the future gratuitous conveyance of right-of-way shown in the Official Plan to the City in the event and at such time as the City may in the future determine the conveyance is required for future municipal, utility or service infrastructure needs or requirements, to the satisfaction of the Director of Development Services and the City Solicitor;

AND that variance application A19-166 is supportable, subject to the following conditions being imposed:

3. That any removal, demolition or alteration of any heritage feature within the Village of Churchville Heritage Conservation District, including the hedgerows, mature trees and wood split rail fence along Hallstone Road shall be reviewed and approved through a Heritage Permit in accordance with the *Ontario Heritage Act*, the Village of Churchville Heritage Conservation District Plan and sections 4.10.3.10., 4.10.3.11 and 4.10.3.12 of the Official Plan; and
  4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

The subject applications were submitted in September 2019 in order to facilitate the creation of a new lot. The purpose of the applications are to request the consent of the Committee to sever a parcel of land currently having a total area of approximately 4551 square metres (1.12 acres). The effect of the applications are to create a new residential lot having a frontage on Hallstone Road of approximately 32.5m (106.63 ft.), a depth of approximately 43.0m (141.08 ft.) and an area of approximately 1462 square metres (0.36 acres) for future residential development. The severed parcel is proposed to have a reduced lot depth due to the overall shape of the property being not a perfect rectangle.

The application was previously deferred due to concerns regarding heritage features on the property, and the City's road widening requirements. It was previously the City's position that a road widening needed to be gratuitously dedicated immediately to the City as a condition of the severance approval. However, in late June 2020, City Council passed a resolution regarding road widening dedication within the Churchville Heritage District that no longer required physical dedication of the land at the time of severance, but rather that the property owner enter into an agreement (to be registered on title) that, should the road widening be needed by the City for critical projects, the land owner will agree to give the land to the City at that time.

Given this resolution by City Council, the Consent and associated Minor Variance applications to facilitate the creation of a new lot are now before Committee again and are both presented within this report.

### **Existing Zoning:**

The property is zoned "Residential Hamlet Two (RHM2)" according to By-law 270-2004, as amended.

### **Minor Variance Request:**

### **Requested Variance:**

The applicant is requesting the following variance:

1. To permit a lot depth of 43 metres whereas the by-law requires a minimum lot depth of 45 metres.

1. Conforms to the Intent of the Official Plan

The property is designated “Village Residential” and “Open Space” in the Official Plan and “Churchville Heritage Conservation District” in the Bram West Secondary Plan (Area 40c). The requested variance represents a nominal change in required lot depth to facilitate the creation of a new lot and does not have significant implications within the policies of the Official Plan. Subject to the recommended conditions of approval, the requested variance is considered to maintain the intent of the Official Plan

2. Conforms to the Intent of the Zoning By-law

The property is zoned “Residential Hamlet Two (RHM2)” according to By-law 270-2004, as amended. The intent of the by-law in regulating minimum lot depth is to ensure that a certain size and character of lot is maintained. Variance 1 is required to permit a lot depth of 43 metres whereas the by-law requires a minimum lot depth of 45 metres. This reduction is nominal in nature and will not negatively impact the character or compromise the lot’s ability to meet minimum area requirements. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

3. Desirable for the Appropriate Development of the Land

The requested variance to permit a reduced lot depth is not anticipated to have any adverse impacts on the streetscape or character of the lot. Subject to the conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance to permit a lot depth of 43 metres whereas the by-law requires a minimum lot depth of 45 metres is considered to be a nominal change that will not negatively impact the development of the lot or those around it. Subject to the conditions of approval, the requested variance is considered to be minor in nature.

## **Consent Request**

### **Current Situation:**

Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule “A” attached to this report), and advise that the proposed consent application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,

***Shelby Swinfield***

Shelby Swinfield, Planner I, Development

**SCHEDULE "A"**  
**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE**  
**PLANNING ACT**

<b>Criteria To Be Considered</b>	<b>Analysis</b>
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed consent has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed consent is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed consent does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The proposed consent is intended to facilitate the development of a single detached residential dwelling. The proposed uses are a suitable use of the lands.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed consent does not present any concern with regard to the adequacy of the roadway network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The proposed consent is accompanied by a Minor Variance request (presented above) to permit a reduced lot depth. Despite the proposed reduced lot depth, the dimension and shape of the lot is appropriate for the neighbourhood.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be</i>	The subject property is located within the Churchville Heritage Conservation District. As such, any new buildings or alterations to the property will be required to be

<i>erected on it and the restrictions, if any, on adjoining land;</i>	reviewed through a Heritage Permit to ensure compliance with the Provincial and local heritage policies.
<i>h) The conservation of natural resources and flood control;</i>	The proposed consent presents no concerns with regard to flood control and the conservation of natural resources.
<i>i) The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.
<i>j) The adequacy of school sites;</i>	The proposed consent presents no concerns with regard to the adequacy of school sites.
<i>k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	A condition of approval is recommended that, in accordance with Council direction, the road widening will not be immediately required but that the applicant shall enter into an agreement with the City to provide the road widening at a later time, should it be needed.
<i>l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed consent has no impact on matters of energy conservation.
<i>m) The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	The property is located within the Churchville Heritage Conservation District, which requires that any new dwellings be reviewed and approved through a Heritage Permit process. Staff are satisfied that this review will address any design matters with the proposal.