

Filing Date: September 27, 2022

Hearing Date: January 24, 2023

File: B-2022-0015 & A-2022-0323

**Owner/
Applicant:**

PAUL PFUNDT AND ROBERTA ROSEMARIE ELIZABETH PFUNDT

Address: 10300 The Gore Road

Ward: WARD 10

Contact: François Hémon-Morneau, Planner III

Recommendations:

That application **B-2022-0015** is supportable, subject to the following conditions being imposed:

1. 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;
2. 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; and,
3. Satisfactory arrangement shall be made between the owner and the Region regarding land dedication and access configuration.

That application **A-2022-0323** is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; and,
 2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 15.77 hectares (38.97 acres). The proposed severed lot has an area of approximately 15.16 hectares (37.46 acres). The effect of the application is to separate the proposed retained lot which remains occupied by a single detached dwelling, a designated heritage building and an accessory structure (shed) from the proposed severed lot which is currently zoned Agricultural and Floodplain.

Background:

- **Official Plan:** The subject property is designated '**Residential**' in the Official Plan;
- **Secondary Plan:** The subject property is located within the **Gore Meadows Secondary Plan** (Area 56) for which there is no Secondary Plan in effect;
- **Zoning By-law:** The subject property is zoned '**Agricultural – Special Section 1520 (A-1520)**' according to By-Law 270-2004, as amended.

Requested Severance:

The severance application is intended to facilitate the creation of a new lot encompassing an existing detached dwelling and accessory structures. The proposed development includes the severance of the subject property into two separate lots. The retained portion will include the existing dwelling and the former schoolhouse and the severed lands will include the two farm buildings and agricultural fields. There is no proposed development of the retained or severed lands as part of this severance application. A related minor variance application (A-2022-0323) is required to allow the resulting reduced lot area and setbacks to an existing accessory structure on the retained lot.

Staff has undertaken a thorough review of the proposals, 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 applications are considered to represent proper and orderly planning and can be supported from a land use perspective.

Minor Variance Application:

The applicant is requesting the following variance(s) in conjunction with the proposed retained lot under Consent Application B-2022-0015:

1. To permit a minimum lot area of 0.33 hectares whereas the by-law requires a minimum lot area of 4.0 hectares;
2. To permit a minimum rear yard setback of 0.5m (1.64 ft.) to an existing accessory structure (shed) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest property lines for an accessory structure.

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated 'Residential' in the Official Plan and is located within the Gore Meadows Secondary Plan (Area 56) for which there is no Secondary Plan in effect.

The variances are requested in connection to the severance of the property and seek to permit the resulting lot area and location of an existing accessory structure. The variances have no impact within the context of the policies of the Official Plan. Subject to the recommended conditions of approval, the requested variances maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The first variance is requested to permit a minimum lot area of 0.33 hectares whereas the by-law requires a minimum lot area of 4.0 hectares. The intent of the by-law in requiring a minimum lot area is to ensure that a certain character is maintained for the property and that the size of the lot is capable of accommodating the intended use or development. The Agricultural zone provides for large lot sizes meant to accommodate agricultural uses and operations. The reduced lot area is not anticipated to jeopardize the functionality of the lot and will effectively maintain the character of the surrounding area. As such, the proposed lot area of 3,300 sq. m (0.33 hectares) is not anticipated to negatively impact the character of the property or the surrounding neighbourhood. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

The second variance is requested to permit a minimum rear yard setback of 0.5m (1.64 ft.) to an existing accessory structure (shed) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest property lines for an accessory structure. The intent of the by-law in regulating minimum setbacks for accessory structures is to ensure that there is adequate room for drainage and maintenance of structures. In this case, the shed generally requires minimal maintenance and drainage in the rear yard does not appear to have been affected by the shed. The location of the structure is not considered to impact the drainage on adjacent properties. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances reflect the existing conditions of the site and will facilitate the overall severance of the property. The first variance is needed to allow the resulting lot area which is less than what the By-law requires. The reduction in lot area is partly attributable to the Regional requirements for land dedication which are contemplated as part of the severance. The existing residential dwelling and other structures on the retained lot are not anticipated to be negatively impacted by the severance and reduced lot area. The second variance is requested to allow the location of an existing shed with reduced setbacks in the rear yard of the property. The adjacent property consists of agricultural land and the accessory structure is not considered to negatively impact access or drainage on-site or off-site. The variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The first variance is needed to allow the resulting lot area which is approximately 0.07 hectares (700 sq. m) less than what the By-law requires. This decrease is considered to be a minor deviation from the Zoning By-law and is not anticipated to generate negative impacts to the functioning of the property or adjacent properties. The second variance is reflective of existing site conditions relating to reduced setbacks to a shed. The location of the shed is not considered to negatively impact the site or adjacent properties. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner III

SCHEDULE "A"

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

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest:</i>	The proposed severance has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance 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 severance 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 severance is suitable for the purposes for which it is to be subdivided.
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 severance does not present any concern with regard to the adequacy of the roadwork network. The Region of Peel will require the gratuitous dedication of lands to meet the Official Plan requirement of a 45 metre mid-block Right of Way along The Gore Road (Regional Road 8) 22.5 metres from the centreline of the road allowance. It will also require the gratuitous dedication of a 0.3 metre reserve along the frontage of The Gore Road behind the property line, lifted over any approved access.
f) <i>The dimensions and shapes of the proposed lots;</i>	The shape and dimension of the proposed and retained lots are appropriate for the intended uses. A minor variance is requested to permit a 0.07 hectare reduction to the required lot area.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected</i>	No concerns are noted with regard to restrictions on the lands included in the lease area.

<p><i>on it and the restrictions, if any, on adjoining land;</i></p>	
<p>h) <i>The conservation of natural resources and flood control;</i></p>	<p>The proposed severance presents no concerns with regard to flood control and the conservation of natural resources.</p>
<p>i) <i>The adequacy of utilities and municipal services;</i></p>	<p>There are no concerns with regard to the adequacy of utilities and municipal services.</p>
<p>j) <i>The adequacy of school sites;</i></p>	<p>The proposed severance present no concerns with regard to the adequacy of school sites.</p>
<p>k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i></p>	<p>There are no concerns related to conveyances for public purposes. The dedication of land to the Region of Peel will be required to accommodate future road widening of The Gore Road.</p>
<p>l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i></p>	<p>The proposed severance has no impact on matters of energy conservation.</p>
<p>m) <i>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></p>	<p>The proposed severance has no impact on matters of Site Plan Control under the Planning Act.</p>