



Township of North Stormont

Agenda

Committee of Adjustment

Wednesday, September 8, 2021 @ 4:30 PM

Council Chambers

	Page
1. CALL TO ORDER	
1.1. Open Be it resolved that this meeting open for business at 4:30 p.m.	
2. ADOPTION OF AGENDA (AMENDMENTS, ADDITIONS OR DELETIONS)	
2.1. Adopt Be it resolved that the agenda be approved as presented.	
3. DISCLOSURE OF PECUNIARY INTEREST	
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4. ADOPTION OF MINUTES OF PREVIOUS MEETING	
4.1. Be it resolved that the following minutes be approved as presented: Committee of Adjustment - June 8, 2021 Committee of Adjustment - June 8, 2021	5 - 6
5. PRESENTATIONS	
5.1. Be it resolved that the committee receives the planning report, A-2021-02 (CAWA) Report A-2021-02 (CAWA) Report	7 - 11
5.2. Be it resolved that the committee receives the planning report, A-2021-03 (CAWA) Report A-2021-03 (CAWA) Report	12 - 16
5.3. Be it resolved that the committee receives the planning report, A-2021-04 (MacDonell) Report A-2021-04 (MacDonell) Report	17 - 21
6. QUESTION PERIOD RESERVED FOR MEMBERS OF THE PUBLIC	
7. DECISION	
7.1. Be it resolved that the Committee of Adjustment grants relief from Section 11.1 2) of the Zoning By-law, which establishes a minimum lot area requirement of 300,000 m ² for an agricultural use in the "Agricultural" (AG) Zone and to allow the reduction of the minimum lot	22

area required for an agricultural use in the Agricultural (AG) Zone from 300,000 m2 to 113,000 m2.

[Decision - A-2021-02 \(CAWA PRECISION INC.\)](#)

- 7.2. Be it resolved that the Committee of Adjustment grants relief from Section 12.1 2) a) of the Zoning By-Law which requires an agricultural use in the Rural (RU) zone to comply with the provisions of the Agricultural (AG) zone being Section 11.1 2) of the Zoning By-law, that establishes a minimum lot area requirement of 300,000 m2 for an agricultural use in the “Agricultural” (AG) zone. The relief is granted to allow the reduction of the minimum lot area required for an agricultural use in the Rural (RU) Zone from 300,000 m2 to 267,000 m2 23

[Decision - A-2021-03 \(CAWA PRECISION INC.\)](#)

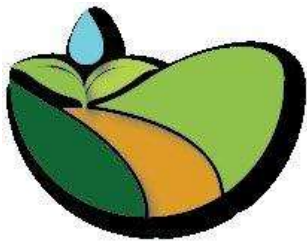
- 7.3. Be it resolved that the Committee of Adjustment grants relief from Section 12.1 2) a) of the Zoning By-Law which requires an agricultural use in the Rural (RU) zone to comply with the provisions of the Agricultural (AG) zone being Section 11.1 2) of the Zoning By-law, that establishes a minimum lot area requirement of 300,000 m2 for an agricultural use in the “Agricultural” (AG) zone. The relief is granted to allow the reduction of the minimum lot area required for an agricultural use in the Rural (RU) Zone from 300,000 m2 to 121,000 m2. 24

[Decision - A-2021-04 \(MacDonell\)](#)

8. ADJOURNMENT

8.1. Close

Be it resolved that this Committee of Adjustment meeting adjourns at _____ p.m.



**CANTON DE STORMONT NORD
TOWNSHIP OF NORTH STORMONT**

**DÉCLARATION D'INTÉRÊT – *Loi sur les conflits d'intérêt municipaux*
DECLARATION OF INTEREST – *Municipal Conflict of Interest Act***

Date _____

Nº de l'article et sujet / *Item No and Title:* _____

Je / I, _____ membre du conseil du Canton de Stormont
Nord/Township of North Stormont Council Member:

déclare avoir un intérêt pécuniaire potentiel (réputé ☐ / direct ☐ / indirect ☐
concernant le sujet ci-haut mentionné de l'ordre du jour du Conseil / Comité pour les
raisons suivantes : _____

declare a potential (deemed ☐ / direct ☐ / indirect ☐) pecuniary interest on Council /
Committee Agenda for the following reason: _____

Signature

- Pour un « intérêt pécuniaire indirect » voir l'article 2 de la Loi sur les conflits d'intérêt municipaux.
- For an "indirect pecuniary interest" see Section 2 of the Municipal Conflict of Interest Act.
- Pour un « intérêt pécuniaire réputé » direct ou indirect voir l'article 3 de la Loi sur les conflits d'intérêt municipaux.
- For a "deemed" direct or indirect pecuniary interest see Section 3 of the Municipal Conflict of Interest Act.

Intérêt pécuniaire indirect

2 Pour l'application de la présente loi, le membre a un intérêt pécuniaire indirect dans une affaire du ressort du conseil ou du conseil local, dans les cas suivants :

- a) le membre, directement ou par personne interposée :
 - (i) est actionnaire, administrateur ou dirigeant d'une personne morale dont les valeurs mobilières ne sont pas offertes au public,
 - (ii) détient des intérêts majoritaires dans une personne morale dont les valeurs mobilières sont offertes au public, ou en est administrateur ou dirigeant,
 - (iii) est membre d'un organisme, qui a un intérêt pécuniaire dans l'affaire;
- b) il est l'associé d'une personne ou l'employé d'une personne ou d'un organisme qui a un intérêt pécuniaire dans l'affaire. L.R.O. 1990, chap. M.50, art. 2.

Intérêt de certaines personnes réputé celui du membre

3 Pour l'application de la présente loi, l'intérêt pécuniaire, direct ou indirect, du père ou de la mère, du conjoint ou d'un enfant d'un membre, est réputé, si le membre en est au courant, un intérêt pécuniaire de celui-ci L.R.O. 1990, chap. M.50, art. 3; 1999, chap. 6, par. 41 (2); 2005, chap. 5, par. 45 (3).

Indirect pecuniary interest

2 For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

- (a) the member or his or her nominee,
 - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
 - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
 - (iii) is a member of a body, that has a pecuniary interest in the matter; or
- (b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

Interest of certain persons deemed that of member

3 For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).



**Township of North Stormont
MINUTES
Committee of Adjustment
Tuesday, June 8, 2021
Council Chambers
8:30 AM**

COUNCIL PRESENT: Francois Landry, Chairman
Adrian Bugelli, Member
Randy Douglas, Member
Michael Houston, Member

STAFF PRESENT: Mary McCuaig, Clerk's Department
Moe Hammoud, Secretary-Treasurer

MEDIA PRESENT: Nil

1. CALL TO ORDER

CAO-01-2021 *Moved by Michael Houston, Seconded by Randy Douglas
Be it resolved that this Committee of Adjustment meeting is open for business
at 8:30 a.m.
CARRIED*

2. AMENDMENT TO THE AGENDA(ADDITION/DELETION)

3. ADOPTION OF AGENDA

COA-02-2021 *Moved by Adrian Bugelli, Seconded by Michael Houston
Be it resolved that the agenda be approved as presented.
CARRIED*

4. DISCLOSURE OF PECUNIARY INTEREST

5. ADOPTION OF MINUTES OF PREVIOUS MEETING

COA-03-2021 *Moved by Randy Douglas, Seconded by Michael Houston
Be it resolved that the following minutes be approved as presented:*

Committee of Adjustment – October 13, 2020
CARRIED

6. PRESENTATIONS

COA-04-2021 *Moved by Adrian Bugelli, Seconded by Randy Douglas
Be it resolved that the committee receives this planning report.
CARRIED*

7. QUESTION PERIOD RESERVED FOR MEMBERS OF THE PUBLIC

8. QUESTION PERIOD RESERVED TO COUNCIL MEMBERS

9. DECISION

COA-05-2021 *Moved by Michael Houston, Seconded by Adrian Bugelli
Be it resolved that the Committee of Adjustment grants relief from Section 6.1 (2) f) of the Zoning By-law, which establishes a minimum required rear yard depth of 6.0 metres for a single detached dwelling in the “Residential First Density (R1) Zone”. A consent application on the subject property (B-119-20) proposes a new lot creation fronting on John Street. The proposal wishes to establish the new north-west property boundary to the rear of the dwelling at 36 Charles Street having a rear yard depth less than what is permitted and therefore will not comply with the Zoning By-law. The effect of the application is to reduce the minimum rear yard depth required for a single detached dwelling in the Residential First Density (R1) Zone from 6.0 metres to 5.70 metres to allow for the establishment of new property boundaries created via consent application on the subject lands.
CARRIED*

10. ADJOURNMENT

COA-06-2021 *Moved by Adrian Bugelli, Seconded by Randy Douglas
Be it resolved that this Committee of Adjustment adjourns at 8:44 a.m.
CARRIED*

Francois Landry, Chairman

Moe Hammoud, Secretary-Treasurer



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COMMITTEE OF ADJUSTMENT

Prepared for: Committee of Adjustment
Meeting Date: September 8th, 2021
Subject: Minor Variance Application A-2021-02 (CAWA PRECISION INC.)
Owner/Applicant: CAWA PRECISION INC.
Roll No.: 041101600035000
Property Location: PT LT 7 CON 1 ROXBOROUGH; NORTH STORMONT



Image 1: Subject Property highlighted in Yellow.

Purpose of the Application

To permit relief from Section 11.1 2) of the Zoning By-law, which establishes a minimum lot area requirement of 300,000 m² for an agricultural use in the “Agricultural” (AG) Zone. A provisional consent decision has been granted on the subject property (B-75-21) for a new lot creation being a residence surplus to a farming operation. The proposal wishes to allow for agricultural uses such as growing of crops to continue on a new lot (the retained land) having an area less than what is permitted and therefore will not comply with today’s Zoning By-law.

Effect of the Application

To reduce the minimum lot area required for an agricultural use in the Agricultural (AG) Zone from 300,000 m² to 113,000 m² and allow for an agricultural use to comply on the retained lands. However, the subject lands may still need to comply with any applicable legislation, policy, or guideline concerning agricultural uses such as the Nutrient Management Act, 2002 and the Minimum Distance Separation (MDS) Formulae, Publication 853.

Background

The applicant is proposing to divide the subject lands by severing the residence at 3930 Bender Road from the retained agricultural lands, this is commonly referred to as a ‘surplus farm dwelling’. The applicant has been granted provisional consent by the United Counties of Stormont, Dundas, and Glengarry (Application B-75-21). The proposed consent will result in two (2) separate parcels of land, the severed lot containing the dwelling will be approximately 1.5 acres (6000 m²) in area and the retained agricultural land will be approximately 28 acres (113,000m²) in area. In doing so, the proposed consent will produce a property (the retained lands) that is now noncomplying with today’s zoning by-law regarding the minimum area requirements for an *agricultural use* in the Agricultural (AG) Zone.

The subject lands are currently approximately 29.5 acres (119,000 m²) in size and located adjacent to the North Raisin River in a predominately agricultural and forested area. The property has frontage along Bender Road and McMillan’s Corners Road. The subject lands are zoned “Agricultural (AG)” in the Township’s Zoning By-law and designated “Agricultural Resource Lands” in the United Counties of SDG Official Plan. A portion of the subject lands are zoned “Flood Plain” (FP) and “Hazard lands” (H), due to the proximity of the North Raisin River. The surrounding land use context is a mix of various agricultural activities related to cash crop and livestock, forests, and low-density dwellings. The subject property is currently being cultivated for cash crop.

Circulation

The proposal was circulated to all adjacent landowners within 60 metres of the subject property, as well as all prescribed agencies and persons described under Section 45 of the Planning Act.

As of 12:00PM on Friday September 3rd, no oral or written submissions were received from a public agency or public member concerning the proposed minor variance application.

Summary of Four Tests

1. Is the general intent and purpose of the Official Plan (OP) maintained?

- The subject lands are designated “Agricultural Resource Lands” under the United Counties of SDG Official Plan.

- Table 5.2 outlines the scope of uses permitted within Agricultural Resource Lands, which includes Agricultural uses, Agriculture-related uses and on-farm diversified uses (in accordance with Section 2.3.3.1 of the Provincial Policy Statement), and Existing dwellings and dwellings on lots created by consent under Section 8.12.13. The proposal is in keeping with the uses intended for the Agricultural Resource Lands.
- Section 8.12.13.3
 - 7. Agricultural Resource Lands
 - a. A consent may be granted on lands designated as Agricultural Resource Lands as shown on the Land Use Plan Schedules for:
 - iii. A residence surplus to a farming operation, if;
 - I. the new lot will be limited to a minimum size needed to
 - II. the Local municipality shall, through the Zoning By-law or other municipality approach, prohibit further dwellings on the vacant retained lands created by the subject consent.
- Considering the above, staff are of the opinion that the proposal would be in keeping with the general intent and purpose of the Official Plan.

2. Is the general intent and purpose of the Zoning By-law maintained?

- The subject lands are zoned “Agricultural (AG)” under the Township’s Zoning By-law #08-2014.
- Section 11.1 1) outlines the permitted uses and zoning provisions applicable to the AG zone. An *agricultural use* constitutes a permitted use in the AG zone and if the new property boundaries are permitted, it appears to meet and/or exceed all the applicable zone requirements, except for the minimum area requirement.
- Section 17.1) outlines the permitted uses and zoning provisions applicable to the H zone. An *agricultural use excluding buildings* constitutes a permitted use in the H zone and if the new property boundaries are permitted, it appears to meet and/or exceed all the applicable zone requirements.
- Section 3.52) Surplus Farm Dwelling Severance Properties, Notwithstanding the Permitted Uses in the ‘Agricultural (AG)’ zone, a single detached residential dwelling (one family dwelling) and a home based business shall not be permitted on the remaining agricultural parcel resulting from the surplus farm dwelling severance; No existing or proposed buildings or structures on either the severed or retained parcels shall be used for the purpose of a feedlot, housing of livestock or manure storage unless they comply with the Minimum Distance Separation (MDS) formula and Nutrient Management Act, as amended from time to time; Any existing accessory buildings on the residential parcel shall be granted relief of building height, floor area and accessory structure lot coverage up to the dimensions existing at the time of the severance; Any new zoning deficiencies created by a surplus farm dwelling severance require zoning relief through the approval of a Minor Variance application, pursuant to Section 45 of the Planning Act, R.S.O. 1990, C.P. 13 as amended;
- The minimum area requirement for an agricultural use in the agricultural zone is 74 acres (300,000m²). The applicant is proposing an area of 28 acres (113,000m²). In the case of agricultural uses, these area requirements are largely intended to discourage fragmentation of agricultural resource land and ensure that viable agricultural operations can continue on adequately sized properties. The keeping of livestock must comply with the Minimum Distance Separation (MDS) formula and Nutrient Management Act, the

area requirement for an agricultural use provides ample size for property owners to meet these requirements.

As can be seen on the keymap, the proposed consent will separate the dwelling from the retained farmland that is presently being cultivated. The retained land will be rezoned to prohibit further dwellings on the vacant retained land. This will limit the permitted uses on the retained lands but preserve the potential for agricultural related uses. Any proposed livestock or manure storage must still comply with Minimum Distance Separation (MDS) formula and Nutrient Management Act, as amended from time to time. The remainder of the retained and severed lands otherwise meets or exceeds the minimum requirements of the zoning by-law.

- Considering the above, staff are of the opinion that the proposal would be in keeping with the general intent and purpose of the zoning by-law.

3. *Is the variance desirable for the appropriate development of the lands in question?*

- The subject property is designated and zoned for agricultural uses. The proposal constitutes a use explicitly intended under these designations. Notwithstanding the noncompliance with the minimum area requirement, the proposal otherwise appears to meet and/or exceed the minimum standards applicable to this type of use.
- Considering the above, staff are of the opinion that the proposed variance is desirable for the appropriate development of the lands in question.

4. *Is the variance minor?*

- Staff are of the opinion that the proposal is minor in nature as it is unlikely to result in adverse impacts on adjacent properties and/or the Township's assets and infrastructure. The application would be in keeping of the existing character of the area. For reference, the proposed reduction represents a 62.3% variance from the minimum area requirement stipulated in Section 11.1 2) of Zoning By-Law #08-2014.

Recommended Conditions

1. None

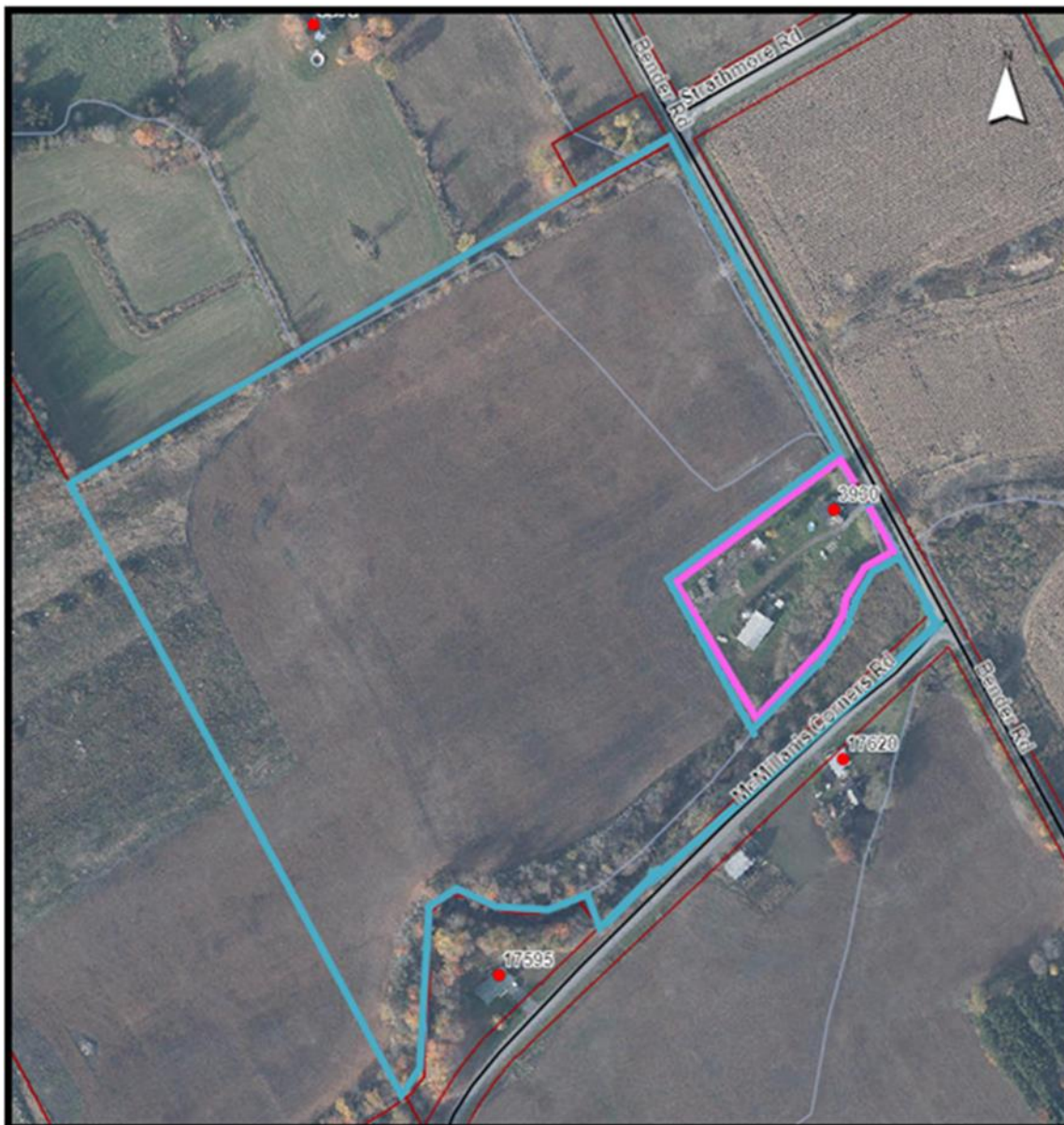
Prepared and submitted by:

Moe Hammoud, EIT
Asset Management/Junior Planner
Township of North Stormont


Reviewed by:


Austin Winters,
Deputy Clerk
Township of North Stormont

Schedule "A" – Proposed Property Boundaries After Land Division



PT LT 7 CON 1 ROXBOROUGH; NORTH STORMONT Outlined in *Blue* and *Pink*

 - Retained lands after severance (Area = ~ 113,000 m²)

 - Severed lands (residence surplus to farming operation)



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COMMITTEE OF ADJUSTMENT

Prepared for: Committee of Adjustment
Meeting Date: September 8th, 2021
Subject: Minor Variance Application A-2021-03 (CAWA PRECISION INC.)
Owner/Applicant: CAWA PRECISION INC.
Roll No.: 041101600035500
Property Location: PT LT 7 CON 1 ROXBOROUGH; NORTH STORMONT



Image 1: Subject Property highlighted in Yellow.

Purpose of the Application

To permit relief from Section 12.1 2) a) of the Zoning By-Law which requires an agricultural use in the Rural (RU) zone to comply with the provisions of the Agricultural (AG) zone being Section 11.1 2) of the Zoning By-law, that establishes a minimum lot area requirement of 300,000 m² for an agricultural use in the “Agricultural” (AG) zone. A provisional consent decision has been granted on the subject property (B-76-21) for a new lot creation to separate the dwelling (17620 McMillan Corners Rd) from the retained lands. The proposal wishes to allow for agricultural uses such as growing of crops to continue on a new lot (the retained land) having an area less than what is permitted and therefore will not comply with today’s Zoning By-law.

Effect of the Application

To reduce the minimum lot area required for an agricultural use in the Rural (RU) Zone from 300,000 m² to 267,000 m² and allow for an agricultural use to comply on the retained lands. However, the subject lands may still need to comply with any applicable legislation, policy, or guideline concerning agricultural uses such as the Nutrient Management Act, 2002 and the Minimum Distance Separation (MDS) Formulae, Publication 853.

Background

The applicant is proposing to divide the subject lands by severing the residence at 17620 McMillan’s Corners Road from the retained lands which are forested and partially cultivated. The applicant has been granted provisional consent by the United Counties of Stormont, Dundas, and Glengarry (Application B-76-21). The proposed consent will result in two (2) separate parcels of land, the severed lot containing the dwelling will be approximately 1.0 acre (4000 m²) in area and the retained land will be approximately 68 acres (275,000m²) in area. In doing so, the proposed consent will produce a property (the retained lands) that is now noncomplying with today’s zoning by-law regarding the minimum area requirements for an agricultural use in the Rural (RU) Zone.

The subject lands are currently approximately 69 acres (279,000 m²) in size and located adjacent to the boundary of the Township of South Stormont in a predominately agricultural and forested area. The property has frontage along Bender Road and McMillan’s Corners Road. The subject lands are zoned “Rural (RU)” in the Township’s Zoning By-law and designated “Rural District” in the United Counties of SDG Official Plan. The surrounding land use context is a mix of various agricultural activities related to cash crop and livestock, forests, and low-density dwellings. The subject property is currently being partially cultivated for cash crop and the remainder of the land is forested.

Circulation

The proposal was circulated to all adjacent landowners within 60 metres of the subject property, as well as all prescribed agencies and persons described under Section 45 of the Planning Act.

As of 12:00PM on Friday September 3rd, no oral or written submissions were received from a public agency or public member concerning the proposed minor variance application.

Summary of Four Tests

1. Is the general intent and purpose of the Official Plan (OP) maintained?

- The subject lands are designated “Rural District” under the United Counties of SDG Official Plan.

- Table 3.5 outlines the scope of uses permitted within the Rural District, which includes Agricultural uses, Agricultural-related uses, and on-farm diversified uses. The proposal is in keeping with the uses intended for the Rural District.
- Section 8.12.13.3
 - 6. Number of Consents:
 - a. In the Rural District, where the lot existed as of:
 - i. January 1, 1980 in North Stormont and South Glengarry; up to two (2) consents for residential purposes may be granted for a legally conveyable lot, excluding the retained lot, where the approval authority is satisfied that a plan of subdivision of the land is not necessary for proper and orderly development.
- Considering the above, staff are of the opinion that the proposal would be in keeping with the general intent and purpose of the Official Plan.

2. *Is the general intent and purpose of the Zoning By-law maintained?*

- The subject lands are zoned “Rural (RU)” under the Township’s Zoning By-law #08-2014.
- Section 12.1 1) outlines the permitted uses and zoning provisions applicable to the RU zone. An *agricultural use* constitutes a permitted use in the RU zone and if the new property boundaries are permitted, it appears to meet and/or exceed all the applicable zone requirements, except for the minimum area requirement.
- The minimum area requirement for an agricultural use in the rural zone is 74 acres (300,000m²). The applicant is proposing an area of 66 acres (267,000m²). In the case of agricultural uses, these area requirements are largely intended to discourage fragmentation of agricultural resource land and ensure that viable agricultural operations can continue on adequately sized properties. However, the subject lands are neither designated nor zoned agricultural, which allows for less restriction regarding land division, and a range of permitted uses not normally found in Agricultural resource lands.
- As can be seen on the keymap, the proposed consent will separate the dwelling from the retained land that is presently being cultivated. Any proposed livestock or manure storage on the retained lands must still comply with Minimum Distance Separation (MDS) formula and Nutrient Management Act, as amended from time to time. The remainder of the retained and severed lands otherwise meets or exceeds the minimum requirements of the zoning by-law.
- Considering the above, staff are of the opinion that the proposal would be in keeping with the general intent and purpose of the zoning by-law.

3. *Is the variance desirable for the appropriate development of the lands in question?*

- The subject property is designated and zoned for agricultural uses. The proposal constitutes a use explicitly intended under these designations. Notwithstanding the noncompliance with the minimum area requirement, the proposal otherwise appears to meet and/or exceed the minimum standards applicable to this type of use.
- Considering the above, staff are of the opinion that the proposed variance is desirable for the appropriate development of the lands in question.

4. *Is the variance minor?*

- Staff are of the opinion that the proposal is minor in nature as it is unlikely to result in adverse impacts on adjacent properties and/or the Township's assets and infrastructure. The application would be in keeping of the existing character of the area. For reference, the proposed reduction represents a 11.0% variance from the minimum area requirement stipulated in Section 12.1 2) a) of Zoning By-Law #08-2014.

Recommended Conditions

1. None

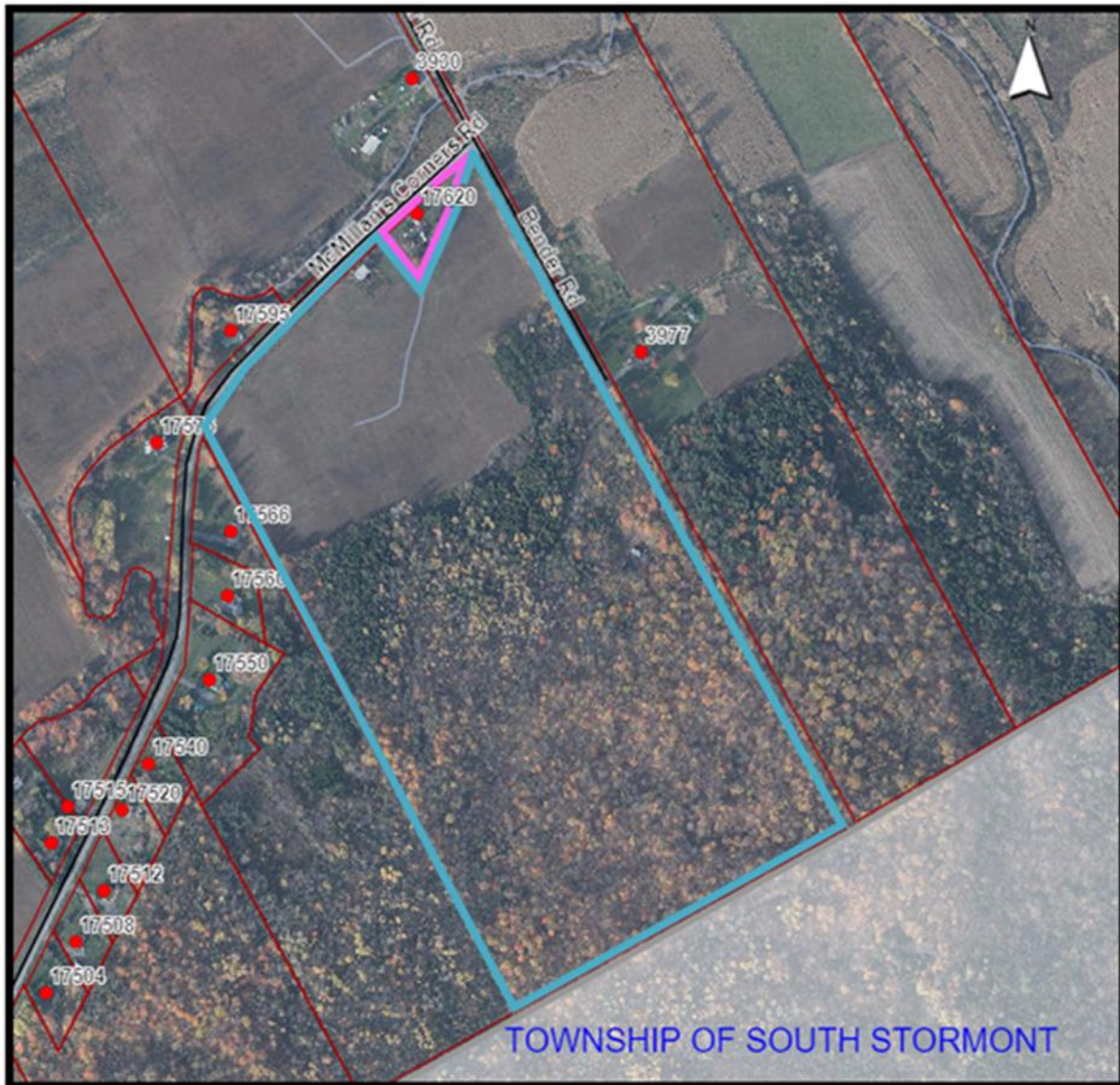
Prepared and submitted by:

Moe Hammoud, EIT
Asset Management/Junior Planner
Township of North Stormont



Reviewed by:

Austin Winters,
Deputy Clerk
Township of North Stormont

Schedule "A" – Proposed Property Boundaries After Land Division



Subject Property Roll: 041101600035500 Outlined in *Blue* and *Pink*

-  - Retained lands after severance (Area = ~ 267,000 m²)
-  - Severed lands



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COMMITTEE OF ADJUSTMENT

Prepared for: Committee of Adjustment
Meeting Date: September 8th, 2021
Subject: Minor Variance Application A-2021-04 (MACDONELL)
Owner/Applicant: MACDONELL, GORDON ANTHONY & MACDONELL, DONNA LEE
Roll No.: 041101600907500
Property Location: PT W1/2 LT 30 CON 6 ROXBOROUGH; TOWNSHIP OF NORTH STORMONT



Image 1: Subject Property highlighted in Yellow.

Purpose of the Application

To permit relief from Section 12.1 2) a) of the Zoning By-Law which requires an agricultural use in the Rural (RU) zone to comply with the provisions of the Agricultural (AG) zone being Section 11.1 2) of the Zoning By-law, that establishes a minimum lot area requirement of 300,000 m² for an agricultural use in the “Agricultural” (AG) zone. A provisional consent decision has been granted on the subject property (B-37-21) for a new lot creation to separate the dwelling (2535 COUNTY RD 15) from the retained lands. The proposal wishes to allow for agricultural uses such as growing of crops to continue on a new lot (the retained land) having an area less than what is permitted and therefore will not comply with today’s Zoning By-law.

Effect of the Application

To reduce the minimum lot area required for an agricultural use in the Rural (RU) Zone from 300,000 m² to 121,000 m² and allow for an agricultural use to comply on the retained lands. However, the subject lands may still need to comply with any applicable legislation, policy, or guideline concerning agricultural uses such as the Nutrient Management Act, 2002 and the Minimum Distance Separation (MDS) Formulae, Publication 853.

Background

The applicant is proposing to divide the subject lands by severing the residence at 2535 COUNTY RD 15 from the retained lands which are being fully cultivated. The applicant has been granted provisional consent by the United Counties of Stormont, Dundas, and Glengarry (Application B-37-21). The proposed consent will result in two (2) separate parcels of land, the severed lot containing the dwelling will be approximately 1.75 acres (7000 m²) in area and the retained land will be approximately 31 acres (125,000m²) in area. In doing so, the proposed consent will produce a property (the retained lands) that is now noncomplying with today’s zoning by-law regarding the minimum area requirements for an agricultural use in the Rural (RU) Zone.

The subject lands are currently approximately 33 acres (133,000 m²) in size and located in a predominately agricultural and forested area. The property has frontage along County Road 15 and Sixth Road. The subject lands are zoned “Rural (RU)” in the Township’s Zoning By-law and designated “Rural District” in the United Counties of SDG Official Plan. The surrounding land use context is a mix of various agricultural activities related to cash crop, forests, and low-density dwellings. The subject property is currently being fully cultivated for quinoa and has had investment made by means of tile drainage.

Circulation

The proposal was circulated to all adjacent landowners within 60 metres of the subject property, as well as all prescribed agencies and persons described under Section 45 of the Planning Act.

As of 12:00PM on Friday September 3rd, no oral or written submissions were received from a public agency or public member concerning the proposed minor variance application.

Summary of Four Tests

1. Is the general intent and purpose of the Official Plan (OP) maintained?

- The subject lands are designated “Rural District” under the United Counties of SDG Official Plan.

- Table 3.5 outlines the scope of uses permitted within the Rural District, which includes Agricultural uses, Agricultural-related uses, and on-farm diversified uses. The proposal is in keeping with the uses intended for the Rural District.
- Section 8.12.13.3
 - 6. Number of Consents:
 - a. In the Rural District, where the lot existed as of:
 - i. January 1, 1980 in North Stormont and South Glengarry; up to two (2) consents for residential purposes may be granted for a legally conveyable lot, excluding the retained lot, where the approval authority is satisfied that a plan of subdivision of the land is not necessary for proper and orderly development.
- Considering the above, staff are of the opinion that the proposal would be in keeping with the general intent and purpose of the Official Plan.

2. *Is the general intent and purpose of the Zoning By-law maintained?*

- The subject lands are zoned “Rural (RU)” under the Township’s Zoning By-law #08-2014.
- Section 12.1 outlines the permitted uses and zoning provisions applicable to the RU zone. An *agricultural use* constitutes a permitted use in the RU zone and if the new property boundaries are permitted, it appears to meet and/or exceed all the applicable zone requirements, except for the minimum area requirement.
- The minimum area requirement for an agricultural use in the rural zone is 74 acres (300,000m²). The applicant is proposing an area of 30 acres (121,000m²). In the case of agricultural uses, these area requirements are largely intended to discourage fragmentation of agricultural resource land and ensure that viable agricultural operations can continue on adequately sized properties. However, the subject lands are neither designated nor zoned agricultural, which allows for less restriction regarding land division, and a range of permitted uses not normally found in Agricultural resource lands.
- As can be seen on the keymap, the proposed consent will separate the dwelling from the retained land that is presently being cultivated. Any proposed livestock or manure storage on the retained lands must still comply with Minimum Distance Separation (MDS) formula and Nutrient Management Act, as amended from time to time. The remainder of the retained and severed lands otherwise meets or exceeds the minimum requirements of the zoning by-law.
- Considering the above, staff are of the opinion that the proposal would be in keeping with the general intent and purpose of the zoning by-law.

3. *Is the variance desirable for the appropriate development of the lands in question?*

- The subject property is designated and zoned for agricultural uses. The proposal constitutes a use explicitly intended under these designations. Notwithstanding the noncompliance with the minimum area requirement, the proposal otherwise appears to meet and/or exceed the minimum standards applicable to this type of use.
- Considering the above, staff are of the opinion that the proposed variance is desirable for the appropriate development of the lands in question.

4. *Is the variance minor?*

- Staff are of the opinion that the proposal is minor in nature as it is unlikely to result in adverse impacts on adjacent properties and/or the Township's assets and infrastructure. The application would be in keeping of the existing character of the area. For reference, the proposed reduction represents a 60.7% variance from the minimum area requirement stipulated in Section 12.1 2) a) of Zoning By-Law #08-2014.

Recommended Conditions

1. None

Prepared and submitted by:

Moe Hammoud, EIT
Asset Management/Junior Planner
Township of North Stormont


Reviewed by:

Austin Winters,
Deputy Clerk
Township of North Stormont

Schedule "A" – Proposed Property Boundaries After Land Division



Subject Property Roll: 041101600907500 Outlined in *Blue* and *Pink*

 - Retained lands after severance (Area = ~ 121,000 m²)

 - Severed lands



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**NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT
FILE NO. A-2021-02 (CAWA PRECISION INC.)**

TAKE NOTICE that the Committee of Adjustment of the Corporation of the Township of North Stormont has rendered a decision on the request for minor variance outlined in application **A-2021-02** and described herein on the 8th day of September 2021, under the authority of Section 45 of the Planning Act.

AND TAKE NOTICE that any appeal to the Local Planning Appeals Tribunal in respect of the decision of the Committee must be **filed with the Secretary – Treasurer of the Committee of Adjustment not later than 4:00 p.m. on the 28th day of September 2021.** A notice of appeal must set out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the *Local Planning Appeal Tribunal Act, 2017*.

OWNER/APPLICANT: CAWA PRECISION INC.

ROLL NO.: 041101600035000

PROPERTY LOCATION: PT LT 7 CON 1 ROXBOROUGH; NORTH STORMONT

PURPOSE & EFFECT OF APPLICATION:

To permit relief from Section 11.1 2) of the Zoning By-law, which establishes a minimum lot area requirement of 300,000 m² for an agricultural use in the “Agricultural” (AG) Zone. A provisional consent decision has been granted on the subject property (B-75-21) for a new lot creation being a residence surplus to a farming operation. The proposal wishes to allow for agricultural uses such as growing of crops to continue on a new lot (the retained land) having an area less than what is permitted and therefore will not comply with today’s Zoning By-law. The effect of the application is to reduce the minimum lot area required for an agricultural use in the Agricultural (AG) Zone from 300,000 m² to 113,000 m² and allow for an agricultural use to comply on the retained lands. However, the subject lands may still need to comply with any applicable legislation, policy, or guideline concerning agricultural uses such as the Nutrient Management Act, 2002 and the Minimum Distance Separation (MDS) Formulae, Publication 853.

DECISION: The application is **GRANTED**, subject to the conditions outlined below.

CONDITIONS: N/A

EFFECT OF WRITTEN AND ORAL SUBMISSIONS ON DECISION

No submissions were received from members of the public or prescribed list of persons and agencies under the Planning Act on or before the date of decision.

REASONS FOR DECISION

The variance is minor, the variance is desirable for the appropriate development and use of the lands, the intent and purpose of the Zoning By-law is being maintained, and the general intent and purpose of the Official Plan is being maintained.

Signature of Committee Member

Signature of Committee Member

Signature of Committee Member

Signature of Committee Member

Signature of Committee Member

Signature of Committee Member

I _____, Secretary-Treasurer of the Committee of Adjustment certify that the above is a true copy of the decision of the Committee with respect to the application outlined herein.

Date this _____ day of _____, 2021.

Signature of Secretary Treasurer



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**NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT
FILE NO. A-2021-03 (CAWA PRECISION INC.)**

TAKE NOTICE that the Committee of Adjustment of the Corporation of the Township of North Stormont has rendered a decision on the request for minor variance outlined in application **A-2021-03** and described herein on the 8th day of September 2021, under the authority of Section 45 of the Planning Act.

AND TAKE NOTICE that any appeal to the Local Planning Appeals Tribunal in respect of the decision of the Committee must be **filed with the Secretary – Treasurer of the Committee of Adjustment not later than 4:00 p.m. on the 28th day of September 2021.** A notice of appeal must set out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the *Local Planning Appeal Tribunal Act, 2017*.

OWNER/APPLICANT: CAWA PRECISION INC.

ROLL NO.: 041101600035500

PROPERTY LOCATION: PT LT 7 CON 1 ROXBOROUGH; NORTH STORMONT

PURPOSE & EFFECT OF APPLICATION:

To permit relief from Section 12.1 2) a) of the Zoning By-Law which requires an agricultural use in the Rural (RU) zone to comply with the provisions of the Agricultural (AG) zone being Section 11.1 2) of the Zoning By-law, that establishes a minimum lot area requirement of 300,000 m² for an agricultural use in the "Agricultural" (AG) zone. A provisional consent decision has been granted on the subject property (B-76-21) for a new lot creation to separate the dwelling (17620 McMillan Corners Rd) from the retained lands. The proposal wishes to allow for agricultural uses such as growing of crops to continue on a new lot (the retained land) having an area less than what is permitted and therefore will not comply with today's Zoning By-law. The effect of the application is to reduce the minimum lot area required for an agricultural use in the Rural (RU) Zone from 300,000 m² to 267,000 m² and allow for an agricultural use to comply on the retained lands. However, the subject lands may still need to comply with any applicable legislation, policy, or guideline concerning agricultural uses such as the Nutrient Management Act, 2002 and the Minimum Distance Separation (MDS) Formulae, Publication 853.

DECISION: The application is **GRANTED**, subject to the conditions outlined below.

CONDITIONS: N/A

EFFECT OF WRITTEN AND ORAL SUBMISSIONS ON DECISION

No submissions were received from members of the public or prescribed list of persons and agencies under the Planning Act on or before the date of decision.

REASONS FOR DECISION

The variance is minor, the variance is desirable for the appropriate development and use of the lands, the intent and purpose of the Zoning By-law is being maintained, and the general intent and purpose of the Official Plan is being maintained.

Signature of Committee Member

Signature of Committee Member

Signature of Committee Member

Signature of Committee Member

Signature of Committee Member

Signature of Committee Member

I _____, Secretary-Treasurer of the Committee of Adjustment certify that the above is a true copy of the decision of the Committee with respect to the application outlined herein.

Date this _____ day of _____, 2021.

Signature of Secretary Treasurer



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**NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT
FILE NO. A-2021-04 (MACDONELL)**

TAKE NOTICE that the Committee of Adjustment of the Corporation of the Township of North Stormont has rendered a decision on the request for minor variance outlined in application **A-2021-04** and described herein on the 8th day of September 2021, under the authority of Section 45 of the Planning Act.

AND TAKE NOTICE that any appeal to the Local Planning Appeals Tribunal in respect of the decision of the Committee must be **filed with the Secretary – Treasurer of the Committee of Adjustment not later than 4:00 p.m. on the 28th day of September 2021.** A notice of appeal must set out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the *Local Planning Appeal Tribunal Act, 2017*.

OWNER/APPLICANT: MACDONELL, GORDON ANTHONY & MACDONELL, DONNA LEE

ROLL NO.: 041101600907500

PROPERTY LOCATION: PT W1/2 LT 30 CON 6 ROXBOROUGH; TOWNSHIP OF NORTH STORMONT

PURPOSE & EFFECT OF APPLICATION:

To permit relief from Section 12.1 2) a) of the Zoning By-Law which requires an agricultural use in the Rural (RU) zone to comply with the provisions of the Agricultural (AG) zone being Section 11.1 2) of the Zoning By-law, that establishes a minimum lot area requirement of 300,000 m² for an agricultural use in the "Agricultural" (AG) zone. A provisional consent decision has been granted on the subject property (B-37-21) for a new lot creation to separate the dwelling (2535 COUNTY RD 15) from the retained lands. The proposal wishes to allow for agricultural uses such as growing of crops to continue on a new lot (the retained land) having an area less than what is permitted and therefore will not comply with today's Zoning By-law. The effect of the application is to reduce the minimum lot area required for an agricultural use in the Rural (RU) Zone from 300,000 m² to 121,000 m² and allow for an agricultural use to comply on the retained lands. However, the subject lands may still need to comply with any applicable legislation, policy, or guideline concerning agricultural uses such as the Nutrient Management Act, 2002 and the Minimum Distance Separation (MDS) Formulae, Publication 853.

DECISION: The application is **GRANTED**, subject to the conditions outlined below.

CONDITIONS: N/A

EFFECT OF WRITTEN AND ORAL SUBMISSIONS ON DECISION

No submissions were received from members of the public or prescribed list of persons and agencies under the Planning Act on or before the date of decision.

REASONS FOR DECISION

The variance is minor, the variance is desirable for the appropriate development and use of the lands, the intent and purpose of the Zoning By-law is being maintained, and the general intent and purpose of the Official Plan is being maintained.

Signature of Committee Member

Signature of Committee Member

Signature of Committee Member

Signature of Committee Member

Signature of Committee Member

Signature of Committee Member

I _____, Secretary-Treasurer of the Committee of Adjustment certify that the above is a true copy of the decision of the Committee with respect to the application outlined herein.

Date this _____ day of _____, 2021.

Signature of Secretary Treasurer