



Council Report

Report Number:	PLAN2021-028
Meeting Date:	May 18, 2021
Title:	Council Exemption Request – 2 Year Prohibition on Minor Variance Applications
Description:	A request to Council to pass resolutions for specific properties to allow for applications for minor variances to be applied for within two (2) years of the passing of the original Zoning By-law amendment by Council
Author and Title:	Richard Holy, (Acting) Director of Development Services

Recommendations:

That Report PLAN2021-028, **Council Exemption Request – 2 Year Prohibition on Minor Variance Applications**, be received; and

That in accordance with Section 45.(1.4) of the Planning Act, Council hereby passes this resolution exempting the provisions of Section 45.(1.3) from applying to the following by-laws previously approved by Council relating to specific parcels of land:

By-law 2019-107; and

By-law 2020-029.

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Recent amendments to the Planning Act provide for a two-year moratorium on certain types of applications, where a Council has passed an amending by-law relating to a parcel of land within the City. Therefore, where Council has passed a site-specific Zoning By-law Amendment, a Minor Variance application cannot be applied for within 2 years of the date of passing of that by-law.

Section 45.(1.3) of the Planning Act states:

‘Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended.’

Section 45.(1.4) provides an exception to this clause as follows:

‘Subsection (1.3) does not apply in respect of an application if the council has declared **by resolution** that such an application is permitted, which resolution may be made **in respect of a specific application**, a class of applications or in respect of such applications generally.’

Council can therefore consider passing a resolution exempting this two-year moratorium in three different ways:

- a) A resolution relating to a specific by-law passed (property specific); or
- b) A resolution relating to a specific class of applications (based on specific parameters); or
- c) A resolution exempting any applications (exempting all by-laws).

On July 16, 2019, Council passed By-law 2019-107 which relates to a parcel of land at 91 Fleetwood Road in Manvers. The Zoning By-law amendment was required as a condition of provisional consent to sever a dwelling deemed surplus to a farming operation. The new owners of the surplus dwelling now wish to construct an accessory building in the rear yard with a reduced side and rear lot line, but are not able to apply for a minor variance until after the second anniversary (July 16, 2021) of the passing of By-law 2019-107.

On March 19, 2020, Council passed By-law 2020-029 which relates to 2 abutting parcels of land being consolidated, fronting on Angeline Street South in Lindsay, to permit the construction of a hotel on the consolidated property. The owners now wish to increase the height of the proposed hotel, but are not able to apply for a minor variance until after the second anniversary (March 19, 2022) of the passing of By-law 2020-029.

Rationale:

By-law 2019-107 relates to an agricultural proposal where the surplus dwelling was severed and sold to a new owner. The new owner now wishes to add an accessory building closer to the rear and side yard lot lines, such that a larger portion of their rear yard remains available for a future in-ground pool.

By-law 2020-029 relates to a commercial proposal for a hotel, whose owners wish to submit for site plan approval and commence construction. A minor variance is needed for additional building height. This proposal aligns with the Economic Development strategic priorities for enhancing tourism in the City.

Since the passing of the original By-laws, the owners of each proposal have determined that additional relief from the provisions of the respective By-laws are necessary to facilitate the developments. Given that the permitted uses of each property have been established by Council, it is appropriate for the respective owners to request relief through the Committee of Adjustment. Passing of the proposed resolution would expedite the approvals process for each application respectively.

Applicable Provincial Policies:

Not applicable.

Other Alternatives Considered:

No other alternatives have been taken into consideration. Should Council not pass a resolution exempting these proposals from Section 45.(1.3) of the Planning Act, the owners of the respective properties could not apply for minor variances for relief from the provisions of the respective By-laws until the second anniversary of the passing of the original By-laws by Council.

Alignment to Strategic Priorities

The Council Adopted Strategic Plan identifies these Strategic Priorities:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

The proposed resolution aligns with the Vibrant and Growing Economy priority by creating an environment to attract new business and expand local employment opportunities, and aligns with the Good Government priority by increasing the efficiency and effectiveness of service delivery by streamlining this process to allow for the

owners to seek Minor Variance applications instead of new Zoning By-law Amendment applications.

Financial/Operation Impacts:

There are no financial considerations for the City.

Servicing Implications:

There are no servicing considerations for the City.

Consultations:

Not applicable.

Attachments:

None.

(Acting) Department Head email: rholy@kawarthalakes.ca

(Acting) Department Head: Richard Holy