



Development Services – Planning Division
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MEMORANDUM

TO: Committee of Adjustment

FROM: Kent Stainton, Planner II - Development Services – Planning Division

DATE: September 15th, 2021

SUBJECT: Minor Variance Application File No. D20-2021-029
Vacant Lands, Part of Lots 16 and 17, Concession 10,
Geographic Township of Somerville

On June 3, 2021, the above-referenced application was circulated. The application is requesting relief from Section 18.8.1 of the Township of Somerville Zoning By-law 78-45 in order to construct a new single detached dwelling and an agricultural building upon a lot which does not have a lot line abutting an improved public street as defined. The access point to the subject lands is approximately 450 metres (1,476 feet) west of a section of assumed and fully maintained municipal road (Woodcock Line).

In the absence of comments from the EMS and Roads Divisions, Planning staff recommended deferring the application until such time as all of the requisite information pertaining to the requirements associated with emergency vehicle accessibility, road widening and upgrades as well as road maintenance was provided. At the June 17th, 2021 Committee of Adjustment meeting, the Committee agreed to the requested deferral for a period of three (3) months returning no later than the September 16th, 2021 meeting.

City staff have recently undertaken a coordinated review of the process surrounding the construction of a road within a municipal right-of-way (ROW) undertaken by a private individual in response to an increased number of inquiries and development proposals in this regard. The process is being reviewed comprehensively and requires input from several Divisions of the City (Realty Services, Roads, Engineering, EMS, Planning, etc.).

Although not a common occurrence, past practice for a private landowner to obtain access to private lands via an unopened municipal ROW, included approval of a request by the Land Management Team, licensing agreement through Realty Services, approval of an entrance permit, and approval of a Minor Variance application with a condition for a fully secured Development Agreement to bring the road to municipal standards for assumption. This would require the applicant to retain an engineering consultant to prepare and submit road design drawings for the City's review and approval. Other fees could include tree removal within the ROW, and permitting requirements of the respective Conservation Authority. Through review of existing Council policy and the evolution of legislation, it has been determined that a Class Environmental Assessment (EA) process is also required to open a road.

The outcome of the coordinated review will provide the necessary guidance to staff, the general public and current applicants for development adjacent to unopened road allowances.

Planning staff have explained the circumstances to the applicant. As the decision to review the process arose after the previous request for deferral, Planning staff are recommending a further deferral of not more than two (2) months (by the November 25th Meeting) to ensure the Committee of Adjustment has the benefit of the outcome of the review in its decision-making as it pertains to this application. Should a resolution to the process arise before that time, the application may be brought back to the Committee ahead of that time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kent Stainton', with a long horizontal flourish extending to the right.

Kent Stainton, Planner II

cc: Steve Harjula - Owner
Richard Holy, Acting Director of Development Services
Mark LaHay, Acting Secretary-Treasurer for the Committee of Adjustment
Leah Barrie, Acting Manager of Planning
Charlotte Crockford, Administrative Assistant