

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-08-19
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, MARCH 12, 2019**

Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Mr. Raymond Contant & Mr. Ben de Haan were present. Mr. Karl Doyle, Senior Planner and Christina Seguin, Secretary Treasurer attended the meeting.

The hearing was being held to consider an application by 10150924 Canada Inc. (A/Hassanin Al-Araji) (902 Second Street West) who is: **Asking for relief from the Zoning By-law provision SPU 20 08-1-2 (C) to allow a private institution (Montessori School) to operate on the ground level of an apartment building.**

THAT the Agenda be approved. **Moved by: Mr. Ben de Haan Seconded by: Mr. Ray Contant**

There were no conflicts of interest.

Motion Carried

Mr. Hassanin Al-Araji and his architect attended the meeting.

Department Comments are read by Secretary/Treasurer, Christina Seguin.

DEPARTMENT COMMENTS:

Engineering Division

No objections.

Economic Development

No objections.

Traffic Division

No objections.

Municipal Works Division

No objections.

Building & Permits Division

The Daycare for reasons of the Ontario Building Code is an assembly use. The remainder of the building is office use.

Will introducing residential use require a record of site condition?

Zoning Section

No objections, the request is minor in nature.

Planning Division

Planning staff has inspected the site, reviewed the details of the application and is supportive.

The property located at 902 Second Street West is located in a Special Uses (SPU 20) zone, is designated Future Study Area and the current zoning was established in 2000. The 7636 sq ft building sits on a 2.65 acre site and was formerly occupied by the Upper Canada District School Board.

The building has a combined floor area of 22,910 sq ft and contains a sole ground floor tenant occupying 2152 sq ft of the total floor area. The private Montessori school was introduced in 2007 as it's a permitted use under 08-1-2 e) school of any kind....

The proponent intends to convert the existing building into a mixed use building consisting of 28 bachelor units on the 2nd and 3rd floor and maintain the private institutional use on the ground floor. The intent is not to expand upon the existing footprint.

The development will proceed in a phased approach.

Phase 1: third floor renovation, 13 units

Phase 2: second floor renovation, 15 units

The proposal also includes a servicing, parking lot, landscaping and communal amenity space upgrades. The extent of the upgrades will be solidified via the site plan process. It is worth noting that during the 2000 rezoning it was a condition of Council that any proposed redevelopment of the parcel will require site plan approval.

Zoning Provision 08-1-2 (C) allows solely for service commercial and office uses to establish in conjunction with an apartment building. The commercial school is a permitted use in the zone however; it's not listed under the above mentioned provision. We are of the opinion that the commercial school use must obtain an approval from the Committee to continue to operate in conjunction with the proposed multi-residential use.

The Chief Building Official has inquired if a Record of Site Condition would be required to establish the less sensitive land use. The Planning Division obtained a letter from the Ministry of The Environment (MOECC) dated July 9th, 2018. The letter indicates that as a result of the building footprint not being expanded and that there is an existing institutional use contained within the building they will **not** have to file a RSC as per Section Part IV Section 15

O.Reg.153/04. That being said, not requiring a RSC does not imply anything about the site as far as contamination.

The site is designated as Future Study Area (FSA). Policies in the Official Plan allows for rezoning applications on a case by case basis and established the Special Uses 20 (SPU20) zone in 2000. The property sits in a transition area and we are of the opinion that the mixed use proposal is an encouraging adaptive reuse of the site and the existing building.

14.8.2. - In considering applications for minor variances, the Committee shall consider:

a) whether the requested variance would constitute a "minor" departure from the Zoning By-law;

e) whether the resulting development would be compatible with adjacent uses and in character with the established development in the area;

f) comments from adjacent owners or residents;

h) comments from City Departments.

DISCUSSION:

The Chairman, Stephen Alexander asked the applicant if he had anything to add to the submission of the variance. Mr. Hassanin Al-Araji introduced his architect but had nothing new to add.

Mr. Raymond Contant questioned if the 2327 square feet was the whole building or part of the building. The square footage was incorrect and changed on the comment report the next day. The correct footage was 7636 square feet.

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:40 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

Item 1 – 2019 A-08-19 Debate and Decision regarding: Montessori School

(g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

1. **Asking for relief from the Zoning By-law provision SPU 20 08-1-2 (C) to allow a private institution (Montessori School) to operate on the ground level of an apartment building.**
2. **The variances are DESIRABLE for the appropriate development or use of the land, building and structures.**
3. **The variances MAINTAIN the general intent and purpose of the Official Plan and Zoning By-law.**
4. **There were no objections.**

MOVED BY: Mr. Ben de Haan

SECONDED BY: Mr. Raymond Contant

Motion Approved

RISE AND REPORT

Item 1 – A-08-19

Motion to allow a Minor Variance for **(Montessori School)** at 902 Second Street West.

Christina Seguin, Secretary/Treasurer
Committee of Adjustment-City of Cornwall

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING B-06-19
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, MARCH 12TH, 2019**

Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Mr. Ben de Haan & Mr. Raymond Contant were present. Mr. Karl Doyle, Senior Planner and Christina Seguin, Secretary Treasurer attended the meeting.

The hearing was being held to consider an application by The Estate of Hugh Francis Graveley (A/William Woolley-Cornwall Honda) (Brookdale Avenue) who are asking for: **Consent to convey a parcel of land as two separate parcels in order to introduce a new commercial development on the North limit of Lot 13, Concession #3 Brookdale Avenue.**

THAT the Agenda be approved. **Moved By: Mr. Ben de Haan Seconded By: Mr. Ray Contant**

There were no conflicts of interest.

Motion Carried

Mr. Rick Taylor, Mr. Andre Poirier and Mr. William Woolley attended the meeting.

Department Comments are read by Secretary/Treasurer, Christina Seguin.

DEPARTMENT COMMENTS:

Engineering Division

The subject land is serviced with a 300mm watermain on the east side of Brookdale Avenue. The parcel is not currently serviced for sanitary sewer and has roadside ditches presently handling stormwater drainage. Servicing of the property will be reviewed at the time of future site plan submission applications.

The severed/retained parcels are to have the following clause registered on title: "The owner agrees that a financial contribution which will be set at the same rate as the other contributing land owners will be made to a future sanitary sewer extension and pumping stations to service the Brookdale Avenue corridor North of Tollgate Road".

Economic Development

Economic Development supports the ongoing commercial development in the Brookdale North Corridor, and this development is a positive step forward.

Traffic Division

No objections.

Municipal Works Division

No objections.

Buildings and Permits Division

Do the potable water wells on the abutting 12 Flags property remain in use? If so, will their location impact on this property development?

Zoning Section

No objections.

Planning Division

Planning has reviewed details of the application, inspected the site and is conditionally supportive.

The property is located in a Rural Area (RA) zone and is designated General Commercial (GC). In conjunction with the consent application, the proponent has submitted a Zoning By-law Amendment application to rezone the lands from Rural Area to Community Commercial-Shopping Centre (CC-SC) zone. The application will be heard by the Planning Advisory Committee on March 18th, 2019.

The intent is to bring the zone into conformity with the current Official Plan designation in order to establish a commercial automotive development (Cornwall Honda) on the 6.67 hectre parcel as demonstrated on the site plan.

The development will be subject to site plan approval. **The proponent will only proceed with developing the 6.67 hectare parcel once full services are available along Brookdale North (both sanitary and water).**

We ask that the following condition be imposed if the Committee approves the application:

- 1- The severed/retained parcels are to have the following clause registered on title: "The owner agrees that a financial contribution which will be set at the same rate as the other contributing land owners will be made to a future sanitary sewer extension and pumping stations to service the Brookdale Avenue corridor North of Tollgate Road".

The Committee should note that the clause will also be reflected in the legally binding site plan agreement.

14.11.4 In reviewing consent applications, the Committee of Adjustment shall have regard for:

b) compatibility with adjacent land uses;

c) the adequacy of site and road access and the impact upon existing or planned transportation facilities

d) conformity with Official Plan policies, Zoning regulations and other Municipal By-laws;

e) the creation of an orderly development pattern; impact upon the comprehensive development of adjacent property;

f) the requirements or comments of other City and public agencies or authorities;

DISCUSSION

Lawyer, Mr. Andre Poirier spoke and said that he was acting for Mr. Woolley. He went on to say that Mr. Woolley is the owner and principal dealer of the existing Cornwall Honda franchise. He told the Committee that the lands were immediately south of the 12 Flags. He also told the Committee that they have submitted an application to re-zone the subject property.

Mr. Stephen Alexander, Chairman made the applicant/agent aware that there was a submission from the RRCA that did not get included in the department comments. Mr. Alexander mentioned that the material in the RRCA's report was applied more to the Zoning By-law Amendment application than the Consent application. He asked the Senior Planner to summarize the comments from the RRCA report that were relevant to the Consent application.

The Senior Planner, Mr. Karl Doyle mentioned that the RRCA only submitted their comments for the application the Friday prior to the meeting on Tuesday, March 12th, 2019 specifically to the Environmental Impact Statement. The report was in regards to delineating the wet land area on the entire parcel. He went on to say that they are of the opinion that there could potentially be Provincial wet lands or local significant wet lands on the property. Mr. Doyle told the Committee that the letter the RRCA submitted said that they are not prepared to endorse the re-zoning application and the severance application as they deem it to be premature until a detailed report is submitted with delineation of those wet lands. He went on to tell the Committee that following receiving the commentary, the Planning Division did make contact with the proponent and his consultants as well as reaching out to the RRCA. Mr. Doyle said that the RRCA felt comfortable enough if we put conditions on both the severance and re-zoning applications stating that "No development will proceed until all the items have been resolved".

Mr. Benjamin de Haan asked Mr. Doyle if development includes site alteration. Mr. Doyle told Mr. de Haan that the development will include moving of the earth. The Senior Planner went on to say that the City will not allow any alterations or clearing until all studies have been satisfied. He also mentioned that he had a sample of something similar that they were going to be asking the Planning Advisory Committee (“Findings and recommendation of various associated studies/reports including and not limited to the storm water management report, servicing reports, stage 1 archeology assessment, natural heritage impact statement, environmental impact study, geotechnical investigation be approved and implemented to the satisfaction of the Municipality and agencies prior to proceeding with development of the subject site”.)

Mr. Raymond Contant asked what would be the time frame for this study. Mr. Doyle explained that his understanding was that the City has been in contact with the QP that was hired by the applicant and unfortunately they are only able to walk the site and do studies on the land during certain periods of time throughout the year. He went on to say that they have already communicated with the consultants and they have indicated that they are able to conduct the additional studies that are required by the agencies (2019).

Mr. Ben de Haan asked the applicants if they do these studies and they find Butternuts in the middle of the land, does the site plan change significantly and how would the development look if it had constraints. Mr. Poirier said that they have to wait to see what the constraints are. He told the Committee members that right now the proposal is only 4 acres. He illustrated on the Site Plan the grey being 6.67 hectare and the little dark area is for the proposed Cornwall Honda development.

Mr. Rick Taylor told staff that Butternuts could be removed from a site. He said for every tree you remove you can replace it with 10 saplings. He went on to say that they found out today that they have a record dated 1995 where as the Graveley family contracted to have all of the valuable timber taken off the site. Mr. Woolley said that there was 1500 plus trees taken out so there are not many left.

Mr. Alexander told the applicants that he did not have an issue with the application and recognized that only part of the site was being used but wondered if something fundamental would change the boundary. Mr. Doyle said that he didn't think so.

The Chairman mentioned that he was surprised that the Traffic Engineer did not comment on the application. He went on to say that it is a matter that should be dealt with at the Site Plan process but wanted the applicant's comments to whether it was going to be a critical issue. Mr. Alexander mentioned that on the east side you tend to build slip lanes because it is a 2 lane road way and as the development occurs the capacity for the road to operate safely is going to diminish until the City decides that it needs to develop the entire street.

Mr. Woolley mentioned to the Committee that based on what he sees; the City will probably have to get involved with a left hand turn lane for both sides of the road because you are going

to have people going south into the GM Dealership, Kia and Nissan. He went on to say there will be people going north that are going to have to turn left to the 12 Flags/Tim Horton's. The Agent said that he is still 2 years away from putting the shovel in the ground for the new Honda site.

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:40 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

Item 2 – B-06-19 Debate and Decision regarding: Car Dealership

(g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

- 1. Consent to convey a parcel of land as two separate parcels in order to introduce a new commercial development on the North limit of Lot 13, Concession #3 Brookdale Avenue.**
- 2. The lots are serviced.**
- 3. The land is suitable for the purpose for which it is to be subdivided.**
- 4. There were no objections.**

MOVED BY: Mr. Ben de Haan

SECONDED BY: Mr. Raymond Contant

Motion Approved

RISE AND REPORT

Item 2 – B-06-19

Motion to allow Consent for **(Car Dealership)**

Conditions:

- 1) Approved pending zoning approval for the 16 acre parcel from Rural Area (RA) to Community Commercial-Shopping Centre (CC-SC).**
- 2) The severed/retained parcels are to have the following clause registered on title: “The owner agrees that a financial contribution which will be set at the same rate as the other contributing land owners will be made to a future sanitary sewer extension and pumping stations to service the Brookdale Avenue corridor North of Tollgate Road”.**

Note: If the road network fronting the subject lands is not reconfigured by the time the property owner submits a Development Approval, then the north bound left turn lane fronting the property should be evaluated during the Site Plan Approval process by the City’s Traffic Engineer.

Christina Seguin, Secretary/Treasurer
Committee of Adjustment-City of Cornwall

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-09-19
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, MARCH 12, 2019**

Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Mr. Ben de Haan & Mr. Raymond Contant were present. Mr. Karl Doyle, Senior Planner and Christina Seguin, Secretary Treasurer attended the meeting.

The hearing was being held to consider an application by Bruce McDougald (1670 Cornwall Centre Road) who is: **Asking for relief from the Zoning By-law to permit an accessory structure to be constructed with an area of 139.35 metres square, heights of 4.4 metres and 6.2 metres and combined area of 278.70 metres square for both accessory structures. This application is to accommodate a new accessory structure at 1670 Cornwall Centre Road.**

THAT the Agenda be approved. **Moved By: Mr. Ben de Haan Seconded By: Mr. Ray Contant**

There were no conflicts of interest.

Motion Carried

Mr. Bruce McDougald attended the meeting.

Department Comments are read by Secretary/Treasurer, Christina Seguin.

DEPARTMENT COMMENTS:

Engineering Division

No objections.

Economic Development

No objections.

Traffic Division

No objections.

Municipal Works Division

No objections.

Building & Permits Division

As per 8.(1) of the Ontario Building Code Act, obtain a building permit prior to construction.

Note: On record are two open 2005 files for an in ground swimming pool and fence pool enclosure. Please call 930-2787 ex: 2310 to request site inspections in order to close these files.

Zoning Section

The requested variances address the noted deficiencies.

Planning Division

Planning has inspected the site and reviewed details of the application and is supportive.

The property owner at 1670 Cornwall Centre Road is asking for relief from the Zoning By-law to construct an accessory garage having a building area of 139.35 square metres when the Zoning By-law permits a maximum of 60 square metres; a height of 4.4 metres grade-to-eaves, and 6.2 metres grade-to-peak when the Zoning By-law permits a maximum height of 3 metres grade-to-eaves, 5 metres grade-to-peak; and a combined area of 278.70 square metres for two accessory structures when the Zoning By-law permits a maximum of 93 square metres.

Planning would comment that the maximum lot occupancy for an accessory structure is permitted to be up to 10% of lot area. In this case, the size of the lot helps to mitigate the variance. (1 acre = 4046.85 square metres)

Upon observation of the submitted elevation drawings, it appears the accessory garage is to be both aesthetically pleasing and non-intrusive to the lots and residences adjacent to the property.

The subject site is zoned Prime Agricultural (PR.AGR) and is 1 acre in size. The parcel was created in 1975 via a consent application B-23-75 and the single family dwelling was subsequently constructed in 1976 and is not currently involved in an agricultural operation.

The single family dwelling was established prior to the introduction of By-law 107/93 and therefore is deemed legal in the Prime Agricultural zone.

The City has approved various permits throughout the years for the property which include an accessory structure, attached garage and outdoor pool.

In 2007, the City included the MDS (Minimum Distance Separation) provisions into the Zoning Bylaw. In so doing, this allows for variances to the required MDS setback. Upon review of both MDS I and MDS II implementation guidelines, a separation distance requirement would not have to be applied to the detached garage as it's located on an existing residential lot and is accessory to the main use and is a non-habitable structure.

Planning is of the opinion that the request to establish a new detached garage on the established residential property is acceptable considering the size and location of the parcel. We are of the opinion that the integrity of the surrounding agricultural lands will not be negatively impacted by the introduction of the proposed.

Planning is supportive; however, if approved, the accessory garage shall be solely for private use of the residents at 1670 Cornwall Centre Road and no commercial operation shall be conducted within the accessory garage including, but not limited to, auto service and/or repair.

The Official Plan states:

14.8.2. – In considering applications for minor variances, the Committee shall consider:

- a) whether the requested variance would constitute a "minor" departure from the Zoning By-law;
- b) whether the intent and purpose of the Official Plan and Zoning By-law can still be met if the variance is granted;
- e) whether the resulting development would be compatible with adjacent uses and in character with the established development in the area;
- g) that in approving the minor variance no dangerous precedent would be created

DISCUSSION:

Mr. Alexander asked the applicant if he had any questions regarding the department comments. Mr. McDougald told the Committee that he purchased the property in June 2018 and was not aware of the open permits. Mr. Alexander told the applicant that there probably were not any final inspections done on the permits.

The Senior Planner told the applicant that normally when you purchase a property the solicitor would request a work order request on that property. Mr. Doyle recommended that the applicant ask his lawyer if he has title insurance to address the issues. He went on to tell Mr. McDougald to call the Building Division to have site inspections in order to close the files. Mr. Doyle asked the applicant if he had purchased title insurance. The applicant said that he did purchase title insurance.

There were no questions or comments from the other Committee members or members of the audience.

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:40 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

Item 3 – 2019 A-09-19 Debate and Decision regarding: Accessory Structure

(g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

- 1. Asking for relief from the Zoning By-law to permit an accessory structure to be constructed with an area of 139.35 metres square, heights of 4.4 metres and 6.2 metres and combined area of 278.70 metres square for both accessory structures. This application is to accommodate a new accessory structure at 1670 Cornwall Centre Road.**
- 2. The variances are DESIRABLE for the appropriate development or use of the land, building and structures.**
- 3. The variances MAINTAIN the general intent and purpose of the Official Plan and Zoning By-law.**
- 4. There were no objections.**

MOVED BY: Mr. Ben de Haan

SECONDED BY: Mr. Raymond Contant

Motion Approved

RISE AND REPORT

Item 3 – A-09-19

Motion to allow a Minor Variance for **(Accessory Structure)** at 1670 Cornwall Centre Road.

Condition 1) The accessory garage shall be solely for private use of the residents at 1670 Cornwall Centre Road and no commercial operation shall be conducted within the accessory garage including, but not limited to, auto service and/or repair.

Note: On record are two open 2005 files for an in ground swimming pool and fence pool enclosure. Please call 930-2787 ex: 2310 to request site inspections in order to close these files.

Christina Seguin, Secretary/Treasurer
Committee of Adjustment-City of Cornwall

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING B-07-19
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, MARCH 12TH, 2019**

Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Mr. Ben de Haan & Mr. Raymond Contant were present. Mr. Karl Doyle, Senior Planner and Christina Seguin, Secretary Treasurer attended the meeting.

The hearing was being held to consider an application by Robert MacDonell (3351 McConnell Avenue) who is asking for: **Consent to convey a parcel of land as two separate parcels to accommodate a small scale organic agriculture produce operation and associated sales.**

THAT the Agenda be approved. **Moved By: Ben de Haan Seconded By: Mr. Ray Contant**

There were no conflicts of interest.

Motion Carried

Mr. Robert MacDonell did not attend the meeting.

Department Comments are read by Secretary/Treasurer, Christina Seguin.

DEPARTMENT COMMENTS:

Engineering Division

No objections.

Economic Development

No objections.

Traffic Division

No objections.

Municipal Works Division

No objections.

Buildings and Permits Division

See comments on A-10-19.

Zoning Section

No objections.

Planning Division

Planning has reviewed details of the application, inspected the site and is conditionally supportive.

The property is located in Rural Area (RA) zone and is designated Rural Area (RA). The 14.6 acre site is located along McConnell Avenue and South Branch Road. The majority of the property to south is occupied by MacDonnell's Garden Centre. The current use was established after acquiring the parcel in 1988. The 14.6 acre parcel was created via a consent application in 1988 (B-24-88 Fitzpatrick).

The intent of the application is to sever a 3.309 acre parcel at the north limit of the property; the area is defined on Plan 52R-3431 Parts 1 and 2 as indicated on the submitted plan.

The proponent wishes to create the parcel in order to establish a small scale organic farming operation with ancillary nursery stock tree and organic produce sales. The agricultural operation will be operated by a family member. As a result of the request to sever, there is an associated minor variance application to address zoning deficiencies, specifically frontage and area requirements. (A-10-19)

The Planning Division is of the opinion that the proposed small scale agricultural operation meets the general intent of the Rural Area designation goals and policies.

If the Committee approves this application we would ask the following condition be imposed:

1 - The property owner review required development approvals for the structures located on the south limit of the property with the Building Division and obtain any applicable development approval prior to stamping the deed.

14.11.4 In reviewing consent applications, the Committee of Adjustment shall have regard for:

b) compatibility with adjacent land uses;

c) the adequacy of site and road access and the impact upon existing or planned transportation facilities

d) conformity with Official Plan policies, Zoning regulations and other Municipal By-laws;

e) the creation of an orderly development pattern; impact upon the comprehensive development of adjacent property;

f) the requirements or comments of other City and public agencies or authorities;

DISCUSSION

See Application A-10-19

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:40 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

Item 4 – B-07-19 Debate and Decision regarding: Organic Agriculture produce operation

(g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

- 5. A consent to convey a parcel of land as two separate parcels to accommodate a small scale organic agriculture produce operation and associated sales.**
- 6. The lots are serviced.**
- 7. The land is suitable for the purpose for which it is to be subdivided.**
- 8. There were no objections.**

MOVED BY: Mr. Ben de Haan

SECONDED BY: Mr. Raymond Contant

Motion Approved

RISE AND REPORT

Item 4 – B-07-19

Motion to allow Consent for **(Organic Agriculture produce operation)**

Conditions:

- 1) Any proposed reconfiguration of the existing access south of South Branch Road and fronting McConnell Avenue will require a Right of Way Permit prior to proceeding with any modifications.**
- 2) If as a result of the proposed small scale agricultural business causes significant vehicular traffic impact at the intersection, a modified Site Plan exercise will be required to address the traffic concerns.**

Note: MPAC records indicate that the 4 structures on the property (a dwelling and 3 barns that are not insulated) were constructed in 1995; does the property owner have record of building permits for said structures? If the sales outlet is to be accommodated in a structure, obtain a building permit prior to construction.

Christina Seguin, Secretary/Treasurer
Committee of Adjustment-City of Cornwall

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-10-19
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, MARCH 12, 2019**

Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Mr. Ben de Haan & Mr. Raymond Contant were present. Mr. Karl Doyle, Senior Planner and Christina Seguin, Secretary Treasurer attended the meeting.

The hearing was being held to consider an application by Robert MacDonell (3351 McConnell Avenue) who is: **Asking for relief from the Zoning By-law Provision 05-2-4 (ii & iv) to recognize an agricultural parcel with a frontage of 233.69' and an area of 3.309 acres when the Zoning By-law requires a minimum area of 10 acres and a minimum lot frontage of 328'. This is to accommodate a small scale produce sales outlet, organic farming and tree nursery. The parcel size is 3.309 acres and already is a part on a plan.**

THAT the Agenda be approved. **Moved By: Mr. Ben de Haan Seconded By: Mr. Ray Contant**

There were no conflicts of interest.

Motion Carried

The applicant did not attend the meeting.

Department Comments are read by Secretary/Treasurer, Christina Seguin.

DEPARTMENT COMMENTS:

Engineering Division

No objections.

Economic Development

No objections.

Traffic Division

No objections.

Municipal Works Division

No objections.

Building & Permits Division

MPAC records indicate that the 4 structures on the property (a dwelling and 3 barns that are not insulated) were constructed in 1995; does the property owner have record of building permits for said structures?

If the sales outlet is to be accommodated in a structure, obtain a building permit prior to construction.

Zoning Section

The proposed request is minor in nature.

Planning Division

Planning has reviewed details of the application, inspected the site and is conditionally supportive.

The proponent wishes to create the parcel in order to establish a small scale organic farming operation with ancillary nursery stock tree and organic produce sales as highlighted in consent application (B-07-19). This minor variance application is required to address zoning deficiencies, specifically provisions 05-2-4 (ii & iv) frontage and area requirements;

- frontage of 233.69' when a minimum 328' is required and;
- an area of 3.309 acres when 10 acres is required

The Planning Division is of the opinion that the proposed small scale agricultural operation meets the general intent of the Rural Area designation goals and policies. The 3.309 acre parcel is large enough and adequate for the proposed use.

If the Committee approves this application we would ask the following condition be imposed:

1 - The property owner review required development approvals for the structures located on the south limit of the property with the Building Division and obtain any applicable development approval prior to stamping the deed.

14.8.2 In considering applications for Minor Variances, the Committee shall consider:

b) whether the intent and purpose of the Official Plan and Zoning By-law can still be met if the variance is granted

e) whether the resulting development would be compatible with adjacent uses and in character with the established development in the area;

f) comments from adjacent owners and residents

h) comments from City Departments.

DISCUSSION:

There was some concern from the Committee that the applicant did not attend the meeting. The applications/department comments were heard & read into the minutes.

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:40 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

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(g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

5. **Asking for relief from the Zoning By-law Provision 05-2-4 (ii & iv) to recognize an agricultural parcel with a frontage of 233.69' and an area of 3.309 acres when the Zoning By-law requires a minimum area of 10 acres and a minimum lot frontage of 328'. This is to accommodate a small scale produce sales outlet, organic farming and tree nursery. The parcel size is 3.309 acres and already is a part on a plan.**
6. **The variances are DESIRABLE for the appropriate development or use of the land, building and structures.**
7. **The variances MAINTAIN the general intent and purpose of the Official Plan and Zoning By-law.**
8. **There were no objections.**

MOVED BY: Mr. Ben de Haan
SECONDED BY: Mr. Raymond Contant

Motion Approved

RISE AND REPORT

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Motion to allow a Minor Variance for **(Organic Farming) at 3351 McConnell Avenue.**

Conditions:

- 3) Any proposed reconfiguration of the existing access south of South Branch Road and fronting McConnell Avenue will require a Right of Way Permit prior to proceeding with any modifications.**
- 4) If as a result of the proposed small scale agricultural business causes significant vehicular traffic impact at the intersection, a modified Site Plan exercise will be required to address the traffic concerns.**

Note: MPAC records indicate that the 4 structures on the property (a dwelling and 3 barns that are not insulated) were constructed in 1995; does the property owner have record of building permits for said structures? If the sales outlet is to be accommodated in a structure, obtain a building permit prior to construction.

Christina Seguin, Secretary/Treasurer
Committee of Adjustment-City of Cornwall