

**NOTICE OF DECISION OF
COMMITTEE OF ADJUSTMENT
WITH REASONS RE APPLICATION FOR**

File No. 04-MV-2023



Minor Variance – s.45 (1)



Permission – s.45 (2)

MUNICIPALITY OF SOUTH DUNDAS COMMITTEE OF ADJUSTMENT

Name of Committee

RE AN APPLICATION BY

Stephen Merkley
Name of Applicant

P.O. Box 249, Iroquois, ON, K0E 1K0
Address of Applicant

LOCATION OF PROPERTY

7/9 Billings Avenue West, Iroquois, ON, K0E 1K0
Brief description

PURPOSE OF APPLICATION **To increase the maximum lot coverage for a semi-detached dwelling from 276.5 m² (35%) to 317.7 m² (40%) in the "Residential Fourth Density – Special Exception 2 (R4-2)" Zone to accommodate the proposed decks.**


As set out in application

WE, the undersigned, in making the decision upon this application, have considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45 (2) of the *Planning Act*, concur in the following decision and reasons for decision made on the **31st day of October, 2023.**

DECISION: Granted

CONDITIONS: That the lot coverage include the two proposed front porches to avoid additional minor variances as they were not included in the original calculation.

REASONS FOR DECISION: No comments from agencies circulated on the request or neighbouring property owners.
The requested variance is based on an a newly constructed semi-detached dwelling along a street with properties of similar or identical characteristics as related to frontage, lot size, and setbacks. The variance would not have any additional adverse impact on surrounding land uses.
The variance would allow raised exterior outdoor space for two individual units.
The intention of the lot coverage provision is to ensure that positive lot grading can be maintained and that there is ample outdoor space on the property. Positive drainage can still be maintained with a raised deck, and the decks will contribute to outdoor space. Additionally, it is important to note that the units are single storey constructions with an attached garage.
The property is being used for residential purposes with a moderate density in an existing residential neighbourhood with similar property use and characteristics
All four of the minor variance tests were satisfied in the opinion of the committee, it is minor in nature, it is desirable and an appropriate use for the neighbourhood, the proposed dwelling does conform to the general intent of the Zoning By-law and the Official Plan.
A building permit will be issued after the appeal period and verification that there are no appeals.



Signature of member



Signature of member



Signature of member

NOTE: Continued on reverse

Appeal – The last date for filing a notice of appeal of this decision is November 20th, 2023.
Any such appeal must be filed with the secretary-treasurer of the committee and must set out the objection to the decision and the reasons in support of the objection and must be accompanied by the fee required by the Ontario Land Tribunal.

Person – appeal limitation – Only individuals, corporations and public bodies may appeal decisions in respect of an application for a minor variance or permission to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.


Other applications – If known, indicate if the subject land is the subject of an application under the Act for:

- Approval of a plan of subdivision (under section 51) File# Status
- Consent (under section 53) File# Status
- Previous application (under section 45) File# Status

CERTIFICATION

I Rikki Johnston certify that the information included herein is a true copy of the decision of the committee with respect to the application recorded therein.

Dated this 31st day of October, 2023



Signature of Secretary-Treasurer

Personal Information contained on this form, collected pursuant to the *Planning Act*, will be used for the purposes of that Act. Questions should be directed to the Freedom of Information and Privacy Coordinator at the institution conducting the procedures under the Act.