



# **Planning Justification Report**

**Minor Variance Application**

**3796 Highway 28, Township of Douro-Dummer**

ONE  
COMMUNITY  
PLANNING

**Prepared by: One Community Planning Inc.**

**On behalf of: Adam Leggett, Timberline Custom Homes**

**November 5, 2024**



# Planning Justification Report Minor Variance Application 3796 Highway 28, Township of Douro Dummer November 5, 2024

## 1.0 Introduction

One Community Planning has been retained to provide planning services for the subject property, known municipally as 3796 Highway 28 in the Township of Douro-Dummer. This Planning Justification Report (PJR) has been prepared in support of the Application and is intended to provide an overview of the site and proposal and includes a review of the applicable Provincial and local planning policies as they pertain to the subject lands.

## 1.1 Subject Lands

The property is known municipally as 3796 Highway 28 in the Township of Douro-Dummer. The property is located at the intersection of Highway 28 (Provincial) and Lake Edge Road (Private).

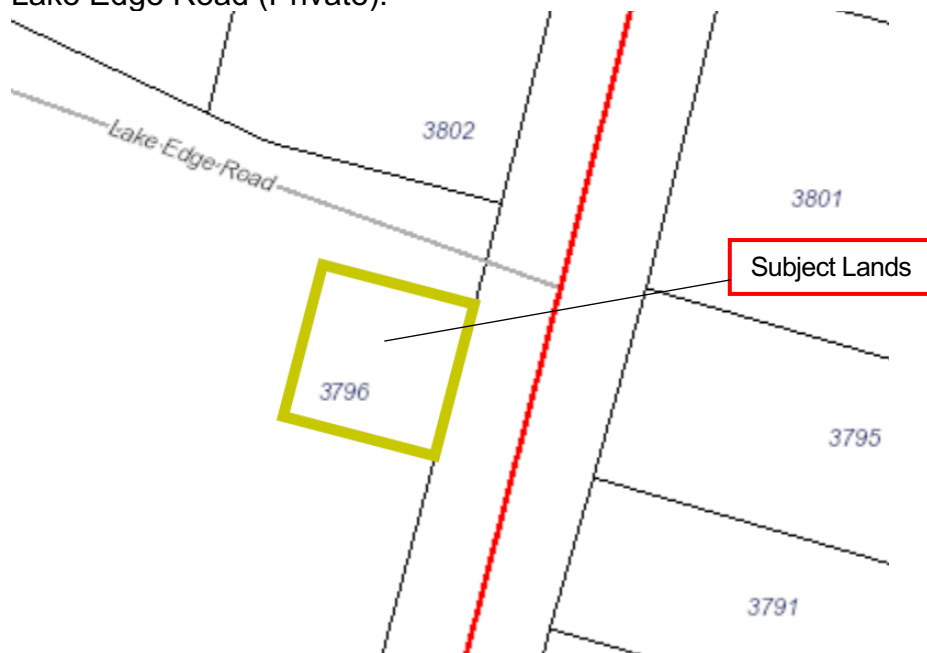


Figure 1-Key Map. County of Peterborough GIS, November 2024

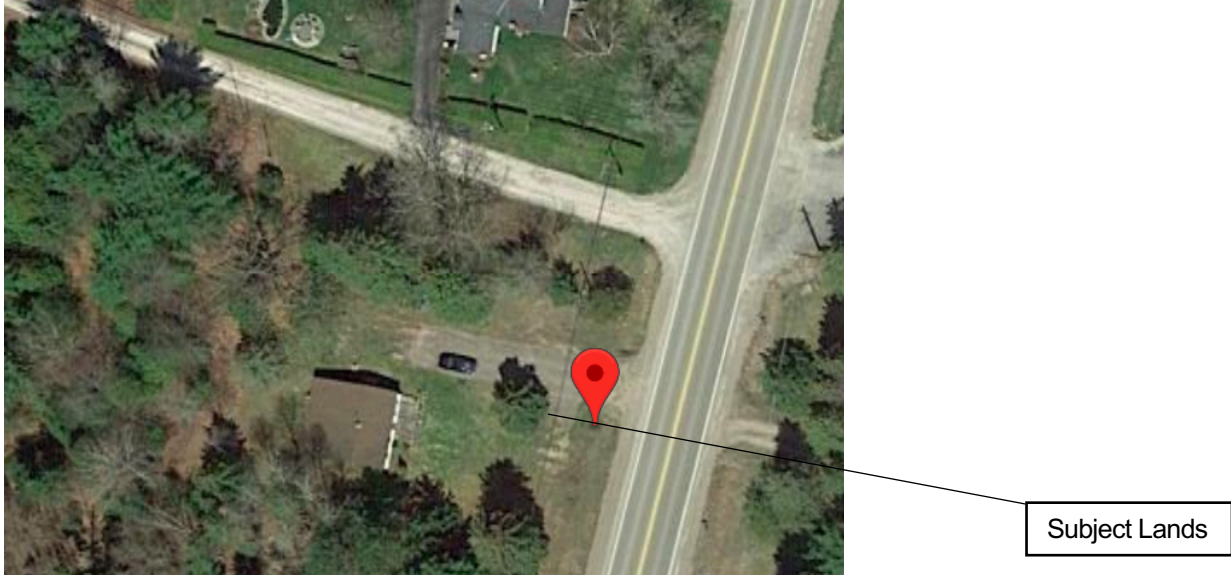


Figure 2-Google Earth-Local Neighbourhood, November 2024

Surrounding Land uses are as follows:

- NORTH: Rural residential
- SOUTH: Rural residential
- EAST: Rural residential
- WEST: Rural

### 1.2 Site Plan and Application Overview

Site plan information is illustrated further below and is included as an Appendix. The property has a Residential (R) zoning which permits a detached dwelling with associated accessory structures.

The purpose of this Application is to seek relief from certain provisions of the Zoning By-law in order to facilitate appropriate development of the subject lands. The proposal is to construct a garage located 3 metres from the lot line fronting the private road and to increase the lot coverage for accessory structures to 5.91%, which increases total lot coverage to 16.27%. There is an existing driveway to access the property from Highway 28. The location of the on-site existing well and the overhead utility wires restricts the location of the garage to the proposed location.



**Development Summary:**

<b>COVERAGE &amp; AREAS</b>	<b>AREAS</b>	<b>PERCENTAGES</b>
LOT AREA .....	10,078 sq.ft.	100%
MAXIMUM LOT COVERAGE .....	1,007.8 sq.ft.	15%
MAX. ACCESSORY COVERAGE .....	503.9 sq.ft.	5%
<b>EXISTING</b>		
DWELLING .....	1,004 sq.ft.	9.96%
DECK .....	40 sq.ft.	0.397%
SHEDS .....	116 sq.ft.	1.15%
<b>PROPOSED</b>		
DWELLING .....	1,004 sq.ft.	9.96%
DECK .....	40 sq.ft.	0.397%
SHEDS .....	116 sq.ft.	1.15%
GARAGE .....	480 sq.ft.	4.76%
<b>TOTAL</b> .....	<b>1,640 sq.ft.</b>	<b>16.27%</b>

The Minor Variance Application seeks relief from the regulatory provisions of By-law 1997-123, summarized as follows:

- Section 3.1.2(d): notwithstanding any setback requirements of this By-law to the contrary; no accessory building or structure may be located within 15 metres of any lot line abutting a public or private road;
- Section 3.1.3: Except as otherwise permitted herein, the total lot coverage of all accessory buildings or structures of a lot shall not exceed 5% of the lot area and shall be considered in addition to any other lot coverage regulations as specified in this By-law; and
- Section 4.2.1(j): Maximum lot coverage 15%.

### 1.3 Pre-consultation

Pre-consultation discussions with Staff were conducted on August 29, 2024 to determine the scope of the variance required. Associated with this application is a concept plan. The proposed detached garage is located at 3m (10 feet) from the private road known as Lake Edge Road and is proposed to have a lot coverage of 5.91%, which increases the overall lot coverage to 16.27%.

## 2.0 Policy Analysis

### 2.1 Provincial Planning Statement (PPS 2024)

The Provincial Planning Statement (PPS) provides policy direction to guide development and land use planning within the Province. For the purposes of preparing this report, the PPS has been reviewed in its entirety. The following Policies have direct relevance to the proposed Application as they relate to the subject lands:

Policy	
2.1	<p>Planning for People and Homes</p> <ol style="list-style-type: none"> <li>1. As informed by provincial guidance, planning authorities shall base population and employment growth forecasts on Ontario Population Projections published by the Ministry of Finance and may modify, as appropriate.</li> <li>2. Notwithstanding policy 2.1.1, municipalities may continue to forecast growth using population and employment forecasts previously issued by the Province for the purposes of land use planning.</li> <li>3. At the time of creating a new official plan and each official plan update, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 20 years, but not more than 30 years, informed by provincial guidance. Planning for <i>infrastructure, public service facilities, strategic growth areas</i> and <i>employment areas</i> may extend beyond this time horizon. Where the Minister of Municipal Affairs and Housing has made a zoning order, the resulting development potential shall be in addition to projected needs over the planning horizon established in the official plan. At the time of the municipality's next official plan update, this additional growth shall be incorporated into the official plan and related infrastructure plans.</li> </ol>

<p><b>Opinion</b></p>	<p>4. To provide for an appropriate range and mix of <i>housing options</i> and densities required to meet projected requirements of current and future residents of the <i>regional market area</i>, planning authorities shall:  maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are <i>designated and available</i> for residential development;  and maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.</p> <p>5. Where planning is conducted by an upper-tier municipality, the land and unit supply maintained by the lower-tier municipality identified in policy 2.1.4 shall be based on and reflect the allocation of population and units by the upper-tier municipality.</p> <p>6. Planning authorities should support the achievement of <i>complete communities</i> by:</p> <ul style="list-style-type: none"> <li>i Accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long term care facilities, places of worship and cemeteries), recreation, parks and open space and other uses to meet long term needs.</li> <li>ii improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and</li> <li>iii improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.</li> </ul> <p><b>The application for variance to permit a garage on a residential lot contributes to the viability of the residential lot (subject property).</b></p>
<p>2.5</p>	<p><b>Rural Areas in Municipalities</b></p> <p>1. Healthy, integrated and viable <i>rural areas</i> should be supported by:</p> <ul style="list-style-type: none"> <li>a) building upon rural character, and leveraging rural amenities and assets;</li> <li>b) promoting regeneration, including the <i>redevelopment</i> of <i>brownfield sites</i>;</li> <li>c) accommodating an appropriate range and mix of housing in rural <i>settlement areas</i>;</li> <li>d) using rural <i>infrastructure</i> and <i>public service facilities</i> efficiently;</li> <li>e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;</li> <li>f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;</li> <li>g) conserving biodiversity and considering the ecological benefits provided by nature; and</li> <li>h) providing opportunities for economic activities in <i>prime agricultural areas</i>, in accordance with policy 4.3.</li> </ul> <p>2. In <i>rural areas</i>, rural <i>settlement areas</i> shall be the focus of growth and development and their vitality and regeneration shall be promoted.</p> <p>3. When directing development in rural <i>settlement areas</i> in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.</p>

	<p>Growth and development may be directed to <i>rural lands</i> in accordance with policy 2.6, including where a municipality does not have a <i>settlement area</i>.</p>
2.6	<p>Rural Lands in Municipalities</p> <p>1. On <i>rural lands</i> located in municipalities, permitted uses are:</p> <ul style="list-style-type: none"> <li>a) the management or use of resources;</li> <li>b) resource-based recreational uses (including recreational dwellings not intended as permanent residences);</li> <li>c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate <i>sewage and water services</i>;</li> <li>d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;</li> <li>e) home occupations and home industries;</li> <li>f) cemeteries; and</li> <li>g) other rural land uses.</li> </ul> <p>2. Development that can be sustained by rural service levels should be promoted.</p>
4.5	<p>Mineral Aggregate Resources</p>
4.5.2.4	<p>Protection of Long-term Resource Supply</p> <p>4. Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations. When a license for extraction or operation ceases to exist, policy 4.5.2.5 continues to apply.</p> <p>5. In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:</p> <ul style="list-style-type: none"> <li>a) resource use would not be feasible; or</li> <li>b) the proposed land use or development serves a greater long-term public interest; and</li> <li>c) issues of public health, public safety and environmental impact are addressed.</li> </ul>
<b>Opinion</b>	<p><b>The subject property contains an existing dwelling, which is surrounded by other existing residential properties. The proposal to add a garage to the subject property does not</b></p>

	<b>impede accessibility to the noted mineral deposit located approximately 250 metres to the south and south east of the garage development.</b>
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It is my opinion that the proposed Minor Variance Application is in conformity with the Provincial Planning Statement.

## **2.3 Four Tests**

Section 45 (1) of the Planning Act sets forth 4 (four) tests that are to be applied for the purpose of evaluating a Minor Variance Application:

### **1. Is the Variance Minor in Nature?**

The primary focus of this test is on the impact of the requested relief. In regard to the requested relief, the variances sought are appropriate given the proposed development. The garage is proposed to be located 3 metres from the side lot line, which has frontage to a private road. The site is relatively small and the proposed garage is a modest size at 44.6 square metres. The reduced setback is minor in that the frontage of the property is Highway 28 and site lines are not impeded on Lake Edge Road.

An increase in lot coverage is minor at 5.91% for accessory structures is due to the small size of the lot. As noted above, the garage is proposed to be 44.6 square metres, which is a modest size. The overall lot coverage is also proposed to increase to 16.27%. The property is not considered to be overdeveloped and the variances are minor in nature.

### **2. Is the Variance desirable and appropriate for the use of land?**

The property is zoned to permit a residential use with associated accessory structures.

The accessory use (garage) is an appropriate and permitted use for a Residential property in the Township of Douro-Dummer. The location of the modestly sized garage is dictated by the location of the existing well and the utility wires that run easterly of the proposed garage in a north-to-south direction.

The garage use does not hinder the noted mineral extraction to the east/south of the property, as it is accessory to an existing residence, leading it to be an appropriate and desirable use of the land. The reduction of side yard and increase in lot coverage does not represent overdevelopment of the property.

### **3. Does the Variance maintain the general intent and purpose of the Zoning By-law?**

The property is currently zoned R (Residential) in the Township of Douro-Dummer.



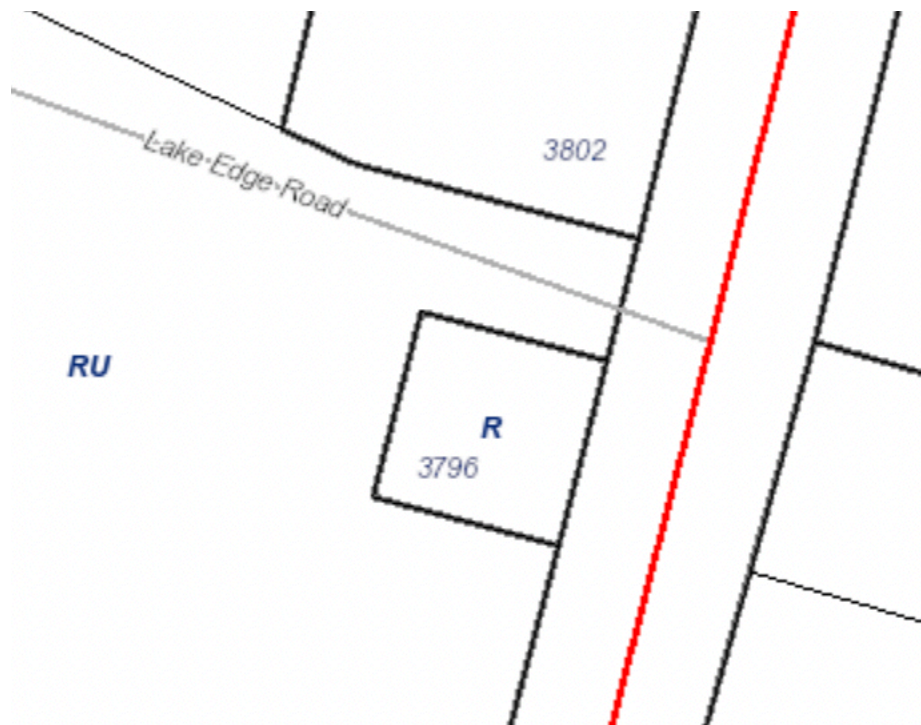


Figure 4- Zoning Map Detail – County of Peterborough Website, November 2024

The zoning permits Residential uses and associated accessory uses, such as a garage and this application therefore maintains the general intent and purpose of the Comprehensive Zoning By-law.

**4. Does the Variance maintain the general intent and purpose of the Official Plan?**

The property is designated Hamlet on the following Official Plan.



Figure 5: Official Plan Designation Hamlet  
Peterborough County GIS November 2024

The following review identifies Official Plan policies relevant to the proposed development and Application.

Section 6.2.3.1 (Hamlet) of the Official Plan states:

*In the Township of Douro-Dummer, the settlement areas of Donwood, Douro and Warsaw function as the primary growth and service centres for the Township.*

*It is intended that residential growth opportunities in Douro-Dummer be directed to these communities. In-depth development by plan of subdivision, rather than strip development, shall be the preferred method of development.*

*The following are the recognized Hamlets:*

*Selwyn: Ennismore, Young's Point Asphodel-Norwood: Westwood*

*North Kawartha: Glen Alda, Burleigh Falls, Big Cedar, Mount Julian, Stonyridge, Woodview, Apsley*

*Douro-Dummer: Donwood, Douro, Halls Glen, Warsaw, Young's Point*

*Growth in hamlets shall be consistent with environmental, physical and socio-economic conditions. Surrounding land uses, intensity of existing development and potential soil or ground water constraints shall be considered in assessing new development proposals.*

**The proposed Application provides opportunity for increased usability of the subject property and development applications for residential purposes are permitted.**

*The predominant use of land within the Hamlet designation shall be for single detached residential dwellings with some limited provision for multiple unit dwellings. Other uses, which are considered necessary to serve the community or the surrounding rural area may be permitted such as schools, parks, churches, physicians' and dentists' offices and public or municipal facilities. This category may include retail and service commercial uses deemed necessary to serve the surrounding agricultural, rural and/or recreational areas and industrial uses, such as a builders' supply, feed mill, public garage, farm implement dealer which primarily serve the surrounding rural-agricultural community (6.2.3.2).*

**The development is in alignment with the in Section 6.2.3.2 as it relates to permitted uses in the Hamlet area.**

*a) The uses permitted in Hamlet areas and regulations for such uses shall be defined in the implementing Zoning By-law. Regard shall be had to the protection of residential uses, especially in cases of adjacent uses which are deemed not compatible. Provision shall be made for adequate setbacks from property lines, for lands to be set aside in certain cases for landscaping and buffering purposes, for off-street parking facilities, prohibition of nuisances, and control over outside storage.*

**The proposed development of the garage does not hinder adjacent uses (mineral extraction) and protects the residential use that is existing on the lot.**

As demonstrated, the proposed development meets the intent and purpose of the Official Plan. The garage use is permitted as per the applicable land use designations.

### **3.0 Site Plan Control**

Site Plan Control is not anticipated.

#### 4.0 Summary

The proposed development represents efficient planning and use of resources, with an exceptional building design and site layout that contribute significantly to the future of the local neighbourhood. The requested variance is appropriate to facilitate the development, as proposed.

The foregoing policy review demonstrates conformity with the objectives and policies.

In summary, it is my opinion that the Minor Variance Application is:

- Consistent with the policy directives of the Provincial Planning Statement;
- Meets the 4 Tests of a Minor Variance: Being minor in nature, desirable and appropriate for the land use and in keeping with the general intent and purpose of the Township Zoning By-law and County Official Plan; and
- Is representative of good planning.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'L. Stone'.

Laura Stone, Planner/Director

