



# Corporation of the Town of Perth

80 Gore St East  
Perth, ON  
K7H 1H9

### For Office Use Only

Pre-consultation date: \_\_\_\_\_

Date Application Received: June 21, 2024 File Number: MV-01-2024

Fee Received: cheque Date Application Deemed Complete: \_\_\_\_\_

Legal Deposit:  No  Yes:(\$) \_\_\_\_\_

## Minor Variance or Change in Use Application Form

*Pursuant to Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended*

### Applicant Checklist

Please check to ensure the following is provided:

- Five (5) paper copies of completed application and one (1) electronic copy
- Completed Authorization Form (if applicable)
- Plans with relevant information
- Application Fee (~~\$733.67~~) \$756.50
- Legal Deposit (if applicable)
- Deed/transfer
- Survey (most up to date)
- Pre-Consultation Form
- Required Studies (if applicable)

### Owner/Applicant Information

Name of Property Owner(s): Cornerstone Landing Youth Services (c/o Terrilee Kelford)

Telephone: (Home) \_\_\_\_\_ Cell: 613-285-9292 Work: \_\_\_\_\_

Mailing Address: PO Box 209 Carleton Place, ON K7C 3P4

Email Address: terrilee@terrileekelford.ca

Name of Applicant/Agent: Tracy Zander, ZanderPlan Inc.

*(If Applicant/Agent is different than Property Owner, the Owner's Authorization is required (see p. 8).  
The Applicant/Agent will receive all communications relating to this application.)*

Telephone: (Home) \_\_\_\_\_ Cell: \_\_\_\_\_ Work: 613-264-9600

Mailing Address: PO Box 20148 Perth, ON K7H 3M6

Email Address: tracy@zanderplan.com

*Municipal Freedom of Information and Protection of Privacy Act  
Personal Information on this form is collected under authority of The Planning Act and will be used to process this application.*

### Property Description/Location and Information

1. Legal Description of Property

Civic Address: 82 Drummond Street

Reference/Registered Plan Number: \_\_\_\_\_

Part/Lot/Block Number: Lot 5, Pk Lt 7, Plan 8828

Concession Number: 2 Lot Number: 5

Assessment Roll Number: 0921-030-075-03900

2. Dimensions of Property: (metric)

Frontage: 15.2 m Depth: 31.1 m Area: 472 m2

3. Easement or Restrictive Covenants:  Yes  No

*(If yes, describe):* \_\_\_\_\_

4. Are there are of the following uses or features on the subject lands or within 500 meters of the subject property?

*(Please check all following uses and features that apply and indicate whether they apply to the subject property or to a property within 500 meters. If within 500 meters of subject land, please give approximate distance.)*

Bulk Fuel Storage Facility: \_\_\_\_\_

Landfill Site (Active or Closed): \_\_\_\_\_

Sewage Treatment Plant/Lagoon: \_\_\_\_\_

Industrial Use Designated for Aggregate Extraction: \_\_\_\_\_  
Active Railway Line: ~330 m away \_\_\_\_\_  
Flood Plain or Other Natural Hazard: \_\_\_\_\_  
Natural Gas or Oil Pipeline: \_\_\_\_\_  
Contaminated Site: \_\_\_\_\_  
Provincially Significant Wetland: \_\_\_\_\_  
Area of Natural and Scientific Interest (ANSI): \_\_\_\_\_  
Fish/Wildlife Habitat: \_\_\_\_\_  
Designated Heritage Building/Site: \_\_\_\_\_

5. Is the property within Source Water Protection Zone?

No

Yes: IPZ Level zone 3

### Official Plan and Zoning Information

1. What is the current Official Plan designation of property? Residential

2. What is the current Zoning of the property? R2

3. What is the nature and extent of the relief requested from the Zoning By-law?

To reduce the required rear yard setback from 6 metres to 4 metres to permit the construction of a second dwelling unit on the property.

4. What are the existing uses of the subject land and how long have they continued?

Property currently contains a single detached dwelling and 2 sheds which will be removed

5. What is the proposed use of the property? Residential dwelling and secondary dwelling

6. What are the reasons why the proposed use cannot comply with the provisions of the Zoning By-law? In order to accommodate the proposed second dwelling while maintaining the required limiting distances and sufficient space for parking and amenity space, a minor reduction in the required rear yard is required.

## Building/Structure and Servicing Information

1. Are there any existing buildings or structures on the subject land?

Yes

No

*If yes, please provide the following information for each building or structure (use metric measurements). If more than one, please attach a separate sheet with the following information.*

Type: dwelling

Front Lot Line Setbacks: 4.1 m Rear Lot Line Setbacks: 10.9 m

Side Lot Line Setbacks (both sides): 1.5 m and 6.5 m

Height: 1 1/2 storey / 5.9 m Dimensions/Floor Area: 1,082 sf

Date the existing buildings or structure were constructed on the subject land:  
unknown

2. Are there any proposed buildings or structures to be erected on the subject land?

Yes

No

*If yes, please provide the following information for each building or structure (use metric measurements). If more than one, please attach a separate sheet with the following information.*

Type: Second Dwelling

Front Lot Line Setbacks: 20.2 m Rear Lot Line Setbacks: 4 m

Side Lot Line Setbacks (both sides): 3.3 m and 4.5 m

Height: 5.9 m Dimensions/Floor Area: 207 sf

Proposed date of construction: 2024 Additional Parking spaces: 1 space

3. Is access to the subject land to be/or is currently provided by:

Municipal Road (please circle if it is maintained either seasonally or year round)

Private Road/Lane

County Road

Other (describe): \_\_\_\_\_

4. Type of Water Supply to Subject Lands:

Publicly owned and operated piped water system

Privately owned and operated piped water system

Privately owned and operated individual well

Communal well

Lake or other water body: \_\_\_\_\_

Other Source: \_\_\_\_\_

5. Type of sewage Disposal System Servicing Subject Lands:

- Publicly owned and operated sewage disposal system
- Privately owned and operated septic system
- Communal septic system
- Other means: \_\_\_\_\_

6. Provision of Storm Drainage:

- Piped Municipal Storm Sewers
- Ditches
- Swales
- Other means: \_\_\_\_\_

7. Other Services and Utilities Available:

- Electricity
- Natural Gas
- School Bussing
- Garbage Collection
- Other: \_\_\_\_\_

**Other Planning Applications**

1. Has the site ever been the subject/or currently is the subject of an application under the *Planning Act* for:

- |  |   |
|--|---|
| <input type="checkbox"/> Official Plan Amendment | <input checked="" type="checkbox"/> Zoning By-law Amendment |
| <input type="checkbox"/> Plan of Subdivision     | <input type="checkbox"/> Consent                            |
| <input type="checkbox"/> Minor Variance          | <input type="checkbox"/> Other: _____                       |

*If yes to any of the above, please complete the below chart (if more than two, please attach a separate sheet with application information)*

File Number: ZBL-07-2023

Name of Approval Authority Considering Application: Town of Perth

Land Affected by Application: subject property

Purpose: to permit a second dwelling and and a second dwelling unit

Status: Refused by Council on December 12, 2023

Effect on requested amendment: It has been determined that both are permitted as of right

2. Has any property within 120 meters of the subject land been subject to any application under the *Planning Act* for:

Official Plan Amendment

Zoning By-law Amendment

Plan of Subdivision

Consent

Minor Variance

Other: \_\_\_\_\_

*If yes to any of the above, please complete the below chart (if more than two, please attach a separate sheet with application information)*

File Number: \_\_\_\_\_

Name of Approval Authority Considering Application: \_\_\_\_\_

Land Affected by Application: \_\_\_\_\_

Purpose: \_\_\_\_\_

Status: \_\_\_\_\_

Effect on requested amendment: \_\_\_\_\_

3. Is this application a re-submission  Yes  No

*(If yes, describe how the application has been changed from the original)*

\_\_\_\_\_  
\_\_\_\_\_

4. Identify if the land has ever been subject of a Minister's Zoning Order, if known, give the Ontario Regulation Number of that order: \_\_\_\_\_

### Required Sketch Information

The following information must be included in the required sketch to be submitted with your complete application.

*(Please check to confirm this information has been included on your sketch)*

Boundaries, dimensions and area of the subject property

Location, size and type of all existing and proposed buildings and structure on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line, and side yard lot lines

- Approximate location of all natural and artificial features on the subject land and on adjacent land including: buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, floodplains, wooded areas, wells and septic systems, and any such features which in the applicants opinion may affect the application
- Current uses on the land adjacent to the subject land
- Location, width and name of any roads within or abutting the subject land, indicating whether it is a public traveled road, unopened road allowance, a private road or a right-of-way including any parking and docking facilities
- Location and nature of any easements affecting the subject land

### Required Studies

This application form must be accompanied by all the submission requirements in order to be considered a complete application. Incomplete applications will not be processed until all information is provided. A pre-consultation meeting with Planning and Development staff is required PRIOR to submission of this application.

### Notice to Applicant

Subject to an initial application review, the Town of Perth may accept and declare this application complete on the basis that the required application fee and any required deposit has been paid. However, the applicant hereby acknowledges that the application will cease to be complete in the event that the Town's costs for processing the application exceed the initial application fee or exceed 75% of the value of any required processing deposit and in such circumstances the processing of the application will be suspended until the funds necessary to pay outstanding costs and the initial application fee or the initial deposit, as applicable have been reinstated.

**Declarations**

**Authorization of Owner for Agent to Make the Application:**

If the application is to be signed by an applicant/agent/solicitor on behalf of the owner, the following authorization must be completed or the owner must submit a letter of authorization.

I/We, CORNERSTONE LANDSCAPE MAINTENANCE & YOUTH SERVICES, am/are the owner(s) of the land that is subject of this application and I/we authorize, ZanderPlan Inc., to make this application on my/our behalf.

Signature:  CHARIS  
(Registered Owner)

Date: June 20, 2024

Signature: \_\_\_\_\_  
(Registered Owner)

Date: \_\_\_\_\_

**Consent of Owner:**

I/We, CORNERSTONE LANDSCAPE MAINTENANCE & YOUTH SERVICES, am/are the owner of the land that is the subject of this application and for the purposes of the Freedom of Information and Protection of Privacy Act, I/we authorize and consent to the use by or disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

Signature:  CHARIS  
(Registered Owner)


Date: June 20, 2024



**Freedom of Information / Access to Property Consent:**


The applicant/owner hereby acknowledges that this application is a public document and all information provided in the application and information submitted with the application will be available for public review and scrutiny

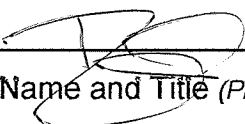
*(Personal contact information including mailing address, email address and phone numbers will remain confidential).*

  
\_\_\_\_\_  
Owner's Signature

  
\_\_\_\_\_  
Applicants Signature

The owner hereby authorizes Planning Staff or employees of the Corporation of the Town of Perth working on behalf of the Director of Development Services to enter into the lands that are subject to this application during the regular business hours of the Town of Perth for the purpose of inspecting, evaluating and recording information about the site's terrain and drainage, the exterior of any buildings and any other exteriors features relevant to the application.

  
\_\_\_\_\_  
Owner's Signature

  
\_\_\_\_\_  
Owner's Name and Title *(Please Print)*

**Agreement to Indemnify:**

The applicant hereby agrees to indemnify and save harmless The Corporation of the Town of Perth (the "Town") from all costs and expenses that Town may incur in the connection with the processing of the Applicant's planning application for the approval under The Planning Act.

Without limiting the foregoing, such costs and expenses shall include all administrative, legal, engineering, planning, advertising, and consulting fees and charges incurred or payable by the Town to process the application, together with all costs arising from the Town, if required or requested by the Applicant appearing at any hearing of appeal to the Ontario Land Tribunal ("OLT") from any decisions by Town Council, the Committee of Adjustment or the County's Land Division Committee as the case may be, approving the Applicant's application.

The Applicant agrees that if any amount owing to the Town in respect to the application is not paid within 30 days of being issued; the Municipality will not be required to process or to continue processing the application or appear before the OLT in support of a decision approving the application until the amount has been paid in full.

The Applicant further agrees, that any amount owing by the Applicant is a debt of the Applicant and the Town, in addition to other remedies available to it by law, is entitled to recover the amount owing with interest from the Applicant by actions in the Courts.

Signature:   
(Registered Owner)

Date: June 20, 2024

**Affidavit or Sworn Declaration that the Information is Accurate:**

(To be signed in the presence of a Commissioner)

I DEARWEI KELLEND, of the Town of Perth, of the 20th day of June, 2024, solemnly declare that all of the above statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at the

Town of Perth in the County of Lanark  
this 21st day of June, 2024.

  
Signature of Applicant or Owner

M. Beson  
Commissioner of Oaths

I, MEGAN BESON,  
A COMMISSIONER, ETC.,  
FOR THE CORPORATION OF  
THE COUNTY OF LANARK.  
EXPIRES WITH TENURE.

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June 10, 2024

Town of Perth  
80 Gore Street E  
Perth, ON K7H 1H9

**RE: Minor Variance application  
82 Drummond Street W  
Perth, Ontario  
Applicant: Cornerstone Landing Youth Services**

ZanderPlan has been retained by the applicant to prepare a Planning Rationale for the property located at 82 Drummond Street West in the Residential Area of the Town of Perth. The property is in the shape of a rectangle fronting onto Drummond Street West, at the corner of Railway Street, with an existing residential dwelling. The site is currently used for residential purposes with the existing home divided into two units. The property is currently zoned Residential Second Density (R2), with a single detached home as the permitted principal use. The applicant intends to add a second dwelling onto the property, in addition to the two dwelling units that are in the existing residential dwelling, which is permitted per Bill 23 and Section 35.1 of the *Planning Act*.

In order to accommodate the required separation between buildings, and due to the orientation of the lot with Drummond Street West being the Front Yard, an exception is required through this Minor Variance application to permit a Minimum Rear Yard Setback of 4 metres where the By-law requires 6 metres.

## **SITE LOCATION**

The subject property is located south of Highway 7 and northeast of County Road 43 and is described as Part of Lot 2 Concession 2 in the Town of Perth (Figure 1). The property is a corner lot at the northwest corner of Drummond Street West and Railway Street, with the front of the dwelling and driveway located off Drummond Street West. The property maintains 15.2 metres of frontage with a driveway on Drummond Street West, with a total depth of 31.1 metres along Railway Street. Driveway access for the property is off Drummond Street West. The total property is approximately 0.046 hectares with the dwelling situated closer to Railway Street, leaving the outdoor amenity space mostly hidden behind the dwelling. There are no natural heritage features identified on the lot, and the building is connected to municipal services. The property is surrounded by similar style single residential homes with smaller commercial businesses located to the North East off Drummond Street. The existing use of the dwelling will continue to provide two rental housing units, while the applicant is proposing to add a second

dwelling in the rear yard; this will add opportunities to provide an additional affordable unit onsite without disrupting the surrounding area. The second dwelling on the same lot is permitted as of right; however, minor relief is required to the rear yard setback to accommodate the second dwelling on the lot.



**Figure 1. Aerial Image of the Subject Property**

**PROVINCIAL POLICY STATEMENT, 2020**

The Provincial Policy Statement (PPS, 2020), created under the authority of Section 3 of the *Planning Act*, identifies matters of Provincial interest which must be considered when planning applications are filed in Ontario. Approval authorities are required to ensure that decisions on planning matters are consistent with these policies.

The proposed second dwelling and use of the lot for another housing unit is consistent with **Section 1.0 Building Strong Healthy Communities**, as it presents additional opportunities to

provide appropriate and affordable residential units within an existing developed area, thereby efficiently using land and the existing infrastructure networks (1.1.1b). There are no environmental or public health and safety concerns with the construction of a second dwelling on the same lot, and both buildings would be serviced with piped municipal services (Sec 1.1.1c). The addition of the second dwelling will not affect any of the settlement boundaries or prevent further expansion of these boundaries as it will be placed on an existing developed lot (Sec. 1.1.1d). The existing lot fronts onto two established roads with connectivity to major corridors in and out of the Town, providing intensification of affordable housing within a transit-supportive area (Sec. 1.1.1e). The yard in which the second dwelling is proposed to be placed functions like a side yard setback to the abutting lot at 1 Railway Street; the required side yard setback is only 1.2 metres, where this development would have a yard setback of 4 metres. The already developed nature of the lot and the established surroundings ensures the necessary infrastructure is readily available for the projected needs (Sec. 1.1.1e). Ultimately the request to add the second dwelling to the property will help build a healthy, liveable and safe community within the Town of Perth.

**Section 1.1.2** speaks to the municipality's requirements to make sufficient land available to accommodate a range and mix of land uses to meet the projected needs for a time horizon of up to 25 years. Where, *"within settlement areas, sufficient land shall be made available through intensification and redevelopment and if necessary, designated growth areas"*. The proposed addition of the second dwelling is consistent with the intensification and housing policies of the PPS.

**Section 1.1.3** speaks to Settlement Areas as the focus on growth and development relying on vitality and regeneration of the communities for long-term economic growth (Sec. 1.1.3.1). The current land use and proposed addition of the second dwelling will efficiently use land and resources (Sec. 1.1.3.2a) and will continue to maintain proper infrastructure and servicing adequate for the site and use (Sec.1.1.3.2b). The addition of the second dwelling will create new opportunities for additional affordable units in a compact form, minimizing negative impacts to air quality and climate change, and promoting energy efficiency (Sec. 1.1.3.2c). The placement and design of the second dwelling contributes to minimizing the effects of climate change and urban sprawl (Sec. 1.1.3.2d). Access to the subject property falls within close proximity to Highway 7 and County Road 43, making it easily accessible for any future transit plans (Sec. 1.1.3.2f).

**Section 1.2.6** speaks to Land Use Compatibility, noting that *"Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects"*. The existing dwelling and use of the site in addition to



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the proposed second dwelling does not meet the definition of a major facility as defined by the Provincial Policy Statement. There are no adverse effects expected from contaminant discharges, noise, odour, or other public health risks from the proposed use of the existing lot and proposed expansion (Sec. 1.2.6). Further, the subject property is not located in proximity to any major facilities that would result in a conflict with the proposed use.

**Section 1.4** speaks to housing, where an appropriate range and mix of housing options and densities are required. The existing dwelling currently provides two housing units, with the addition of the second dwelling providing an additional unit on site. The second dwelling also contributes to providing a different form of living accommodations and adds to a mix of densities within the residential area of Perth.

**Section 1.6.6** of the PPS speaks to sewage, water and stormwater. As the subject site falls within the settlement area, municipal sewage and water services is typically the preferred form of servicing. The existing neighbourhood is connected to municipal services with connections and capacity available on site to meet the current and projected needs.

**Section 1.6.7** of the PPS speaks to transportation systems, noting connectivity among transportation systems should be maintained. The development and lot already front onto and maintain two access points to Drummond Street and Railway Street. No foreseen implications shall arise due to the additional dwelling and shall continue to facilitate the movement of people and goods in a safe and energy efficient manner. All required parking for the three residential units can be accommodated onsite.

**Section 1.8** of the PPS speaks to Energy Conservation, Air Quality and Climate Change with an emphasis on energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns. The proposed second dwelling introduces a form of living and form of development emphasizing energy conservation. The location and orientation of the second dwelling will maximize energy efficiency with proximity to local amenities to support active transportation. At 207 square feet, the proposed second dwelling is energy efficient and compact in form, meeting the intent of this section of the PPS.

**Section 2.1** of the PPS speaks to Natural Heritage requiring natural features and areas to be protected for the long term. There are no natural heritage features identified on or surrounding the existing lot. **Section 2.2** of the PPS speaks to water. No significant water resource areas are identified on or surrounding the lot. **Section 2.3** speaks to agriculture. The subject property is within a Settlement Area with no identified agricultural lands identified. **Section 2.4** of the PPS

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speaks to minerals and petroleum. The subject site does not contain any known significant minerals and petroleum resources that need to be preserved. **Section 2.5** speaks to mineral aggregate resources; there are no known mineral aggregate resources on or within close proximity to the subject site. **Section 2.6** of the PPS speaks to cultural heritage and archaeology; there are no known cultural heritage or archaeological resources on or within close proximity to the subject site. **Section 3** of the PPS speaks to protecting public health and safety. The subject site does not contain any natural hazards with no other known public health and safety hazards identified on the property or man-made hazards pursuant to the policies of Section 3.2.

Overall, the proposed addition of a second dwelling to the existing residential lot, with a reduction in the required rear yard setback to 4 metres, is consistent with the policies in the 2020 Provincial Policy Statement.

## LANARK COUNTY SUSTAINABLE COMMUNITIES OFFICIAL PLAN

The subject property is designated within the Settlement Area on the Lanark County Sustainable Communities Official Plan Schedule A –Land Use with no identified constraints on Schedule B.

**Section 2.0** of the Lanark County Official Plan sets forth policies and objectives for Settlement Areas. It is an objective within the Official Plan that Settlement Areas *“are intended to create a planning framework which will encourage and support diversified, mixed use settlement areas which have developed on the basis of full or partial municipal services or which are planned population centres to be developed on the basis of sustainable private services”*. The subject site falls within the Settlement area of Perth with the proposed development having no intention of expanding or affecting the limits of the settlement area as identified on Schedule A. As is, the settlement area has potential to intensify, as the subject property has the space to accommodate the second dwelling and connections to municipal services, ensuring the area can accommodate future growth and demands while continuing to adhere to the appropriate land use policies. The proposed second dwelling is a form of efficient development and will optimize the use of the available resources of the lot while providing a new range and mix of affordable housing to the area.

**Section 4.3.4** speaks to the Local Roads and ensuring the main function of the roadway as an efficient transportation artery is maintained. The subject property abuts a local road with direct and easy access to Drummond Street leading to Highway 7 and Railway Street leading to County Road 43. The addition of the second dwelling is not anticipated to impede or impact the existing

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traffic found on Drummond Street, Railway Street and other surrounding local streets as the development is minimal in scale to the existing road networks within the Settlement Area.

**Section 4.4** speaks to the general policies in regards to water, waste water and stormwater services. The development will not lead to or result in unplanned expansions to water and waste water infrastructures as the proposed will connect to existing municipal services, with the required capacity available to meet the needs of the additional housing unit.

**Section 8.2.9** speaks to affordable housing where the County will monitor and encourage infill and housing intensification particularly in urban core areas. The addition of the second dwelling onto the existing developed lot creates a new opportunity for an affordable unit without the requirements of developing or severing a new lot. It creates an efficient and cost effective method of development within the residential area, and once constructed, the unit provides compact and energy efficient living accommodations while contributing to the demands of current and future residents. The second dwelling will be located in the defined rear yard of the lot; however, this yard functions like a side yard to the abutting lot at 1 Railway Street. The R2 zone would require a side yard setback of 1.2 metres, and the proposed dwelling location on this lot would exceed that standard. In addition, existing vegetation will help to screen the use.

Overall, the addition of a second dwelling meets the intent of the policies of the Lanark County Sustainable Communities Official Plan.

## **TOWN OF PERTH OFFICIAL PLAN, 2019**

The Town of Perth's Official Plan strives to balance the aspirations of Perth within the broader context of Provincial interests as espoused in the Provincial Policy Statement, with the goal to provide an appropriate decision-making framework for land use development within the Town. The subject property falls within the Residential Area of the Town with no development constraints identified on the Official Plan Schedules.

**Section 3.1** speaks to population where Perth's proximity to Ottawa and Kingston expects to expand the population and the economic diversity of its residents. This growth requires additional housing for the projected needs of the Town. The proposed second dwelling will contribute to increasing the availability of affordable housing units within a mature residential area of Perth.

**Section 3.2** speaks to housing where intensification will be focused to the downtown, converted institutional buildings, second units in dwellings and large lots in established neighbourhoods.



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The subject property has the space to accommodate the second dwelling while still adhering to the majority of the zoning provisions of the Residential Second Density Zone and while maintaining the character of the existing neighbourhood. While a reduction in the required Rear Yard setback is required to support the proposed development, no negative impacts on abutting properties are anticipated by this reduction, given the fencing and vegetation.

**Section 5.2** speaks to sewage and water where all new development is to be serviced by municipal water and sewer services. The second dwelling will connect to the existing services on site within the established neighbourhood, with no known capacity issues in place.

**Section 5.5.2** speaks to arterial roads, where Drummond Street West is recognized in its function as a secondary arterial road. Its mixed-use character, particularly through the well-established residential sections, is intended to be retained. The second dwelling will continue to contribute to the mixed uses and density found along Drummond Street.

**Section 8.1.3** speaks to the Residential Area with the main objectives of the designation to provide an appropriate range and mix of housing types, through compact and energy efficient development which is fully serviced, emphasizing infill and intensification projects. Any new development within the residential area shall maintain ground-oriented housing, and ensure built form, massing and profile of new and redeveloped housing is well integrated and compatible in design with the existing housing. The proposed second dwelling adheres to the general objectives of the residential area by providing a new, fully serviced affordable unit in a compact and energy efficient form of living with continued compatibility with the existing neighbourhood.

The permitted uses of the Residential District are directed towards a range and mix of housing types and densities sufficient to meet freehold and rental markets in addition to permitting accessory apartment or second units in low density housing where residential design and zoning standards are met. The proposed second dwelling would be an additional housing unit to the already existing dwelling on the property and will adhere to the zoning requirements of the Residential Second Density zone with the exception of the Rear Yard setback.

In regards to housing supply, the Official Plan states that Council will continue to work with local housing authorities to add to the stock of affordable housing and allow for increased housing densities where proponents provide affordable housing units, innovative designs that are efficient and sustainable. The proposed second dwelling will have a floor area of 207 square feet; it is a compact and energy efficient form of living as it provides a smaller living space requiring less energy and resources. The unit will increase the density of the existing site but will continue to add to the affordable housing stock in Perth without requiring additional zoning amendments.

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The reduction in the required Rear Yard setback allow accommodate the small additional dwelling and is not anticipated to have an impact on the abutting property, with fencing and landscaping to be retained.

The proposed second dwelling with a reduced Rear Yard setback aligns with the policies set out in the Town of Perth's Official Plan and will aid in providing additional affordable units within the Town.

## **THE PLANNING ACT, R.S.O 1990 as amended**

The proposed addition of a second dwelling on the same property as the existing single detached dwelling with two residential units in it provides an additional affordable housing unit to the Town, all of which is permitted as of right under Section 35.1 of the *Planning Act*. Specifically, the Act states the following:

### ***Restrictions for residential units***

**35.1 (1)** *The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,*

- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*
- (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or*
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 9.*

### ***Same, parking***

*(1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) other than the primary residential unit. 2022, c. 21, Sched. 9, s. 9; 2023, c. 10, Sched. 6, s. 7.*

***Same, minimum area***

*(1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section. 2022, c. 21, Sched. 9, s. 9.*

Based on this legislation which was enacted under Bill 23, a total of three residential units are permitted as of right on the subject property. The Minor Variance is only required to address the reduction in the required Rear Yard setback.

**TOWN OF PERTH ZONING BY-LAW NO. 3358 (Consolidated in 2022)**

The subject property is currently zoned Residential Second Density (R2) in the Town of Perth Zoning By-Law. Currently, the lot consists of a single residential dwelling which has been split into two suites, each with separate access and available parking onsite. This is recognized as a single detached dwelling with a second dwelling unit in it. The proposed second dwelling would be required to comply with the zone provisions for the principle use on the lot, per Section 4.1.2 of the By-law.

**Section 4.35.2** speaks to parking for residential use. As the subject property already contains an existing dwelling with two units inside with 2 separate driveways, there is adequate parking on site for the second dwelling. The addition of the second dwelling would increase the required parking from 3 spaces to 4 spaces. The existing driveway off of Drummond Street West is of sufficient size to accommodate a total of 4 parking spaces in tandem, as shown on the enclosed site plan.

**Section 7** speaks to the Residential Second Density zone (R2) and the permitted uses as listed below.

**Principal Use:**

- Single detached dwelling
- Linked Dwelling
- Group home
- Public use or public service facility

**Accessory use:**

- Home based business
- Accessory uses, building or structures

The following zone provisions are relevant to the proposal:

**R2 Zone Requirements:**

	<b>Required</b>	<b>Existing Principal Use</b>	<b>Proposed Second Dwelling</b>
Minimum Lot Area	366m <sup>2</sup>	465m <sup>2</sup>	465m <sup>2</sup>
Lot Frontage	14m	15.2m (Drummond) 31.1m (Railway)	15.2m (Drummond) 31.1m (Railway)
Min. Front Yard (Drummond)	6m	4.1m	n/a
Min. Rear Yard	6m	2.3m existing	<b>4m</b>
Min. Int. Side Yard	1.2m	6.5m	2.7 m
Ext. Side Yard (Railway)	4.5m	1.5m	4.5 m
Max. Height	10.6m	5.9m	<4.5m
Lot Coverage	40% (Total)	39.9% (Total)	29.7% (Total)

As noted in the Table above, the only provision of the R2 zone that is not met for the second dwelling is the required Rear Yard setback of 6 metres. As shown on the attached site plan, the proposed second dwelling would be located with a rear yard setback of 4 metres, therefore requiring a Minor Variance. As noted, this side of the property functions like a side yard to the existing dwelling located at 1 Railway Street. There is fencing and landscaping in place that will aid in reducing the impact of this setback reduction. It is notable that the interior side yard setback is only 1.2 metres, and the proposed dwelling will be oriented to Railway Street in the same way as the dwelling at 1 Railway Street, making the abutting yard function as a side yard.

Overall, with the exception of the required rear yard setback for which an exception is sought, the proposed development will meet the intent of the Town's Zoning By-law.

**FOUR TESTS OF A MINOR VARIANCE**

Per Section 45(1) of the *Planning Act*, approval authorities consider what are commonly referred to as the "four tests" when making decisions on Minor Variance applications. The first test is whether the proposal meets the intent and general purpose of the Official Plan. As noted above,

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the proposed second dwelling with a reduced rear yard setback meets in the intent of the policies of both the Lanark County and Town of Perth Official Plans.

The second test is whether the proposal meets in the intent of the Zoning By-law. As noted herein, the proposed use will comply with all of the provisions of the Zoning By-law with the exception of the required rear yard setback. All of the required parking can be accommodated on the site, and the other yard provisions and lot coverage limits are adhered to. The rear yard on this property functions like a side yard to the abutting property at 1 Railway Street, and the requested reduction in the required rear yard setback would still accommodate an appropriate level of separation to the westerly lot line. The proposal meets the intent of the Town's Zoning By-law.

The third test is whether the proposal is desirable for the appropriate use of the land. The subject property is in an established residential area, on full municipal services, in close proximity to relevant services and amenities to meet the needs of the proposed housing unit. As discussed in the PPS section of this report, the proposal represents an efficient use of the land and contributes to the supply of housing. The housing units adds to the the goal of building affordable housing units in the Province. The small home is energy efficient and compact in form, and is an appropriate use of the property; servicing and all required parking can be accommodated on the site. The proposed second dwelling is a desirable and appropriate use of the site, and the reduction in the rear yard setback required to accommodate the second dwelling is not anticipated to have any negative impact on the abutting property given the 4 metre separation that will remain, along with the fencing and landscaping that is in place.

The fourth test of the Minor Variance is whether the proposal is "minor" in nature. The "minor" test must consider not only the numeric change but also the impact of the proposal. A reduction in the required setback from 6 metres to 4 metres represents a 33% reduction. A setback of 4 metres will still be accommodated on the site. The second dwelling will "face" to Railway Street and will function like a side yard setback to the abutting dwelling at 1 Railway Street. As the required side yard setback in the R2 zone is only 1.2 metres, the 4 metre setback proposed on this site will exceed that requirement and still allow for appropriate separation. In addition, the anticipated impact of the proposed Minor Variance is anticipated to be minor, given that all of the other zone provisions will be met on the site, parking will be located on Drummond Street, and landscaping and fencing will remain in place between the dwelling and the abutting property. The proposed dwelling is small and compact in form, and will replace several sheds that were existing onsite. Overall, the proposed minor variance can be considered minor in nature and in impact.

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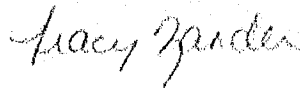
## SUMMARY

The applicant is seeking to add a second dwelling to the property known as 82 Drummond Street West. The purpose of the second dwelling is to accommodate another housing unit on the site. The second dwelling will be connected to municipal services and all required parking can be accommodated on site. A Minor Variance is required to Section 7.2 of the Zoning By-law to permit a reduction in the required Rear Yard setback for the second dwelling, from 6 metres to 4 metres. The second dwelling is permitted as of right per Section 35.1 of the *Planning Act*.

The proposed second dwelling with a reduced rear yard setback is consistent with the policies in the 2020 Provincial Policy Statement, meets the intent of the policies in the Lanark County Official Plan and Town of Perth Official Plan, and complies with the Zoning By-Law requirements of the Residential Second Density (R2) zone in the Town of Perth Zoning By-Law. As noted herein, the proposal satisfied the four tests of a Minor Variance under the *Act*.

Should you require any additional information please do not hesitate to contact the undersigned.

All respectfully submitted by:



Tracy Zander, M.Pl, MCIP, RPP



ZONING SUMMARY			AREA CALCULATIONS	
LAND USE ZONE:	PERCENTAGE RESIDENTIAL SECOND DENSITY	PERMITTED EXISTING PROPOSED	TOTAL PROPERTY AREA	6,800 SF (1.55 ± 10.1) ACRES (1.06 ha)
YARD SETBACKS:	FRONT: 25'-0" (7.62m)	REAR: 10'-0" (3.05m)	EXISTING BUILDING FOOTPRINT TO REMAIN	1,000 SF
PROCT. DRIVELANE:	14'-0" (4.27m)	0'-0" (0.00m)	EXISTING BLDG FOOTPRINT TO BE DEMOLISHED	216 SF
SECTION SIDE SETBACK:	4'-11" (1.50m)	0'-0" (0.00m)	EXISTING BLDG FOOTPRINT TO REMAIN	66 SF
PROPOSED SIDE SETBACK:	5'-0" (1.52m)	0'-0" (0.00m)	NEW BUILDING FOOTPRINT:	212 SF
REAR SETBACK:	5'-0" (1.52m)	7'-6" (2.30m)	EXISTING COVERED PORCH AREA:	100 SF
BUILDING HEIGHT:	24'-0" (7.32m)	15'-0" (4.57m)	EXISTING COVERED PORCH AREA:	1,110 SF
LOT COVERAGE:	25% (25.0%)	15% (15.0%)	SUITE A FLOOR AREA:	807 SF
		12% (12.0%)	SUITE B FLOOR AREA:	207 SF
		1.2% (1.2%)	SUITE C FLOOR AREA:	207 SF
			TOTAL FLOOR AREA:	1,221 SF

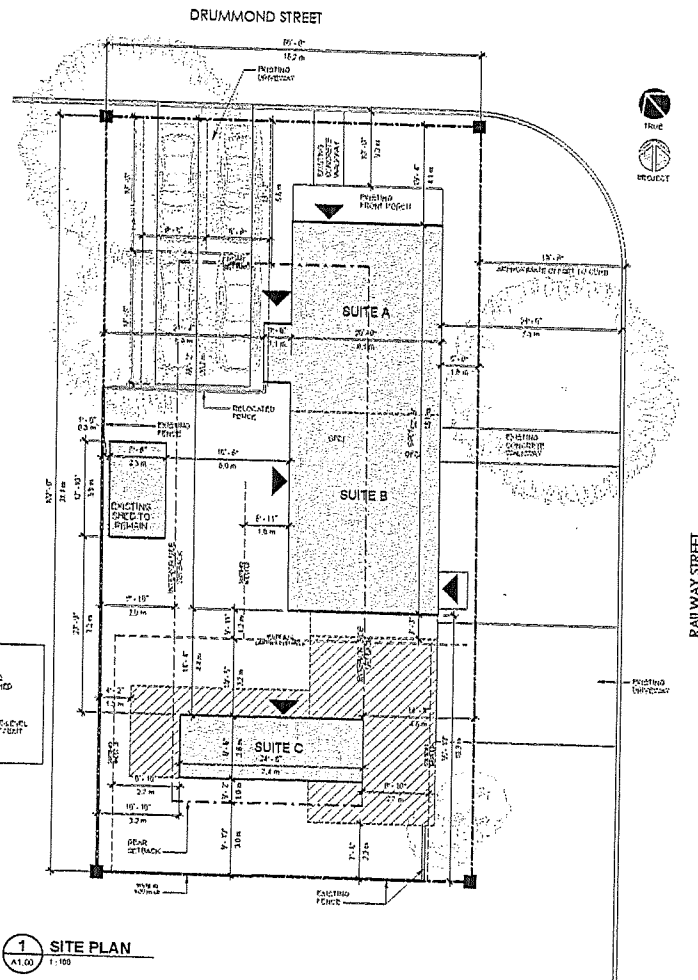
  

USING DISTANCE CALCULATIONS	
SUITE A	SUITE B
SUITE C	SUITE C

- ISSUED FOR
- 2024-09-08 SITE PLAN DRAFT
  - 2024-09-10 SITE PLAN DESIGN
  - 2024-10-05 PERMIT SUBMISSION
  - 2024-09-20 SITE PLAN DESIGN

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 TEL: 970-226-9292



82 DRUMMOND STREET  
 SITE PLAN

DATE: 6-25  
 PLOT DATE: 2024-05-29 3:13:30 PM

**A1.00**

1 SITE PLAN  
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