



## COMMITTEE OF ADJUSTMENT

### REPORT N° AMÉ-20-52-R

<b>Date received</b>	22/07/2020
<b>Date of the meeting</b>	23/09/2020
<b>Submitted by</b>	Nicolas Denis
<b>Object</b>	Minor Variance
<b>File n°</b>	D-13-20-07
<b>Owners</b>	Marc Dube and Cynthia Maloney
<b>Applicant</b>	Marc Dube
<b>Legal Description</b>	Part of Lot 8, Concession 1 (O.S.), Part 1 on Reference Plan 50R-6833

#### 1) GENERAL INFORMATION:

**Designation of the Official Plan of the United Counties of Prescott and Russell:**

Rural Policy Area

**Designation of the Official Plan of the Urban Area of the City of Clarence-Rockland:**

N/A

**Designation of the Official Plan of Bourget:**

N/A

**Classification of Zoning By-Law No. 2016-10:**

Rural Zone (RU)

**Services:**

**Municipal water:**

No

**Municipal Sewer:**

No

**Road access :**

County Road 17

#### 2) PURPOSE :

Minor variance in order to increase the maximum height permitted for an accessory building from 6m to 7 m. This would allow the construction of a hobby farm.

3) **VARIANCE REQUESTED :**

	<b>Permitted</b>	<b>Proposed</b>
Maximum height for an accessory building	6 m	7 m



**Figure 1 – Location of the subject properties.**

4) **CONDITIONS AND COMMENTS RECEIVED :**

**Finance Department:**

No objection.

**Infrastructure Services:**

No comments.

**Protective Services:**

No comments.

**Community Services:**

No comments.

**Construction Division:**

No comments.

**United Counties of Prescott and Russell:**

No comments.

**South Nation Conservation:**

No comments.

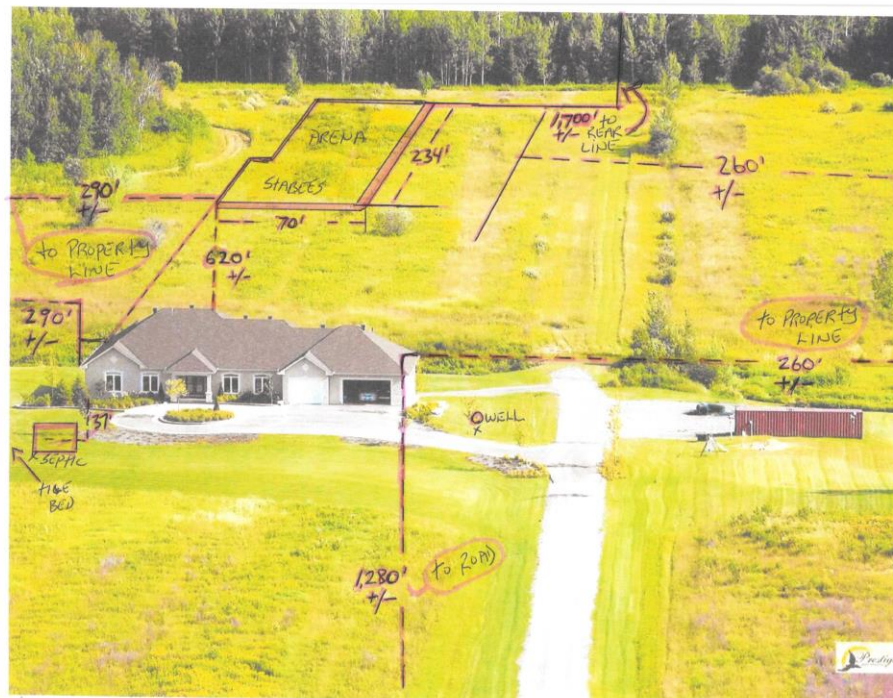
### Planning Services:

On July 22<sup>nd</sup> 2020, Mr. Marc Dube, owner of the property described as Part of lot 8, Concession 1 (O.S.), Part 1 on Reference Plan 50R-6833 (7975 County Road 17), submitted an application regarding a minor variance in order to increase the maximum height permitted for an accessory building from 6m to 7 m. This would allow the construction of a 21.3 meters by 71.3 meters hobby farm containing 4 horses.

The owner is requesting relief from the zoning by-law in order to build a structure that has an adequate height to ensure a safe riding height. This is important because the structure is intended to be accessed on horseback and offer an indoor riding ring.

All of the subject property is included under the "*Rural Policy Area*" on Schedule "A" of the Official Plan of the United Counties of Prescott and Russell. Under this policy area, the proposed structure is permitted as accessory to the established residential use. Also, this property contains a fish habitat and is within a Wildlife Travel Corridor according to Schedule "B" of the Official Plan of the United Counties of Prescott and Russell. The proposed structure will be located approximately 190 meters from the fish habitat. This distance is sufficient from the watercourse and does not require any approval from South Nation Conservation.

The property is zoned "*Rural (RU)*" under the Zoning By-law 2016-10. Under this zone, the proposed hobby farm is permitted.



**Figure 2 – Location of the proposed hobby farm**

5) **FOUR TESTS :**

**I. The general intent and purpose of the Official Plan are maintained:**

The property is identified under the "*Rural Policy Area*" designation on Schedule "A" of the Official Plan of the United Counties of Prescott and Russell. Accessory structures to a permitted residential use are permitted by the official plan. The proposed hobby farm is an accessory structure, as such; the variance requested maintains the general intent and purpose of the policies outlined in the Official Plan of the United Counties of Prescott and Russell.

**II. The general intent and purpose of the Zoning By-law are maintained:**

The property is zoned "*Rural (RU)*" under the Zoning By-law 2016-10. Under this zone, the proposed structure is permitted as accessory to the established residential use.

An equestrian establishment is a permitted use in a rural zone as per section 13.1.1 of the Zoning By-law. The by-law defines an equestrian establishment as "*a commercial establishment where horses are housed or boarded and are available for riding, riding instruction, agility training or jumping*". An equestrian establishment would be permitted to build to a maximum height of 15 meters (Table 13.1.2). Although the proposed hobby farm will not be used as an equestrian establishment, it will be used in a similar fashion. The owner is proposing building a structure that will be 53% below the maximum building height of an equestrian establishment.

Lastly, the proposed hobby farm will respect all other provisions established in the Zoning By-law 2016-10. Therefore, the variance respects the general intent and purpose of the Zoning By-Law 2016-10.

**III. The variance is minor:**

The Department deems this amendment as minor since the proposed use is already permitted by the current zone and permitted by the governing Official Plan.

In addition, the proposed hobby farm will be located approximately 580 meters from County Road 17 and will be located near a forested area. The proposed location of this

structure will not be visible from the roadway, causing any visibility issues or creating a visual distraction. Furthermore, the forested area will create a natural privacy screen that will block the structure of being visible from any neighboring property. That being said, the 1m increase of the permitted maximum height for an accessory structure will not be visible

Lastly, as previously mentioned, an equestrian establishment is a permitted use in a rural zone as per section 13.1.1 of the Zoning By-law 2016-10. The proposed hobby farm will not be used as an equestrian establishment but will be used in a similar fashion. The owner is proposing building a structure that will be 53% below the maximum building height of an equestrian establishment.

The variance can therefore be considered minor.

**IV. The proposed use of land, building or structure is desirable for appropriate development:**

The proposed use of the land is permitted by the Provincial Policy Statement and by the Official Plan of the United Counties of Prescott and Russell and by the Official Plan. The property in question will respect every other provision of the Zoning By-law 2016-10. The proposed increase of the maximum permitted height for an accessory structure is appropriate.

**6) RECOMMENDATION FROM THE PLANNING DIVISION**

THAT the Committee of Adjustment accepts the application for Minor Variance submitted by Mr. Marc Dube, for the property identified as Part of Lot 8, Concession 1 (O.S.), Part 1 on Reference Plan 50R-6833 to:

- Allow the increase of the maximum permitted height for an accessory structure from 6.0 m to 7.0 m;