

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

File No.  
01-MV-2024



**Minor Variance – s.45 (1)**



**Permission – s.45 (2)**

**MUNICIPALITY OF SOUTH DUNDAS COMMITTEE OF ADJUSTMENT**

Name of Committee

RE AN APPLICATION BY

**Jacques Brunet & Cathy Little**

Name of Applicant

**385 Central Park Blvd, Russel, ON, K4R 0C8**

Address of Applicant

LOCATION OF PROPERTY

**CON 8 PT LOT 20 RP8R3284; PART 1**

Brief description

**PURPOSE OF APPLICATION To decrease the minimum required rear yard setback for a single detached dwelling from 15 m to 5 m in the “Agricultura (A)” Zone.**

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 **6<sup>th</sup> day of February, 2024.**

DECISION: Granted

CONDITIONS: None

REASONS FOR DECISION: No comments from agencies circulated on the request or neighbouring property owners.

The requested variance is based on existing vegetation on the subject property that the landowner wishes to maintain. While the intent of the setback is to keep normal farm practices away from separate residential uses, a buffer of vegetation exists in the rear, as does a desirable tree in their front yard. Given that the field is complete farmland, and a row of vegetation exists, the variance would not have any additional adverse impact on surrounding land uses.

The variance would allow a heavily vegetated property to maintain its character and be developed with a residential use. The variance is desirable because the proposal allows for vegetated protection of a new single detached dwelling from the existing farmland use in the rear, while also maintaining its character.

The proposal conforms to the general intent of the zoning by-law.

The property is currently well undersized to support an agricultural use and as such, a residential use is the highest and best use of the existing property. The proposal conforms to the general intent of the Official Plan.

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 February 27<sup>th</sup>, 2024.  
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 7<sup>th</sup> day of February, 2024.



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.