



TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

Committee: Committee of the Whole – Community Development

Date: October 2, 2023

Department: Community Development

Topic: Application for Severance, 2460 Rooney Rd (Smith)

Purpose: To review severance application B-111-23, which proposes the creation of a new lot on Rooney Road for the conversion of an accessory building to a single dwelling.

Background: The Township has received a severance application for a property at 2460 Rooney Rd. The property is approximately 4.03 ha, developed with a single dwelling and 2 accessory buildings. The dwelling and one of the accessory buildings are on private services; they share a well but have their own separate septic system. There are significant woodlands on the property and the Trans-Northern Pipeline transects the parcel on the north end. There are provincially significant wetlands mapped approximately 30m east of the subject land. Surrounding properties are rural with very limited development.

The application proposes a new 1 ha lot with 155m of frontage on Rooney Rd, and will include the serviced accessory building and septic system. The owner intends to convert this existing accessory building into a dwelling. The retained lot would have the existing single dwelling, private well, septic and accessory building on 3.03 hectares.

Policy Implications: The subject land is within the Rural Policy Area of the Township Official Plan and zoned Rural as per our Zoning Bylaw 2022-37.

Official Plan

The Official Plan states that it is a goal for the Rural Policy Area is to provide for the long-term orderly development of the rural lands in a manner which is consistent with ensuring the protection of natural environment and resources. Rural Policy Area lands are intended for limited, low density residential development that compliment the character of the rural environment.

Where development is proposed within or adjacent to lands within the natural heritage system, the Township requires an environmental impact assessment to demonstrate that the development will not have a negative impact on the natural heritage features. Depending on the nature of the development and site alteration, and in circumstances

where there is a low likelihood of negative impact on the natural heritage system, the Township's Official Plan allows that the Township, in consultation with the South Nation Conservation Authority, may waive this requirement for an EIS (6.17.1). Staff note that both the severed and retained lands are already developed and have advised the owner that an EIS will be required if any new structures or changes to the building footprint are proposed.

In regard to the Trans Northern Pipeline (TNPI) on the retained parcel, the Official Plan encourages development proponents to undertake early consultation with the relevant operating authority to ensure compliance with applicable regulatory requirements (5.9.3). The Township has engaged in early consultation with TNPI, which notes that the new parcel is within an existing 60ft right of way, and that the right of way will need to remain registered on both parcels. TNPI did not object to the severance proposal.

Zoning Bylaw

The proposed severed and retained lots meets the minimum lot size and frontage requirements for the Rural zone.

Section 3.24.1 requires these lots to be serviced by private services, meaning individual autonomous water supply and sewage systems, that are privately owned, managed and operated by the owner of the property upon which the system is located on. The well that services the dwelling on the retained lot is planned to be disconnected from the accessory building (proposed dwelling) on the severed lot and the Owner indicates a new well is planned for the converted dwelling on the severed lot. This building is already serviced by its own septic system.

By definition, accessory buildings are located on the same lot as the main use they are accessory to. Although the ultimate goal for the owner is to convert the structure on the severed lot to a single dwelling, the proposal will create a situation where the building does not comply with the zoning bylaw until the conversion is completed. A temporary zoning bylaw amendment is proposed to permit the accessory dwelling on the severed lot for a limited period of time.

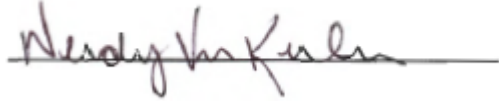
Section 3.16 of the Zoning Bylaw requires a building setback of 120m from any land zoned EP-PSW, unless a lesser setback is recommended in an EIS, to the satisfaction of the Township. As the entire severed lot is within 120m of the EP-PSW zone, the Owner is aware that an EIS will be required for any new building/structure or any changes to the footprint of the existing building on the severed land. The Owner has proactively engaged a consultant for this work.

Financial Considerations: The applicant has submitted the required fee for severance to the Township.

Recommendation: That Committee recommend that Council recommend in favour of severance B-111-23, with the following conditions:

1. That the accessory structure on the severed lands be demolished; or that the Owner obtain relief from the Zoning Bylaw, satisfactory to the Township, that permits the accessory structure on the severed lands, with all levels of appeal exhausted.

2. That the owner provide evidence, to the satisfaction of the Township, that the existing shared well is disconnected from the accessory building on the severed lot. Each lot shall be serviced by individual water supply and sewage disposal systems.

A handwritten signature in dark ink, appearing to read "Nancy Van Kester", is written over a horizontal line.

Community Development Coordinator