



PLANNING
URBAN DESIGN
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October 16, 2023

Christina Blazinovic
Township of North Dumfries
2958 Greenfield Road
Ayr, Ontario, N0B 1E0

Dear Ms. Blazinovic:

**RE: Application for Consent and Minor Variance
1820-1850 Whistle Bare Road, Cambridge
OUR FILE 20367A**

On behalf of our client, Whistle Bear Golf Club, Inc., we are pleased to submit the enclosed consent and minor variance applications for the lands municipally known as 1820 and 1850 Whistle Bare Road, Cambridge (the "subject lands").

The subject lands are located on the north side of Whistle Bare Road between Highway 401 and Dickie Settlement Road having a total area of approximately 92.3 hectares with frontage on Whistle Bare Road and Dickie Settlement Road.

The subject lands currently contain the Whistle Bare Golf Club, including a golf course, clubhouse, maintenance shop/golf cart storage building; Regional Sewer & Watermain containing a small contractor's yard and office; and a single detached dwelling with an accessory structure.

Background

A pre-consultation application was previously submitted and comments were provided on April 19, 2018 (Township File PC-04-18). Since the pre-consultation comments were issued, new Provincial planning policy has been established and a new draft Provincial Planning Statement (2023) has been issued. A discussion of planning policy is provided as part of this letter.

The subject lands received a minor variance approval on September 17, 2014 (Township File A-02/14) permitting an existing contractor yard use over the portion of the lands containing Regional Sewer & Watermain. The lands subject to the minor variance approval also received consent approval on October 24, 2014 (Township File B-11/14), permitting a mortgage/charge over the lands.

On April 26, 2022 a minor variance approval was granted on the subject lands permitting a setback of 6.0 metres for an accessory structure (Township File A-11/21). A building permit was issued and the accessory structure has now been constructed adjacent to the existing residential dwelling.

The subject lands are designated 'Rural Area' and 'Protected Countryside' by the Waterloo Regional Official Plan (the "ROP"), designated 'Open Space' on Map 2 of the Township of North Dumfries Official Plan (the

"Township OP") and designated Rural Areas and Protected Countryside by Map 7 of the Township OP. The subject lands are zoned Zone 1 (Z1), with site specific policy section 20.1.218.

The purpose of the consent application is to permit the severance of two lots, recognizing the existing use of the lands as Regional Sewer & Watermain and an existing residential dwelling that is surplus to the existing golf course. The purpose of the minor variance applications is to permit a reduced lot area and reduced lot frontage for the proposed lots. A consent sketch is included with the submission and the proposed applications are summarized below:

Proposed Consent Applications

Severed Lands (Lot 1): Lot 1 is proposed to contain the building and associated uses of Regional Sewer & Watermain with an approximate area of 0.78 hectares and frontage of 137.3 metres.

Severed Lands (Lot 2): Lot 2 is proposed to contain the existing single-detached dwelling and accessory structure with an approximate area of 0.4 hectares and frontage of 85.3 metres.

Retained Lands: The retained lands are proposed to continue to contain the Whistle Bear Golf Club and its associated uses and structures. The retained lands will have a lot area of 91.1 hectares and maintain frontage on Whistle Bare Road and Dickie Settlement Road.

The following section provides an analysis of the policy and planning framework for the proposed consent application:

The subject lands are identified as a Rural Area within the Regional Official Plan and are not located within a Prime Agricultural Area. Section 1.1.5.2 of the 2020 Provincial Policy Statement (PPS, 2020) provides policy direction for Rural Lands. Permitted uses on Rural Lands include residential development, including lot creation, and other rural land uses. The existing residential and small contractor yard use are consistent with the policy direction for permitted uses on Rural Lands.

Section 1.1.5.4 of the PPS states that within Rural Lands, development should be appropriate for the infrastructure planned or available on the lands. The proposed lots are currently serviced by private well and septic and will not require the expansion of infrastructure or services.

The subject lands are located within the Greater Golden Horseshoe Growth Plan Area. The subject lands are located on Rural Lands, which are defined as lands located outside of a settlement area and outside of prime agricultural areas. Section 2.2.9 of the A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("A Place to Grow") permits limited development outside of settlement areas on rural lands. A Place to Grow permits development for other rural land uses that are not appropriate in settlement areas provided they are compatible, can be sustained by rural service levels and will not adversely affect agricultural uses.

It is our opinion that the proposed lot creation facilitates an existing use on the lands and it is not appropriate to consider the development within a settlement area due to the existing nature. The proposed lots will maintain the current use of the lands which are operating compatibly with adjacent land uses. The proposed lots will be serviced by existing infrastructure and are currently sustained by rural service levels. Based on the foregoing it is our opinion that the proposed severance is consistent with the policies of "A Place to Grow".

The subject lands are designated Rural Areas and Protected Countryside by the Regional Official Plan (ROP). The ROP does not define the permitted uses within Rural Areas or within the Protected Countryside. The

existing uses on the lands are recognized as permitted uses on the lands. The small contractor yard and residential dwelling have maintained defined locations on the subject lands, and are able to function separately from the recreational Golf Course use while maintaining their current form. The proposed consent applications will not result in new development and no new structures are proposed as part of the applications.

The subject lands are designated Rural Areas and Protected Countryside by Map 7 of the Township OP, and designated Open Space by Map 2 of the Township OP. The Open Space designation is intended to apply to uses including golf courses and recreational and tourism uses. Section 2.6.9.4 of the Township OP identifies that specific uses within the Open Space designation will be regulated through the Zoning By-law. Further, the Open Space designation does not prohibit the existing use of the subject lands as a small contractor yard and residential dwelling.

Section 2.6.12 of the Township OP permits that where no provision is made by the Township OP for an existing use within any designation, the existing use may continue. The small contractor yard and residential use are existing on the subject lands and through the Township OP policies are permitted to continue.

The subject lands are zoned Zone-1 (Z1) with site specific policy section 20.1.218. Minor Variance A-02/14 permits the existing small contractor's yard use on Lot 1. The zoning on the subject lands permits a residential building and accessory uses allowing for the proposed residential use on proposed Lot 2. The proposed lots meet the Zoning By-law for permitted uses. Minor variances are requested in combination with the proposed consent applications to allow for the reduced lot area and reduced lot frontage of the proposed lots. The variance is requested to recognize the location of the existing uses on the lands.

The subject lands contain an existing small contractor yard use, and residential use. The MDS I setback for lot creation is not required where the proposed lots contain an existing dwelling or where the proposed lot contains an existing non-agricultural use.

Minor Variances Requested

Severed Lands (Lot 1): The following minor variances are requested:

- 1) Requesting relief from Section 7.2.1 of Zoning By-law 689-83 to permit a Lot Area of 0.78 hectares, whereas a lot area of 35 hectares is required.
- 2) Requesting relief from Section 7.2.2 of Zoning By-law 689-83 to permit a Lot Frontage of 137 metres, whereas a Lot Frontage of 230 metres is required.

Severed Lands (Lot 2): The following minor variances are requested:

- 1) Requesting relief from Section 7.2.1 of Zoning By-law 689-83 to permit a Lot Area of 0.4 hectares, whereas a lot area of 35 hectares is required.
- 2) Requesting relief from Section 7.2.2 of Zoning By-law 689-83 to permit a Lot Frontage of 85 metres, whereas a Lot Frontage of 230 metres is required.

The following provides an analysis of the requested variances in consideration of Section 45(1) of the Planning Act:

1) Maintains the general intent and purpose of the Official Plan

The subject lands are designated Rural Areas, Protected Countryside and Open Space by the Township OP. The Open Space designation does not prevent the use of the lands for the existing small contractor yard and residential use and the Township OP permits the continuation of legally existing uses. The existing use of the proposed lots conforms to the policies of the Township OP.

2) Maintains the general intent and purpose of the Zoning By-law

The zoning on the subject lands permits the existing uses of a small contractor's yard and residential use located on the lands proposed to be severed. The proposed lots and existing uses and buildings on the subject lands meet the Zoning By-law regulations. Minor Variances are requested for a reduction in the lot area and lot frontage.

The Z-1 zone contains provisions for recognized lots with areas of less than 4 hectares. The zoning provisions recognize that lots may exist within the Z-1 zone with a reduced lot area. The required frontage of a recognized lot with a reduced area is 30 metres. The proposed lots have a frontage greater than 30 metres, being 137 metres (Lot 1) and 85 metres (Lot 2).

The Zoning By-law defines a recognized lot as a parcel of land which comprises all the land described in a conveyance by way of a deed, transfer, mortgage, charge or agreement of sale and purchase to which consent has been given under the provision of The Planning Act. The portion of the lands referred to as Lot 1 have received consent and conveyance for a mortgage/charge over the lands. The lands therefore are a recognized lot under the definition of the Zoning By-law.

3) Desirable for the appropriate use of the land, building or structure

The creation of the lots will not alter the use of the lands, and no new buildings or structures are proposed. The requested minor variances are desirable to recognize the functional use of the lands and existing location of the permitted uses.

4) The variances are minor

The requested variances are minor and will not result in any change to the use or function of the lands. The reduced lot area and lot frontage will recognize the current location of the existing uses.


In support of the Consent and Minor Variance Applications, please find enclosed the following:

- Two (2) Completed and Signed Consent Application Forms;
- Two (2) Completed and Signed Minor Variance Application Forms;
- Consent Sketch, prepared by MHBC, dated September 28, 2023;
- A cheque in the amount of \$8,620 made payable to the Township of North Dumfries, representing the fee for two (2) consent and two (2) minor variances applications;
- A cheque payable to the Region of Waterloo in the amount of \$700.00, representing the Regional Consent Application Fee for two (2) consent applications.

We respectfully request confirmation of receipt of this application and that these applications be circulated and placed on the agenda for the next available Committee of Adjustment meeting. Should you require any additional information or have any questions regarding the enclosed, please do not hesitate to contact the undersigned.

Yours truly,

MHBC



David Aston, MSc, MCIP, RPP
Vice President, Partner



Melissa Visser, MSc
Intermediate Planner

cc. *Matt Puim, Emilio Cabral, Tyler Hortie*