



TOWN OF CORNWALL

RESOLUTION

DATE: August 26, 2026
COMMITTEE: Planning Committee
MOTION NUMBER: PL-26-2026
Lots 40, 41 and 42 Heatherway Drive (Portion of PID 1148626)
Amendment to Development Concept

MOTION CARRIED

✓ 5-0

MOTION LOST

MOTION WITHDRAWN

Moved by Councillor

Steven Campbell

Seconded by Councillor

Corey Frizzell

Whereas: The Town received a request to amend the Development Concept for Lots 40, 41 and 42 Heatherway Drive (portion of PID 1148626) (the “Property”) to allow the adjustment of the existing property boundaries of Lots 40, 41 & 42 to create two (2) lots rather than the three (3) approved with the overall area of the Property remaining the same;

And Whereas: An additional request was received to allow the intensification of dwelling units from seventeen (17) units to twenty-four (24) for the Property;

And Whereas: Lot 40 was previously approved for five (5) Ground-oriented Dwelling units and Lots 41 and 42 were previously approved for six (6) Ground-Oriented Dwelling units as part of Phase 2 of Scottsview Meadows Subdivision;

And Whereas: The Property is zoned PURD and Ground-Oriented Housing in the PURD zone having more than four (4) units is a Special Permit Use requiring Council approval;

And Whereas: Council has considered the Town of Cornwall 2022 Official Plan and Zoning and Subdivision Control (Development) Bylaw #422 (the “Bylaw”);

And Whereas: The Property has an insufficient frontage to allow the development of 24 units and would require Council approval for a total frontage variance of 41.7%;



And Whereas: Council in its discretion may authorize variances in excess of ten percent (10%) from the provisions of the Bylaw, where warranted, if Council deems such a variance appropriate and if such variance meets the criteria of Section 21.1.4. of the Bylaw, which Council has determined this request does not.

Therefore, be it Resolved: That Council deny Approval of the Amended Development Concept for Lots 40, 41 and 42 Heatherway Drive (Portion of PID 1148626).

Planning Report

Amendment to Approved Development Concept

Report for

Town of Cornwall

Date

August 5, 2026

Prepared by

Samantha Murphy, RPP, FCIP

Municipal File Number

n/a

Subject

Change to proposed development concept – 40-42 Heatherway Dr, PID 1148626

Background

The Town has received an application for a change to the approved development concept for Lots 40, 41 and 42 on Heatherway Drive which is part of Scottsview Meadows Subdivision Phase Two (PURD).

A planning opinion was requested for the application, to be based on consideration of the requested amendment and sound planning principles. This opinion is based on the information provided, including the Town's official plan and development bylaw, Plan of Survey drawing no 24038-L3 (April 10, 2026) and Arsenault Brothers site plan for the proposed two lots.

Overview of Proposal

The developer proposes to:

- reduce the number of lots from 3 to 2
- increase the number of dwelling units from 17 to 24, with two 6-unit buildings on each proposed lot.

The proposed change would reduce the number of driveway accesses but would increase the amount of traffic overall.

The proposed change would also require a variance for the increased ground-oriented frontage requirements.



Figure 1: Proposed
Concept Plan

Site Overview

The subject property is currently in pre-development status, part of a larger mixed-type residential development. The property backs onto four residential lots, three of which contain single detached dwellings, with the fourth being a multi-unit residential building. To the south is an older residential through lot, with the main building set back closer to rear property line of the subject lots (see figure 2). The abutting lot to the north is connected to 37 Seymour Drive.

Based on the information provided, a development agreement is in place for the original development concept; the scope in the development agreement simply referenced a survey plan, with no suggested layout for each lot. The original public meeting presentation suggested that the lots would involve townhouses but did not specify a specific orientation of building. This application would require an amendment to the development agreement and a change to the approved development concept, unless the development agreement allows for an alternate process for changes.

Access:

The lots front on the extension to Heatherway Drive and will be accessed by Samantha Dr/Cloverlawn to Seymour Dr and the Cornwall Road, and by Main St by way of the existing Heatherway Drive/Cornwall Road. The provincial department of Transportation, Infrastructure and Energy has confirmed with the Town that there are no concerns related to the potential increase in traffic volumes.



Figure 2 - Context Map

Assessment

Zoning

The property is zoned PURD, which allows a mix of housing types (single detached and ground-oriented Housing to a max of 4 units as permitted uses, and ground-oriented housing with more than 4 dwelling units and apartment dwellings as special permit uses). The single detached properties to the rear are zoned R2 - Two Unit Residential.

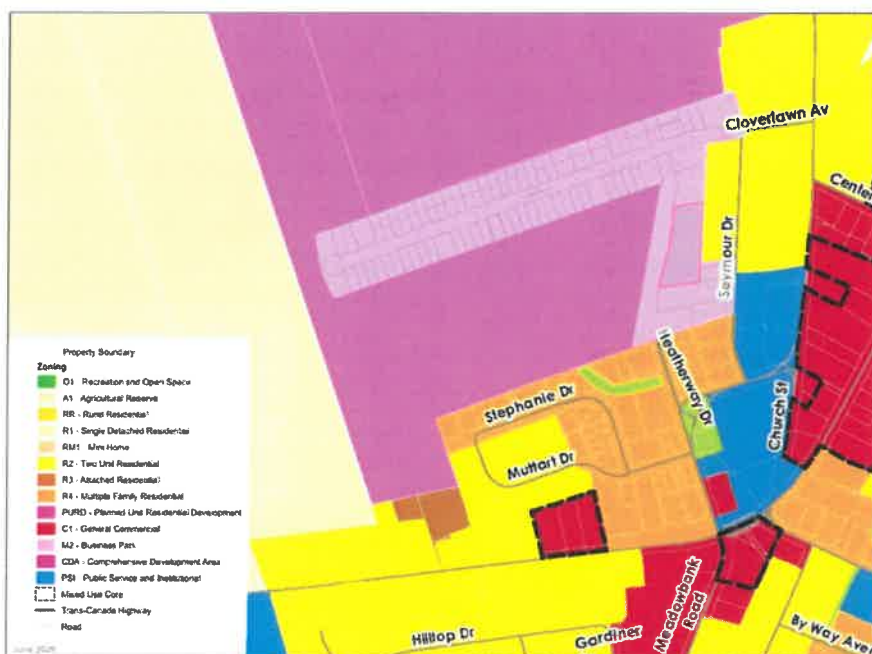


Figure 3—Zoning Context

The proposed development would involve four 6-unit ground-oriented buildings per lot, totalling 24 units across the proposed two lots. With more than 4 dwelling units per lot, a special development permit would be required under s. 13.3(1)(a).

Lot Requirements - PURD Zone (Section 13.5)

Under s. 13.5(1)(a), for Ground-Oriented Housing in a PURD Zone, the lot requirements are the same as those for Ground-Oriented Housing in an R3 Zone. The applicable standards are set out in Appendix A.

Note: under clause 13.5(1)(b), Council may approve innovative housing forms with less than the minimum lot requirements provided that (i) all other sections of the Bylaw are complied with, and (ii) the application involves the development of at least twenty (20) dwelling units and at least one (1) block of land. The proposed development of 24 units meets the 20-unit threshold; however, Council's

discretion must still be exercised and documented, and Council must be satisfied that the parcels constitute a block of land (see Appendix A).

Servicing - PURD Zone (Section 13.4)

All developments in a PURD Zone shall be serviced by municipal sewer services and municipal water supply.

Relevant Official Plan Policies

4.2 Residential

Policy PR-7: Planned Unit Residential Developments

To encourage innovative housing solutions, maximize the efficient use of residential land in the town, and facilitate the co-location of appropriate commercial uses, Council shall designate certain areas with flexible residential development standards.

The proposal increases density and makes efficient use of serviced land, which aligns with policy PR-7's intent. Conformity is conditional on Council being satisfied that the increased ground-oriented frontage variance and the increase from 17 to 24 units is consistent with flexible yet purposeful residential development standards.

Required Variances

The proposed change to the concept plan would be dependent on variances being approved. Based on information provided, the proposed changes would also require a variance for the increased ground-oriented frontage requirement (35.3% for the southern lot and 46.6% for the northern lot).

The Bylaw's tests for variances (ss. 21.1(4)) include the following:

4. Variance applications shall be considered against the following tests for justifying a variance:
 - a. that the Lot in question has peculiar physical conditions, including small Lot size, irregular Lot shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards;
 - b. that strict application of all Bylaw standards would impose undue hardship on the Applicant by excluding them from the same rights and privileges for reasonable Use of their Lot as enjoyed by other Persons in the same Zone;
 - c. that the variance is of the least magnitude required to enable reasonable Use of the Lot; and
 - d. that the proposed variance would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.

Consideration	Comment
Magnitude of variance	Variances of 35.3% and 46.6% significantly exceed the 10% Council threshold under s. 21.1(3), triggering the Council's exceptional discretion under s. 21.1(7). Council must be satisfied the variances meet the criteria in s. 21.1(4) and are in keeping with the general intent of the Bylaw and Official Plan.
Notification requirement	As the variances exceed 5%, the Town must give written notification to all properties within 75 m (246.1 ft.) of the subject property prior to any decision.
Tests for Variances	It is unlikely that the proposed lots would meet the test for peculiar physical conditions or the imposition of undue hardship on the applicant (ss. 21.1(4)).

Summary of Considerations

- The proposal increases density on fully serviced land, consistent with the policy objective of making efficient use of municipal infrastructure and aligning with policy PR-7 goals for innovative housing solutions.
- Reduction from three driveway to two reduces the number of accesses, which may improve pedestrian and traffic safety along the street. The immediate stretch of new road is currently undeveloped, minimizing the impact on established character along Heatherway Dr extension.
- The total unit count would increase by 7 households, which may have a cumulative impact; however, the Department of Transportation has confirmed no traffic volume concerns.
- The required variances for ground-oriented frontage (35.3% south, 46.6% north) substantially exceed both the Development Officer's 5% approval threshold and Council's 10% standard threshold, requiring an exceptional Council determination, and would not likely meet the tests of ss 21.1(4)(a) to (b).
- Written notification to all properties within 75m of the subject property, as laid out in ss. 21.1(1), would be required prior to any decision by Council if variances are used as the mechanism to permit the reduced frontages.
- The proposal meets the 20-unit threshold in s. 13.5(1)(b), which enables Council to consider reduced minimum lot requirements for innovative housing forms involving at least one block of land. However; a block is defined as the smallest unit of land that is bounded on all sides by

watercourses, streets, zone boundaries, large tracts of land, or any combination thereof, and Council would need to be comfortable that the subject land qualifies.

- An amended Development Concept and updated Development Agreement may be required, adding regulatory steps before development could proceed.

Summary

For Council to support this request it must be satisfied:

- That the proposed development concept amendment, including a net increase of seven units, is consistent with the Official Plan's Policy PR-7 objective of encouraging innovative housing solutions and efficient use of serviced residential land;
- That the ground-oriented frontage variances (35.3% south lot, 46.6% north lot) meet all four variance tests in s. 21.1(4), notwithstanding that they exceed the 10% Council standard threshold and fall under the exceptional variance discretion in s. 21.1(7) or that or the provisions of 13.5(1)(b) can be applied;
- That the revised development concept addresses all matters in s. 13.6(1) (design standards, preservation, density, servicing if included) where required and that an amended development agreement is executable, unless the existing development agreement provides otherwise; and
- That the increased density would not unduly impact the enjoyment of adjacent properties or alter the essential character of the surrounding neighbourhood.

The primary consideration in Council's decision on this application is whether the increase in unit count from 17 to 24 is justified in the context of the existing approved concept, and whether the resulting reduced frontage - which substantially exceed the standard variance thresholds - can be supported on the facts presented.

The two options for Council's consideration are:

Approval:

If Council is satisfied that the revised concept is consistent with the Official Plan, the Bylaw's PURD framework (ss. 13.2–13.6), and the variance tests in s. 21.1(4) or the provisions of 13.5(1)(b), and after undertaking the notification process set out in 21.1(1) if pursuing a variance approach, Council may approve the amended development concept and authorize the reduced frontages. The approval should be conditional on the applicant entering into an amended development agreement addressing

requirements, unless the existing development agreement provides otherwise. The decision would be posted publicly in accordance with the Bylaw and the *Planning Act*.

Denial:

If Council is not satisfied that the proposed increase in density is consistent with the approved concept or that the reduced frontages do not meet the applicable variance tests or the provisions of 13.5(1)(b), Council may deny the application.

If Council denies the application, a response in writing with reasons would be required and the decision would be posted in accordance with the Bylaw and the *Planning Act*.

Recommendation:

The proposed change in development concept does not meet the tests for variances required to approve the reduced lot dimensions. While there are provisions for reduced lot requirements in clause 13.5(1)(b), a review of the definition of 'block' suggests that the proposed concept would not qualify.

It is recommended that the application be denied.

It is further recommended that a review of the definition of 'block' or the removal of the block criteria from clause 13.5(1)(b) be undertaken should Council wish to give itself the option to consider reduced lot requirements in these types of PURD scenarios.

Appendix A

Bylaw References

Permitted Uses - PURD Zone (s. 13.2)

No building or part thereof and no land shall be used for purposes other than:

- a.** Single-detached Dwellings
- b.** Ground-Oriented Housing, to a maximum of four (4) Dwelling Units
- c.** Parks and Playgrounds
- d.** Accessory Buildings
- e.** Group Homes
- f.** Ancillary Uses such as Community Facilities and laundromats

Special Permit Uses - PURD Zone (s. 13.3)

Notwithstanding s. 13.2, Council may issue a special development permit for the following uses:

- a.** Ground-Oriented Housing with more than four (4) Dwelling Units
- b.** Apartment Dwellings
- c.** Early Learning and Child Care Centres
- d.** Convenience Stores
- e.** Other types of Multiple Unit Dwellings not included under ss. 13.2(1) or 13.3(1)

Lot Requirements – s. 13.5.

1. The following regulations shall apply to Development in a PURD Zone:

- a. For Single-detached Dwellings, Ground-Oriented Housing, or Apartment Dwellings, the Lot requirements shall be the same as Sections 9.5, 11.5, and 12.5 respectively.
- b. Notwithstanding clause (a) above, the Council may approve innovative housing forms with less than the minimum Lot requirements provided that in the opinion of the Council all other Sections of this Bylaw are complied with and that the application involves the Development of at least twenty (20) Dwelling Units and at least one (1) Block of land.

BLOCK - means the smallest unit of land that is bounded on all sides by Watercourses, Streets, Zone boundaries, large tracts of land, or any combination thereof as determined by the Authority Having Jurisdiction.

Lot Requirements - PURD Zone for Ground-Oriented Housing (s. 11.5(1)(c))

Standard	Zone Requirement
Minimum Lot Area	250 sq. m (2,691 sq. ft.) per unit
Minimum Frontage	9 m (29.5 ft.) per unit or stack
Minimum Front Yard	6.1 m (20 ft.)
Minimum Rear Yard	4.6 m (15 ft.)
Minimum Side Yard	2.3 m (7.5 ft.)
Minimum Flankage Yard	6.1 m (20 ft.)
Maximum Building Height	12.2 m (40 ft.)

Variance Provisions – s. 21.1

Section 21.1 of the Bylaw sets out the following requirements and tests for variances:

1. All variance applications over 5% require the Town to give written notification to all properties within 75 m. (246.1 ft.) of the subject Property.
2. The Development Officer may authorize a variance not exceeding 5% from the provisions of this Bylaw if the variance is appropriate and justified, and if the general intent and purpose of this Bylaw is maintained.
3. Council may authorize a variance not exceeding 10% from the provisions of this Bylaw if the variance is appropriate, and if the general intent and purpose of this Bylaw is maintained.
4. Variance applications shall be considered against the following tests for justifying a variance:
 - a. that the Lot in question has peculiar physical conditions, including small Lot size, irregular Lot shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards;
 - b. that strict application of all Bylaw standards would impose undue hardship on the Applicant by excluding them from the same rights and privileges for reasonable Use of their Lot as enjoyed by other Persons in the same Zone;
 - c. that the variance is of the least magnitude required to enable reasonable Use of the Lot; and

d. that the proposed variance would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.

5. Authorization for a variance shall be documented and recorded in writing.

6. No variance shall be granted where the matter is the result of intentional or negligent conduct of the Owner, including ignorance on the part of the Owner, or where the difficulty can be remedied in some other reasonable manner.

7. Notwithstanding any other section of this Bylaw, Council in its discretion may authorize variances in excess of ten percent (10%) from the provisions of this Bylaw, where warranted, if Council deems such a variance appropriate and if such variance meets the criteria of subsection (4) above and is in keeping with the general intent and purpose of this Bylaw or the Official Plan for the Town of Cornwall.