



## TOWN OF ERIN COMMITTEE OF ADJUSTMENT

### NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE A01/19 *Planning Act, R.S.O. 1990, Chap.P. 13, ss.45(5)*

**TAKE NOTICE** that an application for minor variance, under the above file number has been submitted to the Committee of Adjustment for the Town of Erin. The Committee will give consideration to the minor variance application on:

Wednesday, January 30th, 2019  
Town of Erin Municipal Offices  
Council Chambers  
5684 Trafalgar Road, Hillsburgh  
**7:00 p.m.**

**LOCATION OF THE SUBJECT PROPERTY** is legally described as Concession 3 East Part Lot 2, with a civic address of 4962 Third Line. The property is approximately 19.24 ha (47.5 ac) in size and the location is shown on the map below.

**THE PURPOSE AND EFFECT OF THE APPLICATION** is to provide relief from Zoning By-law 07-67 specifically section 4.18 to permit a home occupation within an accessory building where the by-law requires the home occupation to be conducted only within a dwelling unit. The applicants have also requested relief from section 4.18.2 to permit a gross floor area for the home occupation to be 35% of the dwelling where the by-law permits no more than 25% of the gross floor area of the main dwelling.

#### ORAL OR WRITTEN SUBMISSION

Any person or public body is entitled to attend the public meeting and make written or oral submissions on the proposed variance.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Erin before the variance is passed, the person or public body is not entitled to appeal the decision of the Council of the Town of Erin to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Erin before the variance is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

#### NOTICE OF DECISION

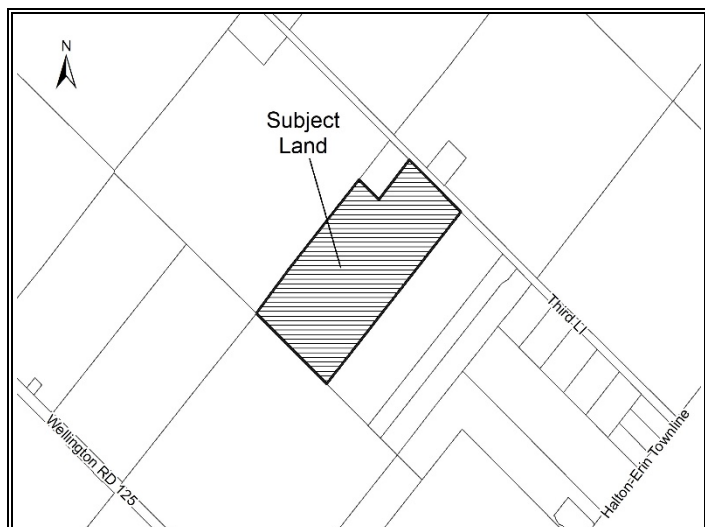
If you wish to be notified of the decision of the Committee of Adjustment for the Town of Erin in respect of this application, you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment for the Town of Erin at the address provided below.

**ADDITIONAL INFORMATION** regarding this application, including information about appeal rights, is available between 8:30 a.m. and 4:30 p.m. at the Town of Erin Municipal Office.

Dated at the Town of Erin  
This 11<sup>th</sup> day of January, 2018

Lisa Campion, Secretary-Treasurer  
Town of Erin  
5684 Trafalgar Road  
Hillsburgh, ON N0B 1Z0

P 519.855.4407 X248  
F 519.855.4821





# TOWN OF ERIN - Application for a Minor Variance GUIDELINES AND EXPLANATORY NOTES

*\* Revised*

**\*\*A pre-consultation meeting must be scheduled with the Building and Planning Departments, and the completed application and supporting documents must be supplied prior to the meeting. The application must be reviewed before submission to the Secretary-Treasurer\*\***

## Introduction

The submission of an application to the municipality to seek relief from a municipal Zoning By-law is provided for under Section 45 of The Planning Act, R.S.O., 1990, as amended. As such, this form must be completed and accompanied with the required fee and sketch prior to circulation by Committee of Adjustment. The purpose of these Guidelines is to assist persons in completing the Minor Variance Application. Please contact the Municipal Office directly if you require clarification on any matter covered by this application form.

## Application Fees - \$600.00 Minor Variance Application Fee

Each application must be accompanied by the application fee in the form of a cheque/cash/money order payable to the Town of Erin. This fee is used to pay all legal, planning and other associated costs with respect to the processing of the subject application.

## Authorization

If the applicant (agent or solicitor) is not the owner of the subject land, Section H of the application must be filled out by the owner, which authorizes the applicant to act on behalf of the owner as it relates to the subject application.

## Source Water Protection

Is the subject land within a Wellhead Protection Area, Issue Contributing Area, or Intake Protection Zone of an approved Source Protection Plan in effect? YES  NO

If yes, please complete the Source Water Protection form and submit with your application.

## Drawing

All applications for a Minor Variance must include an accurate and to scale sketch. In some cases, it may be preferable that this plan be prepared by a qualified professional. This sketch should show the items listed as applicable to the relief being sought. Each copy of this application must be accompanied by a plan/sketch showing the boundaries dimensions of the subject land and all of the abutting land showing the location, size and type of all existing and proposed buildings and structures on the subject land and abutting land. Where relevant to the relief being requested, the drawings must also show any of the following applicable items:

- Dimensions of area of relief
- Neighbouring properties
- Neighbouring land uses
- North arrow
- Public / private roads, allowances, rights of way
- Distance to lot lines
- Natural features (river or stream banks, wetlands)
- Other features (bridges, wells, railways, septic systems)
- Easements, restrictive covenants
- Other features (bridge, wells, railways, septic system)
- If water access, the location of parking and docking facilities

## Supporting Information

Please bear in mind that additional information may be required by the municipality, county, local and provincial agencies in order to evaluate the proposed Minor Variance. The required information may include studies or reports to deal with such matters as environmental impacts, traffic, water supply, sewage disposal and storm water management. Ontario Regulation 200/96 outlines specific information, which must be included within an application for minor variance.

## Approval Process

Upon receipt of an application, the required fee and other information as may be required, the Secretary Treasurer of the Committee of Adjustment or the Clerk of the municipality will notify those parties that are to receive notice under Ontario Regulation 200/96. This involves the circulation of the application to various agencies and abutting landowners for their comments. There may be an additional cost associated with the circulation for comments. The applicant or agent will be requested to attend a public hearing to present the proposal. Please note that it is in the applicant's best interest to ensure that they are represented at this meeting. The applicant and any other parties requesting notice will be provided with a notice of any decision made by the Committee as well as the reasons for their decision.

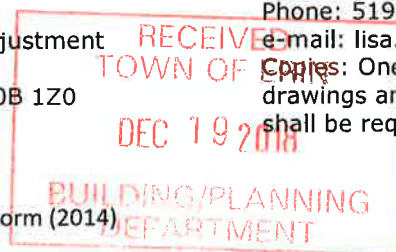
## For further information, please contact:

Lisa Campion  
Secretary-Treasurer, Committee of Adjustment  
c/o Corporation of the Town of Erin  
5684 Trafalgar Road Hillsburgh, ON N0B 1Z0

Phone: 519-855-4407 x248 Fax: 519-855-4281

e-mail: lisa.campion@erin.ca


Copies: One copy of this application, including the drawings and other information as may be specified shall be required



# Minor Variance Application

Pursuant to Section 45 of The Planning Act R.S.O. 1990, as amended

**Town of Erin**  
 5684 Trafalgar Road  
 Hillsburgh, ON N0B 1Z0  
 (519) 855-4407 Fax: (519) 855-4821

	<b>For Office use:</b>	<b>Application Fee Received:</b>
		<b>Date Received:</b>
		<b>File Number:</b>
		<b>Date Complete Application Filed:</b>
		<b>Roll Number:</b>

## A. General Information

<b>Applicant Information</b>		
<b>a) Owner (Full name and address of Owner(s), whether a Corporation/Individual, must be provided)</b>		
Contact Name(s): Sharon Leal and Brian Flood		
Address: 4962 Third Line		Municipality: Erin
Phone / Fax: -- [REDACTED]	E-Mail: [REDACTED]	Postal Code: L7J 2L7
Note: Authorization is required if the applicant is <u>not</u> the owner (See Page 5)		
<b>b) Agent *** If different from above***</b>		
Contact Name(s): n/a		
Address:		Municipality:
Phone / Fax:	E-Mail:	Postal Code:
<b>c) Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property:</b>		
Name(s): [REDACTED]		
Address: [REDACTED]		Municipality: Halton
Phone / Fax: [REDACTED]	E-Mail: [REDACTED]	Postal Code: H6J 1H7
<b>d) Send correspondence to the following: (Please specify)</b>		
Owner: Sharon Leal and Brain Flood	Agent: n/a	Other:

## B. Reason for Application

**Under what Provision(s) of the Zoning by-law is the application being made, and what is the nature and extent of the relief? (also indicate on sketch)**

Section: 4.18 and 4.18.2 (4.18 - Relief from "in a dwelling" to "outside" the dwelling; where the other criteria, .1, .3, 4, .5, .6, .7, and .8 of the by-law are all met.)  
 (4.18.2 Relief from "25%" to "up to 35%" (house is approx. 2600 sq feet); where .1, .3, .4, .5, .6, .7, and .8 of the by-law are met.)

*Provide relief from Zoning By-law 0767 specifically section 4.18 to allow for a home occupation to take place outside of unit (not within dwelling) (B) Relief from Bylaw 0767 section 4.18.2 to allow for a gross floor area of a home occupation of 35% of the dwelling/Exceeds permitted by 1070*

**Why is it not possible to comply with the provisions of the By-Law? (also indicate on sketch)**

As the farmhouse is more than 100 years old, it is quite small (2600 square feet, 3-bed room, on 2 levels) and does not lend itself to a home occupation. The home/residential use is primary use. The Studio/Office is well built by Post Construction when we purchased the property. It is bright and spacious, has in-floor heating and many large windows. It also has a small compose bathroom inside the studio. This space was being used as a yogo studio when we purchased the property. We were unaware that a variance would be required. Designed to match the look and feel of the other buildings on the property, the building is well suited to the overall look and feel of the land and the neighboring properties. It is an ideal location for a home occupation, and it meet most (all but two) of the guidelines set out in by-laws 4.18. We would be fully compliant with all other criteria. It will NOT interfere or limit in any way with farming on the property. It is our goal to increase and secure farming efforts on the property.

**What is the current County and Town of Erin official plan and Town of Erin zoning status?**

A) Town of Erin Official Plan Designation: <i>Secondary Agricultural Candidate</i> B) County of Wellington Official Plan Designation: <i>Greenlands</i> <i>SAME</i> <i>CORE GREENLANDS</i>	B) Zoning: <i>Agricultural (EP2 Zone)</i> <i>Rural Environmental Protection</i>
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**C. Access to Subject Lands**

**Provide a description of the entire property:**

Street Address: 4962 Third Line		City/Town: Acton	Municipality: Erin
Concession: CON BE	Lot: 2	Registered Plan #: <del>P05574536</del>	Roll 2316000001114000000
Width of Road Allowance (if known):		RP # 61R9815 (80)	
Road or Street Providing access to subject property: Third Line (2 driveways)			
Frontage: 221.5 m or 726.7 feet	Depth: 671.7 m	Area: 47.5 acres / 1924 HA	
<b>Please indicate what the access to the subject property is: 2 driveways</b>			
Provincial Highway		Other Public Road	
Seasonally Maintained Municipal Road	(x) yes (As)	Right-of-way	
Continually Maintained Municipal Road	X Yes ✓	Water Access	
<b>If access is by water only; please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from subject land to the nearest public road:</b>			
n/a			

**D. Municipal Services Provided:**

**Please indicate the applicable water supply and sewage disposal:**

Building	Municipal Water	Communal Water	Private Well	Other Water Supply	Municipal Sewers	Communal Sewers	Private Septic	Other Sewage Disposal
Existing			X				X	
Proposed	no change / existing							

**Please indicate what the storm drainage is provided by:**

Sewers	none known	Swales	none known
Ditches	natural topography of land and ditches	Other Means	none known

**E. Existing, subject, and abutting property land uses, buildings and their locations**

Number of <b>existing</b> buildings or structures on the subject land: <u>4 Please see attached</u>		Indicate units of measurement:
Provide the information below for each (for additional buildings or structures add sheet)		Metric _____ Imperial <u>Yes</u>
Type of Building _____	Height of Building or Structure: _____ meters.	Setback from:
# of Parking Spaces _____	Dimensions of Floor Area: _____	Front Lot Line: _____
# of Loading Spaces _____	Total Floor Area (excluding basement): _____	Rear Lot Line: _____
	% of Lot Coverage: _____ # of Floors: _____	Side Lot Lines _____ & _____
<b>What is the existing use of:</b>		



E@

pg 1/2

**E. Existing, subject, and abutting property land uses, buildings and their locations**

Number of <b>existing</b> buildings or structures on the subject land: <u>4 - Aa Studio Office</u> Provide the information below for each (for additional buildings or structures add sheet)		Indicate units of measurement: Metric _____ Imperial <u>Yes</u>
Type of Building <u>Studio Office</u>	Height of Building or Structure: <u>14'9" to mid roof</u> meters. <u>11'2"</u>	Setback from: Front Lot Line: <u>245.7</u>
# of Parking Spaces <u>5 plus</u>	Dimensions of Floor Area: <u>outside 26 X32' or 31'2" by 24'3' inside</u>	Rear Lot Line: <u>1918</u>
# of Loading Spaces <u>0 but 2 spaces close to doors</u> <u>don</u>	Total Floor Area (excluding basement): <u>832 out or 758.16 feet inside</u>	Side Lot Lines <u>25.9 L &amp; 662.4 R</u>
What is the existing use of: <u>empty currently</u>		

stone building

What is the existing use of: currently empty (past use as yoga studio - previous owner and office)



**E. Existing, subject, and abutting property land uses, buildings and their locations**

Number of <b>existing</b> buildings or structures on the subject land: <u>4 - Ab Garage</u> Provide the information below for each (for additional buildings or structures add sheet)		Indicate units of measurement: Metric _____ Imperial <u>Yes</u>
Type of Building <u>3 car garage</u>	Height of Building or Structure: <u>11'2"</u> meters.	Setback from: Front Lot Line: <u>209.6'</u>
# of Parking Spaces <u>3 w doors</u>	Dimensions of Floor Area: <u>outside 26 X36' or 35'4" by 24'6' inside</u>	Rear Lot Line: <u>1945</u>
# of Loading Spaces <u>don</u>	Total Floor Area (excluding basement): <u>936 out or 870 sq feet inside</u>	Side Lot Lines <u>23.9 L &amp; 670.2 R</u>
What is the existing use of:		

What is the existing use of: garage for cars and trucks

**E. Existing, subject, and abutting property land uses, buildings and their locations**

Number of <u>existing</u> buildings or structures on the subject land: <u>4 B Dwelling</u> Provide the information below for each (for additional buildings or structures add sheet)		Indicate units of measurement: Metric _____ Imperial <u>Yes</u>
Type of Building <u>House/Residence</u> # of Parking Spaces <u>full driveway</u> # of Loading Spaces <u>driveway near 3 doors</u>	Height of Building or Structure: <u>2 storey home</u> meters. Dimensions of Floor Area: <u>first floor 55' x 29' = 1595' second floor 33' x 30' = 990' sq feet</u> Total Floor Area (excluding basement): <u>2,585 sq feet</u> % of Lot Coverage: <u>.077 sqft</u> # of Floors: <u>2</u>	Setback from: Front Lot Line: <u>118.4'</u> Rear Lot Line: <u>2017'</u> Side Lot Lines <u>85.9' L &amp; 592.5' R</u>
What is the existing use of:		

What is the existing use of: home for family of 4 (2 adults and 2 children)

**E. Existing, subject, and abutting property land uses, buildings and their locations**

Number of <u>existing</u> buildings or structures on the subject land: <u>4 C Small Garage</u> Provide the information below for each (for additional buildings or structures add sheet)		Indicate units of measurement: Metric _____ Imperial <u>Yes</u>
Type of Building <u>Small Garage</u> # of Parking Spaces <u>2</u> # of Loading Spaces <u>2</u>	Height of Building or Structure: <u>normal single height - 1 floor</u> meters. Dimensions of Floor Area: <u>19'9" by 18'7" feet</u> Total Floor Area (excluding basement): <u>372 sq feet</u> % of Lot Coverage: <u>.018 sqft</u> # of Floors: <u>1</u>	Setback from: Front Lot Line: <u>196.5'</u> Rear Lot Line: <u>1973"</u> Side Lot Lines <u>129.2' L &amp; 565.2' R</u>
What is the existing use of: <u>garage for cars</u>		

**E. Existing, subject, and abutting property land uses, buildings and their locations**

Number of <u>existing</u> buildings or structures on the subject land: <u>4 Barn</u> Provide the information below for each (for additional buildings or structures add sheet)		Indicate units of measurement: Metric _____ Imperial <u>Yes</u>
Type of Building <u>Bank Barn</u> # of Parking Spaces <u>5 plus</u> # of Loading Spaces <u>3 plus</u>	Height of Building or Structure: <u>2 storey bank barn</u> meters. Dimensions of Floor Area: <u>55 by 69 feet</u> Total Floor Area (excluding basement): <u>3795 sq feet - upper level</u> % of Lot Coverage: <u>.183 sqft</u> # of Floors: <u>2</u>	Setback from: Front Lot Line: <u>310.3'</u> Rear Lot Line: <u>1828'</u> Side Lot Lines <u>207' L &amp; 441.2' R</u>
What is the existing use of: <u>Empty</u>		

A) The Subject Property: residential home, home occupation and farm

B) The Abutting Property: hobby farm

C) How long have the existing uses continued on the subject property: More than 100 years - as a home and farm, 8 years plus as home occupation

**What is the Proposed use of the subject land:**

Same as it has been for the past 8 years - primarily as home (100 yrs.), home occupation (8 years - prior to our ownership, and farm (for many, many years)

Number of <b>Proposed</b> buildings or structures on the subject land: <u>same - no new</u>		Indicate units of measurement:
Provide the information below for each (for additional buildings or structures add sheet)		Metric _____ Imperial _____
Type of Building <u>n/a - no new</u>	Height of Building or Structure: _____ meters.	Setback from:
# of Parking Spaces _____	Dimensions of Floor Area: _____	Front Lot Line: _____
# of Loading Spaces _____	Total Floor Area (excluding basement): _____	Rear Lot Line: _____
	% of Lot Coverage: _____ # of Floors: _____	Side Lot Lines _____ & _____

Not to my knowledge

Has the subject land ever been the subject of an application under section 45 of the Act? Yes  No

**F. Dates regarding subject property**

Date of acquisition of subject property: Septemeber 2016

Date of Construction of all buildings on subject property: home and barn (100 years plus) Studio - June 2009

Small garage unknown - maybe 40 years or more

**G. Other related planning applications**

If known, is the subject land the subject of any of the following development type applications:

Application	Yes	No	File Number:	File Status:
Official Plan Amendment		X		none known
Zoning By-law Amendment		X		
Plan of Subdivision		X		
Site Development Plan		X		
Building Permit		X		
Consent (Land Division Committee)	✓	<del>X</del>	B86-18	Appealed (2)
Previous Minor Variance Application		X		

**H. Authorization for Agent/Solicitor to Act for Owner**

If affidavit is signed by an Agent/Solicitor on Owner's behalf, and/or the Agent will act on behalf of the Owner with regards to this application, the Owner's written authorization below must be completed.

I (we) \_\_\_\_\_, of the Town of Erin, County of Wellington do hereby authorize \_\_\_\_\_ to act as my agent in this application.

Signature of Owner(s)

Date

**I. Permission to Enter**

**Owner or Authorized Agent:**

I, SHARON LEAL, of the Town of Erin, County of Wellington do hereby authorize the members of the Committee of Adjustment and members of the staff of the Town of Erin to enter upon the subject lands and premises for the limited purpose of evaluating the merits of this application. This is their authority for doing so.

Location of Land: 4962 BRD LINE ERIN ON

Signed: [Signature] Date: Dec 2018  
Owner or Authorized Agent

Print Name: SHARON LEAL BRIAN FLOOD

**J. Affidavit:**

This affidavit must be signed in the presence of a Commissioner.

I (we) SHARON LEAL of the Town of Erin, County of Wellington, do solemnly declare that all the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

This 19 day of Dec, 202018.

X [Signature] Date Dec 19/2018  
Signature of Owner or Authorized Solicitor/Agent

Declared before me at the Town of Erin in the County of Wellington:

X [Signature] Date Dec 19, 2018  
Signature of Commissioner

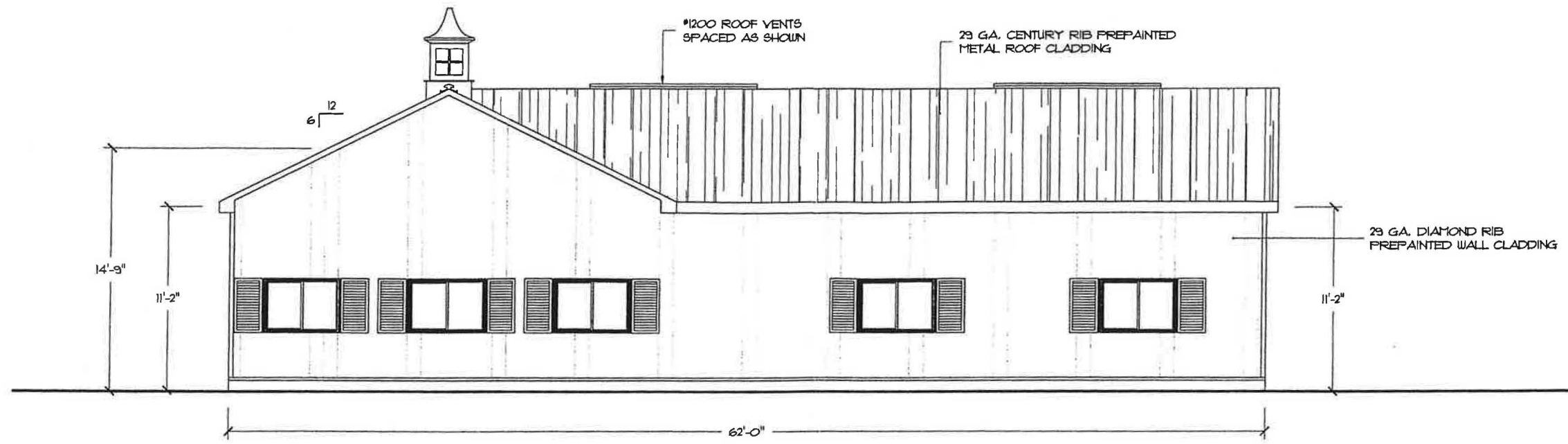
Stamp: URSULA D'ANGELO, a Commissioner, etc., County of Wellington, while Treasurer for the Corporation of the Town of Erin

URSULA D'ANGELO, a Commissioner, etc., County of Wellington, while Treasurer for the Corporation of the Town of Erin

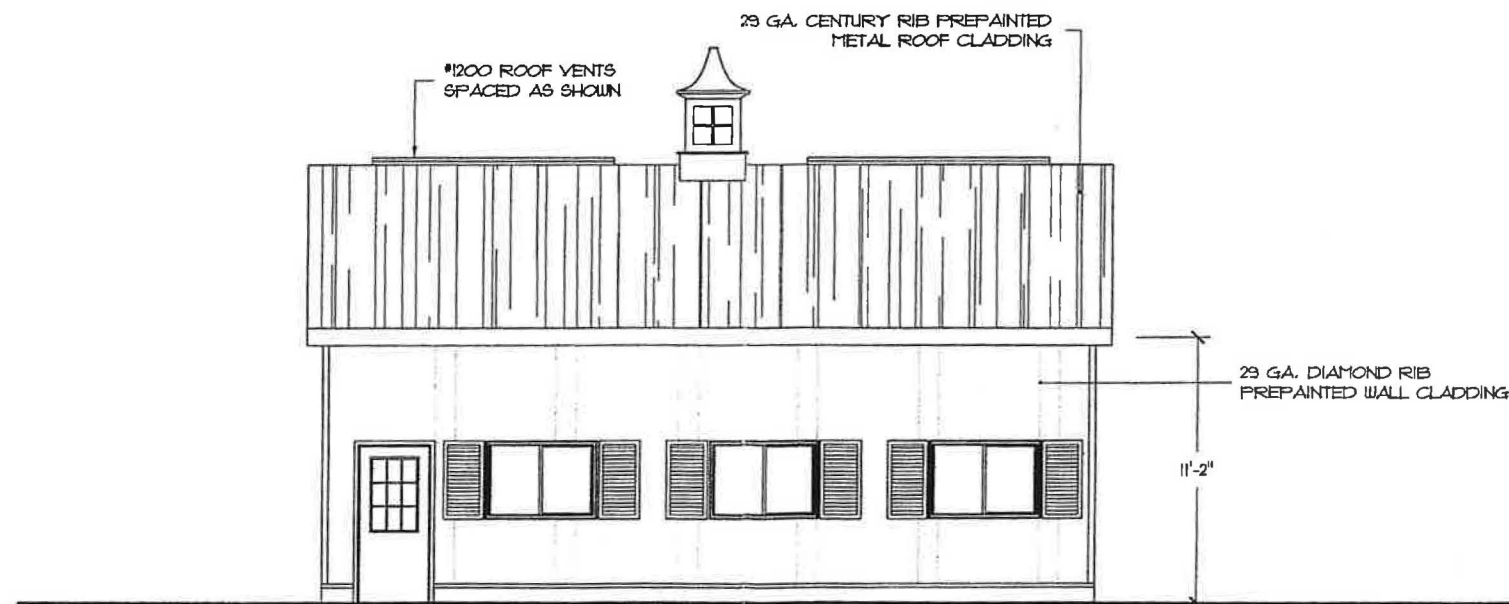
**Reviewed by:**

\_\_\_\_\_  
Town of Erin Building Department Town of Erin Planning Department





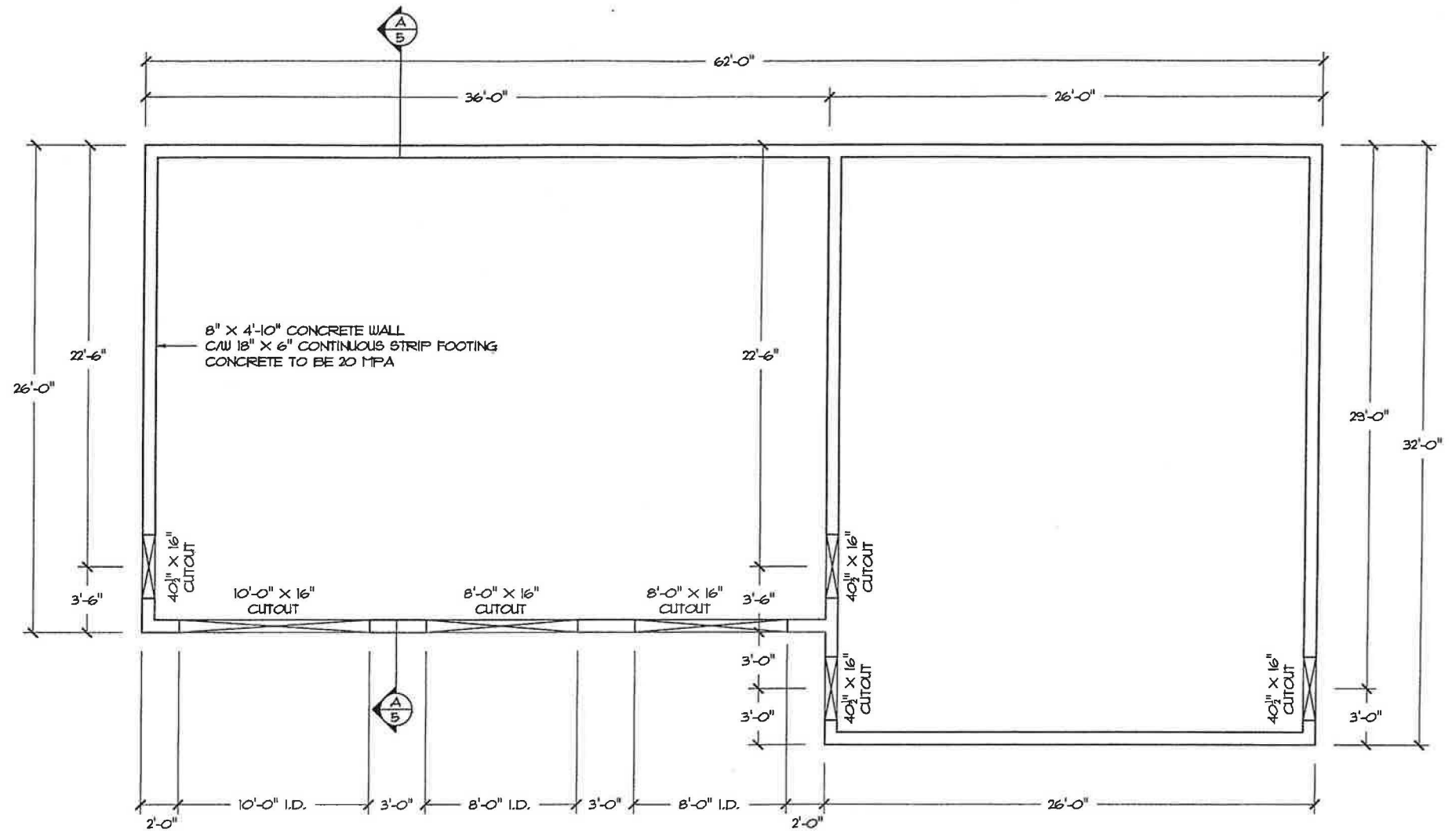
SOUTH VIEW



WEST VIEW

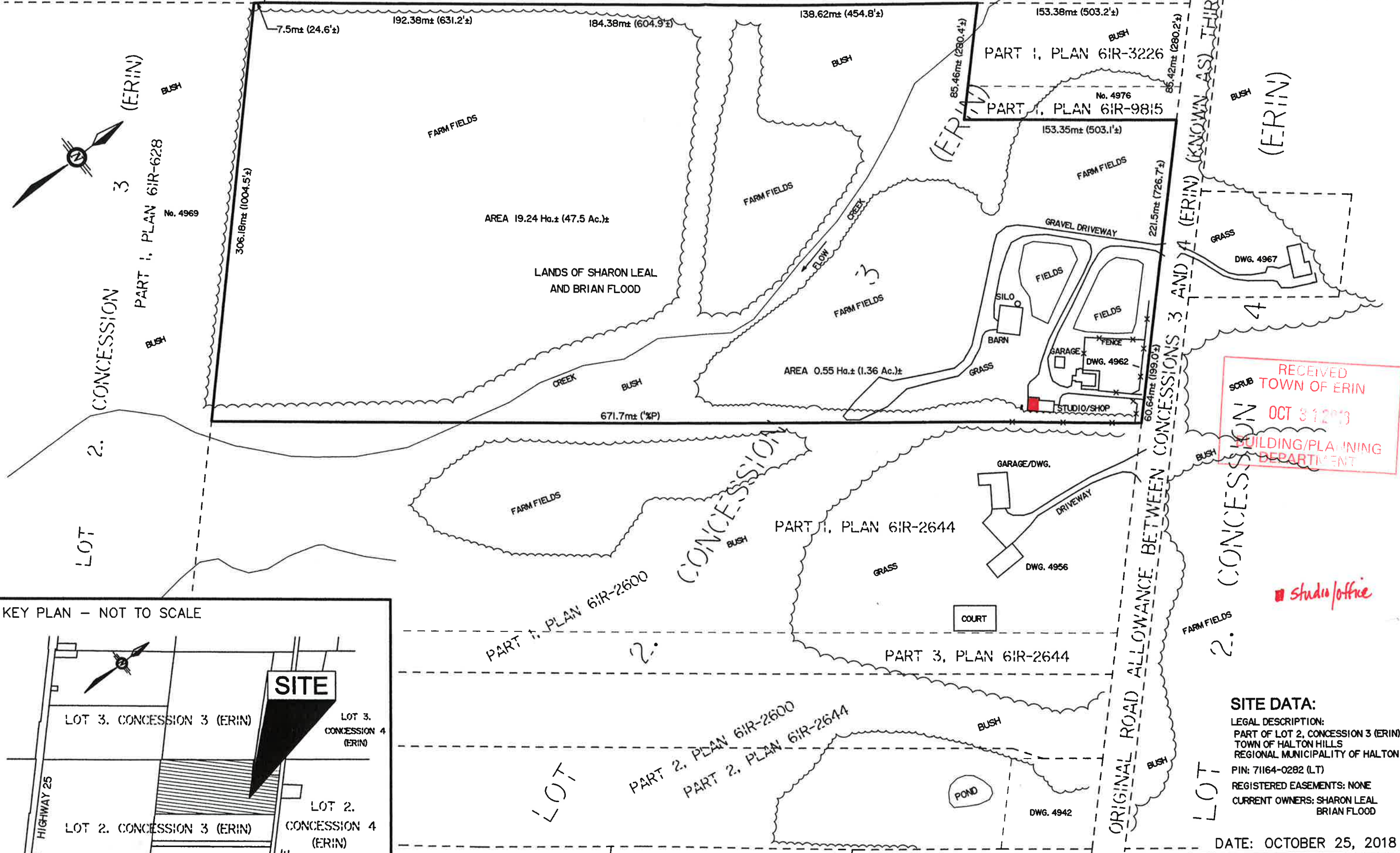
ELEVATIONS

DRAWING BY R. SMYTHE Jun. 24, 09	$1/8" = 1'-0"$ <small>Check and verify all dimensions or annotations.          All work must comply to the Ontario Building Code.          Drawings to be used in conjunction with the specs.</small>	PROPOSED GARAGE AND STUDIO FOR SIMON SMITH	POST FARM STRUCTURES INC <small>80 Peel St., P.O. Box 43, Alton, ON N0B 1A0          Phone: (519) 846-5988 Fax: (519) 846-2225</small> DESIGN & BUILD	2 6
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FOUNDATION PLAN

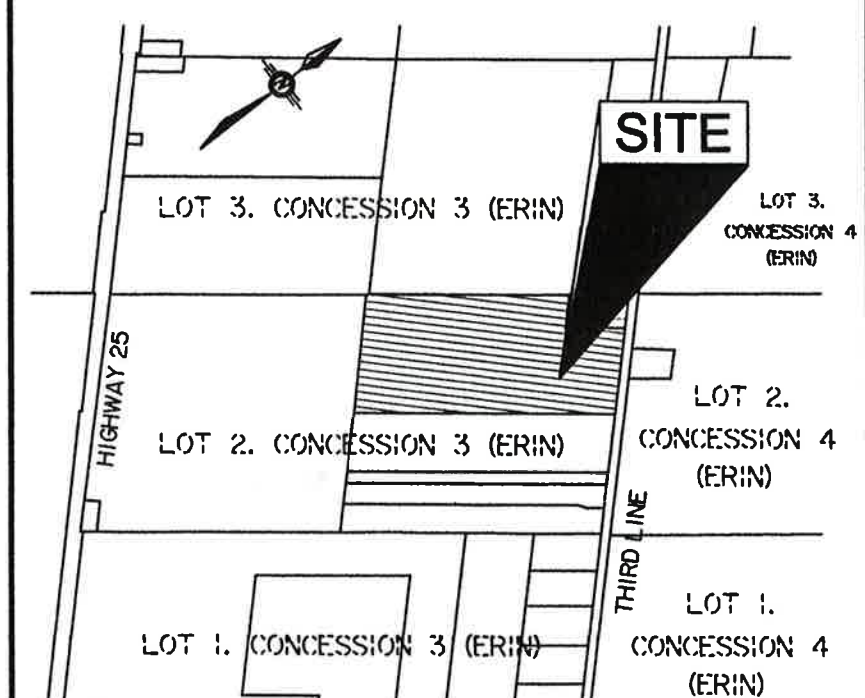
DRAWING BY R. SMYTHE Jun. 24, 09	$1/8" = 1'-0"$ Check and verify all dimensions or ambiguities. All work must comply to the Ontario Building Code. Drawings to be used in conjunction with the specs.	PROPOSED GARAGE AND STUDIO FOR SIMON SMITH	POST FARM STRUCTURES INC 80 Peel St., P.O. Box 43, Alton, ON N0B 1A0 Phone: (519) 846-5988 Fax: (519) 846-2225 DESIGN & BUILD	4 6
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RECEIVED  
TOWN OF ERIN  
OCT 31 2018  
BUILDING/PLANNING  
DEPARTMENT

Studio/office

KEY PLAN - NOT TO SCALE



**SITE DATA:**  
LEGAL DESCRIPTION:  
PART OF LOT 2, CONCESSION 3 (ERIN)  
TOWN OF HALTON HILLS  
REGIONAL MUNICIPALITY OF HALTON  
PIN: 71164-0282 (LT)  
REGISTERED EASEMENTS: NONE  
CURRENT OWNERS: SHARON LEAL  
BRIAN FLOOD

DATE: OCTOBER 25, 2018

**CAUTION:**  
THIS SKETCH HAS BEEN PREPARED  
FOR MINOR VARIANCE PURPOSES ONLY.  
IT HAS BEEN PREPARED FROM COMPILED AND CALCULATED  
INFORMATION AND NOT FROM AN ACTUAL SURVEY.  
DISTANCES SHOWN HAVE NOT BEEN VERIFIED.  
THIS SKETCH IS NOT A PLAN, A PLAN OF SURVEY OR

**DOLLIVER SURVEYING INC.**  
ONTARIO LAND SURVEYOR  
54 MILL STREET EAST  
HALTON HILLS (ACTON), ONTARIO  
L7J 1H3

SCALE 1:2500