



TOWN OF ERIN  
Committee of Adjustment  
AGENDA

**October 19, 2022**  
**6:00 PM**  
**Municipal Council Chambers**

	Pages
<b>1. Call to Order</b>	
<b>2. Approval of Agenda</b>	
<b>3. Disclosure of Pecuniary Interest</b>	
<b>4. Requests for Withdrawal or Deferral of Application</b>	
<b>5. Notices</b>	
A19-22 5696 First Line	1 – 3
A20-22 8988 Halton-Erin Townline	4 – 6
<b>6. Application</b>	
6.1 File Number: A19-22 5696 First Line	
6.1.1 Planning Report	7 - 11
6.1.2 Correspondence	
6.1.3 Comments	
6.1.4 Decision of the Committee	
6.2 File Number: A20-22 8988 Halton-Erin Townline	
6.2.1 Planning Report	12 - 17
6.2.2 Correspondence	
6.2.3 Comments	
6.2.4 Decision of the Committee	
<b>7. Adoption of Minutes</b>	
7.1 September 19 Committee of Adjustment Meeting	18-27
<b>8. Adjournment</b>	



## TOWN OF ERIN COMMITTEE OF ADJUSTMENT

### NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE A19-22

*Planning Act, R.S.O. 1990, Chap.P.13, ss.45 (5)*

The Committee will give consideration to the minor variance application on:

**Date: Wednesday October 19, 2022 at 6:00 pm**

**Location: In-person at Town Hall, Conference Room (downstairs)**

Please submit written submissions and/or register to make oral submissions prior to **4:00 p.m.** on the consideration date. The Public is encouraged to make oral submissions by pre-registering with the Secretary-Treasurer of the Committee of Adjustment by emailing [planning@erin.ca](mailto:planning@erin.ca) or calling the contact information listed below with your name and phone number. Please indicate the application number or address of the property you wish to speak to.

Your submissions, including any personal information you provide, will become part of the decision making process of the application and will be posted on the internet. Pursuant to Section 27 of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56*, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual upon request.

#### Applicant and Property Information

File Number:	<b>A19-22</b>	Subject Property Zoned:	<b>A</b>
Owner:	<b>Matthew &amp; Nancy Gregory</b>	Zoning By-law:	<b>07-67</b>
Property Address:	<b>5696 First Line</b>		
Legal Description:	<b>Part Lot 20, Concession 1</b>		

#### Purpose of Application

The applicants request approval of this minor variance, to reduce the Minimum Distance Separation I (MDS I) setback, as a condition of approval of Wellington County Land Division Application B40-22.

#### Requested Variance

Details of the variance is as follows:

By-law Requirement	Relief Applied For
Section 4.22.1 Minimum Distance Separation – New Non-Agricultural Uses  Required MDS Setback: 315 metres	To permit a reduced MDS I setback of 201 metres.

#### ORAL OR WRITTEN SUBMISSION



## TOWN OF ERIN COMMITTEE OF ADJUSTMENT

### NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE A19-22

*Planning Act, R.S.O. 1990, Chap.P.13, ss.45 (5)*

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 the public meeting or make written submissions to the Committee of Adjustments before the variance is passed, the person or public body is not entitled to appeal the decision of the Committee to the Ontario Land Tribunal (OLT).

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Committee of Adjustments 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 Ontario Land Tribunal (OLT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

#### NOTICE OF DECISION

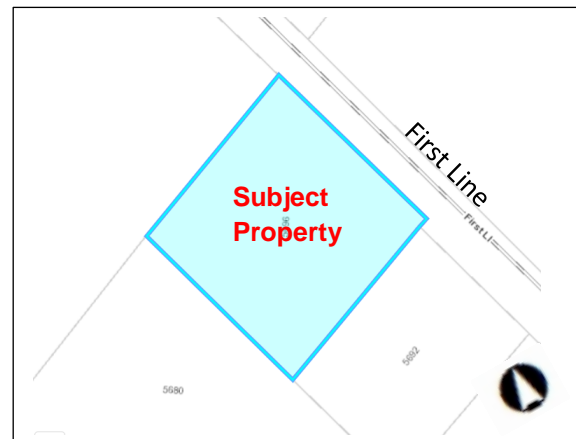
If you wish to be notified of the decision of the Committee of Adjustment for the Town of Erin in respect of this application, you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment for the Town of Erin at the address provided below.

**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.

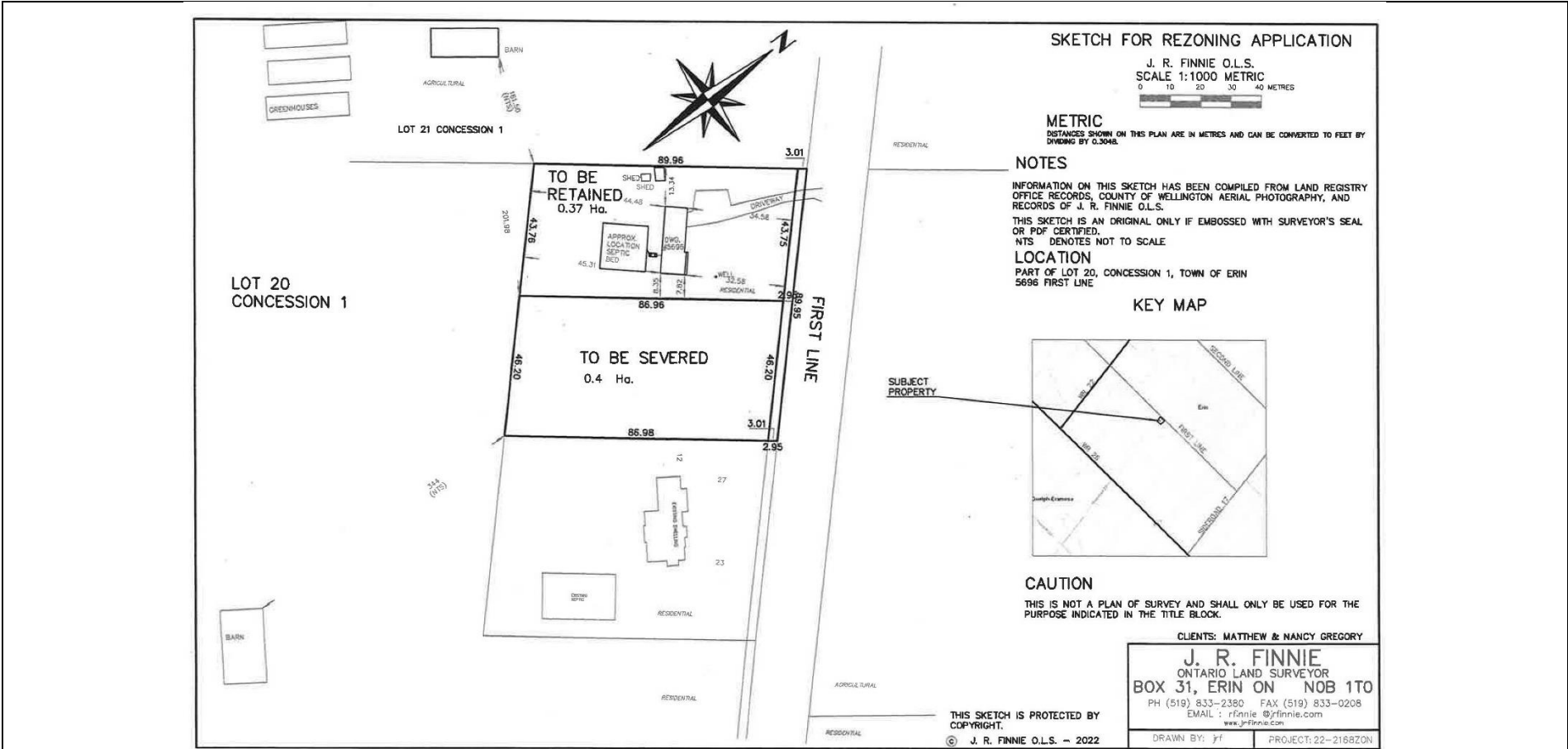
Dated at the Town of Erin  
This day of October 4, 2022.

Tanjot Bal, Secretary-Treasurer  
Town of Erin  
5684 Trafalgar Road  
Hillsburgh, ON N0B 1Z0

P 519.855.4407 X242



# Attachment A – Severance Sketch



	<b>File No(s):</b>	A19-22
	<b>Address:</b>	5696 First Line
	<b>Legal Description:</b>	Part Lot 20, Concession 1



## TOWN OF ERIN COMMITTEE OF ADJUSTMENT

### NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE A20-22

*Planning Act, R.S.O. 1990, Chap.P.13, ss.45 (5)*

The Committee will give consideration to the minor variance application on:

**Date: Wednesday October 19, 2022 at 6:00 pm**

**Location: In-person at Town Hall, Conference Room (downstairs)**

Please submit written submissions and/or register to make oral submissions prior to **4:00 p.m.** on the consideration date. The Public is encouraged to make oral submissions by pre-registering with the Secretary-Treasurer of the Committee of Adjustment by emailing [planning@erin.ca](mailto:planning@erin.ca) or calling the contact information listed below with your name and phone number. Please indicate the application number or address of the property you wish to speak to.

Your submissions, including any personal information you provide, will become part of the decision making process of the application and will be posted on the internet. Pursuant to Section 27 of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56*, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual upon request.

#### Applicant and Property Information

File Number:	<b>A20-22</b>	Subject Property Zoned:	<b>A</b>
Owner:	<b>Frank &amp; Virginia Uhran</b>	Zoning By-law:	<b>07-67</b>
Property Address:	<b>8988 Halton-Erin Townline</b>		
Legal Description:	<b>Part Lot 1, Concession 3</b>		

#### Purpose of Application

The applicants request approval of this application, to reduce the Minimum Distance Separation I (MDS I) setback and request relief from the minimum lot area for the proposed severed lot, as conditions of approval of Wellington County Land Division Application B45-22.

#### Requested Variances

Details of the variances are as follows:

By-law Requirement	Relief Applied For
Section 4.22.1 Minimum Distance Separation – New Non-Agricultural Uses  Required MDS Setback: 315 metres from barns at 8976 Halton-Erin Townline	To permit a reduced MDS I setback of 146 metres.



## TOWN OF ERIN COMMITTEE OF ADJUSTMENT

### NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE A20-22

*Planning Act, R.S.O. 1990, Chap.P.13, ss.45 (5)*

By-law Requirement	Relief Applied For
<p><u>Section 4.22.1</u> Minimum Distance Separation – New Non-Agricultural Uses</p> <p>Required MDS Setback: 552 metres from barns at 9024 Halton-Erin Townline</p>	To permit a reduced MDS I setback of 445 metres.
<p><u>Section 5.1.2</u> – Table 4</p> <p>Minimum <i>Lot Area</i> of 0.4 of a hectare</p>	To permit a minimum lot area of 0.31 of a hectare.

### 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 the public meeting or make written submissions to the Committee of Adjustments before the variance is passed, the person or public body is not entitled to appeal the decision of the Committee to the Ontario Land Tribunal (OLT).

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Committee of Adjustments 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 Ontario Land Tribunal (OLT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

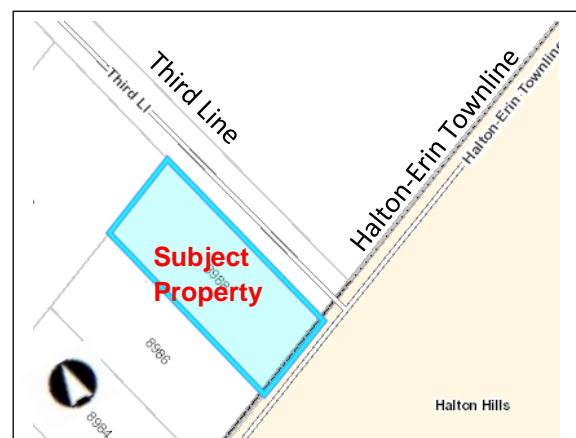
### NOTICE OF DECISION

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.

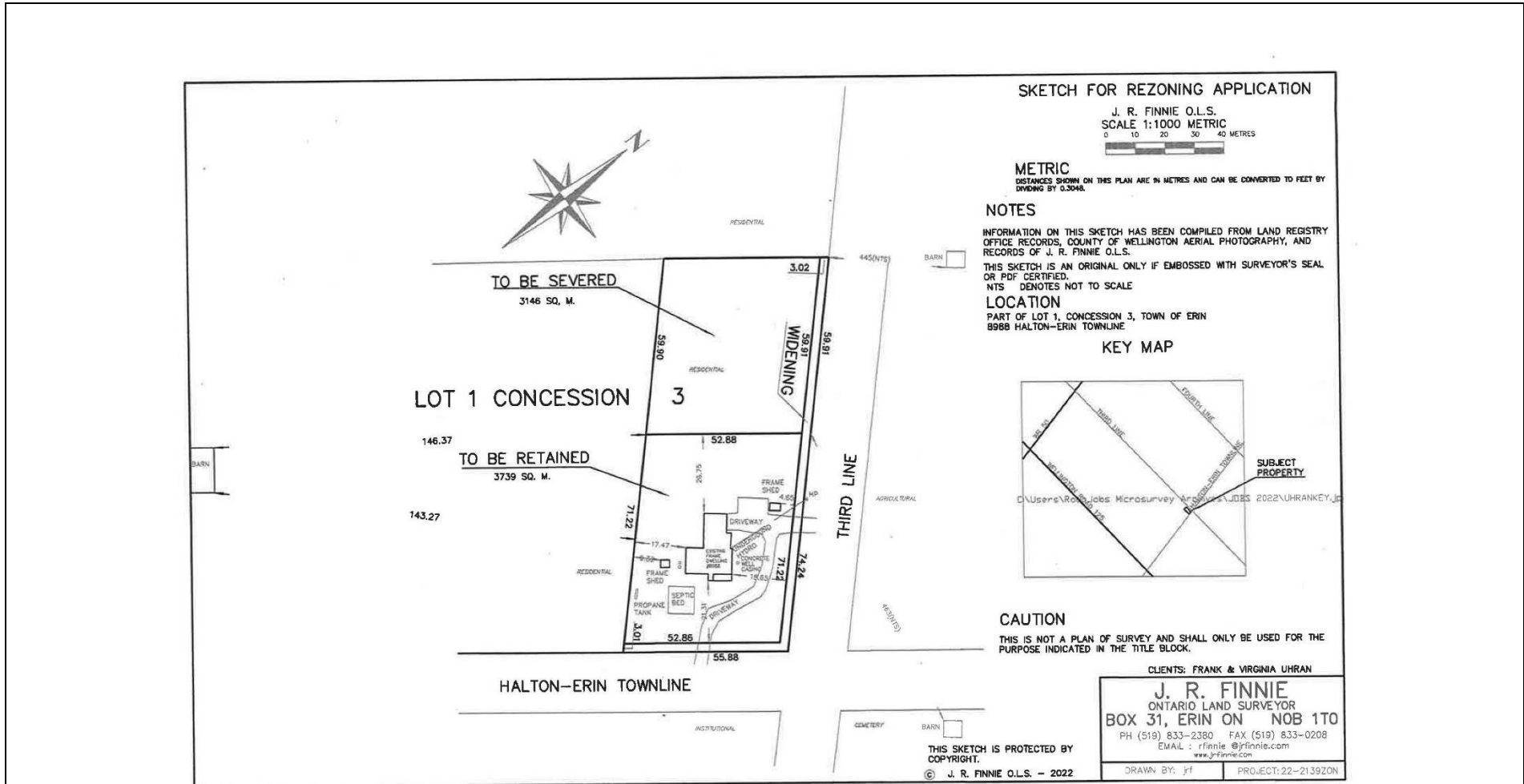
**ADDITIONAL INFORMATION** regarding this application, including information about appeal rights, is available between 8:30 a.m. and 4:30 p.m. at the Town of Erin Municipal Office.

Dated at the Town of Erin  
This day of October 4, 2022.

Tanjot Bal, Secretary-Treasurer  
Town of Erin  
5684 Trafalgar Road | Hillsburgh, ON N0B 1Z0  
P 519.855.4407 X242



# Attachment A – Severance Sketch



	<b>File No(s):</b>	A20-22
	<b>Address:</b>	8988 Halton-Erin Townline
	<b>Legal Description:</b>	Part Lot 1, Concession 3



## PLANNING REPORT

Corporation of the Town of Erin  
 5684 Trafalgar Road  
 RR2 Hillsburgh ON N0B 1Z0  
 (519) 855-4407 Ext. 242 Fax: (519) 855-4281  
 EMAIL: [tanjot.bal@erin.ca](mailto:tanjot.bal@erin.ca)

---

**DATE:** October 14, 2022

**TO:** Tanjot Bal, Secretary Treasurer  
 Town of Erin Committee of Adjustment

**FROM:** Jack Krubnik, Director of Planning and Development

**SUBJECT:** MINOR VARIANCE APPLICATION A19-22  
 (Matthew & Nancy Gregory)  
 5696 First Line  
 Part Lot 20, Concession 1

---

### Application

The applicants request relief from Zoning By-law 07-67, as amended, to permit a reduced MDS I setback of 201 metres, whereas the By-law requires a minimum MDS I setback of 315 metres.

The applicants request approval of this minor variance application, to reduce the Minimum Distance Separation I (MDS I), as a condition of approval of Wellington County Land Division Application B40-22 (see Appendix A –Severance Sketch).

---

### Recommendation

It is Planning Staff's opinion that this variance is minor in nature, desirable for the appropriate development of the land, and meets the intent of Erin's Official Plan and Zoning By-law, and therefore recommends **Approval** of the proposed variance.

---

### DISCUSSION

In order to satisfy Condition 14 of the approved Consent Application B40-22, the applicants have submitted this minor variance application, seeking relief from the required MDS I setback from the barns located at 5710 First Line.

The landowners of 5710 First Line have completed a Farm Data Sheet, used to calculate the Minimum Distance Separation I. The landowners have indicated that the barn is currently unoccupied, however could house 3 horses, 150 chickens and 50 turkeys. Although the barn is currently unoccupied, the separation distance must still be calculated unless the building has been deemed by a municipal building official as no longer structural sound or capable of housing livestock, or it is zoned to prohibit the



housing or livestock, or the floor area is less than 100 square metres. None of these exceptions apply.

The distance from the barn to the proposed retained parcel is approximately 161.50 metres and 201 metres to the proposed severed parcel.

Our Discussion of this application relative to the four tests under the *Planning Act* is as follows:

Four Tests	Discussion
<p>That the general intent and purpose of the <b>Official Plan</b> is maintained.</p>	<ul style="list-style-type: none"> <li>• The subject property is designated Secondary Agriculture in Erin's Official Plan.</li> <li>• Agricultural uses are the primary use within the Secondary Agricultural Area, however rural residential lots are also permitted.</li> <li>• Lot creation within the Secondary Agricultural Area shall be subject to Section 6.5 and 10.4 of Wellington County's Official Plan.</li> <li>• Section 6.5.6 of the County's Official Plan states that lot creation shall be subject to Minimum Distance Separation (MDS) requirements.</li> <li>• The proposed variance to reduce the MDS I setback from the barn located at 4956 Third Line, from 315 metres to 201 metres, will continue to ensure the proposed severed lot complies with the intent and purpose of the Official Plan.</li> </ul>
<p>That the general intent and purpose of the <b>Zoning By-law</b> is maintained and the variance is <b>desirable</b> for the appropriate development and use of the land, building, or structure.</p>	<ul style="list-style-type: none"> <li>• The subject property is zoned Agricultural in Erin's Zoning By-law 07-67, as amended.</li> <li>• A detached dwelling is permitted within the A Zone.</li> <li>• Section 4.22 of the By-law requires new non-agricultural uses to comply with the MDS I calculations using the Formulas set out by the Province.</li> <li>• Using the Province's Formula, the MDS I setback required from the barn located at 5710 First Line is 315 metres.</li> <li>• In order to comply with the required setback, the applicants are requesting to reduce this setback to 201 metres.</li> <li>• The existing dwelling on the proposed retained lot is setback 192 metres from the barn located at 5710 First Line.</li> <li>• A new dwelling constructed on the proposed severed parcel would have a greater setback than the existing dwelling on the proposed retained parcel.</li> </ul>

	<ul style="list-style-type: none"> <li>• Since there is an existing dwelling closer to the barn, Staff believe it would be appropriate to reduce the required MDS I setback.</li> <li>• Staff are of the opinion that the proposal conforms to the intent and purpose of the Zoning By-law, and will result in development that is appropriate for the use of the land.</li> </ul>
That the variance is <b>minor</b> in nature.	<ul style="list-style-type: none"> <li>• As there is an existing dwelling located closer to the barn than a new dwelling that would be constructed on the proposed severed parcel, Staff consider the request relief to be minor in nature.</li> </ul>

## PUBLIC, AGENCY, & TOWN COMMENTS

### County of Wellington Planning

- The subject lands are designated as Secondary Agriculture in the County Official Plan. Staff note that the proposed variance is to satisfy condition of severance (B40/22) that was conditionally approved in June 2022.
- MDS guideline #43 states, “MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of the MDS document. Examples may include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards”. Overall, Planning staff have no comments or concerns with the proposed minor variance application.

### Town of Erin Infrastructure Services

- No comments

### Town of Erin Building Services

- No comments

### Town of Erin Fire Services

- No concerns. Comments related to the severance include:
  - Correct 911 Addressing for both properties (retained and severed), and
  - Access driveways for both properties (retained and severed) that meet our specifications.

### Grand River Conservation Authority

- GRCA has no objection to the approval of application A19-22. The subject property does not contain any watercourses, floodplains, shorelines, wetlands, valley slopes or other environmental features of interest to GRCA. The property is not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

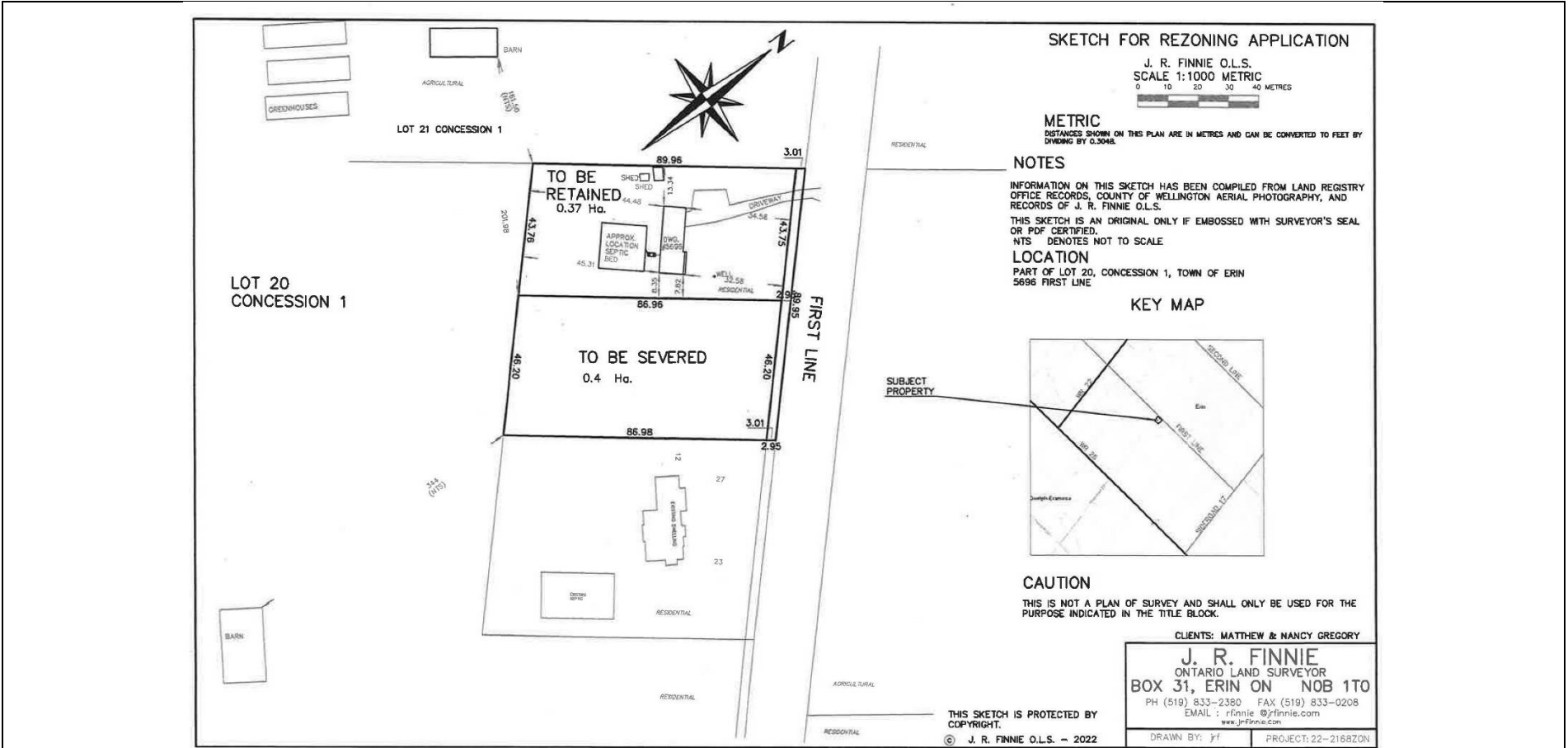
In conclusion, Planning Staff is of the opinion that the requested variance meets the four tests of the *Planning Act*. We trust that these comments will be of assistance to the Committee in their consideration of this matter.

Yours truly,

Jack Krubnik, MLA, OALA, MCIP, RPP  
Director of Planning & Development

Appendix A –Severance Sketch

# Attachment A – Severance Sketch



	<b>File No(s):</b>	A19-22
	<b>Address:</b>	5696 First Line
	<b>Legal Description:</b>	Part Lot 20, Concession 1



## PLANNING REPORT

Corporation of the Town of Erin  
 5684 Trafalgar Road  
 RR2 Hillsburgh ON N0B 1Z0  
 (519) 855-4407 Ext. 242 Fax: (519) 855-4281  
 EMAIL: [tanjot.bal@erin.ca](mailto:tanjot.bal@erin.ca)

---

**DATE:** October 14, 2022

**TO:** Tanjot Bal, Secretary Treasurer  
 Town of Erin Committee of Adjustment

**FROM:** Jack Krubnik, Director of Planning and Development

**SUBJECT:** MINOR VARIANCE APPLICATION A20-22  
 (Frank & Virginia Uhran)  
 8988 Halton-Erin Townline  
 Part Lot 1, Concession 3

---

### Application

The applicants request relief from Zoning By-law 07-67, as amended, to permit:

- a reduced MDS I setback of 146 metres, whereas the By-law requires a minimum MDS I setback of 315 metres;
- a reduced MDS I setback of 445 metres, whereas the By-law requires a minimum MDS I setback of 552 metres; and,
- a minimum lot area of 0.31 of a hectare, whereas the By-law requires a minimum lot area of 0.4 of a hectare.

The applicants request approval of this application, to reduce the Minimum Distance Separation I (MDS I) and request relief from the minimum lot area for the proposed severed lot, as conditions of approval of Wellington County Land Division Application B45-22 (see Appendix A –Severance Sketch).

---

### Recommendation

It is Planning Staff's opinion that these variances are minor in nature, desirable for the appropriate development of the land, and meet the intent of Erin's Official Plan and Zoning By-law, and therefore recommends **Approval** of the proposed variances.

---

### DISCUSSION

In order to satisfy Condition 12 and 14 of the approved Consent Application B45-22, the applicants have submitted this minor variance application, seeking relief from the required MDS I setback from the barns located at 8976 and 9024 Halton-Erin Townline, and relief from the minimum lot area requirement.

The landowner of 9024 Halton-Erin Townline has completed a Farm Data Sheet, used to calculate the Minimum Distance Separation I. The landowner indicated that the barn is currently unoccupied, however could house 25 animals. Although the barn is currently unoccupied, the separation distance must still be calculated unless the building has been deemed by a municipal building official as no longer structural sound or capable of housing livestock, or it is zoned to prohibit the housing or livestock, or the floor area is less than 100 square metres. None of these exceptions apply. The distance from the barn at 9024 Halton-Erin Townline to the proposed severed parcel is 445 metres.

The landowners of 8976 Halton-Erin Townline have completed a Farm Data Sheet, and have indicated there are currently 25 cows and horses. The distance from the barn at 8976 Halton-Erin Townline to the proposed severed parcel is 146 metres.

Our Discussion of this application relative to the four tests under the *Planning Act* is as follows:

Four Tests	Discussion
<p>That the general intent and purpose of the <b>Official Plan</b> is maintained.</p>	<ul style="list-style-type: none"> <li>• The subject property is designated Secondary Agriculture in Erin’s Official Plan.</li> <li>• Agricultural uses are the primary use within the Secondary Agricultural Area, however rural residential lots are also permitted.</li> <li>• Lot creation within the Secondary Agricultural Area shall be subject to Section 6.5 and 10.4 of Wellington County’s Official Plan.</li> <li>• Section 6.5.6 of the County’s Official Plan states that lot creation shall be subject to Minimum Distance Separation (MDS) requirements.</li> <li>• Section 10.4.4 a) of the County’s Official Plan states that new residential lots within the Secondary Agricultural Area must meet a minimum lot size of 0.4 of a hectare to accommodate a dwelling, accessory buildings and uses, and individual sewage and water services, while taking into account site constraints such as grading, sightlines, natural heritage system features, hazardous lands and MDS requirements.</li> <li>• The proposed variances to reduce the MDS I setbacks from the barn located at 9024 Halton-Erin Townline and 8976 Halton-Erin Townline will ensure the proposed severed lot complies with the intent and purpose of the Official Plan.</li> <li>• The applicant has submitted a predevelopment site plan to demonstrate the proposed severed lot can accommodate a dwelling and private servicing.</li> <li>• The Town’s Building Department has reviewed the submitted site plan. The proposed private services on the severed parcel appear to meet the required setbacks to the proposed dwelling and lot lines.</li> </ul>

	<ul style="list-style-type: none"> <li>• Through the Building Permit Process, the septic designer would complete necessary calculations to determine if the proposed septic system meets the requirements of the house design.</li> </ul>
<p>That the general intent and purpose of the <b>Zoning By-law</b> is maintained and the variance is <b>desirable</b> for the appropriate development and use of the land, building, or structure.</p>	<ul style="list-style-type: none"> <li>• The subject property is zoned Agricultural (A) in Erin's Zoning By-law 07-67, as amended.</li> <li>• A detached dwelling is permitted within the A Zone.</li> <li>• Within the A zone, lots less than 10 hectares must achieve a minimum lot area of 0.4 of a hectare (4,000 square metres). The proposed severed lot has a lot area of approximately 3,348.41 square metres. Following the conveyance of the road widening, the lot area will be approximately 3,167.5 square metres.</li> <li>• Minimum lot area requirements ensure new lots are an adequate size to accommodate servicing and to maintain a consistent lotting pattern.</li> <li>• Building Services has reviewed the request to reduce the minimum lot area and has indicated the minimum setbacks from the house and lot lines are satisfied, however cannot confirm that the proposed septic system meets the requirements of the house design. This detailed review is completed at the building permit stage.</li> <li>• Section 4.22 of the By-law requires new non-agricultural uses to comply with the MDS I calculations using the Formulas set out by the Province.</li> <li>• Using the Province's Formula, the MDS I setback required from the barn located at 9024 Halton-Erin Townline is 552 metres and the MDS I setback required from the barn located at 8976 Halton-Erin Townline is 315 metres.</li> <li>• In order to comply with the required setback, the applicants are requesting to reduce the required setbacks.</li> <li>• There are two existing dwellings between the barn located at 8976 Halton-Erin Townline and the proposed severed lot.</li> <li>• There are two existing dwellings located approximately 50 metres from the barn at 9024 Halton-Erin Townline.</li> <li>• Since there are existing dwellings closer to the barns, Staff believe it would be appropriate to reduce the required MDS I setbacks.</li> <li>• Staff are of the opinion that the proposal conforms to the intent and purpose of the Zoning By-law, and will result in development that is appropriate for the use</li> </ul>

<p>That the variance is <b>minor</b> in nature.</p>	<p>of the land.</p> <ul style="list-style-type: none"> <li>As there are existing dwellings located closer to the barns than a new dwelling that would be constructed on the proposed severed parcel, and it will be determined at building permit stage is the proposed dwelling can be adequately services, Staff consider the request relief to be minor in nature.</li> </ul>
---	--

**PUBLIC, AGENCY, & TOWN COMMENTS**

County of Wellington Planning

- The subject lands are designated as Secondary Agriculture in the County Official Plan. Staff note that the proposed variance is to satisfy condition of severance (B45/22) that was conditionally approved in June 2022.
- MDS guideline #43 states, “MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of the MDS document. Examples may include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards”.
- Regarding the proposed reduced lot size, the Town should be satisfied that adequate area is provided for private water and wastewater treatment.
- Overall, Planning staff have no comments or concerns with the proposed minor variance application.

County of Wellington Roads

- No comments

Town of Erin Infrastructure Services

- No comments

Town of Erin Building Services

- No comments

Town of Erin Fire Services

- No concerns. Comments related to the severance include:
  - Correct 911 Addressing for both properties (retained and severed), and
  - Access driveways for both properties (retained and severed) that meet our specifications.

Credit Valley Conservation Authority

- Property is located within the CVC watershed, but entirely outside of the CVC Regulated Area. No CVC regulatory concerns/comments.
- Property is also located entirely outside of the Greenbelt NHS and Erin Greenlands. No concerns for natural heritage system/features.
- Property appears to be located within the Greenbelt Protected Countryside designation, which discourages lot creation.

Town of Halton Hills

- No objections



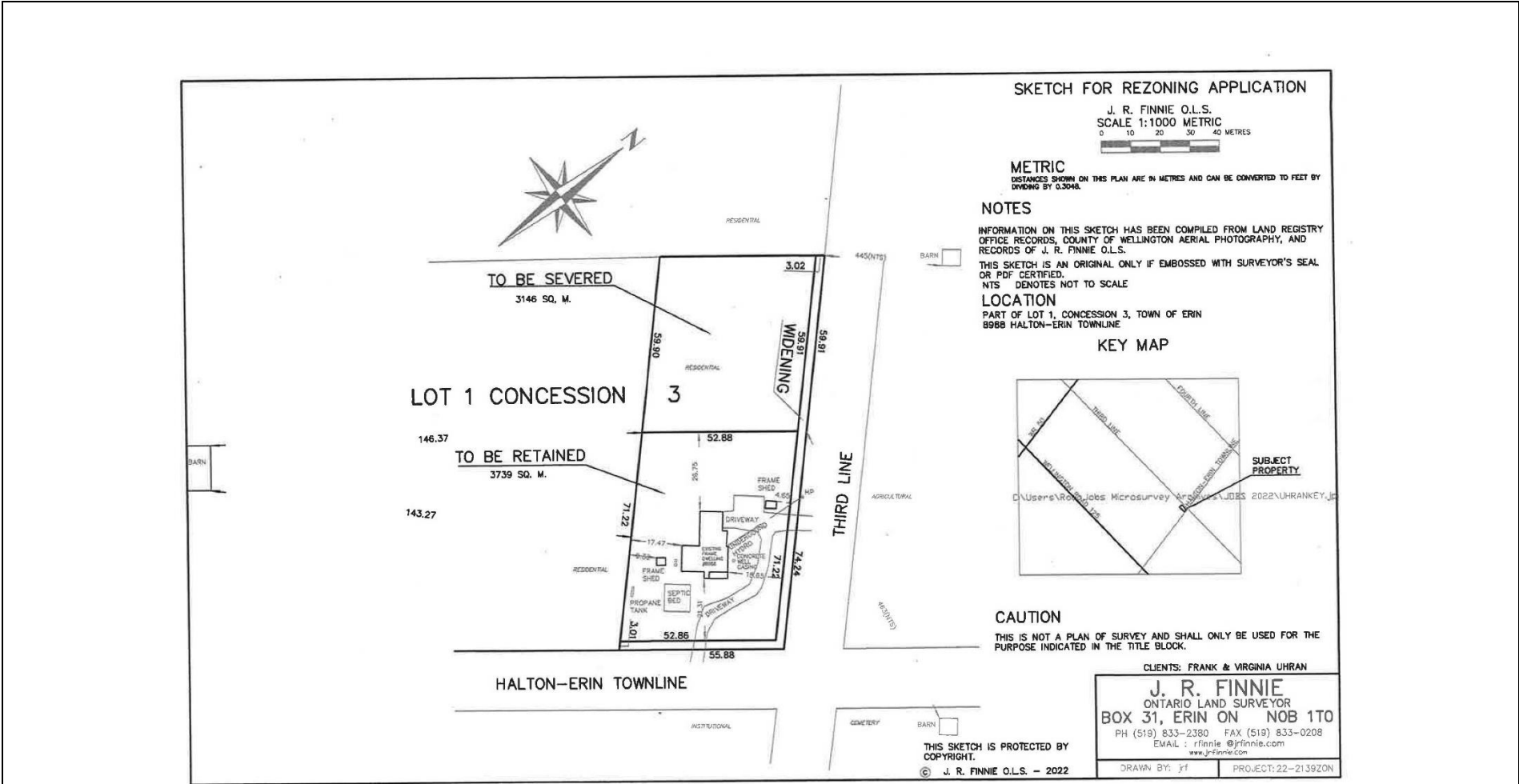
In conclusion, Planning Staff is of the opinion that the requested variances meet the four tests of the *Planning Act*. We trust that these comments will be of assistance to the Committee in their consideration of this matter.

Yours truly,

Jack Krubnik, MLA, OALA, MCIP, RPP  
Director of Planning & Development

Appendix A –Severance Sketch

# Attachment A – Severance Sketch



<b>File No(s):</b>	A20-22
<b>Address:</b>	8988 Halton-Erin Townline
<b>Legal Description:</b>	Part Lot 1, Concession 3



## Minutes of the Town of Erin Committee of Adjustment Meeting

September 19<sup>th</sup>, 2022  
6:00 PM

### In-Person Participation

<b>Present:</b>	Rob Fletcher	Chair
	William Oughtred	Member
	Wayne Parkinson	Member
	Liz Crighton	Member
<b>Absent</b>	Brad Bruce	Member
<b>Staff Present:</b>	Tanjot Bal	Secretary-Treasurer

#### 1. **Call to Order**

Chair Rob Fletcher called the meeting to order at the hour of 6:00 p.m. and announced that this meeting has been called under the Authority of Section 45(1) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended to seek relief from Zoning By-law 07-67. The Chair stated that the following application will be heard this evening: A16-22, A17-22 and A18-22.

The Chair stated that the purpose of the meeting is to allow the presentation of applications for Minor Variances, and to allow interested members of the public the opportunity to ask questions or offer comments. The Chair then stated that the Committee will exchange views and the decision will come after the full consideration of input from the meeting, submissions from neighbours and any other interested parties and comments from agencies.

The Secretary explained the appeal process, that anyone wishing to appeal the Committee's decision must do so within twenty (20) days of notice by filing with the Secretary of the Committee a notice of appeal setting out the objection to the decision and the reason in support of the objection accompanied by payment to the secretary the fee prescribed under the Ontario *Land Tribunal (OLT)*. The Chair advised that if a person or public body does not make an oral submission at a public meeting or make written submission to the Committee of Adjustment before a decision is made, the person or unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

#### 2. **Approval of the Agenda**

**Moved By:** Member Parkinson

**Seconded By:** Member Oughtred

**Be it resolved that** the Committee hereby approve the agenda as amended to add item 2.1 appointment of secretary treasurer.

**Carried**

**3. Disclosure of Pecuniary Interest**

None.

**4. Requests for withdrawal or deferral of Applications**

None.

**5. Notice**

Notice was given by mail on September 6, 2022 to every owner of land within 60 meters (200 ft) of the property and to agencies requiring notice as prescribed in the *Planning Act* governing Minor Variance Applications. Also public notice was issued on the Town’s Website.

The Secretary Advised that the agencies circulated included the Conservation Authority, the County of Wellington, the Ministry of Municipal Affairs and Housing, the school boards, Union gas, and Town Staff.

**6. Application**

**6.1. File Number: A16/22 – 56 Trafalgar Road**

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from Zoning By-law 07-67, as amended, to permit:

- the parking of a school bus on the driveway, whereas the By-law does not permit the parking of commercial vehicles on a residential driveway; and
- the parking of a school bus in front of the dwelling unit, whereas the By-law requires all parking within a Residential Zone to be to the rear of the front wall of the main building.

**6.1.1. Planning Report**

Town of Erin – Planning Department

The subject property is located within the Village Core Main Street in the Town of Erin’s Urban Design Guidelines. The introduction of commercial vehicle parking takes away from the design principles for the village core, such as providing a vibrant and animated streetscape.

The Zoning By-law permits the parking of motor vehicles on a residential driveway, but this does not include commercial vehicles. A school bus is considered a commercial vehicle.

The By-law restricts the parking of commercial vehicles to non-residential properties, to ensure there is adequate room for the larger vehicles to park and maneuver to and from the site.

It is not appropriate to park commercial vehicles on residential driveways in the R1 zone, as these driveways have not been reviewed to confirm there is adequate space to park a large vehicle, without negatively impacting adjacent driveways and local traffic (i.e. sight line concerns, and maneuvering to and from the property).

Should the Committee approve the requested variance to permit the parking of commercial vehicles within this location, it will set a negative precedent for future requests of a similar nature, and work in opposition to the Town's revitalization efforts.

And therefore, it is Planning Staff's opinion that these variances are not minor in nature, are not desirable for the appropriate development of the land, and do not meet the intent of Erin's Official Plan and Zoning By-law, and therefore recommends Refusal of the proposed variances.

### **6.1.2. Correspondence**

#### County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

#### Credit Valley Conservation Authority

CVC staff have reviewed the application and CVCs interests are not impacted by the proposed variance. As such, CVC has no concerns with the approval of the application.

#### County of Wellington Works, Town of Erin Infrastructure Services and Town of Erin Building Services

No comments.

### 6.1.3. Comments

*The Chair asked that the applicant speak to the application:*

#### **Applicant**

The applicant, Mary Neil, explained the purpose of the application and specifications of the location of the site. Indicated that she reverses into the driveway and that buses are constantly travelling to and from the school, across the street.

#### **Lynne O'Donnell & Dennis Suidgeet**

Provided pictures for the Committee to review (no idling signage and location of their property relative to the applicant's property). Indicated that during the winter time, the bus is idling for long periods of time. Has tried to work with the applicant and have spoken to Denny's Bus. Have no concerns with buses being parking in rural areas. Parking of the commercial vehicle disturbs their enjoyment of life (noises when windows are open).

#### **Landowner**

One of the landowners, Robert, explained that the neighbours complaints are harassment and doesn't relate to the purpose of the application.

#### **Committee**

Member Parkinson:

- Questioned how long the applicant has been parking the bus (applicant indicated 5 years)
- Consider temporary approval for two years, with the ability to extend, with conditions that there should be no parking during holidays

Member Crighton:

- Noticed the house is for sale, is this a service for future use (applicant indicated no – it is for her only)

Member Oughtred:

- Commented that it is troublesome that the adjacent neighbour has concerns and the parking on commercial vehicles in the village core

Member Crighton:

- Commented that Hillsburgh currently has a mix of uses
- Would like to protect the neighbour

Member Oughtred:

- Questioned the need for idling (applicant indicated that she does not idle in the summer)

Member Parkinson:

- Motion to approve the application, subject to the following conditions:
  - That this decision be tied to the current owners
  - That temporary parking be permitted on the driveway for 1 year
  - That parking of the bus is only permitted during the school year and is not permitted during Holidays and weekends
  - That a site plan be submitted demonstrating there is sufficient space on the driveway to park the school bus behind the front wall of the primary residence.
- Motion failed

**6.1.4. Decision of the Committee**

**Moved By:** Member Oughtred

**Seconded By:** Member Crighton

**Be it resolved that** the Town of Erin Committee of Adjustment hereby refuses Minor Variance Application A16/22 because the application does not meet the four tests of the Planning Act.

**Carried**

**6.2. File Number: A17/22 – 5826 First Line**

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from Zoning By-law 07-67, as amended, to permit an accessory building with a building height of 5.5 metres, whereas the By-law permits a building height of 4.5 metres.

**6.2.1. Planning Report**

Town of Erin – Planning Department

The subject property is designated Prime Agricultural and Core Greenlands in Erin’s Official Plan. Residential uses and accessory uses (including a garage and workshop) are permitted.

The subject property is zoned Agricultural (A) and Rural Environmental Protection (EP2) in Erin’s Zoning By-law 07-67, as amended. A detached dwelling and accessory structures are permitted within the A Zone.

The By-law restricts the height of accessory structures to 4.5 metres. The maximum height provision is within the By-law to ensure accessory structures are an appropriate size relative to the main dwelling.

The applicant is requesting variances for an increased height of 1 metre. The building will be used to store personal vehicles, farm equipment and outdoor furniture. In addition, it is a pre-fabricated and therefore the height cannot be adjusted. This structure will not be visible from the street.

It is Planning Staff's opinion that this variance is minor in nature, desirable for the appropriate development of the land, and meets the intent of Erin's Official Plan and Zoning By-law, and therefore recommends **Approval** of the proposed variance.

### 6.2.2. Correspondence

#### County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

#### Grand River Conservation Authority

The subject property contains a portion of the provincially significant Speed Lutteral Swan Creek Wetland Complex, floodplain, and the regulated allowance adjacent to these features. Due to the presence of the features noted above, a portion of the property is regulated by the GRCA under Ontario Regulation 150/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development within the regulated areas on the subject property will require the prior issuance of a permit pursuant to Ontario Regulation 150/06.

The GRCA has issued Permit 568/22 for the proposed accessory structure and the plans circulated with this minor variance application are consistent with the plans approved under the GRCA permit noted above. GRCA staff do not anticipate any negative impacts to the wetland as a result of this application or the proposed development. As such, the GRCA has no objection to the approval of this application by the Town of Erin.

#### County of Wellington Works, Town of Erin Infrastructure Services and Town of Erin Building Services



No comments.

**6.2.3. Comments**

No member of the public has registered to participate this evening.

*The Chair asked that the applicant speak to the application:*

**Applicant**

The applicant indicated that he is in attendance to answer any questions. Explained that the property currently doesn't have any storage (shed or garage). Proposing a height to park a mobile home.

**Committee**

Member Oughtred:

- Asked for details on the lot area and the distance from the front lot line to the house

**6.2.4. Decision of the Committee**

**Moved By:** Member Parkinson

**Seconded By:** Member Crighton

**Be it resolved that** the Town of Erin Committee of Adjustment hereby approves Minor Variance Application A17/22 because the application meets the following criteria:

- The general intent and purpose of the Official Plan is maintained;
- The general intent and purpose of the Zoning By-Law is maintained;
- The variance is considered desirable for the appropriate development of land;
- In the opinion of the Committee, the variances are minor.

**Carried**

**6.3. File Number: A18/22 – Third Line**

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from Zoning By-law 07-67, as amended, to permit a reduced MDS I setback of 111 metres, whereas the By-law requires a minimum MDS I setback of 114 metres.

**6.3.1. Planning Report**

Town of Erin – Planning Department

The subject property is designated Secondary Agriculture, Core Greenlands and Greenlands in Erin's Official Plan. The proposed

severed parcel is outside of the Core Greenlands and Greenlands Designation.

Lot creation within the Secondary Agricultural Area shall be subject to Section 6.5 and 10.4 of Wellington County's Official Plan.

Section 6.5.6 of the County's Official Plan states that lot creation shall be subject to Minimum Distance Separation (MDS) requirements.

Further, Section 4.22 of the Town's Zoning By-law 07-67, as amended, requires new non-agricultural uses to comply with the MDS I calculations using the Formulas set out by the Province.

The proposed variance to reduce the MDS I setback from the barn located at 4956 Third Line will ensure the proposed severed lot complies with the intent and purpose of the Official Plan and Zoning By-law.

It is Planning Staff's opinion that this variance is minor in nature, desirable for the appropriate development of the land, and meets the intent of Erin's Official Plan and Zoning By-law, and therefore recommends Approval of the proposed variance.

### **6.3.2. Correspondence**

#### County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

#### Credit Valley Conservation Authority

The retained portion of the subject property is regulated by Credit Valley Conservation (CVC) due to the presence of a provincially significant wetland (Eramosa River Blue Springs Creek Wetland Complex) mapped on and adjacent to the site. Portions of retained parcel is also partially located within the Credit River Watershed Natural Heritage System.

In addition, the retained portion of the parcel is located partially within the Protected Countryside and Natural Heritage System (NHS) of the Greenbelt Plan, Erin Greenlands/ Core Greenlands, and the Credit River Watershed NHS. The property is also located within a Significant Groundwater Recharge Area (SGRA), Wellhead

Protection Area Zone (WHPA), WHPA Q1/Q2 under the CTC Source Protection Plan.

It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological, and biological features associated with the above-noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

CVC has previously reviewed the associated severance file B 21/115 and noted the proposed severed lot is sufficiently setback from any natural hazard and features of concern and located outside of the CVC Regulated Area. The CVC interests are not impacted by the proposed variance. As such, CVC has no objection to the approval of this minor variance.

#### Source Water Protection

Since this property is located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), but the activity(ies), as indicated, would not create a significant drinking water threat, the application can be screened out and it does not require a Section 59 notice under the *Clean Water Act*.

#### County of Wellington Works, Town of Erin Infrastructure Services and Town of Erin Building Services

No comments.

### **6.3.3. Comments**

No member of the public has registered to participate this evening.

*The Chair asked that the applicant speak to the application:*

#### **Agent**

The agent, Hailey Keast, explained the purpose of the application, and indicated that she is in attendance to answer any questions.

#### **Committee**

No questions or discussion.

### **6.3.4. Decision of the Committee**

**Moved By:** Member Oughtred

**Seconded By:** Member Crighton

**Be it resolved that** the Town of Erin Committee of Adjustment hereby approves Minor Variance Application A18/22 because the application meets the following criteria:

- The general intent and purpose of the Official Plan is maintained;
- The general intent and purpose of the Zoning By-Law is maintained;
- The variance is considered desirable for the appropriate development of land;
- In the opinion of the Committee, the variances are minor.

**Carried**

**7. Adoption of the Minutes**

**Moved By:** Member Parkinson  
**Seconded By:** Member Crighton

**Be it resolved that** the Committee hereby adopt the minutes as circulated for the following Committee of Adjustment meetings:

- **August 17, 2022**

**Carried**

**8. Adjournment**

**Moved By:** Member Crighton  
**Seconded By:** Member Parkinson

**Be it resolved that** the meeting be adjourned at the hour 6:46 p.m.

**Carried**

\_\_\_\_\_  
Chair Rob Fletcher

\_\_\_\_\_  
Secretary-Treasurer Tanjot Bal