



TOWN OF ERIN  
Committee of Adjustment  
AGENDA

**December 21, 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>	
A25-22 18 Millwood Road	1 – 3
<b>6. Application</b>	
6.1 File Number: A25-22 18 Millwood Road	
6.1.1 Planning Report	4 - 8
6.1.2 Correspondence	
6.1.3 Comments	
6.1.4 Decision of the Committee	
<b>7. Adoption of Minutes</b>	
7.1 November 16 Committee of Adjustment Meeting	9-18
<b>8. Adjournment</b>	



## TOWN OF ERIN COMMITTEE OF ADJUSTMENT

### NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE A25-22

*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 December 21, 2022 at 6:00 pm  
**Location:** In-person at Town Hall, Council Chambers

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: **A25-22** Subject Property Zoned: **R2**  
Owners: **Austin & Erin Boland** Zoning By-law: **07-67**  
Property Address: **18 Millwood Road**  
Legal Description: **Part Lot 14, Concession 10 West**

#### Purpose of Application

The applicants request approval of this application, in order to construct a two car attached garage.

#### Requested Variance

Details of the variance is as follows:

By-law Requirement	Relief Applied For
Section 6.2.2 – Table 6 Minimum rear yard 7.5 metres	To permit a rear yard setback of 2.26 metres.

#### 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.



## TOWN OF ERIN COMMITTEE OF ADJUSTMENT

### NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE A25-22

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

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.

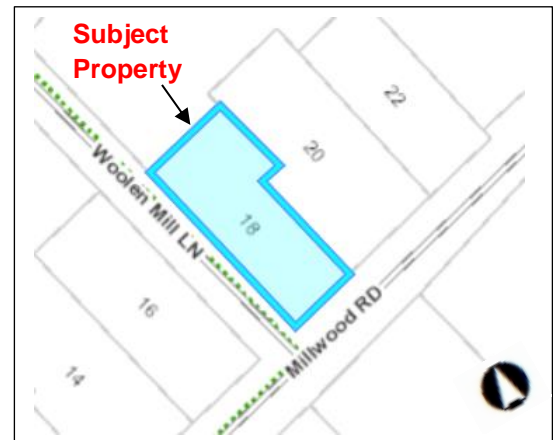
### NOTICE OF DECISION

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.

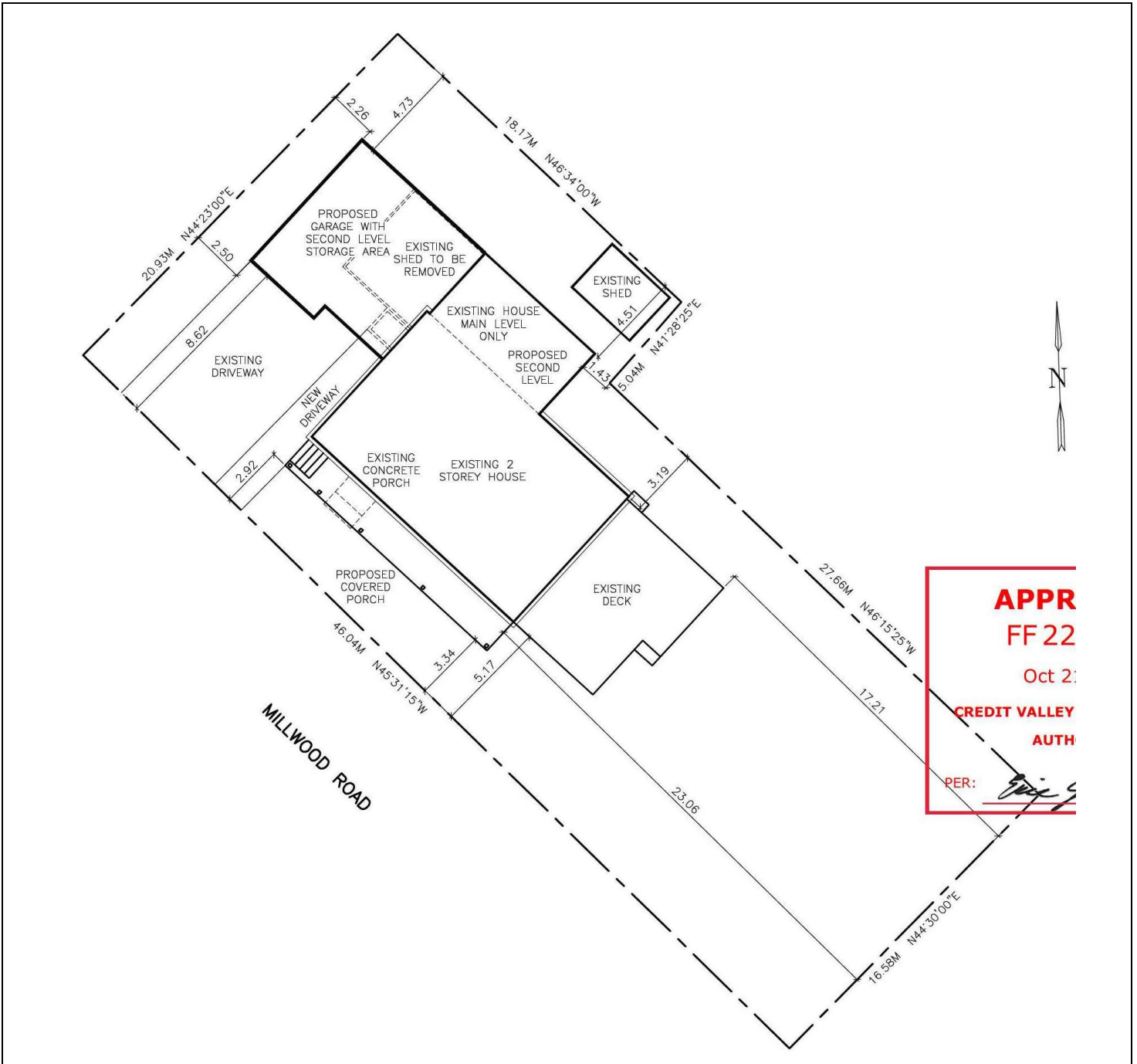
**ADDITIONAL INFORMATION** regarding this application, including information about appeal rights, is available between 8:30 a.m. and 4:30 p.m. at the Town of Erin Municipal Office.

Dated at the Town of Erin  
This day of November 5, 2022.

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



# Attachment A – Site Plan



**APPR**  
**FF 22**  
 Oct 2:  
**CREDIT VALLEY**  
**AUTH**  
 PER: *[Signature]*

	<b>File No(s):</b>	A25-22
	<b>Address:</b>	18 Millwood Road
	<b>Legal Description:</b>	Part Lot 14, Concession 10 West

December 6, 2022



# 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)

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**DATE:** December 16, 2022

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

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

**SUBJECT:** MINOR VARIANCE APPLICATION A25-22  
(Austin & Erin Boland)  
18 Millwood Road  
Part Lot 14, Concession 10 West

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## Application

The applicants request relief from Zoning By-law 07-67, as amended, to permit a rear yard setback of 2.26 metres, whereas the By-law permits a rear yard setback of 7.5 metres.

The applicants request approval of this minor variance application, in order to construct a two car attached garage (see Attachment A – Site Plan).

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## 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.

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## DISCUSSION

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

Four Tests	Discussion
That the general intent and purpose of the <b>Official Plan</b> is maintained.	<ul style="list-style-type: none"><li>• The subject property is designated Residential in Erin's Official Plan, within the Erin Urban Area.</li><li>• The applicant is proposing to construct a two car attached garage on a corner lot property.</li><li>• The proposal is subject to the provisions within the Town's Zoning By-law.</li></ul>

	<ul style="list-style-type: none"> <li>• The proposal conforms to 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 Residential Two (R2) in Erin’s Zoning By-law 07-67, as amended.</li> <li>• As this property is a corner lot, the shorter frontage on a street is deemed to be the front lot line and the other shall be deemed to be the exterior lot line. The lot line along Millwood Road is deemed to be the front lot line and the lot line along Woolen Mill Lane is deemed to be the exterior lot line.</li> <li>• The current dwelling is approximately 23 metres from Millwood Road. The front entrance to the dwelling and access to the dwelling is from Woolen Mill Lane.</li> <li>• Further, the lot line opposite to the front lot line is deemed to be the rear lot line.</li> <li>• Currently the existing dwelling does not meet the required rear yard setback of 7.5 metres (approximately 4 metres). The applicant is requesting to further reduce this setback to 2.26 metres.</li> <li>• The purpose of a rear yard setback is to ensure there is adequate private amenity space (backyard).</li> <li>• Given there is adequate amenity space between the dwelling and Millwood Road, Staff are not concerned with the proposed rear yard reduction.</li> <li>• The neighbouring dwelling at 23 Woolen Mill Lane is located over 18 metres from 18 Woolen Mill Lane. Staff are satisfied that there is sufficient separation between neighbouring dwellings.</li> <li>• Given the existing dwelling does not meet the required setbacks within the Zoning By-law and that reducing the rear yard will not negatively impact neighbouring dwellings, 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>
<p>That the variance is <b>minor</b> in nature.</p>	<ul style="list-style-type: none"> <li>• As the proposed two car garage does not negatively impact adjacent landowners, staff consider the requested variance minor.</li> </ul>

**PUBLIC, AGENCY, & TOWN COMMENTS**

Resident of 16 Millwood Road – Ann Shanahan

- Strongly in favour of the minor variance to permit a rear yard setback of 2.26 meters to build an attached garage. Both 16 and 18 Millwood sit in strange positions as Woolen Mill Lane cuts between them and thus they have very small frontages. For years, both of our properties could have been considered

'eyesores'. Over the last few years, with the new ownership of the Boland family, 18 Millwood has transformed with lovely curb appeal. They take wonderful care of their property and have added beautiful gardens and lighting. The addition of an attached garage will be the final piece of this improvement puzzle. Plus, a garage is always welcome for a growing family with toys and lawn equipment.

- On another note, Woollen Mill is a very thin street and during winter months it is VERY challenging to park if residents have guests. The addition of the garage would give the Bolands more parking and be able to stay off the road.

#### County of Wellington Planning

- The subject lands are designated Urban Centre (Erin) and Core Greenlands in the County Official Plan. Planning staff notes that the proposed variance would permit the construction of an accessory structure.
- Any comments received from CVCA should be considered by the Township when reviewing this proposal. Overall, Staff do not have any concerns with the proposed Minor Variance application.

#### County of Wellington Roads

- No comments

#### Town of Erin Infrastructure Services

- As of writing this report, no comments received.

#### Town of Erin Building Services

- No comments

#### Town of Erin Fire Services

- As of writing this report, no comments received.

#### Credit Valley Conservation Authority

- CVC's regulatory and permitting concerns have been addressed with the previous issuance of the CVC Permit FF 22/293 which has been included as the site plan.
- Furthermore, the subject property does not contain any other natural heritage features of interest, and as such CVC would have no comments and no objection to the approval of the proposed variance.

#### Source Water Protection

- No comments

#### Canada Post

- No comments

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,

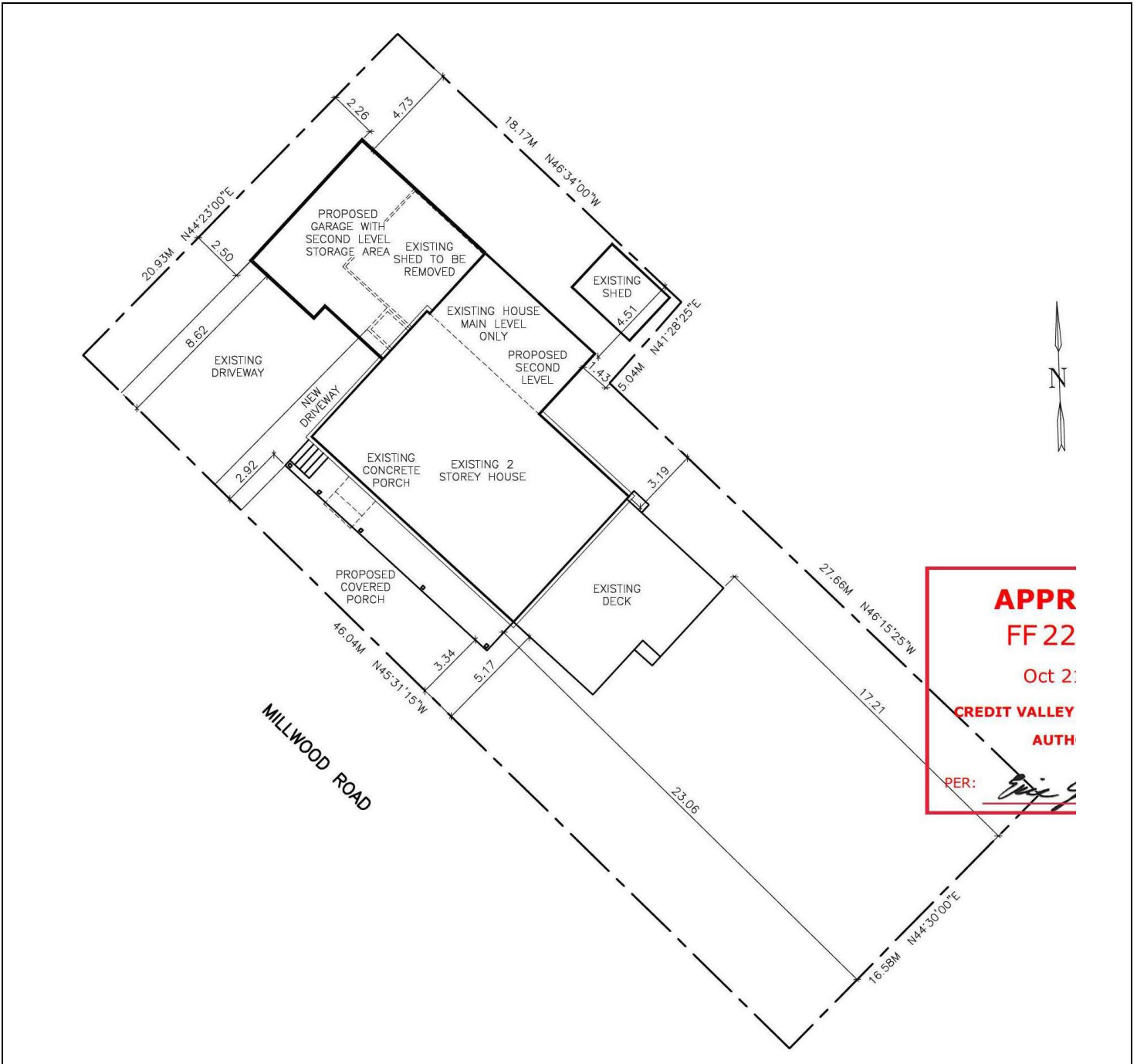
A handwritten signature in black ink, appearing to read 'Jack Krubnik', written in a cursive style.

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

Attachment A – Site Plan



# Attachment A – Site Plan



**APPR**  
**FF 22**  
 Oct 2:  
**CREDIT VALLEY**  
**AUTH**  
 PER: *[Signature]*

	<b>File No(s):</b>	A25-22
	<b>Address:</b>	18 Millwood Road
	<b>Legal Description:</b>	Part Lot 14, Concession 10 West

December 6, 2022



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

November 16<sup>th</sup>, 2022  
6:00 PM

### In-Person Participation

<b>Present:</b>	Rob Fletcher	Chair
	Wayne Parkinson	Member
	William Oughtred	Member
	Brad Bruce	Member
<b>Absent</b>	Liz Crighton	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: A21-22, A22-22, A23-22, and A24-22

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 Bruce

**Be it resolved that** the Committee hereby approve the agenda as circulated.

**Carried**

**3. Disclosure of Pecuniary Interest**

Member Parkinson disclosed pecuniary interest for application A 23-22.

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

None.

**5. Notice**

Notice was given by mail on November 1, 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: A21/22 – 9609 Sideroad 17**

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

- off-street parking greater than 90 metres from the main building in a different zone, whereas the By-law requires off-street parking to be located on the same lot as the principal or main building, or on a lot less than 90 metres from the main building and in the same zone as the main building; and
- outdoor storage without a main building, whereas the By-law requires outdoor storage of goods, materials, and equipment, accessory to the main use, shall be located to the rear of the front wall of the main building but not the side or rear yard.

**6.1.1. Planning Report**

Town of Erin – Planning Department

It is Planning Staff's opinion that these variances are 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 variances.

**6.1.2. Correspondence**

County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

County of Wellington – Roads Comments

No objections. Request a Stormwater Management Report be completed for the application for site plan approval.

Credit Valley Conservation Authority

No objection/comments.

Town of Erin Fire Services

No concerns, provided the Fire Department access is maintained around each storage area.

Town of Erin Infrastructure Services and Town of Erin Building Services

No comments.

**6.1.3. Comments**

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

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

**Agent**

The agent, Tony Elias, explained that the applicant, Chantler, is proposing to use this site as additional storage and parking for his business. Tony explained that he is an engineer who is dealing with extensive drainage issues for this site.

**Committee**

Member Bruce mentioned that there is high traffic that travels this road and questioned what landscaping or buffer will be installed to mitigate the impact from the road.

**6.1.4. Decision of the Committee**

**Moved By:** Member Parkinson

**Seconded By:** Member Oughtred

**Be it resolved that** the Town of Erin Committee of Adjustment hereby approves Minor Variance Application A21/22 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**

## **6.2. File Number: A22/22 – 5903 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 4.8 metres, whereas the By-law permits a building height of 4.5 metres.

### **6.2.1. Planning Report**

#### Town of Erin – Planning Department

The applicant is requesting a height variance to permit the parking of two vehicles and storage area within the roof on the proposed building. The applicant would store summer furniture and garden equipment in this space.

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

A GRCA Permit was issued for the proposed accessory structure and the plans circulated for this minor variance application is consistent with the plans approved under the GRCA permit. GRCA has no objections to the approval of this application.

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

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:*

#### **Agent**

The applicant, Wolf Raymer, explained that this property doesn't have a garage and therefore requires a storage building that is fitting with the character and style of the existing house. Location of the garage is at the lower portion of the property and therefore is not visible from the road.

#### **Resident**

Neighbour, Paul Abbott at 5900 Third Line indicated that the garage would not have an impact on his property and he is in support of this application.

#### **Committee**

No discussion.

### 6.2.4. Decision of the Committee

**Moved By:** Member Bruce

**Seconded By:** Member Oughtred

**Be it resolved that** the Town of Erin Committee of Adjustment hereby approves Minor Variance Application A22/22 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 variances are considered desirable for the appropriate development of land;
- In the opinion of the Committee, the variance is minor.

**Carried**

### 6.3. File Number: A23/22 – 5390 Wellington Road 52

Member Parkinson left the meeting.

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

- an accessory structure located 0.45 of a metre from the interior side lot line, whereas the By-law requires accessory structures in the residential zone to be no closer than 1.2 metres to the interior side lot line; and
- an accessory structure located 0.5 of a metre from the interior side lot line, whereas the By-law requires accessory structures in the residential zone to be no closer than 1.2 metres to the rear lot line.

### **6.3.1. Planning Report**

#### Town of Erin – Planning Department

The shed was constructed without a permit. The applicant is now going through the permitting process.

Through the review of the building permit application, staff identified that the shed did not meet the required setback within the By-law.

The applicant is requesting to reduce this setback to 0.45 of a metre and 0.5 of a metre. The applicant has indicated that even with the reduced setback, he is able to maintain the structure.

It is Planning Staff's opinion that these variances are 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 variances.

### **6.3.2. Correspondence**

#### Landowners of 5388 Wellington Road 52

Submitted comments in support of the minor variance application.

Indicated that the new structure is visually aesthetic in comparison to the old shed.

#### Landowner of 1 Dianne Rd

Submitted comments in objection to the proposed minor variance application.

Concerned that the structure was constructed without a permit. Concerned with the appearance of the shed. Concerned with the storage of building material behind the shed. Concerned that the shed has pushed dirt back through the fence, into her garden, potentially killing the shrubs.

Landowner of 5392 Wellington Road 52

Submitted comments in objection to the proposed minor variance application.

Indicated that the shed is already built without any eaves trough. Requested clarification on who is held responsible if the proximity of this shed to his shed and if this causes flooding on his property.

County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

County of Wellington Works, Town of Erin Infrastructure Services, Town of Erin Building Services, Credit Valley Conservation Authority and Canada Post

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 applicant, Hugo Moniz, indicated that he moved in roughly 2 and a half years ago. The existing shed was in disrepair and was damaged by flooding. The applicant proceeded to rebuild the shed, wants to address all concerns, and does not want to cause any flooding onto neighbouring properties.

Applicant is proposing to install eaves troughs and snow fencing.

**Committee**

Member Oughtred requested clarification on whether the shed has been built in the same footprint and if the applicant consulted with the neighbours.

Member Bruce questioned the applicants plan to drain the water onto his own property and how the water will be prevented from draining onto neighbouring properties.

**6.3.4. Decision of the Committee**



**Moved By:** Member Oughtred  
**Seconded By:** Member Bruce

**Be it resolved that** the Town of Erin Committee of Adjustment hereby approves Minor Variance Application A23/22 because the Committee considers the requested variances 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 variances, subject to the following condition:

- That the building permit be revised to include an eave trough and snow guard on the side facing 5392 Wellington Road 52

**Carried**

#### **6.4. File Number: A24-22 – 1 Erinlea Crescent**

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from Zoning By-law 07-67, as amended, to permit an accessory dwelling unit within an accessory structure, for a lot less than 0.1858 hectares in area, whereas the By-law permits an accessory dwelling unit within an accessory building or structure for lots with a minimum area of 0.1858 hectares for any residential lot.

##### **6.4.1. Planning Report**

###### Town of Erin – Planning Department

The applicant is proposing to convert an existing accessory building into an accessory dwelling unit.

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.

##### **6.4.2. Correspondence**

###### Landowners of 33 Scotch Street

Owners of 33 Scotch Street, directly to the rear, object to the proposed variance and proposed alteration. The owners are concerned with the potential impact that this change of use will have on the enjoyment of their backyard. Without reviewing the construction plans, they are unaware of how intrusive this change will be (i.e. location of windows). The height of the structure is currently a concern. The owners have requested notification of any decision made and any future applications related to this proposal.

County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

Credit Valley Conservation Authority

No concerns and no objection to the approval of this minor variance. A CVC permit will be required.

Town of Erin Fire Services

If permitted, the dwelling unit must meet all fire and life safety requirements.

County of Wellington Works, Town of Erin Infrastructure Services,  
Town of Erin Building Services and Canada Post

No comments.

**6.4.3. Comments**

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

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

**Agent**

The applicant, Anthony, indicated that there is an existing accessory building on his property and he felt it would be appropriate to move his mother into this unit.

There are no proposed exterior changes to the building, and therefore there are no privacy concerns.

**Committee**

Member Oughtred indicated that having pictures would be helpful and asked if a building permit has been applied for. Requested clarification on the size of the lot and if the septic has capacity to accommodate the additional unit.

Member Bruce asked if the property currently has plumbing.

Member Oughtred acknowledged that Provincial changes are proposed to allow additional residential units as of right.

**6.4.4. Decision of the Committee**

**Moved By:** Member Parkison  
**Seconded By:** Member Oughtred

**Be it resolved that** the Town of Erin Committee of Adjustment hereby approves Minor Variance Application A24/22 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 variance is minor.

**Carried**

**7. Adoption of the Minutes**

**Moved By:** Member Bruce  
**Seconded By:** Member Parkinson

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

- **October 19, 2022**

**Carried**

**8. Adjournment**

**Moved By:** Member Oughtred  
**Seconded By:** Member Bruce

**Be it resolved that** the meeting be adjourned at the hour 6:39 p.m.

**Carried**

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Chair Rob Fletcher

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Secretary-Treasurer Tanjot Bal