



TOWN OF ERIN
Committee of Adjustment
AGENDA

May 17, 2023
6:00 PM
Municipal Council Chambers

	Pages
1. Call to Order	
2. Approval of Agenda	
3. Disclosure of Pecuniary Interest	
4. Requests for Withdrawal or Deferral of Applications	
5. Notices	
A11-23 5112 Fifth Line	1 – 4
A12-23 Part Lot 16 & 17, Concession 10 & 11	5 – 7
6. Application	
6.1 File Number: A11-23 5112 Fifth Line	
6.1.1 Planning Report	8 - 12
6.1.2 Comments	
6.1.3 Decision of the Committee	
6.2 File Number: A12-23 Part Lot 16 & 17, Concession 10 & 11	
6.2.1 Planning Report	13 - 16
6.2.2 Comments	
6.2.3 Decision of the Committee	
7. Adoption of Minutes	
7.1 April 19, 2023 Committee of Adjustment Meeting	17 – 31
8. Appointment of Secretary-Treasurer	
9. Adjournment	



TOWN OF ERIN COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE

A11-23

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 May 17, 2023 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 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:	A11-23	Subject Property Zoned:	A & EP2
Owners:	David Anderson	Zoning By-law:	07-67
Property Address:	5112 Fifth Line		
Legal Description:	Part Lot 6, Concession 5		

Purpose of Application

The applicant requests approval of this application, in order to construct a detached garage.

Requested Variance

Details of the variance is as follows:

By-law Requirement	Relief Applied For
<u>Section 4.2.3</u> The building height of an accessory building will not exceed 4.5 metres	To permit an accessory building with a maximum building height of 6.1 metres.



TOWN OF ERIN COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE A11-23

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

PUBLIC PARTICIPATION

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

NOTICE OF DECISION AND APPEAL RIGHTS

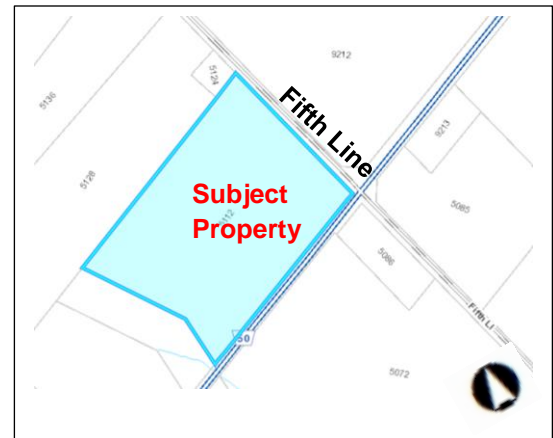
If you wish to be notified of the decision of the Committee of Adjustment for the Town of Erin in respect of this application, you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment for the Town of Erin at the address provided below.

Be advised that only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision of the Committee to the appeal body in accordance with subsection 45(12) of the Planning Act.

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 May 2, 2023.

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



Attachment A – Elevation of Garage

This drawing is an instrument of service. The property of Waddell Engineering Ltd. cannot be modified and/or reproduced without the permission of Waddell Engineering.

STAMP

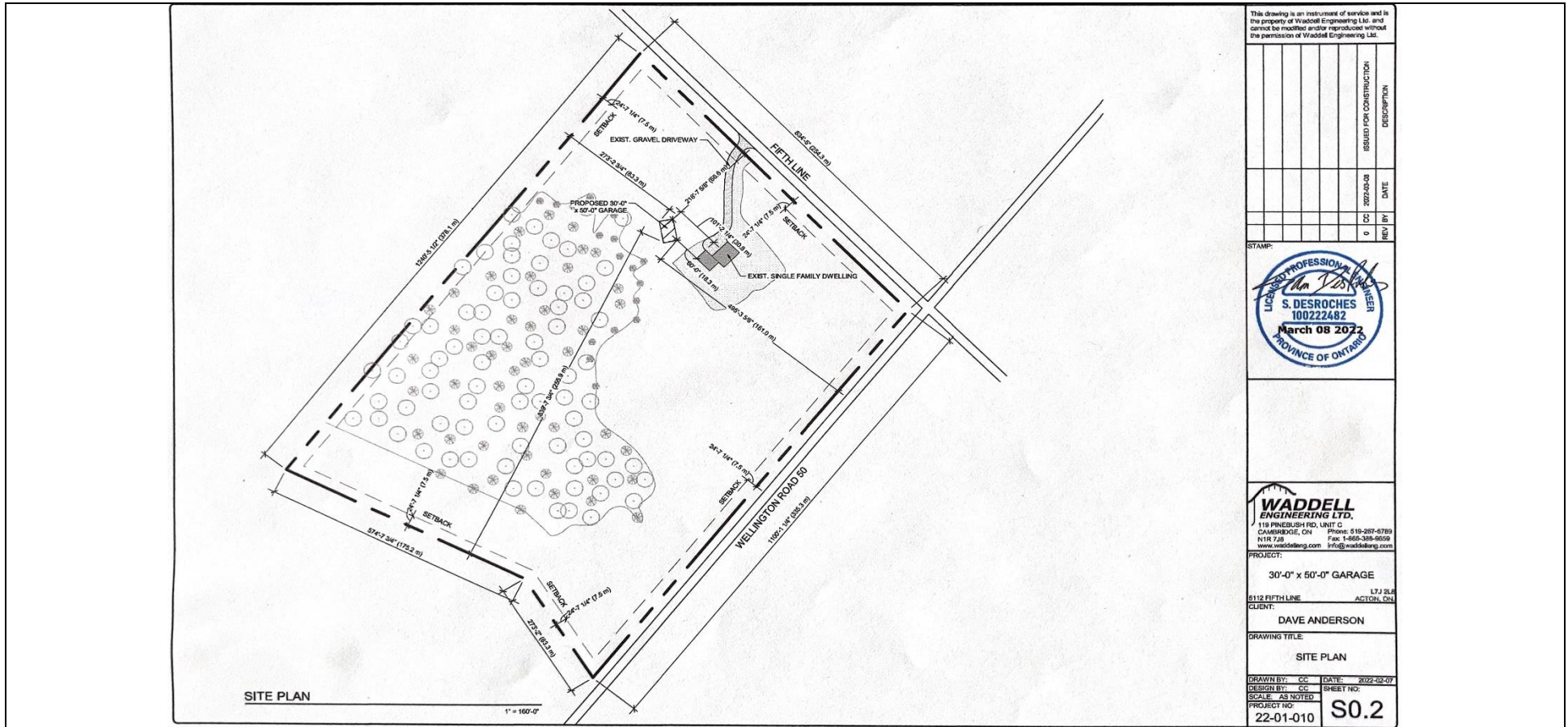
WADDELL ENGINEERING LTD.
 115 PINECROFT RD. UNIT C
 CAMBRIDGE, ON Phone: 519-4-1110
 1110 2nd Fax: 1-866-3-
 www.waddelleng.com info@waddell

PROJECT: 30'-0" x 50'-0" GARAGE
 5112 FIFTH LINE AC
 CLIENT: DAVE ANDERSON
 DRAWING TITLE: BUILDING ELEVATION
 DRAWN BY: CC DATE: 20
 DESIGN BY: CC SHEET NO.:
 SCALE: AS NOTED
 PROJECT NO.: 22-01-010 **S3**

	File No(s):	A11-23
	Address:	5112 Fifth Line
	Legal Description:	Part Lot 6, Concession 5

May 2, 2023

Attachment B – Site Plan



File No(s):

A11-23

Address:

5112 Fifth Line

Legal Description:

Part Lot 6, Concession 5

May 2, 2023



TOWN OF ERIN COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE

A12-23

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 May 17, 2023 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 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.

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Applicant and Property Information

File Number: **A12-23**
 Owners: **Equity Venture Group Corp. and National Properties Inc. c/o Solmar Development Corp.**
 Legal Description: **Part Lot 16 & 17, Concessions 10 & 11**
 Subject Property Zoned: **R-101 (Zoning By-law 07-67, as amended by By-law 2020-53)**

Purpose of Application

The applicants request approval of this application, in order to reduce the daylight triangle.

Requested Variance

Details of the variance is as follows:

By-law Requirement	Relief Applied For
<u>Section 4.8.1</u> On every corner lot, a daylight triangle shall be observed. The daylight triangle is determined by measuring 9.0 m in each direction from the intersection of the front and exterior side lot lines and connecting these points to form a triangle.	To permit a 6 metre daylight triangle for a local street to a local street and a local street to a collector street.



TOWN OF ERIN COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE A12-23

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

PUBLIC PARTICIPATION

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

NOTICE OF DECISION AND APPEAL RIGHTS

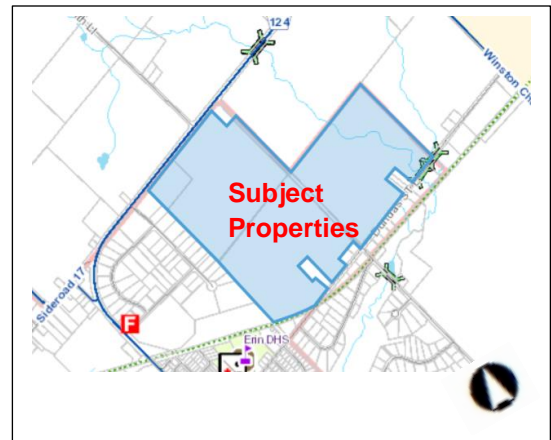
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Be advised that only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision of the Committee to the appeal body in accordance with subsection 45(12) of the Planning Act.

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 May 2, 2023.

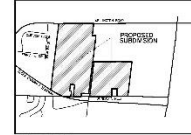
Tanjot Bal, Secretary-Treasurer
Town of Erin
5684 Trafalgar Road
Hillsburgh, ON N0B 1Z0
P 519.855.4407 X242
Town of Erin



Attachment A – Subdivision

DRAFT PLAN OF SUBDIVISION
 PART OF LOTS 16 and 17, CONCESSION 10 and 11
 FORMERLY VILLAGE OF ERIN
 (GEOGRAPHICAL TOWNSHIP OF ERIN)
 NOW IN THE TOWN OF ERIN
 COUNTY OF WELLINGTON
 SCALE 1:2000

DRAFT PLAN 23T-12001



KEY PLAN

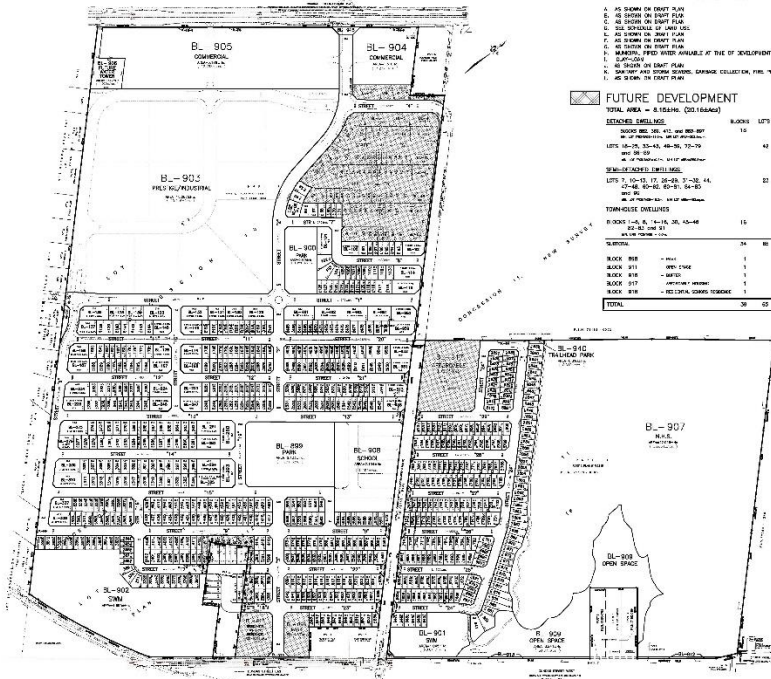
SECTION 51, PLANNING ACT,
 ADDITIONAL INFORMATION

- A. AS SHOWN ON DRAFT PLAN
- B. AS SHOWN ON DRAFT PLAN
- C. AS SHOWN ON DRAFT PLAN
- D. AS SHOWN ON DRAFT PLAN
- E. AS SHOWN ON DRAFT PLAN
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- U. AS SHOWN ON DRAFT PLAN
- V. AS SHOWN ON DRAFT PLAN
- W. AS SHOWN ON DRAFT PLAN
- X. AS SHOWN ON DRAFT PLAN
- Y. AS SHOWN ON DRAFT PLAN
- Z. AS SHOWN ON DRAFT PLAN

FUTURE DEVELOPMENT

TOTAL AREA = 8.1246 HA (20.1666 AC)

REVENUE CATEGORY	BLOCKS	LOTS	PA'S
REVENUE 001 - 100	10	42	9
REVENUE 002 - 100	10	42	9
REVENUE 003 - 100	10	42	9
REVENUE 004 - 100	10	42	9
REVENUE 005 - 100	10	42	9
REVENUE 006 - 100	10	42	9
REVENUE 007 - 100	10	42	9
REVENUE 008 - 100	10	42	9
REVENUE 009 - 100	10	42	9
REVENUE 010 - 100	10	42	9
REVENUE 011 - 100	10	42	9
REVENUE 012 - 100	10	42	9
REVENUE 013 - 100	10	42	9
REVENUE 014 - 100	10	42	9
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REVENUE 018 - 100	10	42	9
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REVENUE 021 - 100	10	42	9
REVENUE 022 - 100	10	42	9
REVENUE 023 - 100	10	42	9
REVENUE 024 - 100	10	42	9
REVENUE 025 - 100	10	42	9
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REVENUE 096 - 100	10	42	9
REVENUE 097 - 100	10	42	9
REVENUE 098 - 100	10	42	9
REVENUE 099 - 100	10	42	9
REVENUE 100 - 100	10	42	9



SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AS SHOWN ON THIS PLAN, AND THE RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.
 DATE: 2023-07-27, 2023
 C. P. 229693 163

OWNER'S CERTIFICATE
 I HEREBY ASK MY PLANNING PARTNER(S) TO PREPARE AND SIGN THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF ERIN FOR APPROVAL.
 OWNER:
 NATIONAL PROPERTIES INC.
 EQUITY VENTURE GROUP CORP.

C/P:
 EQUITY VENTURE GROUP CORP.
 155 GERRARD ST. E.
 TORONTO, ONT. M5C 1S6

TOTAL AREA OF LAND TO BE SUBDIVIDED = 117,234.646 (290.5275 AC)

SCHEDULE OF LAND USE

REVENUE CATEGORY	BLOCKS	LOTS	PA'S
REVENUE 001 - 100	10	42	9
REVENUE 002 - 100	10	42	9
REVENUE 003 - 100	10	42	9
REVENUE 004 - 100	10	42	9
REVENUE 005 - 100	10	42	9
REVENUE 006 - 100	10	42	9
REVENUE 007 - 100	10	42	9
REVENUE 008 - 100	10	42	9
REVENUE 009 - 100	10	42	9
REVENUE 010 - 100	10	42	9
REVENUE 011 - 100	10	42	9
REVENUE 012 - 100	10	42	9
REVENUE 013 - 100	10	42	9
REVENUE 014 - 100	10	42	9



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

DATE: May 12, 2023

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

FROM: Jack Krubnik, Director of Planning and Development

SUBJECT: MINOR VARIANCE APPLICATION A11-23
 (David Anderson)
 5112 Fifth Line
 Part Lot 6, Concession 5

Application

The applicant requests relief from Zoning By-law 07-67, as amended, to permit an accessory building with a maximum building height of 6.1 metres, whereas the By-law permits accessory buildings to have a maximum height of 4.5 metres.

The applicant requests approval of this minor variance application, in order to construct a detached garage (see Attachment A – Elevation of Garage).

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

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 Official Plan is maintained.	<ul style="list-style-type: none"> The subject property is designated Secondary Agricultural and Core Greenlands in Erin's Official Plan. Agricultural uses are the primary use within the Secondary Agricultural Area, however rural residential lots are also permitted.

	<ul style="list-style-type: none"> • Within the Core Greenlands Designation, no development or site alteration is permitted within Provincially significant wetlands or in significant portions of the habitat of threatened or endangered species. The proposed accessory building is outside of the Core Greenlands area. • A detached dwelling and accessory buildings are permitted within the Secondary Agricultural Area. • The proposal meets the intent and purpose of the Official Plan.
<p>That the general intent and purpose of the Zoning By-law is maintained and the variance is desirable for the appropriate development and use of the land, building, or structure.</p>	<ul style="list-style-type: none"> • The subject property is zoned Agricultural (A) and Rural Environmental Protection (EP2) in Erin's Zoning By-law 07-67, as amended. • The proposed accessory structure is outside of the EP2 Zone. • An accessory structure is permitted in the A Zone, subject to the maximum height, size and location provisions within the By-law. • The maximum height provision ensures that accessory buildings are an appropriate size for residential usage. A height greater than 4.5 metres is only permitted for agricultural uses. • The applicant is requesting relief from the height provision to allow for the construction of the proposed accessory building. • The applicant is unable to reduce the height to comply with the Town's Zoning By-law, because due to the height of the doors, a sloped roof of 6/12 pitch is required for snow load and proper drainage. The 9 feet high doors are required to accommodate the storage of a tracker and other equipment. • 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.
<p>That the variance is minor in nature.</p>	<ul style="list-style-type: none"> • The applicant is requesting a minor increase in the height to permit a garage on a residential property. Staff are off the opinion that the requested relief is minor in nature.

PUBLIC, AGENCY, & TOWN COMMENTS

County of Wellington Planning

- The subject lands are designated as Secondary Agriculture, Core Greenlands and Greenlands in the County Official Plan. Identified features include Significant Wooded Areas, Provincially Significant Wetlands and GRCA regulated Wetlands. The proposed variance will facilitate construction of an accessory structure.

Planning staff note that the proposed accessory structure is located outside the Core Greenlands and Greenlands designation.

- Overall, Staff do not have any concerns with the proposed Minor Variance application.

County of Wellington Roads

- No objection.

Town of Erin Infrastructure Services

- As of writing this report, no comments received.

Town of Erin Building Services

- As of writing this report, no comments received.

Town of Erin Fire Services

- As of writing this report, no comments received.

Grand River Conservation Authority

- As of writing this report, no comments received.

Source Water Protection

- The minor variance application requests permission to allow an accessory building with a maximum building height of 6.1 metres to facilitate the construction of a detached garage. GRCA issued Permit 265-22 in April of 2022 for the proposed detached garage and the plans circulated with this application are consistent with the plans approved through this permit. The garage maintains an adequate setback from the wetlands and we do not anticipate impacts on the wetlands as a result of the proposed development.
- As such, the GRCA has no objection to the approval of this minor variance application

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,



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

Attachment A – Elevation of Garage
Attachment B – Site Plan

Attachment A – Elevation of Garage

SOUTH ELEVATION
1/8" = 1'-0"

EAST ELEVATION
1/8" = 1'-0"

WEST ELEVATION
1/8" = 1'-0"

NORTH ELEVATION
1/8" = 1'-0"

ASPHALT SHINGLES (PER OWNER)
PREFIN VINYL SIDING (PER OWNER)
PREFIN METAL FASCIA, EAVESTROUGH & VENTED SOFFIT (PER OWNER)

PROFESSIONAL ENGINEER
S. DESROCHES
100222482
March 08 2022
PROVINCE OF ONTARIO

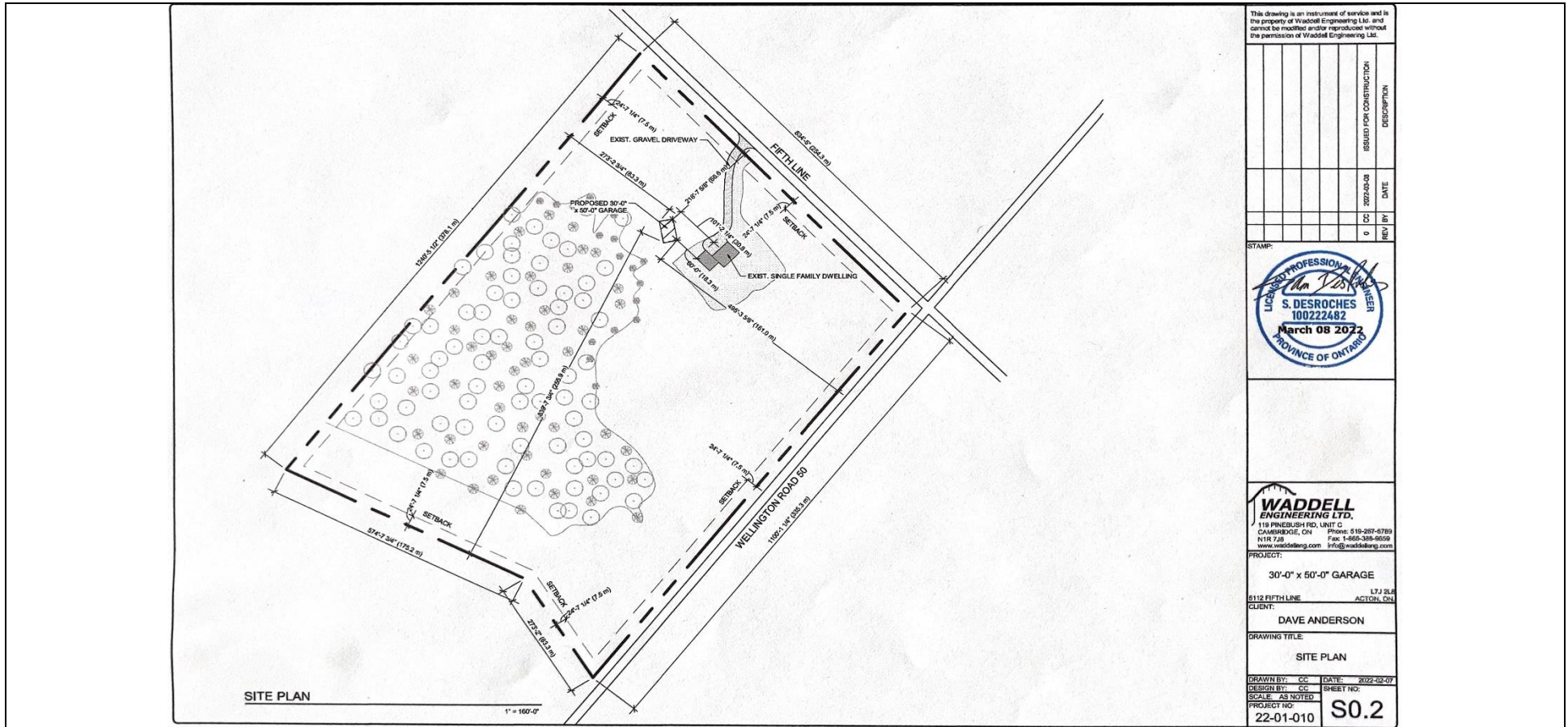
WADDELL ENGINEERING LTD.
115 PINECROFT RD. UNIT C
CAMBRIDGE, ON Phone: 519-4-1110
1110 218 Fax: 1-800-3-
www.waddelleng.com info@waddell

PROJECT: 30'-0" x 50'-0" GARAGE
5112 FIFTH LINE AC
CLIENT: DAVE ANDERSON
DRAWING TITLE: BUILDING ELEVATION
DRAWN BY: CC DATE: 20
DESIGN BY: CC SHEET NO.:
SCALE: AS NOTED
PROJECT NO.: 22-01-010 **S3**

	File No(s):	A11-23
	Address:	5112 Fifth Line
	Legal Description:	Part Lot 6, Concession 5

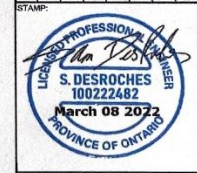
May 2, 2023

Attachment B – Site Plan



This drawing is an instrument of service and is the property of Waddell Engineering Ltd. and cannot be modified and/or reproduced without the permission of Waddell Engineering Ltd.

REV	BY	DATE	DESCRIPTION
0	CC	2022-02-07	ISSUED FOR CONSTRUCTION



WADDELL ENGINEERING LTD.
 118 PRINCESTON RD, UNIT 10
 CAMBRIDGE, ON N1R 7J8
 Phone: 519-267-6789
 Fax: 549-388-8659
 www.waddelleng.com info@waddelleng.com

PROJECT:
 30'-0" x 50'-0" GARAGE
 6112 FIFTH LINE L3 J 2/4 ACTON, ONT.
 CLIENT:
 DAVE ANDERSON
 DRAWING TITLE:
 SITE PLAN
 DRAWN BY: CC DATE: 2022-02-07
 DESIGN BY: CC SHEET NO.:
 SCALE: AS NOTED
 PROJECT NO.: 22-01-010 **S0.2**

SITE PLAN
 1" = 160'-0"



File No(s):	A11-23
Address:	5112 Fifth Line
Legal Description:	Part Lot 6, Concession 5

May 2, 2023



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

DATE: May 12, 2023

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

FROM: Jack Krubnik, Director of Planning and Development

SUBJECT: MINOR VARIANCE APPLICATION A12-23
 (Equity Venture Group Corp. and National Properties Inc. c/o Solmar
 Development Corp.)
 Part Lot 16 & 17, Concessions 10 & 11

Application

The applicants request relief from Zoning By-law 07-67, as amended, to permit a 6 metre daylight triangle for a local street to a local street and a local street to a collector street.

The applicants request approval of this minor variance application, in order to reduce the daylight triangle (related Draft Plan of Subdivision File 23T-12001).

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

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 Official Plan is maintained.	<ul style="list-style-type: none"> • The subject property is designated Commercial, Industrial, Residential Core Greenlands and Greenlands within Erin's Official Plan. • The application request to reduce the daylight triangle for residential corner lots within the Residential Designation. • A variety of housing types shall be allowed within the

	<p>Residential Designation, subject to the appropriate Zoning By-law regulations and policies of the Official Plan.</p> <ul style="list-style-type: none"> • The proposal meets the intent and purpose of the Town's Official Plan.
<p>That the general intent and purpose of the Zoning By-law is maintained and the variance is desirable for the appropriate development and use of the land, building, or structure.</p>	<ul style="list-style-type: none"> • The portion of the lands subject to this application are zoned Residential (R-101), with Holding Symbols. • The Town's Zoning By-law has a standard 9 metre daylight triangle for all road typologies (i.e. local road, collector road, arterial road). • The purpose of the 9 metre daylight triangle provision is to ensure site lines are not obstructed by any building or structure, trees or shrubs, or any other object greater than 0.75 of a metre in height. • The applicant's engineers have undertaken a sightline assessment, which is consistent with the Transportation Association of Canada (TAC) guidelines. • The TAC guidelines measure site lines from 4.4 metres behind the curb (see Attachment A to this report). It is at this location that a driver has a clear line of sight. • The graphic demonstrates that this daylight triangle has no impact on the line of sight for the driver, even when it is reduced from 9 metres to 6 metres. • Planning staff have conducted a review of daylight triangle requirements within other municipalities to find the Town's daylight triangle is larger than others. • Engineering staff have reviewed this request to reduce the daylight triangle and have no safety concerns. In addition, the Town's engineering standards require a reduced daylight triangle: <ul style="list-style-type: none"> ○ 6 metres for local to local; ○ 8 metres for local to collector. • Staff are of the opinion that the requested relief meets the intent and purpose of the Town's Zoning By-law and will result in development that is appropriate for the Erin Urban Area.
<p>That the variance is minor in nature.</p>	<ul style="list-style-type: none"> • Planning staff have reviewed the requested relief to the daylight triangle provision with Engineering staff. This reduction is appropriate for urban residential areas and therefore the requested relief is minor in nature.

PUBLIC, AGENCY, & TOWN COMMENTS

County of Wellington Planning

- The subject lands are designated Urban Centre (Erin), Core Greenlands and Greenlands in the County Official Plan. Identified features include Significant Wooded Areas, Provincially Significant Wetlands and CVCA regulated Hazard Lands. Planning staff note that the proposed variance will facilitate development of a residential subdivision.
- Overall, Staff do not have any concerns with the proposed Minor Variance application.

County of Wellington Roads

- The County will require 50'x50' daylight corners at Wellington Road 124 and proposed Street '2', including a 1 foot reserve along Wellington Road 124 to be placed in the favour of the County of Wellington.

Town of Erin Infrastructure Services

- As of writing this report, no comments received.

Town of Erin Building Services

- As of writing this report, no comments received.

Town of Erin Fire Services

- As of writing this report, no comments received.

Credit Valley Conservation Authority

- CVC does not have any objection in regard to the proposed variance to decrease daylight triangle to 6m, whereas Section 4.8.1 of the Town of Erin Zoning By-Law requires 9m. Please note that the proposed development is part of the Draft Plan of Subdivision T12/001 that is currently being reviewed by CVC.

Source Water Protection

- No comments.

Canada Post

- No comments.

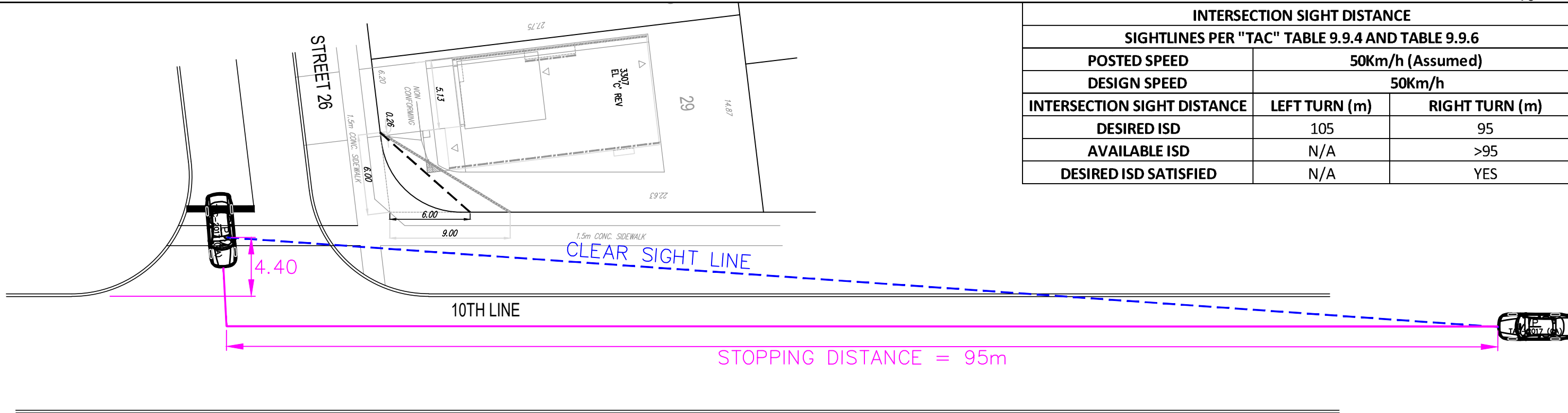
In conclusion, Planning Staff is of the opinion that the requested variance meets the four tests of the *Planning Act*. We trust that these comments will be of assistance to the Committee in their consideration of this matter.

Yours truly,

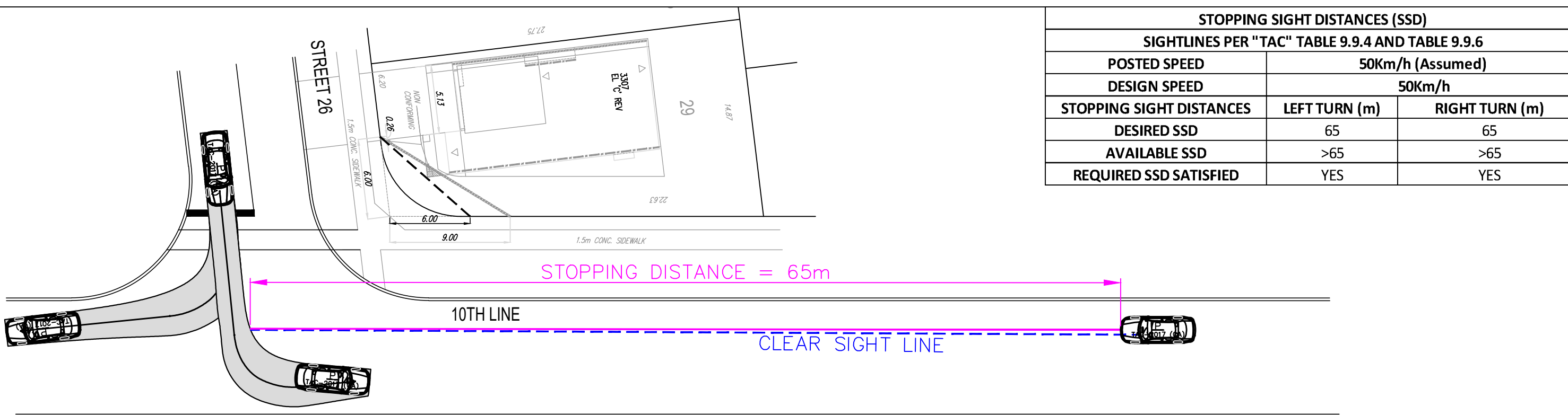


Jack Krubnik, MLA, OALA, MCIP, RPP
Director of Planning & Development

Attachment A – Site Line Analysis



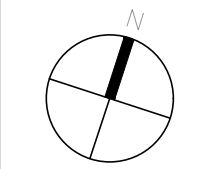
INTERSECTION SIGHT DISTANCE		
SIGHTLINES PER "TAC" TABLE 9.9.4 AND TABLE 9.9.6		
POSTED SPEED	50Km/h (Assumed)	
DESIGN SPEED	50Km/h	
INTERSECTION SIGHT DISTANCE	LEFT TURN (m)	RIGHT TURN (m)
DESIRED ISD	105	95
AVAILABLE ISD	N/A	>95
DESIRED ISD SATISFIED	N/A	YES



STOPPING SIGHT DISTANCES (SSD)		
SIGHTLINES PER "TAC" TABLE 9.9.4 AND TABLE 9.9.6		
POSTED SPEED	50Km/h (Assumed)	
DESIGN SPEED	50Km/h	
STOPPING SIGHT DISTANCES	LEFT TURN (m)	RIGHT TURN (m)
DESIRED SSD	65	65
AVAILABLE SSD	>65	>65
REQUIRED SSD SATISFIED	YES	YES

DRAWN BY: F.C.

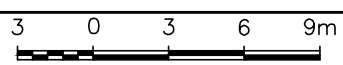
LEA Consulting Ltd.
 Consulting Engineers
 and Planners
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Project No.
20149

Date
NOV. 18, 2022

SOLMAR ERIN DEVELOPMENT TOWN
 OF ERIN ONTARIO



1:300

FUNCTIONAL REVIEW
 SIGHT LINE ANALYSIS

Drawing No.
SK01



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

**April 19, 2023
6:00 PM**

In-Person Participation

Present:	Rob Fletcher	Chair
	William Oughtred	Member
	Liz Crighton	Member
	Brad Bruce	Member
Absent:	Wayne Parkinson	Member
Staff Present:	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 applications will be heard this evening: A02-23, A07-23, A08-23, A09-23 and A10-23.

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 certain parties may be eligible to appeal the Committee's decision and 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)*.

2. Approval of the Agenda

Moved By: Member Crighton

Seconded By: Member Bruce

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

Carried

3. **Disclosure of Pecuniary Interest**

None.

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

None.

5. **Notice**

Notice was given by mail on April 3, 2023 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: A02/23 – Third Line**

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from Zoning By-law 07-67, as amended, to reduce the Minimum Distance Separation I to 217 metres, whereas the By-law requires a Minimum Distance Separation I of 268 metres.

6.1.1. **Planning Report and Additional Comments**

Town of Erin – Planning Department

This application was deferred on March 15 to today's meeting, to allow the applicant to revise the MDS I setback and calculate a MDS II setback based on the information provided by the landowners of 6035 Third Line.

The MDS I setback is proposed to be reduced from 268 metres to 154 metres. Planning staff request that the Committee ensure the decision refers to the correct relief.

An MDS II setback of 262 metres from the future manure storage tank and 180 metres from the future livestock barn at 6035 Third Line is required from the future dwelling on the severed lot. Planning staff recommend this application be conditionally approved, requiring a

minimum front yard setback of 42 metres, to allow the livestock expansions plans at 6035 Third Line.

6.1.2. Correspondence

Previous comments received from Resident – Darlene Sharpe from 6035 Third Line

- We are not in favor of the approval of A02-23 3rd line, as we feel it will affect the day to day operation of our dairy farm, the current expansion and future expansion.
- As outlined on the previous notice of an application for consent file No. B81-22, our heifer facility is not on the sketch, which is housing heifers referenced in our Nutrient Strategy. Located roughly 156 meters from proposed severance.
- We also are well into a planned expansion of the current dairy facility with Nutrient Strategy recently approved. Which will be 15 meters closer to the proposed severance.
- With the expansion of the current dairy operation, future heifer housing will be needed to be expanded to the current heifer housing.

County of Wellington – Revised Planning Comments

County Planning Staff agree that the variance to the MDS I setback should apply to the closest barn.

Grand River Conservation Authority

No objection or concerns.

Town of Erin Infrastructure Services, Canada Post and Source Water Protection

No comments.

6.1.3. Comments

The Chair asked that the agent speak to the application:

Agent – Mr Cox

The agent, John Cox, explained the history of the property and how the applicant requested deferral to ensure the MDS I setback was accurately calculated. In addition, to consider the expansion plans for the Sharpe farm.

Explained that considering the MDS II calculations when reducing MDS I is consistent with the Town's Official Plan.

Mr Cox has completed two MDS II calculations based on the information provided by the Sharpe's. The requested relief is based on the plans for the larger livestock operation.

Mr Cox went through the MDS calculations to explain the proposed setbacks from the proposed manure storage tank and proposed livestock operation.

The increased front yard setback of 42 metres results in a greater setback than required.

Noted that the distances are surveyed and that the requested relief is supported by the Town and County Planning staff.

The Chair asked if there was any member of the public here to speak to the application:

Resident – Les Sharpe

Les Sharpe, landowner of 6035 Third Line has stated that he is in opposition to having a non-agricultural use opposite to the farm.

Committee

Member Bruce made note that this is an interesting mix of manure, water, livestock, wind and a residential dwelling.

Member Oughtred made note that it is interesting that the Province doesn't require a warning clause to be put in for the sale of dwellings that are adjacent to a livestock operation. Requested clarification on the map that was included for the MDS II calculation.

Cleon Martin – Sharpe's Agent

Cleon explained that this is the calculation made for the Nutrient Management Strategy. He also made a request to the committee to consider the Sharpe's comments.

Committee

Member Crighton stated that she is not supportive of non-agricultural uses in agricultural areas.

Agent – Mr Cox

Indicated that a house can be constructed on the existing vacant lot, and that the MDS II calculation was made in consultation with Ministry staff.

The agent has indicated that he has been involved in similar matters and there can be a condition that is imposed for a warning clause.

6.1.4. Decision of the Committee

Moved By: Member Oughtred

Seconded By: No one.

Be it resolved that the Committee of Adjustment **approve** Minor Variance Application A02/23 because the 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, subject to the following condition:

- That the minimum front yard setback for the severed lot be increased from 10.5 metres to 42 metres.
- That a warning clause be registered on title or a means satisfactory to the Town of Erin Legal department for future advisory to purchasers that there is a livestock operation across the street.

Defeated

Moved By: Member Oughtred

Seconded By: No one.

Be it resolved that the Committee of Adjustment **approve** Minor Variance Application A02/23 because the 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, subject to the following condition:

- That the minimum front yard setback for the severed lot be increased from 10.5 metres to 42 metres;
- That a warning clause be registered on title or a means satisfactory to the Town of Erin Legal department for future advisory to purchasers that there is a livestock operation across the street.

Defeated

Moved By: Member Fletcher

Seconded By: Member Crighton

Be it resolved that the Committee of Adjustment **refuse** Minor Variance Application A02/23 because the variance is not minor in nature.

Carried

6.2. File Number: A07/23 – 5954 Winston Churchill Blvd

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 with a height of 6.2 metres, whereas the By-law restricts the height to 4.5 metres;
- an accessory building located in front of the main dwelling, whereas the By-law requires an accessory building to be located to the rear of the front of the main dwelling; and

- an accessory building located less than 150 metres from the main dwelling, whereas the By-law requires an accessory building to be located within 15 metres of the single detached dwelling on the lot.

6.2.1. Planning Report

Town of Erin – Planning Department

The applicant is requesting approval of variances in order to construct a new dwelling for their family, while maintaining the existing dwelling for farm help. The Greenbelt – Protected Countryside Area permits accessory dwelling units within existing structures. Planning staff have no concerns with the requested relief.

6.2.2. Correspondence

County of Wellington – Planning Comments

The Town will need to be satisfied that this proposal can appropriately meet Provincial Policy and the County Official Plan's policy direction, and will maintain the intent and purpose of these policies.

Credit Valley Conservation Authority

Based on our review of the information, CVC staff note that the location of the accessory dwelling is outside of any natural hazards/features of CVC concern. We note that the location of the proposed new dwelling has not been determined.

Town of Erin Infrastructure Services, Canada Post and Source Water Protection

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. The applicant was not in attendance.

Secretary Treasurer

As the applicant was not in attendance, Tanjot Bal provided background on the application from the application form.

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 A07/23 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 variances are minor.

Carried

6.3. File Number: A08/23 – 5944 Eighth Line

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

- a minimum lot frontage of 68 metres, whereas the By-law requires a minimum lot frontage of 120 metres; and
- an accessory building (cabin) on the lot prior to the construction of a main building, whereas the By-law does not permit accessory buildings or accessory uses on any lot or site until the main building has commenced construction.

6.3.1. Planning Report

Town of Erin – Planning Department

The applicant is requesting to leave the cabin on the severed parcel, which is currently and proposed to be used for storage, without a main structure. The applicant plans to construct a new dwelling on this property. Staff have no concerns with temporarily permitting an accessory building.

The applicant is also requesting relief from the minimum lot frontage requirement, to allow the severance of the property into two agricultural lots.

The County Land Division Committee is supportive of this agricultural severance, and has permitted two agricultural lots deficient in lot area requirement within the Official Plan and the minimum lot frontage requirement within the Zoning By-law.

Staff also acknowledge that there is a smaller lot along Eighth Line which naturally breaks the frontage of this property.

6.3.2. Correspondence

County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

Credit Valley Conservation Authority

CVC staff have no regulatory concerns with the proposed variances and have no objection to the approval of this application by the Committee at this time.

Town of Erin Infrastructure Services, Canada Post and Source Water Protection

No comments.

6.3.3. Comments

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

The Chair asked that the agent speak to the application:

Applicant

The agent, John Cox, explained the purpose of this application. Explained the history of this application (severance to create 2 agricultural lots). Explained that there is a smaller lot along the frontage that was used to divide the property in two. Requesting to retain the accessory building for storage. Made note that the application has been supported by the County and Town planning departments.

Committee

No 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 A08/23 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 variances are minor.

Carried

6.4. File Number: A09/23 – 5038 First Line

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from Zoning By-law 07-67, as amended, to permit the 111.5 square metre accessory dwelling unit to include a finished basement, whereas the By-law restricts the floor area to the lessor of 45 percent of the floor area of the principal dwelling unit or 92.9 square metres.

6.4.1. Planning Report

Town of Erin – Planning Department

Through Minor Variance Application A08-20, the applicant obtained relief from the maximum floor area and height restrictions for accessory dwelling units. The applicant was unaware that the floor area included the basement, and therefore requires a modification of 111.5 square metres to the previously granted relief.

As this application represents a modification to a previously approved variance application, staff have no concerns with this application.

6.4.2. Correspondence

County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

Grand River Conservation Authority

The minor variance application requests permission to allow a finished basement within a 111.5 square metre accessory dwelling

unit. The proposed accessory dwelling unit is located outside of the GRCA regulation limit and we have no objection to the requested variance.

Canada Post and Source Water Protection

No comments.

6.4.3. 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, Rod Finnie, explained that this minor variance application is due to a misunderstanding. Other municipalities calculate floor area in different ways (i.e. exclude basement from the floor area). Stated that this area is suitable for a basement. Indicated that building on a concrete slab would prove difficult due to the grade of the property.

Has indicated that the Province is actually moving towards allowing three units per property, so this variance meets the intent of provincial direction.

The dwelling unit is adequately setback from the neighbouring properties.

Committee

Member Oughtred confirmed Mr Finnie's comment regarding the Province's proposed PPS and that this is an interim solution to allow what will be eventually permitted.

6.4.4. Decision of the Committee

Moved By: Member Crighton

Seconded By: Member Bruce

Be it resolved that the Town of Erin Committee of Adjustment hereby approves Minor Variance Application A09/23 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

6.5. File Number: A10/23 – 25 Trafalgar Road

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

- 2 spaces per fuel pump island plus 2 waiting spaces for the entire gas bar, whereas the By-law requires 1 space per fuel pump island plus 2 waiting spaces per island;
- a minimum front yard setback of 0.6 of a metre, whereas the By-law requires a minimum front yard setback of 27.4 metres;
- a minimum rear yard setback of 0.6 of a metre, whereas the By-law requires a minimum rear yard setback of 7.5 metres; and
- a minimum side yard setback of 0.6 of a metres, whereas the By-law requires a minimum side yard setback of 3 metres.

6.5.1. Planning Report

Town of Erin – Planning Department

The property is an irregular shaped lot with an existing automotive gas bar, associated convenience store, and an autobody repair shop.

To improve the vehicular circulation and provide sufficient on-site parking, the applicant is proposing to locate the building at the northern corner of the property (the narrowest part of the property). In order to maximize the building size and bring the building closer to the future pedestrian sidewalk along Trafalgar Road, the building requires relief from the yard setbacks.

The Zoning By-law requires that each fuel pump island provides 1 parking space and 2 waiting spaces. The applicant is proposing 2 spaces per fuel pump island (one at each pump), and to reduce the total number of waiting spaces. The purpose of waiting spaces is to ensure there isn't a spillover of vehicles onto the road. By increasing the number of spaces per fuel pump and having on-site parking spaces, staff do not have any concerns with the requested relief.

Through the review of the application for site plan approval, staff have ensured the requested relief meets the intent and purpose of the Zoning By-law, while resulting in a development that is desirable and appropriate for this specific parcel of land.

6.5.2. Correspondence

Resident – Katie Chiasson (30 Trafalgar Road)

Concerned with the building placement and its impact on the visibility for motorists and trail users crossing Trafalgar Road.

Concerned with this major construction and potential for contamination.

Concerned with the delivery of fuel to this property, as Trafalgar Road is a busy road.

Resident - Mark and Sharon Yandt (32 Trafalgar Road)

Concerned with the traffic flow along Trafalgar Road and headlights shining directly into residential homes.

Raises issue with the noises and disturbance from this site late at night.

Concerned with traffic along Trafalgar Road.

Concerned how the building placement will pose a danger on trail users who want to cross Trafalgar Road.

Concerned we aren't moving towards electric vehicles, a greener environmentally friendly technology.

County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

County of Wellington – Roads Comments

No comments.

Town of Erin Infrastructure Services, Canada Post and Source Water Protection

No comments.

6.5.3. Comments

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

The Chair asked that the agent speak to the application:

Applicant

The agent, Nitin Malholtra, explained his role in this application as the architect. Advised the Committee that he is retained by the landowners to redevelop the existing site. Nitin explained that the trail divides the site, and the landowner will be providing the remaining lands across the trail to the community for public use. Nitin explained that the property is zoned as Highway Commercial which permits the proposed uses. This site would have been zoned for this use.

Mr Malhotra explained that the tanks will be changed and inspected by Provincial inspectors, to ensure the tanks are replaced as per regulations. If the site is contaminated, the Province requires that the lands be cleaned.

Explained that the site plan is overall consistent with the Town's Zoning By-law.

Explained that the property ends before the trail begins, roughly 60 feet. This space provides sufficient space for trail users to safely cross the street. In addition, this building would frame the street, to highlight the entrance to the trail network.

Provided the status of the application for site plan approval.

Resident

Requested information on noise impacts by adding a canopy.

Agent

Clarified that the use isn't under question and the intensity isn't being increased.

Committee

Member Bruce asked for clarification on whether the gas volumes will be maintained. Further asked for clarification on which size truck was used to evaluate the movement on the site.

Resident

Expressed concerns with the noise and trucks. Stated that he has spoken to the owner, Mo, on these matters.

Requested clarification on how many pumps will be added to the site. Have stated that the renderings show a business that would operate 24/7 and is more than a 20% increase in the size of the business.

Applicant's Realtor – Harry Singh

Introduced himself to the committee and stated that he specializes in real estate for gas stations.

Stated that the delivery trucks have increased

Committee

Member Oughtred stated that he is familiar with this site and requested clarification on the total square footage of existing buildings versus proposed.

Member Crighton requested clarification if there is sufficient parking on site.

Agent

The agent confirmed the size of the square footage of the existing buildings versus the proposed.

The agent confirmed that there is sufficient parking on site for the uses.

The agent advised that a detailed photometric plan is provided with the application for site plan approval, to ensure there isn't spill on adjacent landowners.

Committee

Member Bruce requested information on what to do in a situation when the site becomes contaminated.

Agent

Agent advised that before purchasing the lands, an environmental assessment was completed to ensure the site is clean (ESA Phase II).

6.5.4. Decision of the Committee

Moved By: Member Oughtred

Seconded By: Member Crighton

Be it resolved that Town of Erin Committee of Adjustment hereby approves Minor Variance Application A10/23 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 variances are minor.

Carried

7. Adoption of the Minutes**Moved By:** Member Oughtred**Seconded By:** Member Crighton

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

- **March 15, 2023**

Carried**8. Adjournment****Moved By:** Member Crighton**Seconded By:** Member Bruce

Be it resolved that the meeting be adjourned at the hour 7:30 p.m.

Carried

Chair Rob Fletcher

Secretary-Treasurer Tanjot Bal