



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

**March 15, 2023**

**6:00 PM**

**In-Person Participation**

<b>Present:</b>	Rob Fletcher	Chair
	Wayne Parkinson	Member
	Liz Crighton	Member
<b>Absent:</b>	Brad Bruce	Member
	William Oughtred	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 applications will be heard this evening: A01-23, A02-23, A03-23, A04-23, A05-23 and A06-23.

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. **Appointment of Chair**

**Moved By:** Member Parkinson

**Seconded By:** Member Crighton

**Be it resolved that** the Committee hereby appoint Member Fletcher as the Chair of the Committee of Adjustment.

3. **Appointment of Secretary-Treasurer**

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

**Be it resolved that** the Committee hereby appoint Tanjot Bal as the Secretary Treasurer for the Committee of Adjustment.

4. **Appointment of Assistant Secretary-Treasurer**

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

**Be it resolved that** the Committee hereby appoint Lisa Campion as the Assistant Secretary Treasurer for the Committee of Adjustment.

5. **Approval of the Agenda**

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

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

**Carried**

6. **Disclosure of Pecuniary Interest**

None.

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

None.

8. **Notice**

Notice was given by mail on February 28, 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.

9. **Application**

9.1. **File Number: A01/23 – 5321 Sixth 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 104 metres, whereas the By-law requires a Minimum Distance Separation I of 177 metres.

**9.1.1. Planning Report**

Town of Erin – Planning Department

Section 4.2.3 of the Town's Official Plan states that an MDS II calculation can be made to consider the potential for expansion for a neighbouring farm property, and to be considered as part of the review of the application.

An MDS II calculation has been completed for the potential expansion of the barn located at 5321 Sixth Line. In order to protect for the future expansion of this barn, any dwelling erected on the severed parcel would need to be setback 129 metres from the barn. Planning staff recommend increasing the minimum front yard setback from 10.5 metres to 20 metres, to ensure this 129 metres setback is maintained.

Since a road widening of 3 metres is being conveyed to the Town, Staff recommend that the Committee include a condition that requires a minimum front yard setback of 17 metres for the severed lot.

**9.1.2. Correspondence**

County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

Grand River Conservation Authority

No objection or concerns.

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

No comments.

**9.1.3. 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, Karen Thompson-Harry, explained at she is an active member of the community, having moved here years ago. The purpose of the severance is to allow her daughter the opportunity to construct a home, as purchasing a home is difficult.

Karen explained that she has worked with planning staff on the MDS calculations and is happy with the proposed condition. Has been working on this application for over 2 years now. The most significant part of this application has been the environmental study. Have spoken to the author of the environmental study and they have no concerns with achieving the minimum setback recommended by planning staff.

### **Committee**

Member Crighton questioned if this application is only for one condition.

Member Parkinson asked the applicant what the barn is currently being used for (which livestock).

#### **9.1.4. 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 A01/23 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 severed lot be subject to a minimum front yard setback of 17 metres.

**Carried**

#### **9.2. 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.

##### **9.2.1. Planning Report**

Town of Erin – Planning Department

Section 4.2.3 of the Town's Official Plan states that an MDS II calculation can be made to consider the potential for expansion for a neighbouring farm property, and to be considered as part of the review of the application.

An MDS II calculation has been completed for the potential expansion of the barn located at 6035 Third Line. The required setback between the barn and the future detached dwelling is 156 metres. Since the requested relief is to reduce the MDS I setback to 217 metres, the agricultural property is protected for a future expansion of the livestock facility.

### **9.2.2. Correspondence**

#### 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 – Planning Comments

County Planning Staff have no concerns with the proposed application.

#### Grand River Conservation Authority

No objection or concerns.

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

No comments.

### **9.2.3. Comments**

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

**Applicant**

The agent, John Cox, explained the purpose of the minor variance. The submitted plan shows a distance from the larger barn to the proposed severed lot line. During pre-consultation with County and Town staff, it was recommended that a MDS II calculation be completed. This was completed based on consultation with the landowners of the agricultural property. John clarified that the calculation was completed from the larger barn, not the barn identified by the landowners in recent comments.

If clarification is required for the heifer barn, then this can be completed.

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

**Resident – Les Sharpe**

Clarified that the heifer barn has always been noted in all information provided to the County. It is included in the nutrient management strategy. Believe that this will restrict the landowner's ability to expand in the future.

The calculation of MDS II completed for the nutrient management strategy is well within the new lot.

**Committee**

Member Parkinson questioned the numbers that are being brought forward to the Committee. Asked the agent what relief is being sought since the heifer barn is existing as well as the other barn from which the MDS I calculation was made.

**Agent**

Stated this is new information brought forward to him and recommends this application be deferred.

**Committee**

Member Crighton questioned if permitting this application will restrict the landowners ability to expand and continue the current use.

Member Fletcher recommended that the agent defer this application so that the correct MDS calculations can be completed.

**9.2.4. Decision of the Committee**

**Moved By:** Member Parkinson

**Seconded By:** Member Crighton

**Be it resolved that** the Town of Erin Committee of Adjustment hereby permit the deferral of Minor Variance Application A02/23 to reassess the MDS calculations completed.

**Carried**

**9.3. File Number: A03/23 – Sixth 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 97.8 metres, whereas the By-law requires a minimum lot frontage of 120 metres.

**9.3.1. Planning Report**

Town of Erin – Planning Department

The purpose of the minimum lot frontage requirement is to avoid fragmentation of agricultural lots and to ensure they are an appropriate size. The retained lot is over 18 hectares, and therefore there is sufficient farmland.

In addition, the proposed severance will result in a rural residential lot along Sixth Line. As there are other rural residential lots, this use is appropriate for the area.

**9.3.2. Correspondence**

County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

Grand River Conservation Authority

No objection or concerns.

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

No comments.

**9.3.3. 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 the minor variance. Due to the configuration of the lot, the minimum lot frontage could not be met.

**Committee**

No discussion.

**9.3.4. 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 A03/23 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**

**9.4. File Number: A04/23 – 5233 Trafalgar Road**

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 maximum building height of 7.5 metres, whereas the By-law permits accessory buildings to have a maximum height of 4.5 metres.

**9.4.1. Planning Report**

Town of Erin – Planning Department

The applicant is requesting relief from the height provision to allow for a second floor above the 3 car garage, to be used for storage.

The lower level will be used to park vehicles, and therefore there isn't adequate room for storage. Without the added space, the applicant may be required to store outdoors or construct an additional structure.



The frontage of the property is screened by large trees. This will reduce the visibility of the garage from the street, mitigating any negative impact to the streetscape.

#### **9.4.2. Correspondence**

##### County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

##### Town of Erin Infrastructure Services, Canada Post, Grand River Conservation Authority and Source Water Protection

No comments.

#### **9.4.3. 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, Steven Clark, stated that this property is new to him and his family. The property doesn't have sufficient storage for person items. Instead of having multiple accessory buildings, proposing one larger building to store all items.

##### **Committee**

Member Crighton stated that the building is lovely and it exists. Questioning if plumbing will be added to the second storey, as it is bigger and nicer than the main dwelling.

##### **Applicant**

The applicant indicated that he currently requires storage, and cannot speak to what a future landowner would require the building for.

##### **Committee**

Member Crighton questioned what occurs if plumbing is installed.

##### **Secretary Treasurer**

Explained that through the building permit inspection process, building staff would flag if there was plumbing or a second unit, contrary to what was approved.

#### **9.4.4. Decision of the Committee**

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

**Be it resolved that** the Town of Erin Committee of Adjustment hereby approves Minor Variance Application A04/23 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**

#### **9.5. File Number: A05/23 – 5131 Tenth 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 maximum building height of 5.25 metres, whereas the By-law permits accessory buildings to have a maximum height of 4.5 metres; and
- a maximum ground floor area of 289.9 m<sup>2</sup>, whereas the by-law permits a maximum ground floor area of 116 m<sup>2</sup>.

##### **9.5.1. Planning Report**

Town of Erin – Planning Department

The applicant is requesting relief from the height provision to allow a motorhome to be parked indoors.

The applicant is also requesting relief from the size provision, to allow for the storage of recreational vehicles and lawn equipment.

The requested relief will result in no outdoor storage, which is appropriate and preferred for residential properties.

##### **9.5.2. Correspondence**

County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

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

No comments.

**9.5.3. 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 explained him and his wife recently moved to this property. Hoping to construct a garage to store RV and other vehicles. Require relief for the height to store the RV and to allow lifts for other vehicles. The size is for adequate storage of all material.

**Committee**

No discussion.

**9.5.4. Decision of the Committee**

**Moved By:** Member Crighton

**Seconded By:** Member Parkinson

**Be it resolved that** the Town of Erin Committee of Adjustment hereby approves Minor Variance Application A05/23 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**

**9.6. File Number: A06/23 – 5038 First Line**

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from Zoning By-law 07-67, as amended, to permit a minimum lot frontage of 12 metres, whereas the By-law requires a minimum lot frontage of 30 metres.

**9.6.1. Planning Report**

Town of Erin – Planning Department

The minimum lot area and lot frontage requirement within the A Zone is 0.4 of a hectare in size with 30 metres of frontage.

The proposed severance will result in a retained parcel with a deficient lot frontage of 12 metres, which is only 40% of the required lot frontage.

The purpose of the minimum lot frontage and minimum lot area requirement is to maintain an appropriate lot configuration within the agricultural area and adequate sizing for private servicing.

Although the retained lot is an adequate size for private servicing, the requested relief will result in a lot fabric inconsistent with the lots along First Line.

The retained lot is the only parcel with a narrow frontage that is only for access/driveway. Approval of the requested variance will result in a development that is not appropriate for the location.

It is Planning Staff's opinion that the requested variance does not maintain the intent and purpose of the Zoning By-law, and will result in development that is not desirable for the rural area.

The requested relief from the minimum lot frontage requirement, in order to permit a lot that has an inconsistent lotting pattern, is not considered minor.

It is Staff's opinion that the proposal to reduce the minimum lot frontage requirement necessitates an amendment to the Town's Zoning By-law, through a rezoning.

#### **9.6.2. Correspondence**

##### County of Wellington – Planning Comments

County Planning Staff have no concerns with the proposed application.

##### Grand River Conservation Authority

No objections.

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

No comments.

### **9.6.3. 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, Rod Finnie, introduced the landowners. The purpose of the severance is to create a new lot for the landowner's daughter and partner, as it is difficult to purchase a home for young couples. Rod requested that the Committee consider the proposed variance in a new lens and to be responsive to changes in society.

Rod explained that the purpose of the Zoning By-law and Official Plan is to ensure that communities are healthy and respectful of neighbours. Based on the communication for this severance and minor variance, no complaints were received from any members of the public which is a testament to the kind of neighbours the landowners are.

The severed and retained lots could have maintained 30 metres lot frontages, however this would push the building envelope and into the woodlands.

Explained how the final test is to consider if the application is minor in nature, not minor in numbers.

Provided background on the history of the area, how the lots were created. Majority of the lots are rural residential with a few agricultural.

Rod stated that we should be looking at the Zoning By-law to see if it is responsive to the needs of today's society.

Stated that the request is minor in nature, but may not be considered minor in numbers.

Explained that the retained parcel has an existing home that is setback further from the road.

#### **Peter Zions – Landowner**

Indicated that he is not reinventing the wheel and did seek precedent before moving forward with the application.

#### **Committee**

Member Parkinson stated that he doesn't think the requested variance is minor. Wondering why the requested relief is required – was there another option?

**Agent**

Rod indicated that the Land Division Committee does not like irregular shaped lots.

Pointed out that the Committee did approve a similar variance in the past.

Stated that an arborist was on site to evaluate the trees that are being removed, the existing driveway serves the house, and the severed lot driveway will go where the power line was.

**Committee**

Member Fletcher requested clarification where the driveway would be and where the powerline would be relocated. Indicated that he sees a concern with moving the house back.

Member Crighton questioned why the landowner didn't consider erecting a second dwelling on the property instead of a severance.

**Agent**

Rod explained that the second dwelling would be temporary accommodation, whereas a separate lot with a permanent house provides equity and allows them to grow in the future.

**9.6.4. Decision of the Committee**

**Moved By:** Member Parkinson

**Seconded By:** Member Crighton

**Be it resolved that** Town of Erin Committee of Adjustment hereby approves Minor Variance Application A05/23 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**

**10. 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 meeting:

- **December 21, 2022**

**Carried**

**11. Adjournment**

**Moved By:** Member Crighton

**Seconded By:** Member Parkinson

**Be it resolved that** the meeting be adjourned at the hour 7:12 p.m.

**Carried**

  
Chair Rob Fletcher

  
Secretary-Treasurer Tanjot Bal



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

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

**In-Person Participation**

<b>Present:</b>	Rob Fletcher	Chair
	William Oughtred	Member
	Liz Crighton	Member
	Brad Bruce	Member
<b>Absent:</b>	Wayne Parkinson	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 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

