

Land Division Committee/Committee of Adjustment

**NOTICE OF PUBLIC HEARING
OF APPLICATION FOR MINOR VARIANCE
Planning Act, R.S.O. 1990, c.P. 13, R.R.O. 1990, Reg. 200/96**

- a) Name of Committee (a) Committee of Adjustment
- b) Name of Applicant **RE AN APPLICATION BY (b) George Polonski**
- c) Brief description **LOCATION OF PROPERTY (c) 5049 Ninth Line, RR #5**
- d) As set out in Application **PURPOSE OF APPLICATION (d)
Seeking relief from Zoning By-Law 07-67 Section 5.1, Table 4 to allow for a reduced lot frontage for the retained parcel to be 27 m instead of 30m as required in Section 5.1, Table 4 of the Zoning By-law. This Minor Variance is being requested as a condition of Severance Application B46/17 which has been approved with the County subject to conditions.**

TAKE NOTICE that an application under the above file number will be heard by committee on the date, and at the time and place shown below.

DATE January 17, 2018 TIME 7:00 p.m.

**PLACE AND ADDRESS: Town of Erin Municipal Office
5684 Trafalgar Road,
Hillsburgh, ON NOB 1Z0**

PUBLIC HEARING - You are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this hearing. If you wish to make written comments on this application they may be forwarded to the secretary-treasurer of the committee at the address shown below. Please note that the Ontario Municipal Board may dismiss all or part of an appeal if the person or public body has not made an oral or written submission.

FAILURE TO ATTEND HEARING - If you do not attend at the hearing, it may proceed in your absence and, except as otherwise provided in the *Planning Act*, you will not be entitled to any further notice in the proceedings.

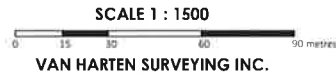
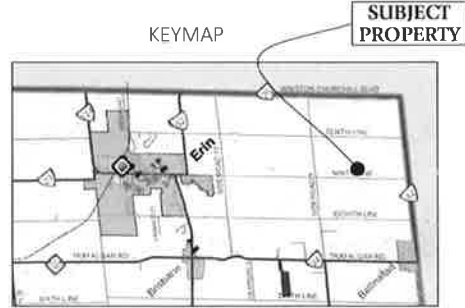
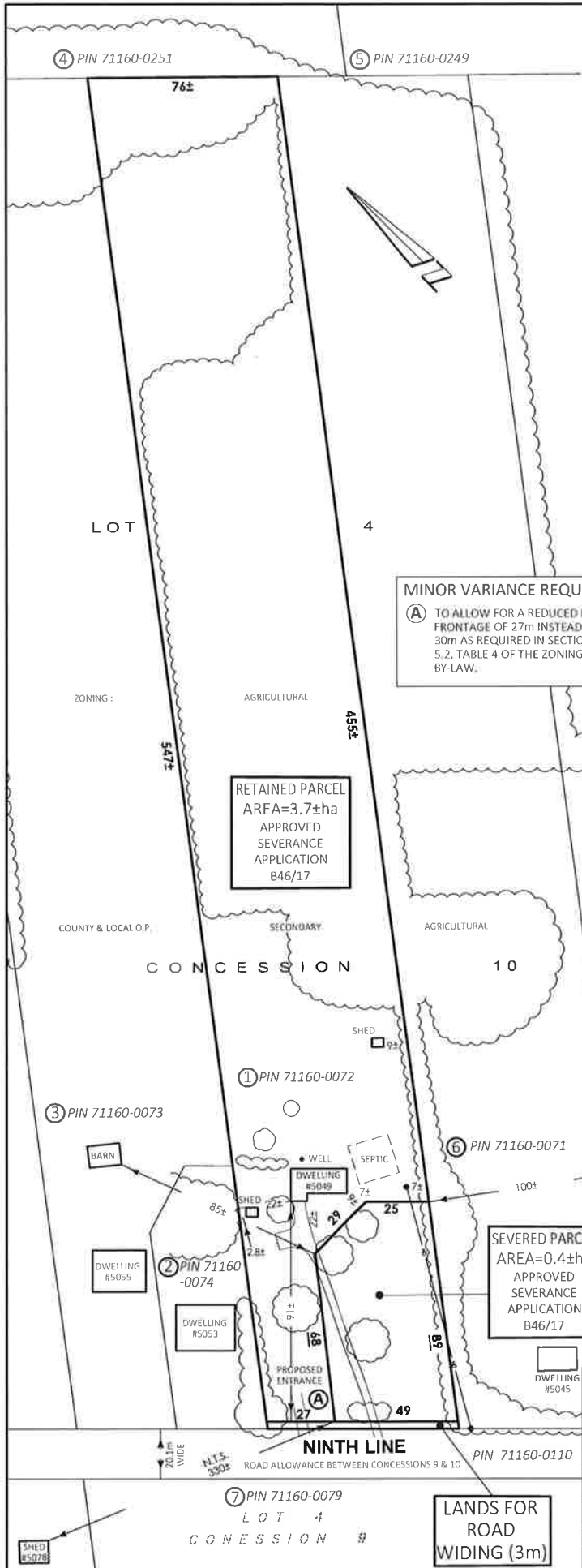
NOTICE OF DECISION - A copy of the decision of the committee will be sent to the applicant and to each person who appeared in person or by counsel at the hearing and who has filed with the secretary-treasurer a written request for notice of the decision.



**Signature of Secretary-Treasurer
Lisa Campion
Committee of Adjustment
5684 Trafalgar Rd
Hillsburgh, ON NOB 1Z0**

Dated this 3rd day of January 2018

**MINOR VARIANCE SKETCH
PART OF LOT 4, CONCESSION 10
GEOGRAPHIC TOWNSHIP OF ERIN
TOWN OF ERIN
COUNTY OF WELLINGTON**



NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED AGRICULTURAL.
3. SUBJECT LANDS HAVE A COUNTY & LOCAL OFFICIAL PLAN DESIGNATION OF SECONDARY AGRICULTURAL.
4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
6. DISTANCES TO BARN TAKEN FROM GRCA GIS MAPPING WEBSITE.

THIS SKETCH WAS PREPARED ON THE 8th DAY OF DECEMBER 2017

JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR



Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Elmira Ph: 519-669-5070	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com
DRAWN BY: ARN	CHECKED BY: JEB	PROJECT No. 24292-16
Dec 08, 2017-10:04am		
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TOWN OF ERIN
Committee of Adjustment
AGENDA
Wednesday January 17, 2018
7:00 PM
Meeting Room

- 1. Call to Order**
- 2. Disclosure of Pecuniary Interest**
- 3. Approval of Minutes**
- 4. Requests for withdrawal or deferral of Application**
- 5. Current Applications**
 - 5.1. File number A01/18
Applicant: Mr. George Polonski
Location: 5049 ninth Line Concession 10
 - 5.2 Notice
- 6. Correspondence**
- 7. Comments**
- 8. Approval of Minutes**
- 9. Adjournment**

To be notified of any of the decisions of the Town of Erin Committee of Adjustment, you must submit a "Request for Written Decision" form located on the table adjacent to the entrance door to your right.



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

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

Introduction

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

Application Fees - \$600.00 Minor Variance Application Fee

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

Authorization

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

Drawing

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

- Dimensions of area of relief
- Neighbouring properties
- Driveways and lanes
- North arrow
- Public / private roads, Allowances, rights of way
- Distance to lot lines
- Neighbouring land uses
- Natural features
- Other features (bridges, wells, Railways, septic systems)
- Easements, restrictive covenants
- Parking and loading areas
- Municipal Drains / Award Drains
- If water access, the location of parking and docking facilities

Supporting Information

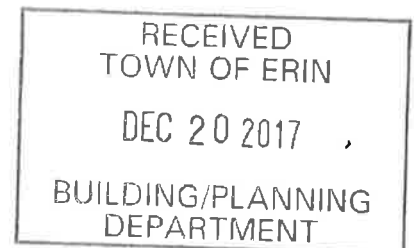
Please bear in mind that additional information may be required by the municipality, county, local and provincial agencies in order to evaluate the proposed Minor Variance. The required information may include studies or reports to deal with such matters as environmental impacts, traffic, water supply,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

Approval Process

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

For further information, please contact:

Jessica Wilton
Building and Planning Assistant, Committee of Adjustment
c/o Corporation of the Town of Erin
5684 Trafalgar Road
Hillsburgh, ON N0B 1Z0
Phone: 519-855-4407 x240 Fax: 519-855-4281 e-mail: jessica.wilton@erin.ca



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

Minor Variance Application

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

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

Town of Erin

5684 Trafalgar Road

Hillsburgh, ON NOB 1Z0

(519) 855-4407 Fax: (519) 855-4821

For Office use:



Application Fee Received:

Date Received:

File Number:

Date Complete Application Filed:

Roll Number:

A. General Information

B. Reason for Application

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

Section: **Section 5.1, Table 4**

To allow for a reduced lot frontage for the retained parcel to be 27m instead of 30m as required in Section 5.1, Table 4 of the Zoning By-law.

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

This Minor Variance is being requested as a condition of Severance Application B46/17 which has been approved with the County subject to conditions.

What is the current official plan and zoning status?

A) Official Plan Designation: **Secondary Agricultural**

B) Zoning:

Agricultural (A)

C. Access to Subject Lands

Provide a description of the entire property: **(Retained Parcel)**

Street Address: 5049 9th Line	City/Town: Georgetown (for mailing)	Municipality: Erin
Concession: 10	Lot: Part of Lot 4	Registered Plan #:
Width of Road Allowance (if known): 20.12m		
Road or Street Providing access to subject property: 9th Line		
Frontage: 27m	Depth: 547m	Area: 3.7ha
Please indicate what the access to the subject property is:		
Provincial Highway		Other Public Road
Seasonally Maintained Municipal Road	X	Right-of-way
Continually Maintained Municipal Road		Water Access
If access is by water only; please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from subject land to the nearest public road:		
N/A		

D. Municipal Services Provided:

Please indicate the applicable water supply and sewage disposal:

Building	Municipal Water	Communal Water	Private Well	Other Water Supply	Municipal Sewers	Communal Sewers	Private Septic	Other Sewage Disposal
Existing			X				X	
Proposed			X				X	

Please indicate what the storm drainage is provided by:

Sewers		Swales	
Ditches	X	Other Means	

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

Number of <u>existing</u> buildings or structures on the subject land: <u>3</u>	Indicate units of measurement: Metric <u>X</u> Imperial _____
Provide the information below for each (for additional buildings or structures add sheet)	
Type of Building <u>Existing Dwelling</u>	Setback from:
# of Parking Spaces _____	Front Lot Line: <u>91±m</u>
# of Loading Spaces _____	Rear Lot Line: _____
Height of Building or Structure: <u>2 storey</u> meters.	Side Lot Lines <u>22±m & 9.0±m</u>
Dimensions of Floor Area: _____	
Total Floor Area (excluding basement): _____	
% of Lot Coverage: _____ # of Floors: _____	

Shed 1: 4m x 3m = 12m², Distance to Side Lot Line = 2.8±m

Shed 2: 3m x 2m = 6m², Distance to Side Lot Line = 9±m

What is the existing use of:

A) The Subject Property: **Rural Residential**

B) The Abutting Property: **Rural Residential**

C) How long have the existing uses continued on the subject property: **Many Years**

What is the Proposed use of the subject land:

Rural Residential (No Change)

Number of **Proposed** buildings or structures on the subject land: **0**
Provide the information below for each (for additional buildings or structures add sheet)

Indicate units of measurement:

Metric **X** Imperial _____

Type of Building Existing Dwelling	Height of Building or Structure: _____ meters.	Setback from:
# of Parking Spaces _____	Dimensions of Floor Area: _____	Front Lot Line: _____
# of Loading Spaces _____	Total Floor Area (excluding basement): _____	Rear Lot Line: _____
	% of Lot Coverage: _____ # of Floors: _____	Side Lot Lines _____ & _____

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

F. Dates regarding subject property

Date of acquisition of subject property: **Original Purchase**

Date of Construction of all buildings on subject property: **Many years ago**

G. Other related planning applications

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

Application	Yes	No	File Number:	File Status:
Official Plan Amendment		X		
Zoning By-law Amendment		X		
Plan of Subdivision		X		
Site Development Plan		X		
Building Permit		X		
Consent (Land Division Committee)	X		B46/17	Approved subject to conditions
Previous Minor Variance Application		X		



PLANNING REPORT for the TOWN OF ERIN

Prepared by the County of Wellington Planning and Development Department

DATE: January 12, 2018
TO: Lisa Campion, Secretary-Treasurer
 Town of Erin Committee of Adjustment
FROM: Michelle Innocente, Senior Planner
 County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION A01/18 (Polonski)**
5049 Ninth Line
Concession 10, Part of Lot 4

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The variance requested would provide relief from Section 5, Table 4 of the Zoning By-law for a reduction in the minimum lot frontage. This application would satisfy a condition of severance application B46/17 which was granted approval (subject to conditions) by the County Land Division Committee on June 8, 2017. The minor variance applies to the retained lands of B46/17.

The minor variance application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property. We consider the request minor and have no concerns with the application.

The details of the minor variance application are included in the table below.

Regulation	By-law Section	Required	Proposed	Relief
Minimum Lot Frontage, Lot Area Less Than 10 Ha	Section 5 Table 4	30 m	27 m	3 m

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

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none"> We consider the variance minor in terms of impact.
That the intent and purpose of the Zoning By-law is maintained	<ul style="list-style-type: none"> The subject property is zoned Agricultural (A). The purpose of the minimum lot frontage requirement in the agricultural zone for lot areas less than 10 hectares, is to ensure adequate access for agricultural purposes.
That the general intent and purpose of the Official Plan is maintained	<ul style="list-style-type: none"> The property is designated "Secondary Agricultural" and "Greenlands". The proposed variance meets the general intent and purpose of the Official Plan.

Four Tests	Discussion
That the variance is desirable for the appropriate development and use of the land, building or structure	<ul style="list-style-type: none"> • The severed parcel is 0.4 ha in size and meets the required minimum lot size according to the Secondary Agricultural Lot Creation policies within the County Official Plan. The somewhat irregular shape of the new lot was configured such that MDSI requirements could be met for the nearby barn. In order to achieve the minimum lot area, and to accommodate the MDSI requirements, a larger frontage on the severed parcel was necessary which resulted in a 3 metre frontage deficiency for the retained parcel. • Staff is satisfied that a 27 metre lot frontage is adequate to provide access to the retained parcel and consider the variance to be desirable and appropriate.

In conclusion, planning staff is of the opinion that the requested variance application **meets all tests** of the *Planning Act*. I trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee's decision with respect to this application.

Respectfully submitted
County of Wellington Planning and Development Department



Michelle Innocente, BES, BSc, RPP
Senior Planner