



# Municipality of West Elgin

## Agenda

### Committee of Adjustment

June 11, 2020, 2:00 p.m.

Electronic Participation Meeting via Zoom

Due to the COVID-19 Pandemic and Emergency Orders Issued by the Province of Ontario under the *Emergency Management & Civil Protection Act*, prohibiting gathering of more than 5 people, this meeting will be held electronically. Please contact the Clerk's Department if you require an alternate format or accessible communication support or wish to receive the link to the meeting, at 519-785-0560 or by email at [clerk@westelgin.net](mailto:clerk@westelgin.net).

**Pages**

#### 1. Call to Order

Recommendation:

Recommendation: That West Elgin Committee of Adjustment convenes at \_\_\_\_\_ p.m. to consider applications for a minor variance for lands at 175 Furnival Road, 24156 Marsh Line and Concession 14, Part Lot 4 on Gray Line.

## **2. Purpose of Meeting**

The purpose of this Public Meeting of the West Elgin Committee of Adjustment is to allow the presentation of applications for Minor Variance and to allow interested members of the public an opportunity to ask questions or offer comments with regards to these applications.

Written comments must be submitted to the Secretary-Treasurer of the Committee.

There are public registries located on the counter and if any member of the public would like to be notified in writing of the Committee of Adjustment's decision on a particular application they are to provide their name and mailing address on the registry. This will also entitle you to be advised of possible Local Planning Appeals Tribunal hearings in the event the decision on an application is appealed.

Notice was sent via regular mail on \_\_\_\_\_ to property owners within 60 m (200 ft) of the subject properties and to agencies requiring notice.

## **3. Disclosure of Pecuniary Interest**

## **4. Minutes**

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Recommendation:

That West Elgin Committee of Adjustment approve the Minutes of the Committee of Adjustment Meeting held on January 9, 2020.

## **5. Minor Variance**

### **5.1 H. James, Planner - Minor Variance 175 Furnival Road**

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Recommendation:

That the Committee of Adjustment of the Municipality of West Elgin hereby receives the report from Heather James regarding the minor variance application for File No. D13 01-2020 for Plan 67 Block D Lots 6 and 11 (being Part 1 on RP 11R-4739), 175 Furnival Road; and,

That the Committee of Adjustment approve minor variance application File No. D13 01-2020, subject to the conditions on the decision sheet.

#### **5.1.1 Committee Comments**

#### **5.1.2 Public Comments**

#### **5.1.3 Decision**

## **5.2 H. James - Minor Variance 24156 Marsh Line**

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Recommendation:

That West Elgin Committee of Adjustment hereby receives the report from Heather James regarding the minor variance application for File No. D13 02-2020, Concession 9, Part of Lot 14 (being Part 1 on RP 11R-6283), 24156 Marsh Line; and,

That West Elgin Committee of Adjustment approve Minor Variance File No. D13 02-2020, subject to the conditions on the Decision Sheet.

### **5.2.1 Committee Comments**

### **5.2.2 Public Comments**

### **5.2.3 Decsion**

## **5.3 H. James, Planner - Minor Variance Concession 14, Part of Lot 4, Gray Line**

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Recommendation:

That West Elgin Committee of Adjustment hereby receives the report from Heather James regarding the minor variance application for File No. D13 03-2020, Concession 14, Part of Lot 4, Gray Line; and,

That West Elgin Committee of Adjustment approve Minor Variance File No. D13 03-2020, subject to the conditions on the Decision Sheet.

### **5.3.1 Committee Comments**

### **5.3.2 Public Comments**

### **5.3.3 Decision**

## **6. Adjournment**

Recommendation:

Recommendation: That West Elgin Committee of Adjustment hereby closes this Public Meeting held pursuant to section 45 of the *Planning Act* at \_\_\_\_ p.m.



# Municipality of West Elgin

## Minutes

### Committee of Adjustment

January 9, 2020, 9:30 a.m.

Council Chambers, West Elgin Municipal Building

**Present:** Bonnie Rowe  
Duncan McPhail  
Richard Leatham  
Angela Cammaert  
Taraesa Tellier

**Staff Present:** Jana Nethercott  
Megan Fletcher  
Heather James

#### 1. Call to Order

**Resolution No. 2020-14**

**Moved:** Bonnie Rowe

**Seconded:** Taraesa Tellier

Mayor McPhail called the meeting to order at 9:37 a.m.

**Carried**

#### 2. Purpose of Meeting

J. Nethercott, Clerk read the purpose of the meeting aloud.

#### 3. Disclosure of Pecuniary Interest

None.

#### 4. Minor Variance

##### 4.1 Application

##### 4.2 Report

#### **4.2.1 McCall and Ross Minor Variance**

West Elgin Council received the report from Heather James regarding the minor variance application for File No. D13 06/19, Concession 5 Western Division, Part of Lot 8, 13674 Furnival Road.

#### **4.4 Committee Comments**

None.

#### **4.5 Public Comments**

None.

### **5. Decision**

#### **Resolution No. 2020-15**

**Moved:** Richard Leatham

**Seconded:** Angela Cammaert

That Minor Variance #D13 06/19 be approved as per the attached Decision Sheet.

**Carried**

### **6. Adjournment**

#### **Resolution No. 2020-16**

**Moved:** Bonnie Rowe

**Seconded:** Angela Cammaert

That West Elgin Committee of Adjustment hereby closes this Public Meeting held pursuant to section 45 of the *Planning Act* at 9:47 a.m. and reconvenes the Regular Meeting of Council.

**Carried**

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Duncan McPhail, Chair

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Jana Nethercott, Secretary/Treasurer



## The Corporation of the Municipality of West Elgin

### Decision of Committee of Adjustment

Pursuant to Section 45 of *the Planning Act*, R.S.O. 1990

**Re:** Minor Variance Application File # D13 06/19

**Location:** Concession 5 Western Division, Part of Lot 8, 13674 Furnival Road

**Agents:** Jacob McCall and Christina Ross

**Owners:** Jacob McCall, Howard McCall and Christina Ross

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### **Purpose and Effect**

The purpose of this application is to seek relief from Zoning By-law # 2015-36 of the Municipality of West Elgin. The subject property is designated Agricultural in the West Elgin Official Plan and zoned Restricted Agricultural (A3) in the Municipality of West Elgin Zoning By-law. The owners are proposing to construct an accessory building for a secondary farm occupation. Section 7.2.5 subsection c) states secondary farm occupations shall be located a minimum of 150.0 m (492.13 ft.) from a dwelling situated on a neighbouring lot. The owners are proposing a minimum distance of 119.0 m (390.42 ft.) to a dwelling situated on a neighbouring lot located at 113657 Furnival Road. The owners are unable to meet the minimum distance of a secondary farm occupation from a dwelling situated on a neighbouring lot due to insufficient depth of the subject lands.

Maps showing the location of the lands to which this proposed minor variance applies are attached.

### **Decision and Reasons of the Committee**

It is the decision of the Committee of Adjustment to approve this variance application with for the following reasons:


- The variance is minor in nature;
- The proposed minor variance represents appropriate use of the subject property;
- The requested variance conforms to the general intent and purpose of the Municipality of West Elgin Official Plan;
- The requested variance conforms to the general intent and purpose of the Municipality of West Elgin Zoning By-Law #2015-36.


### **Effect of Public and Agency Comments on Decision of Committee of Adjustment**


No public comments were received on this application so there was no effect on the decision.


Agency comments were received in support of the application, the effect of which resulted in a decision to approve the application.

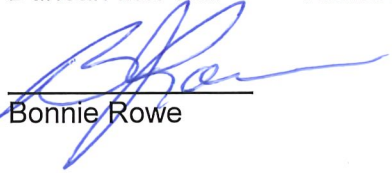
Dated this 9<sup>th</sup> day of January, 2020.

  
Duncan McPhail

  
Richard Leatham

  
Taraesa Tellier

  
Angela Cammaert

  
Bonnie Rowe

### Certification of the Committee's Decision

I, Jana Nethercott, being the Secretary- Treasurer of the Committee of Adjustment for the Corporation of the Municipality of West Elgin, certify that this is a true copy of the Committee's Decision.

  
Secretary- Treasurer

Jan 9 / 2020  
Date

### Appeals

If a person or public body does not make oral submissions at a public hearing or make written submissions to the Municipality of West Elgin Committee of Adjustment before the minor variance is granted, the person or public body is not entitled to appeal the decision of the Municipality of West Elgin to the Local Planning Appeal Tribunal (LPAT).

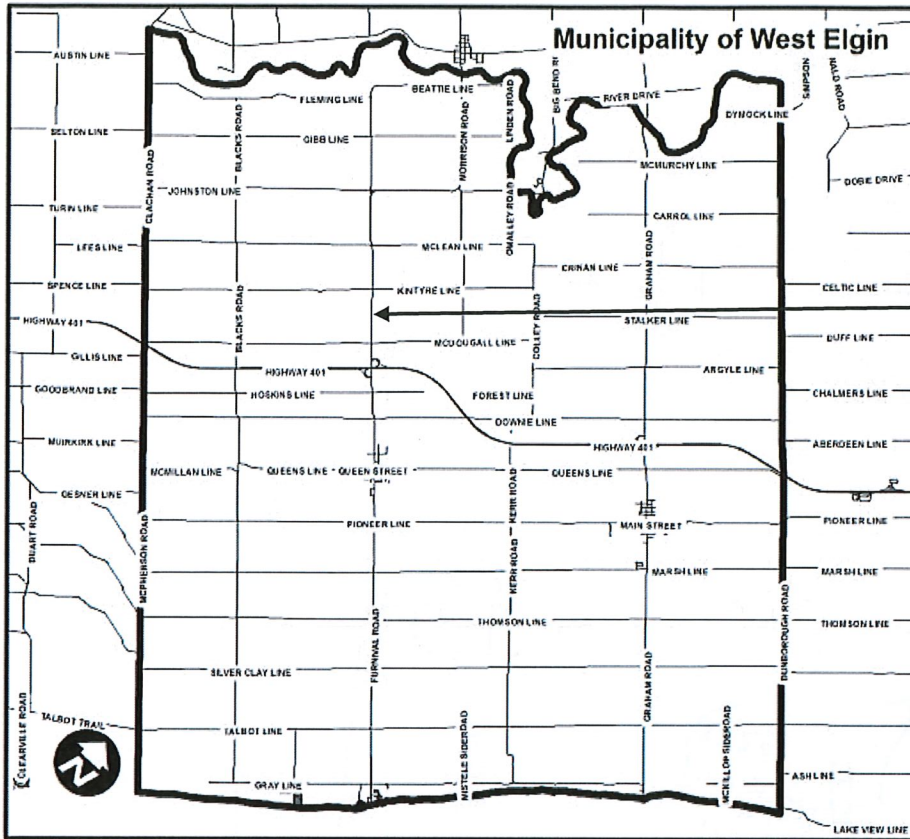
If a person or public body does not make oral submissions at a public hearing or make written submissions to the Municipality of West Elgin Committee of Adjustment before the minor variance is granted, the person or public body may not be added as a party to the hearing of an appeal before the LPAT unless, in the opinion of the LPAT, there are reasonable grounds to do so.

Any appeals of the Decision of the West Elgin Committee of Adjustment must be filed with the Secretary-Treasurer of the Committee of Adjustment, **not later than the 29<sup>th</sup> day of January, 2020** setting out the reasons for the appeal together with a certified cheque or money order in the amount of \$300.00 payable to the Minister of Finance. A copy of the appeal form is available from the Local Planning Appeal Tribunal website at [www.elto.gov.on.ca](http://www.elto.gov.on.ca). If no appeal is received within the prescribed time, a Notice of No Appeal will be sent out to the applicant.

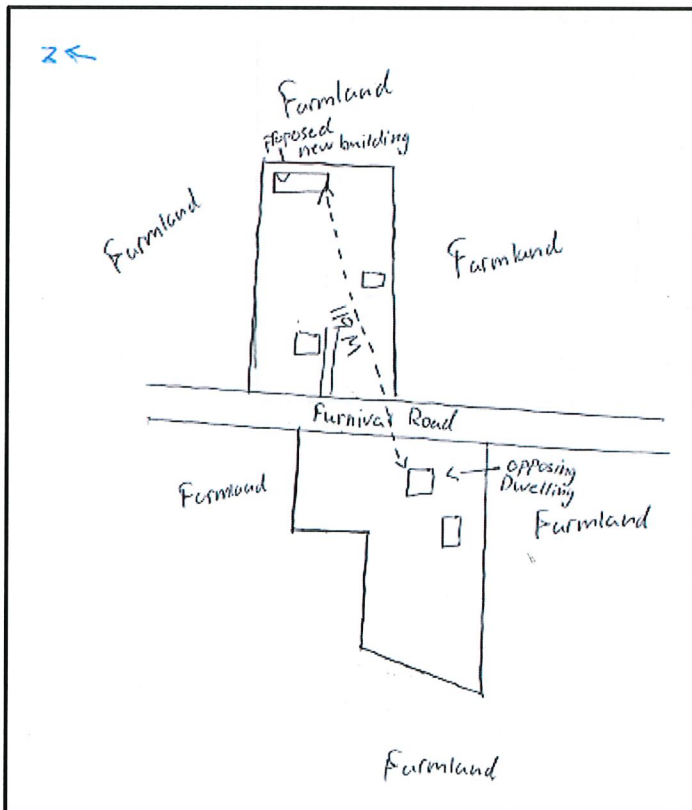
### Additional Information

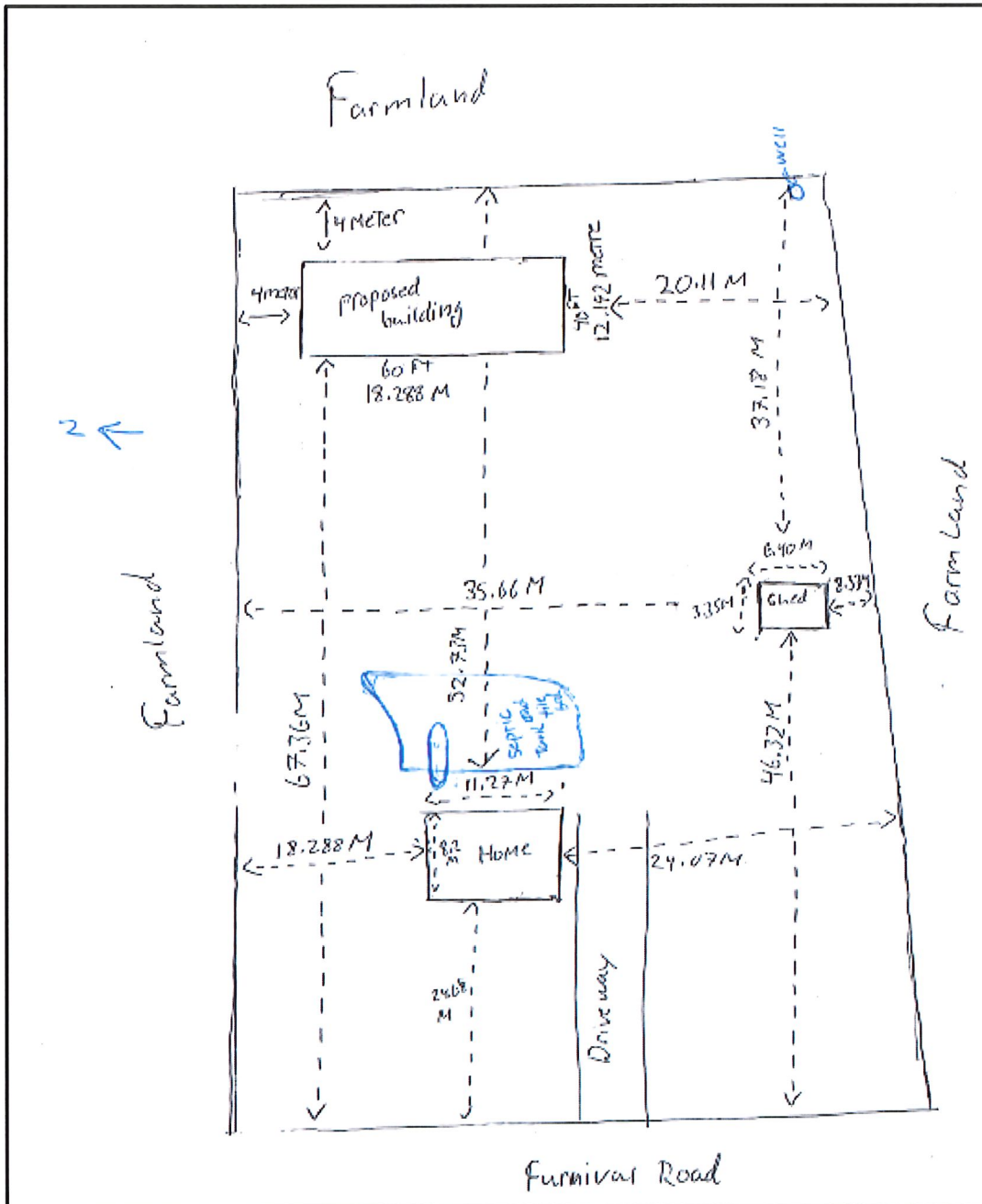
Additional information related to this minor variance may be obtained at the West Elgin Municipal office or by contacting Jana Nethercott, Secretary-Treasurer at 519-785-0560, between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday).

## Key Maps



Property to which this zoning  
by-law amendment applies.







## Staff Report

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**Report To:** Council  
**From:** Heather James, Planner  
**Date:** 2020-06-11  
**Report:** 2020-16  
**Subject:** Minor Variance 175 Furnival Road

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### **Recommendation:**

That the Committee of Adjustment of the Municipality of West Elgin hereby receives the report from Heather James regarding the minor variance application for File No. D13 01-2020 for Plan 67 Block D Lots 6 and 11 (being Part 1 on RP 11R-4739), 175 Furnival Road; and,

That the Committee of Adjustment approve minor variance application File No. D13 01-2020, subject to the conditions on the decision sheet.

### **Purpose:**

An application for a minor variance was submitted by Tyler Reid, owner of the subject lands. The purpose of this application is to seek relief from Section 4.1 f) Accessory Uses, Buildings and Structures of the Municipality of West Elgin Comprehensive Zoning By-law No. 2015-36 to permit an already constructed above ground pool deck. Section 4.1 f) states an accessory building or use shall not exceed ten (10) per cent coverage of the total lot area. As a result of the pool deck, the owner is proposing 16.37% coverage of the total lot area for the existing detached garage, existing above ground pool and already constructed above ground pool deck (as shown on the attached Schedule 'A').

### **Background:**

The subject lands are situated on the east side of Furnival Road within the former Village of Rodney, and municipally known as 175 Furnival Road. The subject lands have an area of 1,226.0 m<sup>2</sup> (13,196.55 ft.<sup>2</sup>), a depth of 60.96 m (200.0 ft.) and a frontage of 20.1 m (66.0 ft.) along Furnival Road. The lands currently contain a single unit dwelling, detached garage, above ground pool and pool deck and used for residential use. The lands are serviced with municipal water and municipal sewer service. Residential and future residential uses surround the subject lands. Location of the subject lands is shown on the attached Schedule 'A' map.

The subject lands are designated Residential as shown on Schedule 'C' Village of Rodney Land Use & Transportation Plan in the Municipality of West Elgin Official Plan and are zoned Residential First Density (R1) as shown on Schedule "B" Map No. 4 in the Municipality of West Elgin Comprehensive Zoning By-law 2015-36.

The application was circulated to Municipal staff for comment. One comment was received from municipal staff:

**Chief Building Official**

*'I have no concerns with the application. The applicant is aware of the requirement to obtain a building permit and pay the associated fees to be in compliance with the Ontario Building Code and the Building Code Act.'*

**Comment:** The owner is aware of this requirement.

All other comments received from municipal staff indicated they have no concerns.

The application was circulated to all applicable public agencies. Only one comment was received from Lower Thames Valley Conservation Authority, indicating they had no objections to the proposal.

The application was circulated to all neighbouring property owners within 60 m (196.85 ft.) of the subject lands. Once comment was received from Benoit Deslauriers, owner of 177 Furnival Road. Mr. Deslauriers stated he is in support of Mr. Reid's minor variance application to increase the lot coverage to 16.37%.

**Financial Implications:**

None.

**Policies/Legislation:****Provincial Policy Statement (PPS):**

Under Section 3(5) of the *Planning Act*, the Municipality "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS). Settlement Area and Sewage and Water policies were reviewed and no concerns were evident.

Upon review of the applicable PPS policies, the application is consistent with the PPS.

**County of Elgin Official Plan:**

The County Official Plan designates the subject property as 'Tier One' Settlement Area on Schedule 'A' Land Use. Full municipal services are available. A wide variety of uses including single detached dwellings and accessory uses are permitted.

Upon review of the applicable County Official Plan policies, the application conforms to the County of Elgin Official Plan.

**Ontario Planning Act:**

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

**Four Tests of the Minor Variance**

1. *Does the variance maintain the intent and purpose of the Municipality of West Elgin Official Plan?*

Yes. A deck for an above ground pool is permitted on the property, provided the pool has been constructed and a single unit dwelling already exists on the property. With the exception of the increase in total lot area coverage for accessory buildings and structures, the application does not contravene the Municipality of West Elgin Official Plan policies.

*2. Does the variance maintain the intent and purpose of the Municipality of West Elgin Comprehensive Zoning By-law 2015-36?*

Yes. A deck for an above ground pool is permitted in the Residential First Density (R1), provided the pool has been constructed and a single unit dwelling already exists on the property. With the exception of the increase in total lot area coverage for accessory buildings and structures, the application complies with all remaining Residential First Density (R1) zone provisions.

*3. Is the variance requested desirable for the appropriate and orderly development and use of the lands and buildings?*

Yes. The variance will enable the owners to maximize the value and use of the property, in accordance with the Official Plan policies and Zoning By-law provisions. The increase in total lot area coverage for accessory buildings and structures will allow the owner keep an already constructed pool deck for their above ground pool which provides safety and leisure space for patrons of the pool. The variance will not impede the function of the lot.

*4. Is the variance minor in nature?*

Yes. The meaning of 'minor' is not based on a specific number, where a difference of a number of metres or feet determines whether or not the development is acceptable. It is more appropriate to base this test on the degree of potential impact on neighbouring property owners; the environment; and municipal functions.

The impact from the proposed variance with respect to the neighbouring property owners and the environment is minimal. There will be no impact from the proposed variance with respect to municipal functions for the municipality.

**Summary/Conclusion:**

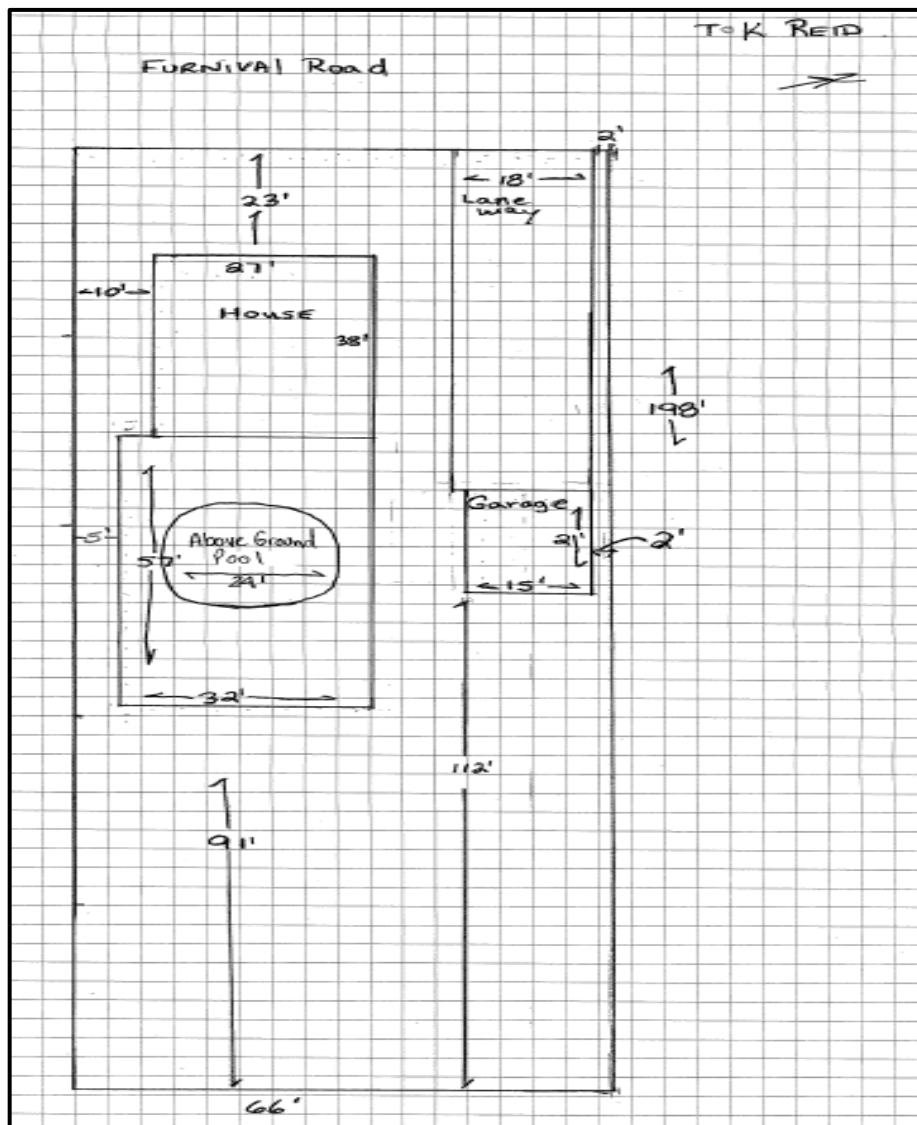
The application has been assessed for appropriateness with regard to existing policy and the impact of the proposal on the surrounding land uses. The application maintains the intent and purpose of the Official Plan and Zoning By-law and is not expected to have an impact on surrounding property owners, the environment, or municipal functions.

I am of the opinion that the application satisfies the four tests, constitutes good land use planning, and should be approved.

**Related Documents:**

Municipality of West Elgin Comprehensive Zoning By-law No. 2015-36.

# Schedule 'A'



## Report Approval Details

Document Title:	Minor Variance 175 Furnival Road.docx
Attachments:	
Final Approval Date:	Jun 8, 2020

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott



## Staff Report

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**Report To:** Council  
**From:** Heather James, Planner  
**Date:** 2020-06-11  
**Report:** 2020-17  
**Subject:** Minor Variance 24156 Marsh Line

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### **Recommendation:**

That West Elgin Committee of Adjustment hereby receives the report from Heather James regarding the minor variance application for File No. D13 02-2020, Concession 9, Part of Lot 14 (being Part 1 on RP 11R-6283), 24156 Marsh Line; and,

That West Elgin Committee of Adjustment approve Minor Variance File No. D13 02-2020, subject to the conditions on the attached Decision Sheet.

### **Purpose:**

An application for minor variance was submitted by the agent, Ted L. Halwa, Land Use Planner, who is representing the owner, Al Zhen Chen and applicant, Ron Lin. The owner and applicant are proposing to construct a greenhouse with an area of 2,322.58 m<sup>2</sup> (25,000.0 ft.<sup>2</sup>) to grow cannabis or vegetables on the subject lands (as shown on the attached Schedule 'A'). The purpose of the application is to seek relief from the following sections of the Municipality of West Elgin Comprehensive Zoning By-law 2015-36: 1) Section 5.1.1 Table 5-1 subsection 3, which states the maximum lot coverage is 20%; and, 2) Section 4.1 f) Accessory Uses, Buildings and Structures which states an accessory building or use shall not exceed ten (10) per cent coverage of the total lot area. The owner and applicant are proposing: 1) a maximum lot coverage of 32% for all existing buildings and the proposed greenhouse; and, 2) a proposed maximum lot coverage of 26.5% for all accessory buildings (existing two barns and shed and proposed greenhouse).

### **Background:**

The subject lands are situated on the north side of Marsh Line, and municipally known as 24156 Marsh Line. The subject lands have an area of 0.87 ha (2.15 ac.), a depth of 103.5 m (339.57 ft.) and a frontage of 84.5 m (277.23 ft.) along Marsh Line. The lands currently contain a single unit dwelling, two barns and accessory building (shed) and used for non-farm residential use. The lands are serviced with municipal water and private septic system. Agricultural and non-farm residential uses surround the subject lands. Location of the subject lands is shown on the attached Schedule 'A' map.

The subject lands are designated Agricultural as shown on Schedule 'E' Rural Area Land Use & Transportation Plan in the Municipality of West Elgin Official Plan and are zoned Restricted Agricultural (A3) as shown on Schedule "A" Map No. 50 in the Municipality of West Elgin Comprehensive Zoning By-law 2015-36.

The application was circulated to Municipal staff for comment. Two comments were received from municipal staff:

**Chief Building Official**

*'I have a concern regarding storm water drainage. Prior to the issuance of a building permit for a proposed greenhouse, I will need to see a drainage plan for the property prepared by a licensed Ontario Land Surveyor or Professional Engineer of Ontario.'*

**Comment:** The agent, who representing the owner and applicant has been made of this requirement.

**Manager of Utility Services**

*'This property has existing water service to the property.'*

**Comment:** Upon receiving this comment, I spoke with the manager and asked if the proposed greenhouse could be accommodated with the existing service to the property. The manager indicated it is a 1" water service into the property and may possibly require an upgrade to a 2" water service. The manager also stated there is a 12" main water line on Marsh Line that could accommodate a 2" water service for this property, should it be required. I communicated this information to Mr. Halwa who stated the owner and applicant are unaware of how much water they will require and concur they may need to upgrade the service in the future for the proposed greenhouse. At this time, it is my recommendation that the existing water service remain.

All other comments received from municipal staff indicated they have no concerns.

The application was circulated to all applicable public agencies. Only one comment was received from Lower Thames Valley Conservation Authority, indicating they had no objections to the proposal. The application was circulated to all neighbouring property owners within 60 m (196.85 ft.) of the subject lands. No comments were received.

**Financial Implications:**

None.

**Policies/Legislation:**

**Provincial Policy Statement (PPS):**

Under Section 3(5) of the *Planning Act*, the Municipality "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS). Agricultural and stormwater management policies were reviewed and no concerns were evident, as a drainage plan will be required for this development prior to the issuance of a building permit.

Upon review of the applicable PPS policies, the application is consistent with the PPS.

**County of Elgin Official Plan:**

The County Official Plan designates the subject property as Agricultural Area on Schedule 'A' Land Use. Agricultural uses such as secondary farm occupations are permitted.

Upon review of the applicable County Official Plan policies, the application conforms to the County of Elgin Official Plan.

### **Ontario Planning Act:**

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

### Four Tests of the Minor Variance

*1. Does the variance maintain the intent and purpose of the Municipality of West Elgin Official Plan?*

Yes. An accessory structure (greenhouse) for a secondary use in the Agricultural designation is permitted. With the exception of the increase in maximum lot coverage and increase in maximum lot coverage for accessory buildings and structures, the application does not contravene the Municipality of West Elgin Official Plan policies.

*2. Does the variance maintain the intent and purpose of the Municipality of West Elgin Comprehensive Zoning By-law 2015-36?*

Yes. An accessory structure (greenhouse) for a secondary farm occupation is permitted in the Restricted Agricultural (A3). With the exception of the increase in maximum lot coverage and increase in maximum lot coverage for accessory buildings and structures, the application complies with all remaining Restricted Agricultural (A3) zone provisions.

*3. Is the variance requested desirable for the appropriate and orderly development and use of the lands and buildings?*

Yes. The variance will enable the owner to maximize the value and use of the property, in accordance with the Official Plan policies and Zoning By-law provisions. The increase in maximum lot coverage and increase in maximum lot coverage for accessory buildings and structures will allow the owner to construct an accessory structure (greenhouse) on their property to be used for a secondary farm occupation without the requirement to remove other existing accessory buildings and structures. The requirement for a drainage plan prior to the issuance of a building permit will ensure that stormwater management can be adequately addressed on-site and minimize the potential for negative impacts to the neighbouring agricultural parcel. The variance will not impede the function of the lot.

*4. Is the variance minor in nature?*

Yes. The meaning of 'minor' is not based on a specific number, where a difference of a number of metres or feet determines whether or not the development is acceptable. It is more appropriate to base this test on the degree of potential impact on neighbouring property owners; the environment; and municipal functions.

The impact from the proposed variance with respect to the neighbouring property owners and the environment will be minimized through the implementation of a drainage plan for the lands. There will be minimal impact from the proposed variance with respect to municipal functions. No comment of concern was received from the Municipal Manager of Operations and Community Services.

**Summary/Conclusion:**

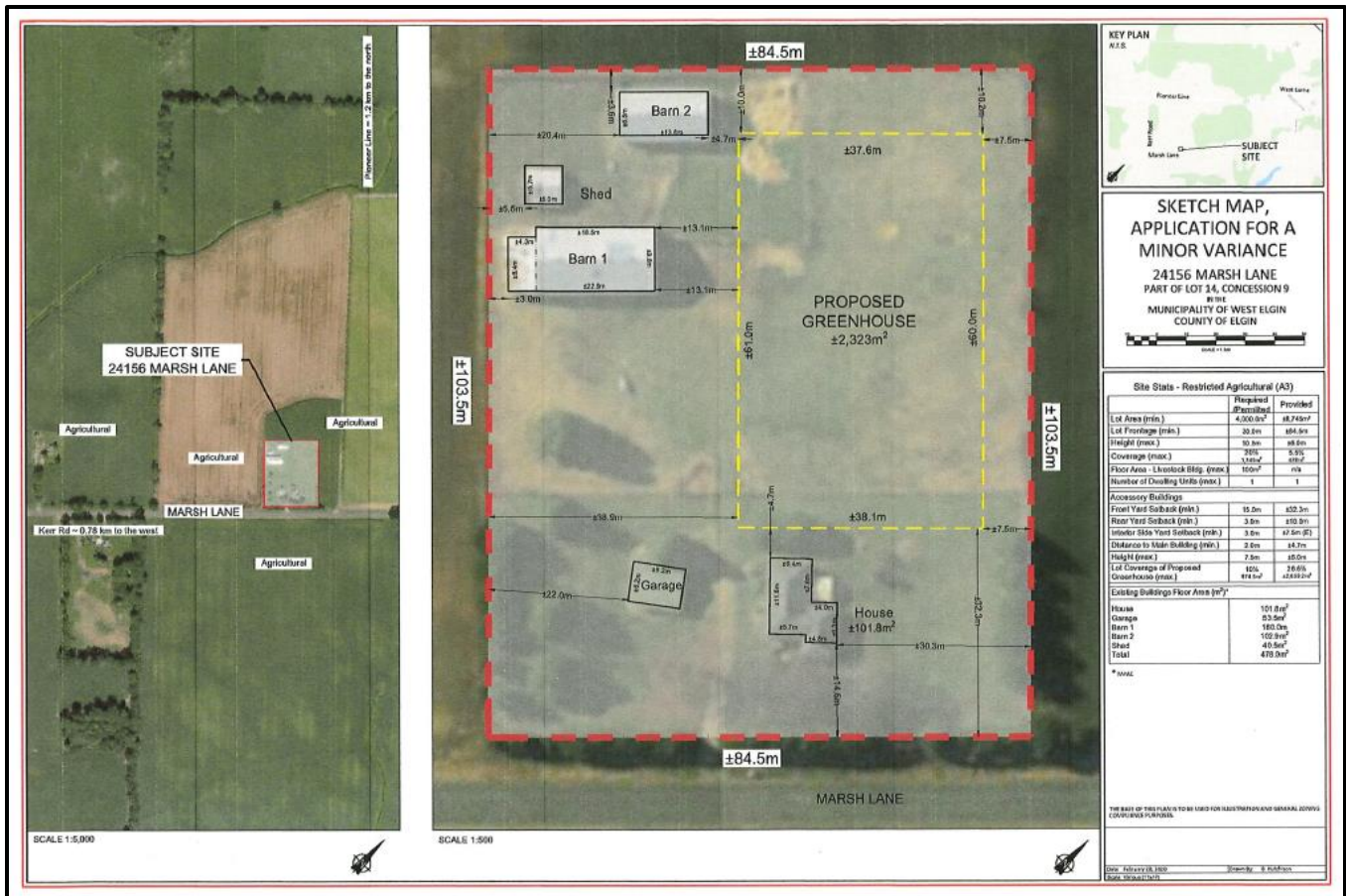
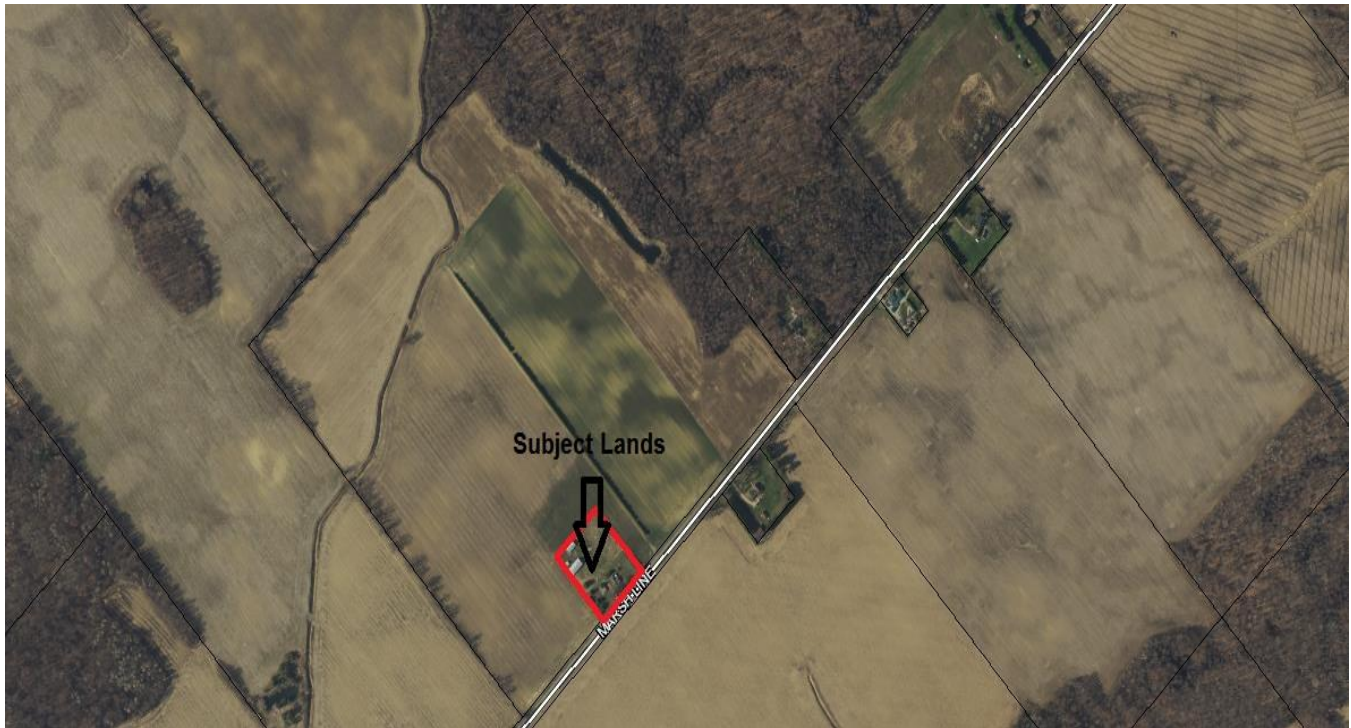
The application has been assessed for appropriateness with regard to existing policy and the impact of the proposal on the surrounding land uses. The application maintains the intent and purpose of the Official Plan and Zoning By-law and is not expected to have an impact on surrounding property owners, the environment, or municipal functions.

I am of the opinion that the application satisfies the four tests, constitutes good land use planning, and should be approved.

**Related Documents:**

Municipality of West Elgin Comprehensive Zoning By-law No. 2015-36.

# Schedule 'A'



**Report Approval Details**

Document Title:	Minor Variance 24156 Marsh Line.docx
Attachments:	- Decision Sheet - Chen.docx
Final Approval Date:	Jun 8, 2020

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott



## Staff Report

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**Report To:** Council  
**From:** Heather James, Planner  
**Date:** 2020-06-11  
**Report:** 2020-18  
**Subject:** Minor Variance Concession 14, Part of Lot 4, Gray Line

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### **Recommendation:**

That West Elgin Committee of Adjustment hereby receives the report from Heather James regarding the minor variance application for File No. D13 03-2020, Concession 14, Part of Lot 4, Gray Line; and,

That West Elgin Committee of Adjustment approve Minor Variance File No. D13 03-2020, subject to the conditions on the Decision Sheet.

### **Purpose:**

A minor variance application was submitted by the owners, Lakeview Aldborough Bluffs Inc. c/o Allan Murray. The purpose of this application is to seek relief from Section 5.1.1 Permitted Uses Table 5-1 General Agricultural (A1) Zone Standards Subsection 1 Minimum Lot Area and Subsection 2 Minimum Lot Frontage of the Municipality of West Elgin Comprehensive Zoning By-law No. 2015-36 to permit the creation of an agricultural parcel with undersized lot area and undersized lot frontage associated with severance application E 57/19, which is conditionally approved. The minimum lot area in the A1 Zone is 20.2 ha (49.92 ac.) and the minimum lot frontage is 300.0 m (984.25 ft.); the owners are proposing a minimum lot area of 17.55 ha (43.37 ac.) and a minimum lot frontage of 233.33 m (765.52 ft.). The reason for the minor variance application is due to inaccuracies between the measurements submitted with and approved for the severance application and the actual measurements made by an Ontario Land Surveyor when a survey was prepared for the lands.

### **Background:**

The subject lands are situated on the south side of Gray Line, and legally described as Concession 14, Part of Lot 4 (being Part 2 on RP 11R-10587). The subject lands have an area of 17.55 ha (43.37 ac.), an irregular depth and a frontage of 233.33 m (765.52 ft.) along Gray Line. The lands are vacant with no services and used for agricultural use. Agricultural and non-farm residential uses surround the subject lands. Location of the subject lands is shown on the attached Schedule 'A' map.

The subject lands are designated Agricultural as shown on Schedule 'E' Rural Area Land Use & Transportation Plan in the Municipality of West Elgin Official Plan and are zoned General Agricultural (A1) as shown on Schedule "A" Map No. 75 in the Municipality of West Elgin Comprehensive Zoning By-law 2015-36

The application was circulated to Municipal staff for comment and municipal staff indicated they have no concerns.

The application was circulated to all applicable public agencies. Only one comment was received:

Lower Thames Valley Conservation Authority

*'Please note the shoreline does not directly abut this property but the regulations for the shoreline, due to the setback limits from Lake Erie are present on this parcel. As such, an application from this office is required prior to any works/construction taking place in the regulated area.'*

**Comment:** The lands subject to the minor variance are not proposing any buildings and/or structures. The owners have been notified of this requirement for future development.

The application was circulated to all neighbouring property owners within 60 m (196.85 ft.) of the subject lands. No comments were received.

**Financial Implications:**

None.

**Policies/Legislation:**

**Provincial Policy Statement (PPS):**

Under Section 3(5) of the *Planning Act*, the Municipality "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS). Agricultural policies were reviewed and no concerns were evident.

Upon review of the applicable PPS policies, the application is consistent with the PPS.

**County of Elgin Official Plan:**

The County Official Plan designates the subject property as Agricultural Area on Schedule 'A' Land Use. Lot creation for agricultural use are permitted.

Upon review of the applicable County Official Plan policies, the application conforms to the County of Elgin Official Plan.

**Ontario Planning Act:**

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

**Four Tests of the Minor Variance**

1. *Does the variance maintain the intent and purpose of the Municipality of West Elgin Official Plan?*

Yes. The subject lands are designated Lakeshore Area, which permits the creation of lots for agricultural use (other than the raising or keeping of livestock). With the exception of the undersized lot area and undersized lot frontage, the application does not contravene the Municipality of West Elgin Official Plan policies.

*2. Does the variance maintain the intent and purpose of the Municipality of West Elgin Comprehensive Zoning By-law 2015-36?*

Yes. Lot creation for agricultural use is permitted in the General Agricultural (A1) Zone. With the exception of the undersized lot area and undersized lot frontage, the application complies with all remaining General Agricultural (A1) zone provisions.

*3. Is the variance requested desirable for the appropriate and orderly development and use of the lands and buildings?*

Yes. The variance will enable the owners to maximize the value and use of the property, in accordance with the Official Plan policies and Zoning By-law provisions. The undersized lot area and undersized lot frontage is due to a previous surplus farm house severance, a previous lot addition to provide frontage and access for an adjacent landlocked lakefront property, and lastly, to keep a woodlot in tact without fragmentation (which is the severed parcel in the associated severance). The parcel is still of a sufficient size for the existing agricultural use (cash crop). The variance will not impede the function of the lot.

*4. Is the variance minor in nature?*

Yes. The meaning of 'minor' is not based on a specific number, where a difference of a number of metres or feet determines whether or not the development is acceptable. It is more appropriate to base this test on the degree of potential impact on neighbouring property owners; the environment; and municipal functions.

The impact from the proposed variance with respect to the neighbouring property owners and the environment is minimal. There will be minimal impact from the proposed variance with respect to municipal functions.

**Summary/Conclusion:**

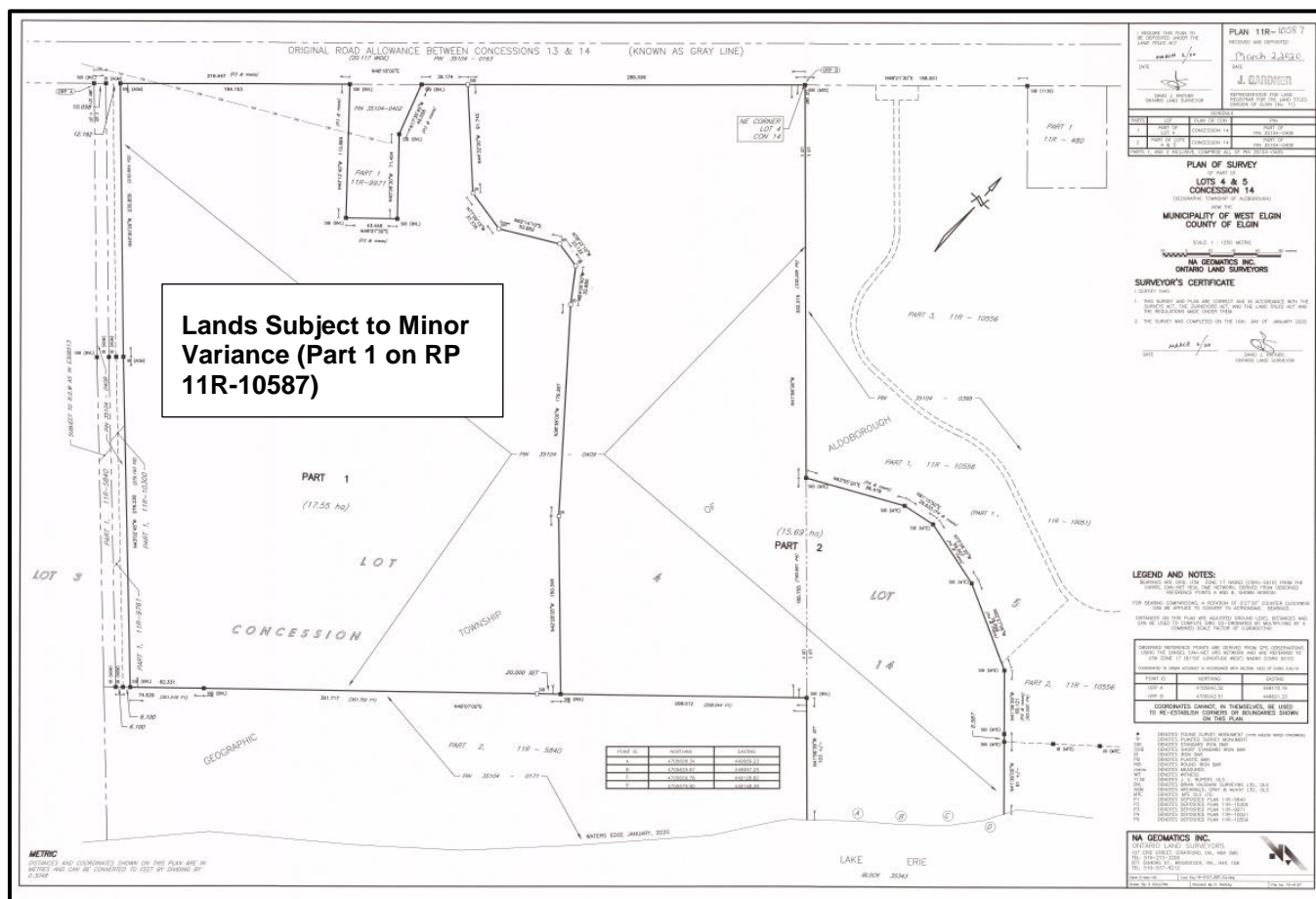
The application has been assessed for appropriateness with regard to existing policy and the impact of the proposal on the surrounding land uses. The application maintains the intent and purpose of the Official Plan and Zoning By-law and is not expected to have an impact on surrounding property owners, the environment, or municipal functions.

I am of the opinion that the application satisfies the four tests, constitutes good land use planning, and should be approved.

**Related Documents:**

Municipality of West Elgin Comprehensive Zoning By-law No. 2015-36.

## Schedule 'A'



**Report Approval Details**

Document Title:	Minor Variance Concession 14, Part of Lot 4, Gray Line.docx
Attachments:	- Decision Sheet - Lakeview Aldborough Bluffs Inc.docx
Final Approval Date:	Jun 8, 2020

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott