



Municipality of West Elgin

Agenda

Committee of Adjustment

June 10, 2021, 10:00 a.m.

Electronic Participation Meeting via Zoom

Due to the COVID-19 Pandemic and social distancing requirements this meeting will be held at an alternate location. 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.

Pages

1. Call to Order

Recommendation:

That West Elgin Committee of Adjustment convenes at ____ a.m. to consider application for a minor variance for lands owned by Dawn Geddes and Keith Montgomery, municipally known as 151 Moriah Street, Rodney .

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 May 28, 2021 to property owners within 60 m (200 ft) of the subject properties and to agencies requiring notice.

3. Minutes

1

Recommendation:

That the Committee of Adjustment hereby approves the minutes of the meeting of the Committee of Adjustment on May 13, 2021 as circulated and printed.

4. Disclosure of Pecuniary Interest

5. Minor Variance

5.1. Report

19

5.2. Written Comments Received

5.2.1. Staff

5.2.2. Public

5.3. Committee Comments

6. Decision

7. Adjournment

Recommendation:

That West Elgin Committee of Adjustment hereby closes this Public Meeting held pursuant to section 45 of the *Planning Act* at ____ p.m. and reconvenes in Open Council.



Municipality of West Elgin

Minutes

Committee of Adjustment

May 13, 2021, 1:00 p.m.

Electronic Participation Meeting via Zoom

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

Staff Present:
Jana Nethercott, Secretary/Treasurer
Bryan Pearce, Planner
Magda Badura

Due to the COVID-19 Pandemic and physical distancing requirements this meeting was held electronically.

1. Call to Order

Moved: Bonnie Rowe

Seconded: Angela Cammaert

That West Elgin Committee of Adjustment convenes at 1:10 p.m. to consider application for a minor variance for lands owned by Stefan Dezi and Crystal Forth, municipally known as 166 Graham Road, West Lorne.

Carried

2. Purpose of Meeting

The purpose was read aloud by the Clerk.

3. Disclosure of Pecuniary Interest

None.

4. Minor Variance

4.1 Report

4.1.1 Minor Variance Application D13 01-2021 – Recommendation Report (Planning Report 2021-17)

Moved: Richard Leatham
Seconded: Taraesa Tellier

That West Elgin Committee of Adjustment hereby receives the report from Bryan Pearce, Planner, regarding the minor variance application for File D13 01-2021 (Planning Report 2021-17)

Carried

4.2 Written Comments Received

4.2.1 Staff

None.

4.2.2 Public

None.

4.3 Committee Comments

None.

5. Decision

Moved: Bonnie Rowe
Seconded: Taraesa Tellier

That West Elgin Committee of Adjustment hereby approves Minor Variance Application D13 01-2021 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 West Elgin Zoning By-Law is maintained;
- In the opinion of the Committee, the variance is minor;
- include effect of comments received in decision

With the following conditions:

1. That the proposed development is substantially in accordance with the Minor Variance D13 01-2021 drawings, as appended to Planning Report, 2017-17 and to Schedule A of this decision.

For (5): Bonnie Rowe, Duncan McPhail, Richard Leatham, Angela Cammaert, and Taraesa Tellier

Carried (5 to 0)

6. Adjournment

Moved: Bonnie Rowe

Seconded: Taraesa Tellier

That West Elgin Committee of Adjustment hereby closes this Public Meeting held pursuant to section 45 of the *Planning Act* at 1:19 p.m. and reconvenes in Open Council.

Carried

Duncan McPhail, Chair

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 01-2021

Location: 166 Graham Road

Legal Description: East Part Lot 78, Plan 199

Owners: Stefan Deszi and Crystal Forth

Applicant: Stefan Deszi

Purpose and Effect

The purpose of this application is to permit the construction of a second storey addition to the existing single unit dwelling.

The effect of the variance is to seek relief to the Municipality of West Elgin Comprehensive Zoning By-law 2015-36 from the following:

- Section 8, Table 8-1, Item 5(a)
 - Southerly side yard width from the minimum required 2 metres for a 2 storey dwelling to the proposed 0.97 metres, recognizing the existing side wall setback of the existing dwelling.
 - Northerly side yard width from the minimum required 2 metres for a 2 storey dwelling, to the proposed 0.58 metres, recognizing the existing side wall setback of the existing dwelling.
- Section 4.29.1(b)
 - Northerly side yard encroachment from the minimum required 0.6 metre setback to the lot line, to the proposed 0.27 metres, recognizing the existing eaves of the existing dwelling.

Decision and Reasons of the Committee

The application is hereby granted to obtain relief from the following

- Section 8, Table 8-1, Item 5(a)
 - Southerly side yard width from the minimum required 2 metres for a 2 storey dwelling to the proposed 0.97 metres, recognizing the existing side wall setback of the existing dwelling.

22413 Hoskins Line, Rodney ON N0L 2C0

Phone: 519-785-0560 ▪ Web: www.westelgin.net ▪ Email: jnethercott@westelgin.net

- Northerly side yard width from the minimum required 2 metres for a 2 storey dwelling, to the proposed 0.58 metres, recognizing the existing side wall setback of the existing dwelling.
- Section 4.29.1(b)
 - Northerly side yard encroachment from the minimum required 0.6 metre setback to the lot line, to the proposed 0.27 metres, recognizing the existing eaves of the existing dwelling.

Subject to the following conditions:

1. That the proposed development is substantially in accordance with the Minor Variance D13 01-2021 drawings, as appended to Planning Report, 2017-17 and to Schedule A of this decision.

Reasons of the Decision, in accordance with Planning Report 2021-17:

- 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;
- The variance requested desirable for the appropriate and orderly development and use of the lands and buildings; and
- The variance is minor in nature.


The effect of written and oral submissions on the Decision is contained within Planning Report 2021-17 and the minutes of the Committee of Adjustment Meeting.

Dated this 13th day of May, 2021.

ELECTRONIC RECORDED VOTE	TO GRANT	TO REFUSE	Absent	Present
Chairperson & Committee Member, Duncan McPhail	<u>Yes</u>	<u> </u>	()	(✓)
Committee Member, Richard Leatham	<u>Yes</u>	<u> </u>	()	(✓)
Committee Member, Taraesa Tellier	<u>Yes</u>	<u> </u>	()	(✓)
Committee Member, Angela Cammaert	<u>Yes</u>	<u> </u>	()	(✓)
Committee Member, Bonnie Rowe	<u>Yes</u>	<u> </u>	()	(✓)

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

May 13, 2021
Date

Schedule A – D13 01-2021 Drawings

NOTES:

1. MAP IMAGE TAKEN FROM GOOGLE EARTH.
2. ALL WORK SHALL MEET THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY OF WEST ELGIN.
3. ALL MEASUREMENTS AND DIMENSIONS TO BE CHECKED AND VERIFIED PRIOR TO START OF CONSTRUCTION.
4. ALL MATERIAL AND WORKMANSHIP SHALL CONFORM WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE NATIONAL BUILDING CODE OF CANADA 2015 & OBC 2012.
5. DRAWINGS ARE IN PART DIAGRAMMATIC AND NOT INTENDED TO CONVEY THE EXACT SCOPE OF WORK OF ALL CONDITIONS, THE CONTRACTOR AND ALL SUBTRADES TO VISIT SITE AND CHECK THESES ALL CONDITIONS, MATERIALS, CLEARANCES AND DIMENSIONS.
6. The lot is 66 feet wide x 132 feet deep from records that Owners provided from house sale in 2013. Stephen Self Engineering determined the lot lines with the use of a metal detector and tape measure and found the bars to be 66 feet apart in the front. Then measured 132 to the back SW corner where there is a chain link fence post right on the SW corner of the lot. At the front there is curb on each side indicating the property lines. The outside of the 6 inch wide concrete curbs on each side that go to the back of the house and garage on both sides. these curb were measure and they are exactly 66 feet apart from outside to outside of the curbs.

ZONING:	R1	
	REQUIRED	PROVIDED
LOT SIZE:	600m ²	809.4m ²
LOT FRONTAGE (MIN.):	15.0m	20.12m
LOT DEPTH (MIN.):	30.0m	40.23m
MAIN FLOOR AREA (MIN.):	100m ²	115m ²
LOT COVERAGE (MAX.):	30%	18%
MAIN BUILDING HEIGHT (MAX):	10.5m	7.1m
SETBACKS:		
FRONT YARD (EXISTING):	7.5m	10.96m±
REAR YARD (EXISTING):	7.5m	19.91m±
SIDE YARD (SECOND STOREY):	2.0m	EX. 0.97m
SIDE YARD (GARAGE):	2.0m	EX. 0.58m

Yard Encroachment for eaves		
- to property line (min) north side yard	0.6m	ex. 0.27m
- max yard projection north side yard	0.5m	ex. 0.31m
- to property line (min) south side yard	0.6m	0.65m
- max yard projection south side yard	0.5m	0.31m



STEPHEN SELF ENGINEERING

Structural Engineers
10147 IONA ROAD
IONA STATION, ON N0L 1P0
519-317-6884

CLIENT:

STEFAN DESI

LOCATION:

166 GRAHAM ROAD
WEST LORNE, ON

DRAWN BY:

B. REMPEL

DATE:

24 APRIL 2021

SCALE:

1:250

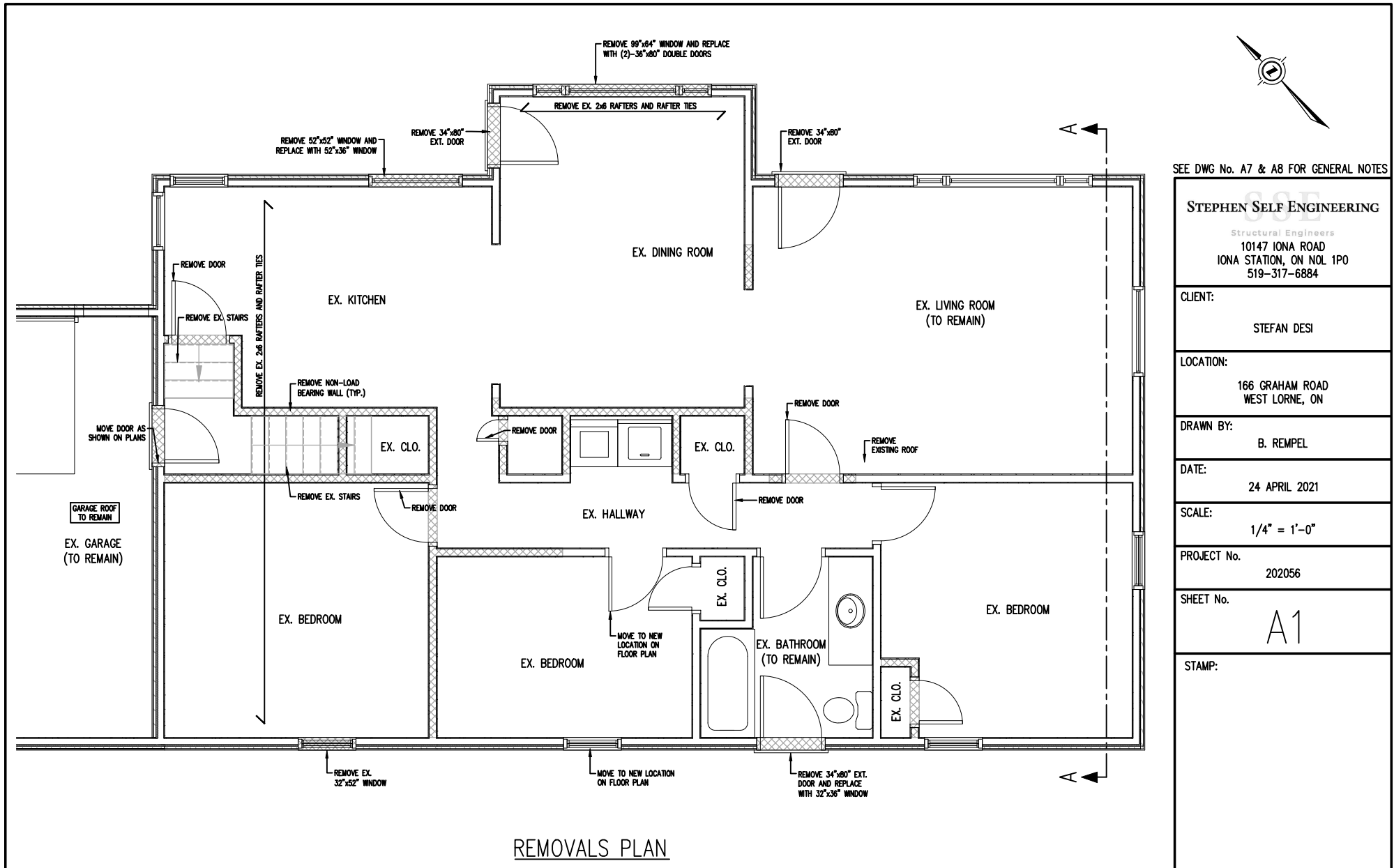
PROJECT No.

202056

SHEET No.

SITEPLAN

STAMP:





SEE DWG No. A7 & A8 FOR GENERAL NOTES

STEPHEN SELF ENGINEERING
Structural Engineers
10147 IONA ROAD
IONA STATION, ON NOL 1P0
519-317-6884

CLIENT:

STEFAN DESI

LOCATION:

166 GRAHAM ROAD
WEST LORNE, ON

DRAWN BY:

B. REMPEL

DATE:

24 APRIL 2021

SCALE:

1/4" = 1'-0"

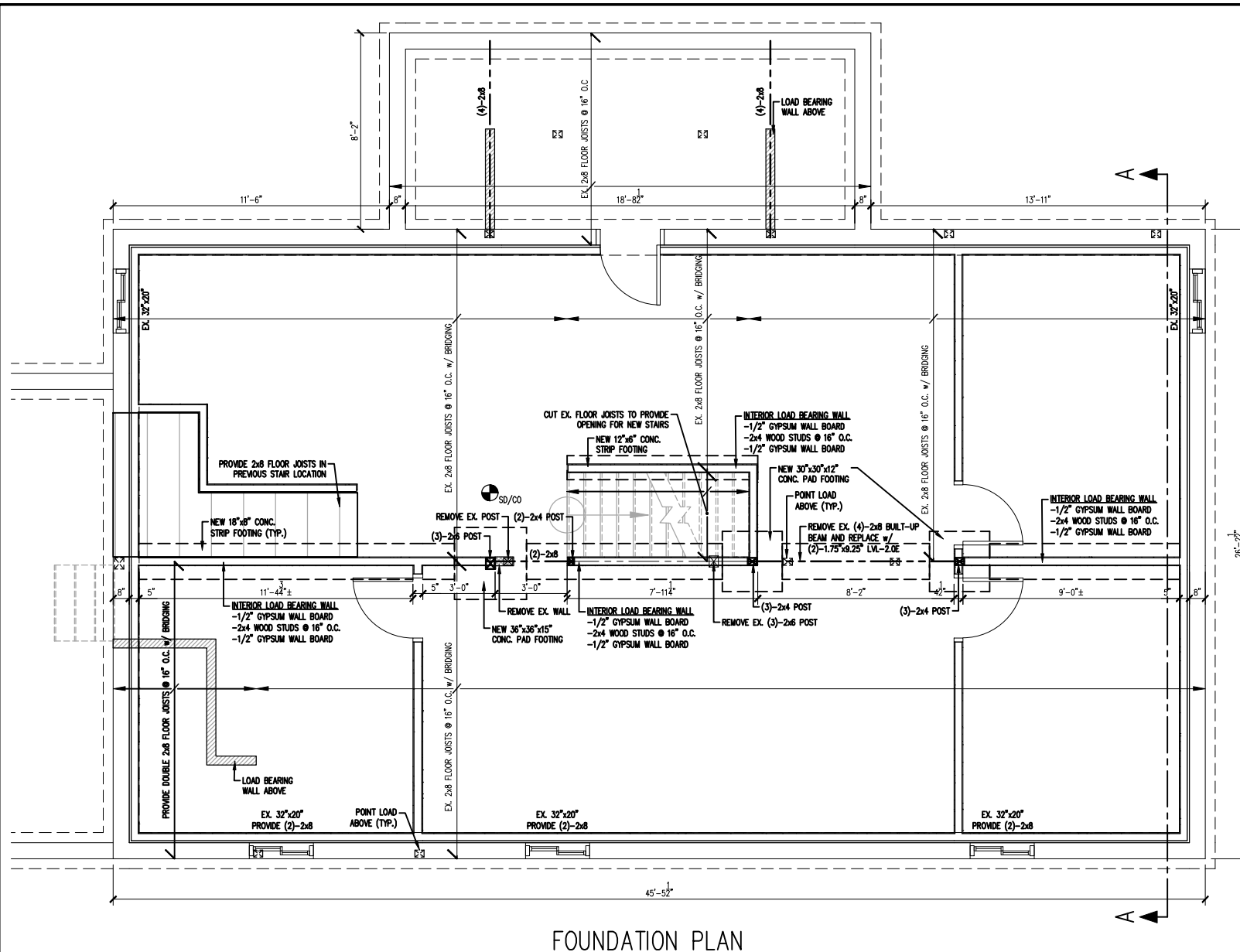
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SHEET No.

A2

STAMP:



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519-317-6884

STEFAN DESI

166 GRAHAM ROAD
WEST LORNE, ON

B. REMPEL

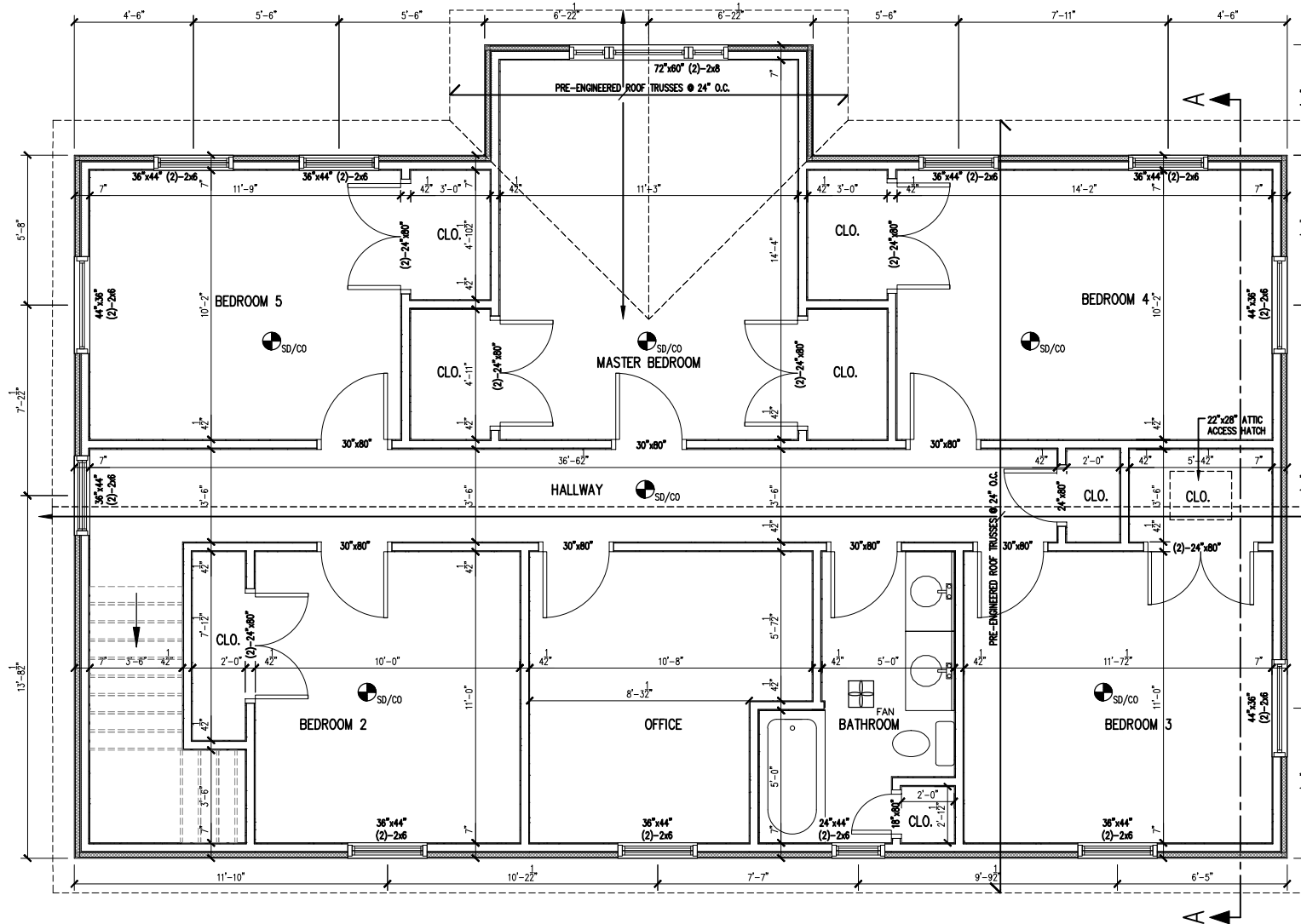
24 APRIL 2021

$$1/4'' = 1'-0''$$

202056

A3

GROUND FLOOR FRAMING PLAN



SECOND FLOOR FRAMING PLAN



SEE DWG No. A7 & A8 FOR GENERAL NOTES

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519-317-6884

CLIENT:

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LOCATION:

166 GRAHAM ROAD
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DRAWN BY:

B. REMPEL

DATE:

24 APRIL 2021

SCALE:

1/4" = 1'-0"

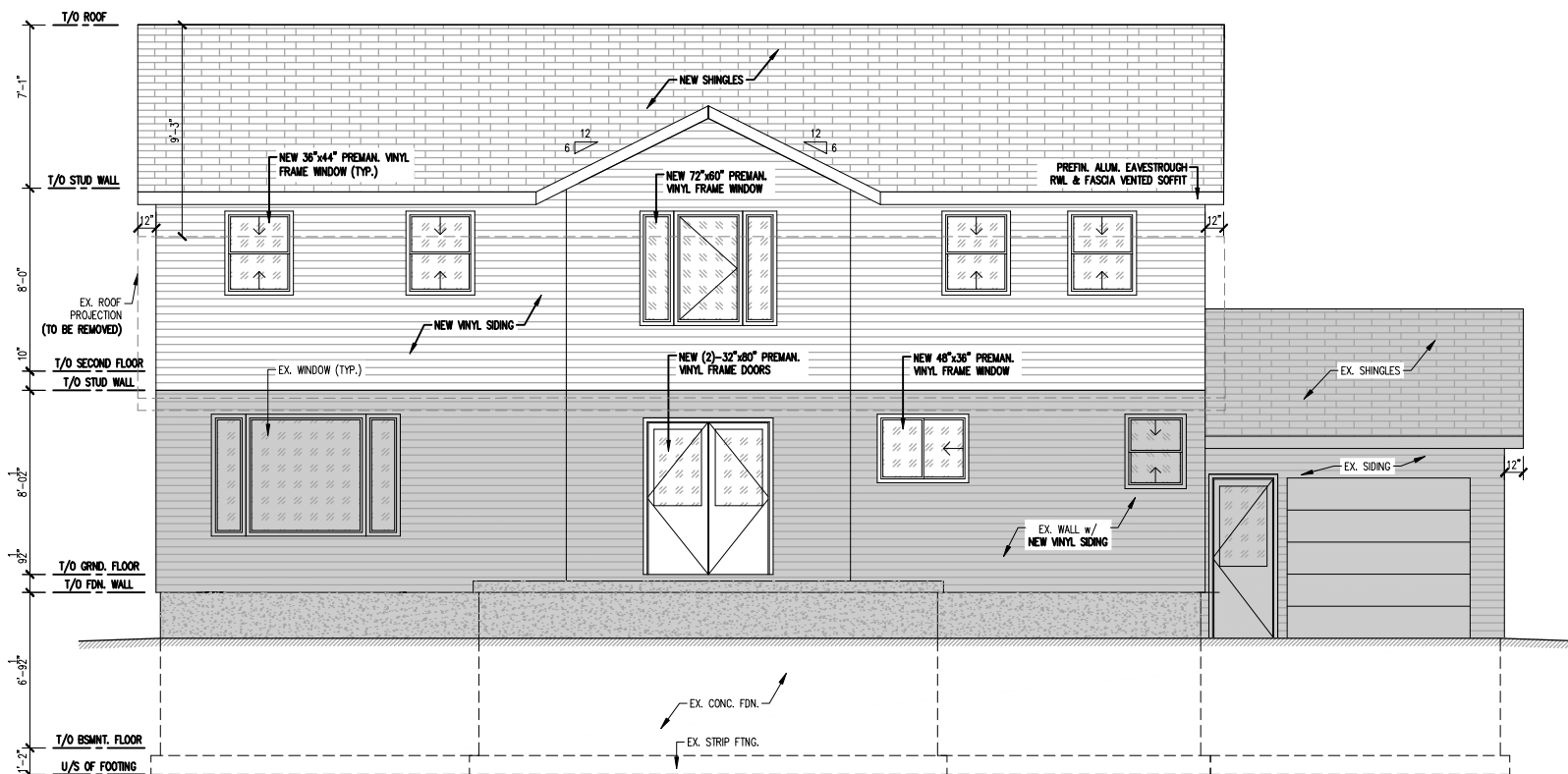
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A4

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FRONT ELEVATION

SEE DWG No. A7 & A8 FOR GENERAL NOTES

STEPHEN SELF ENGINEERING

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519-317-6884

CLIENT:

STEFAN DESI

LOCATION:

166 GRAHAM ROAD
WEST LORNE, ON

DRAWN BY:

B. REMPEL

DATE:

24 APRIL 2021

SCALE:

3/16" = 1'-0"

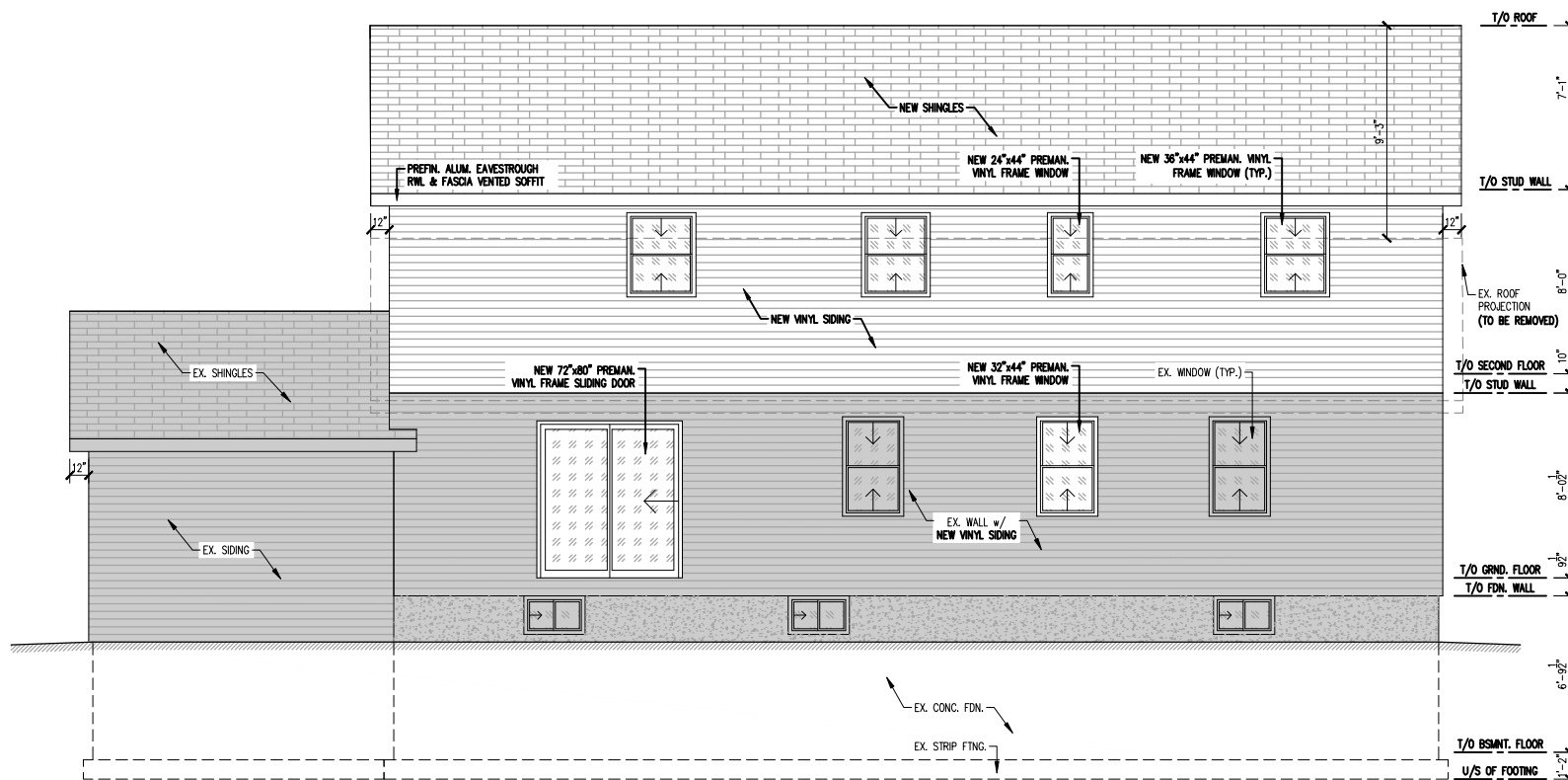
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202056

SHEET No.

A5

STAMP:



REAR ELEVATION

SEE DWG No. A7 & A8 FOR GENERAL NOTES

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CLIENT:

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LOCATION:

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WEST LORNE, ON

DRAWN BY:

B. REMPEL

DATE:

24 APRIL 2021

SCALE:

3/16" = 1'-0"

PROJECT No.

202056

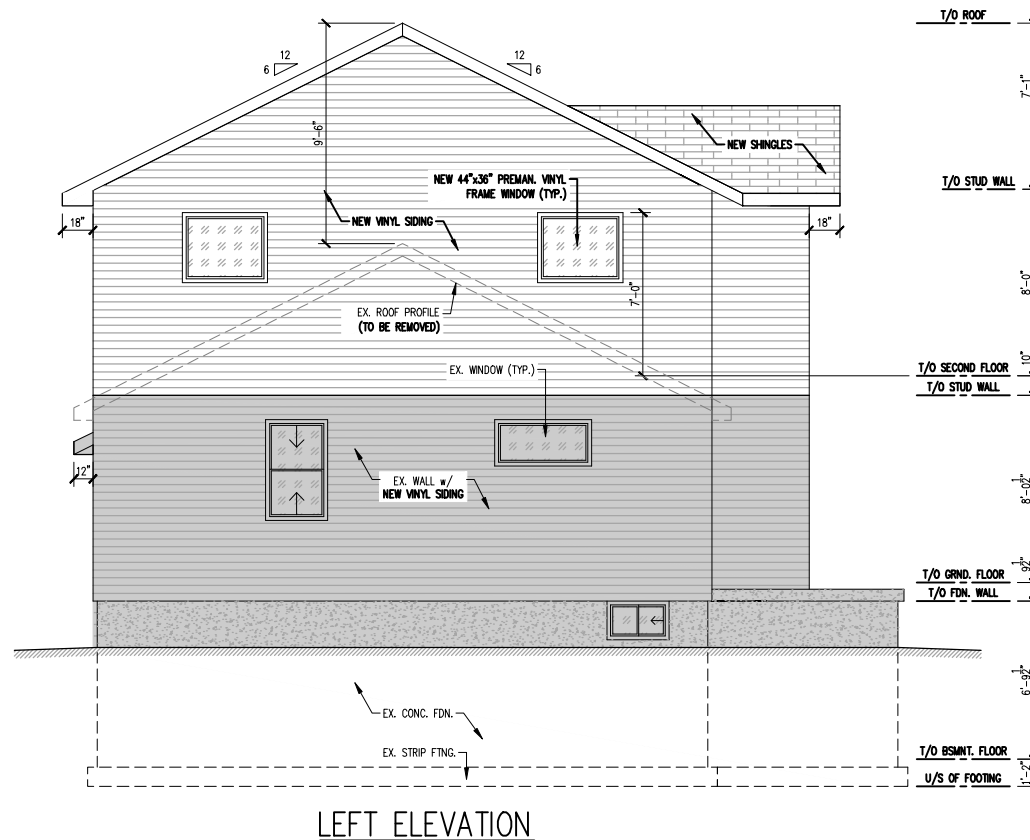
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STAMP:

GENERAL NOTES

1. ALL MEASUREMENTS AND DIMENSIONS TO BE CHECKED AND VERIFIED PRIOR TO START OF CONSTRUCTION.
2. ALL MATERIAL AND WORKMANSHIP SHALL CONFORM WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE NATIONAL BUILDING CODE OF CANADA 2010 & OBC 2012.
3. DRAWINGS ARE IN PART DIAGRAMMATIC AND NOT INTENDED TO CONVEY THE EXACT SCOPE OF WORK OF ALL CONDITIONS. THE CONTRACTOR AND ALL SUBTRADES TO VISIT SITE AND CHECK THEMSELVES ALL CONDITIONS, MATERIALS, CLEARANCES AND DIMENSIONS.



CONSTRUCTION NOTES:

- ALL FOOTINGS TO BE BEAR ON UNDISTURBED SOIL, ROCK, OR COMPACTED GRANULAR FILL.
- ALL CONCRETE SHALL CONFORM TO O.B.C. 9.3.1.
- ALL CONCRETE FOUNDATION WALLS AND FOOTINGS TO BE OF A MIN. 28 DAY STRENGTH OF 20MPa.
- PROVIDE MIN. 6MIL POLY UNDER ALL WOOD IN CONTACT WITH CONCRETE.
- ALL WOOD TO BE S-P-F GRADE No.1/No.2 UNLESS OTHERWISE NOTED.
- ALL BEAMS AND GIRDERS TO BE SUPPORTED FULL WIDTH OF FOUNDATION.
- THE CONTRACTOR SHALL INSTALL SUBDRAIN TO ENSURE SUFFICIENT DRAINAGE AROUND FOUNDATION.
- AIR BARRIER SYSTEM BETWEEN GARAGE & HOUSE AS PER O.B.C 9.25.3.
- DOOR BETWEEN GARAGE & HOUSE SHALL BE FITTED WITH SELF CLOSERS AS PER O.B.C 9.10.13.15.
- PROVIDE 2 LAYERS OF ASPHALT DAMPROOFING TO ALL BELOW GRADE FOUNDATION WALLS AS PER O.B.C 9.13.3.5.
- PROVIDE FOAM GASKET OR CAULKING UNDER ALL SILL PLATES AS PER O.B.C 9.23.7.
- FOR ALL SHOWERS PROVIDE 2"x6" HORIZONTAL FLAT GIRT IN WALL 5'-0" OFF FLOOR WHERE CERAMIC TILE OCCURS.
- FOR ALL HOUSES WITH 2"x6" EXTERIOR WALL CONSTRUCTION, EXTEND WINDOW & DOOR JAMBS TO SUIT.
- DOORS & WINDOWS TO COMPLY TO FORCED ENTRY REQUIREMENTS. (O.B.C 9.7.5.2. & 9.7.5.3.)
- PROVIDE SOLID BLOCKING ON BOTH SIDES AT THE LOCK HEIGHT BETWEEN THE JAMBS & FRAME FOR ALL EXTERIOR DOORS. (O.B.C 9.7.5.2.(9))
- FLOOR LEVELS CONTAINING BEDROOMS TO HAVE ONE OPENING WINDOW WITH AN UNOBSTRUCTED AREA OF 3.8 SQ.FT (MIN.) WITH NO DIMENSION LESS THAN 15" AND 3'-3" (MAX.) FROM FLOOR LEVEL (O.B.C 9.9.10)

SEE DWG No. A7 & A8 FOR GENERAL NOTES

STEPHEN SELF ENGINEERING

Structural Engineers
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CLIENT:

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LOCATION:

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WEST LORNE, ON

DRAWN BY:

B. REMPEL

DATE:

24 APRIL 2021

SCALE:

3/16" = 1'-0"

PROJECT No.

202056

SHEET No.

A7

STAMP:

DESIGN LOADS

IMPORTANCE CATEGORY: NORMAL
LOCATION: WEST LORNE, ONTARIO

LATERAL LOADS:

IMPORTANCE WIND (ULS): 1.0
IMPORTANCE WIND (SLS): 0.75
EXPOSURE: OPEN

INTERNAL PRESSURE CATEGORY: 1

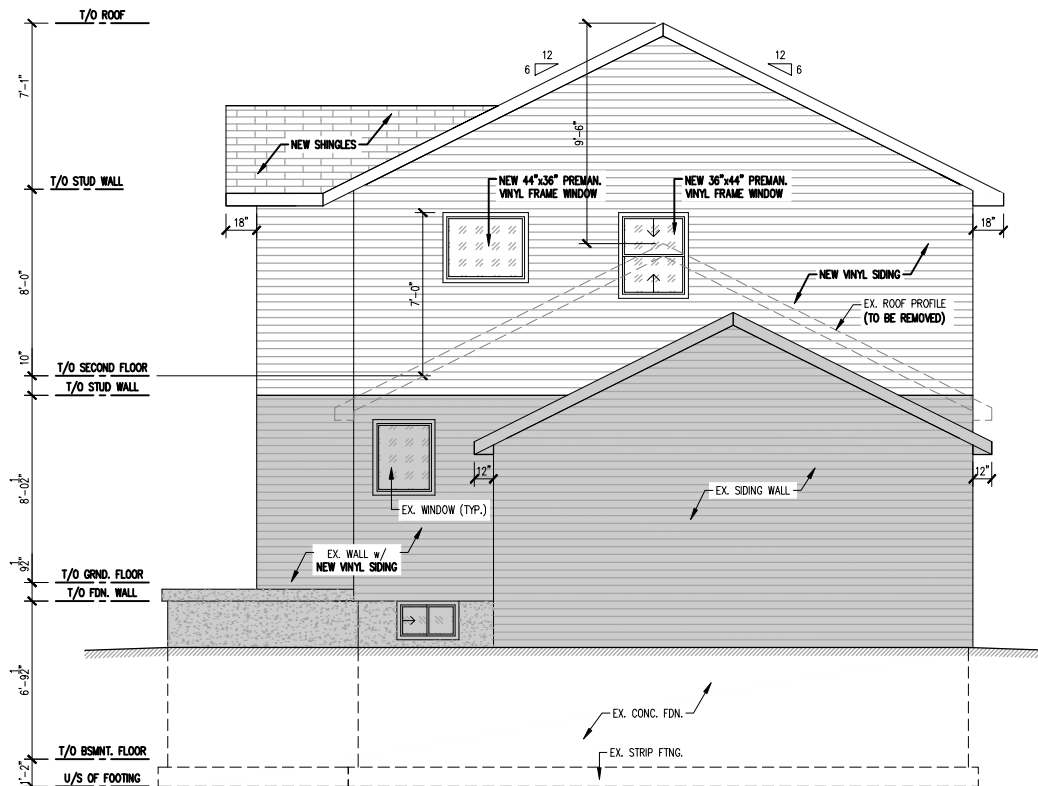
WIND LOAD (q_{50}): 0.47 kPa (9.82 psf)
WIND LOAD (q_{10}): 0.36 kPa (7.52 psf)

DEAD LOADS:

ROOF DEAD LOAD: 0.72 kPa (15 psf)
FLOOR DEAD LOAD: 0.48 kPa (10 psf)
COLLATERAL LOAD: 0.24 kPa (5 psf)
PARTITION LOAD: 0.48 kPa (10 psf)

LIVE LOADS:

FLOOR LIVE LOAD: 1.90 kPa (40 psf)
GROUND SNOW LOAD, S_g : 1.30 kPa (27.15 psf)
RAIN LOAD, S_R : 0.40 kPa (8.35 psf)
IMPORTANCE SNOW (ULS): 1.0
IMPORTANCE SNOW (SLS): 0.9
BASIC FACTOR, C_b : 0.8
EXPOSURE FACTOR, C_w : 1.0
SLOPE FACTOR, C_s : 1.0
ACCUMULATION FACTOR, C_a : 1.0
SPECIFIED SNOW LOAD (ULS), S : 1.44 kPa (30.08 psf)
SPECIFIED SNOW LOAD (SLS), S : 1.30 kPa (27.10 psf)



RIGHT ELEVATION

CONSTRUCTION NOTES CONT'D:

- STAIRS AS PER O.B.C 9.8.3:
- UNIFORM RISE/RUN (3/16"(5mm) RISE TOLERANCE & 3/16"(5mm) RUN TOLERANCE BETWEEN ADJACENT STEPS AS PER O.B.C 9.8.4.4.)
 - RISE = 7.875" MAX.
 - RUN = 8.25" MIN.
 - TREAD = 9.25" MIN.
 - NOSING = 1" MAX.
 - HEADROOM = 6'-5" MIN.
 - WIDTH = 2'-10" MIN.
 - HANDRAILS = 34" MIN. TO 38" MAX.
 - HANDRAILS = 2" MIN. TO SURFACE BEHIND
- GUARDS TO BE AS SPECIFIED IN O.B.C 9.8.8:
- INTERIOR - MIN. 36" HEIGHT - 4" MAX. OPENINGS - NON CLIMBABLE (9.8.8.6)
- EXTERIOR GUARDS TO BE 36" (MIN.) WERE THE WALKING SURFACE OF PORCHES, DECKS, LANDING & BALCONIES ARE LESS THAN 5'-11" ABOVE FINISHED GROUND LEVEL & 42" (MIN.) FOR ANYTHING EXCEEDING 5'-11" BUT LESS THAN 32'-10" ABOVE FINISHED GRADE. (O.B.C 9.8.8.3)
- HANDRAILS TO BE ATTACHED AT POINTS NOT MORE THAN 3'-11" APART, WITH THE FIRST ATTACHMENT POINT NOT MORE THAN 12" FROM THE END OF THE HANDRAIL, WITH MIN. 2 WOOD SCREWS AT EACH POINT PENETRATING MIN. 1 1/4" INTO SOLID WOOD. (O.B.C 9.8.7.7.)
- STAIRS TO FINISHED AND UNFINISHED BASEMENT TO BE ENCLOSED BY WALLS OR GUARDS. (O.B.C 9.8.8.1)
- PROVIDE 20"x28" ATTIC ACCESS IN GARAGE CEILING & UPPER FLOOR CEILING. (O.B.C 9.19.2)
- ALL CHIMNEYS & FIREPLACES TO CONFORM TO SECTIONS 9.21 & 9.22 OF O.B.C.
- SUPPORT OF NON-LOADBEARING PARTITIONS TO COMPLY WITH SUBSECTION (O.B.C 9.23.9.8)
- ALL STUD WALLS BETWEEN GARAGE & LIVING AREAS TO BE 2"x6" STUDS AT 16" O.C. C/W R-24 INSULATION & 1/2" DRYWALL. (O.B.C SB-12)
- ALL AIR BARRIERS TO BE CONTINUOUS & SEALED AS PER O.B.C 9.25.3.
- ALL ATTIC ACCESS PANELS TO BE INSULATED & WEATHERSTRIPPED. (O.B.C SB-12)
- ALL VAPOUR BARRIERS TO BE 6-MIL POLYETHYLENE (CGSB 51.34-M) AND BE INSTALLED AS PER O.B.C 9.25.4.
- PROVIDE ELECTRICAL & LIGHTING FACILITIES AS PER O.B.C 9.34.

SEE DWG No. A7 & A8 FOR GENERAL NOTES

STEPHEN SELF ENGINEERING

Structural Engineers

10147 IONA ROAD
IONA STATION, ON NOL 1P0
519-317-6884

CLIENT:

STEFAN DESI

LOCATION:

166 GRAHAM ROAD
WEST LORNE, ON

DRAWN BY:

B. REMPEL

DATE:

24 APRIL 2021

SCALE:

3/16" = 1'-0"

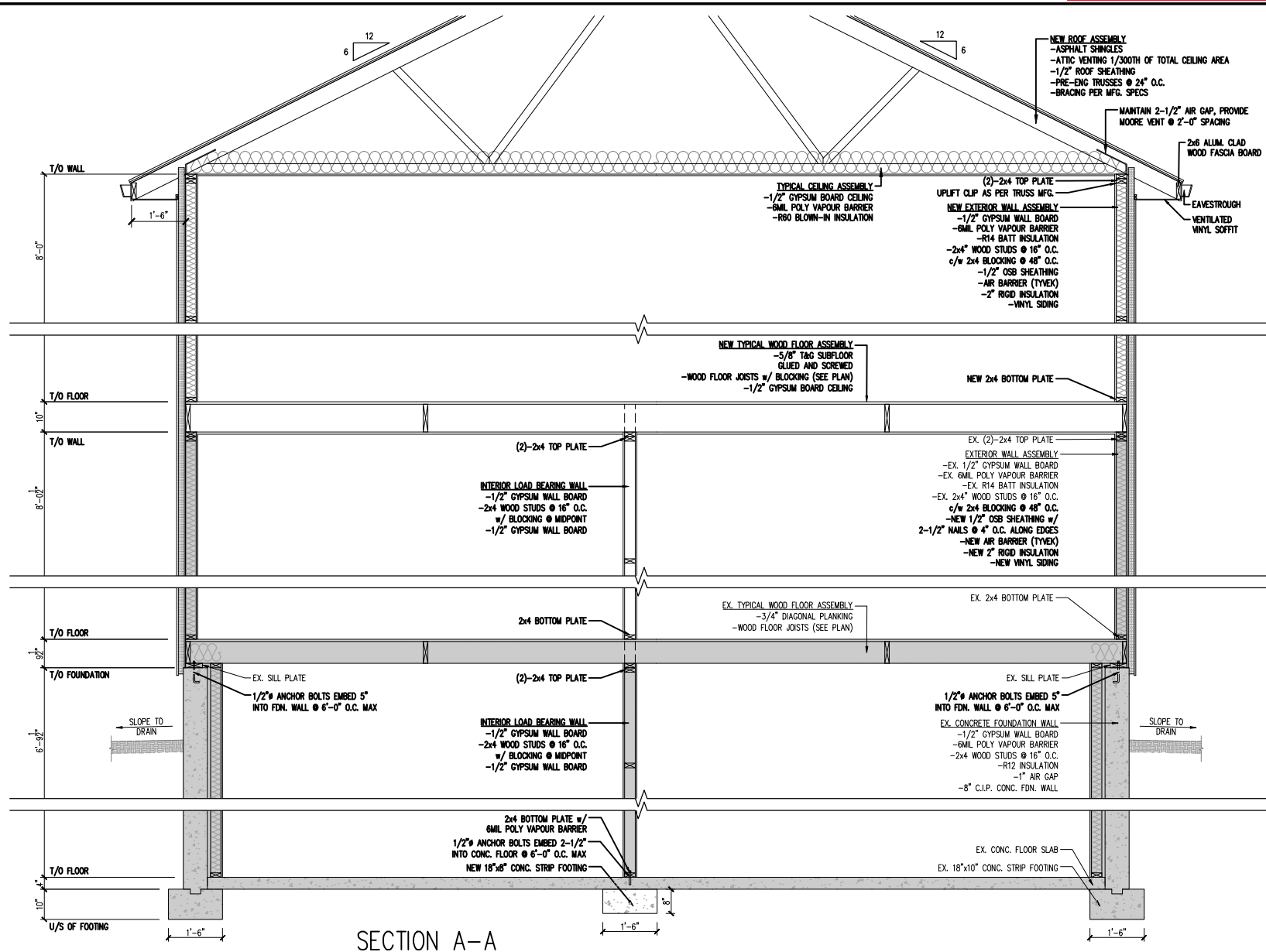
PROJECT No.

202056

SHEET No.

A8

STAMP:



SEE DWG No. A7 & A8 FOR GENERAL NOTES

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CLIENT:

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LOCATION:

166 GRAHAM ROAD
WEST LORNE, ON

DRAWN BY:

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DATE:

24 APRIL 2021

SCALE:

3/8" = 1'-0"

PROJECT No.

202056

SHEET No.

A9

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SEE DWG No. A7 & A8 FOR GENERAL NOTES

STEPHEN SELF ENGINEERING
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519-317-6884

CLIENT:

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LOCATION:

166 GRAHAM ROAD
WEST LORNE, ON

DRAWN BY:

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DATE:

24 APRIL 2021

SCALE:

1/4" = 1'-0"

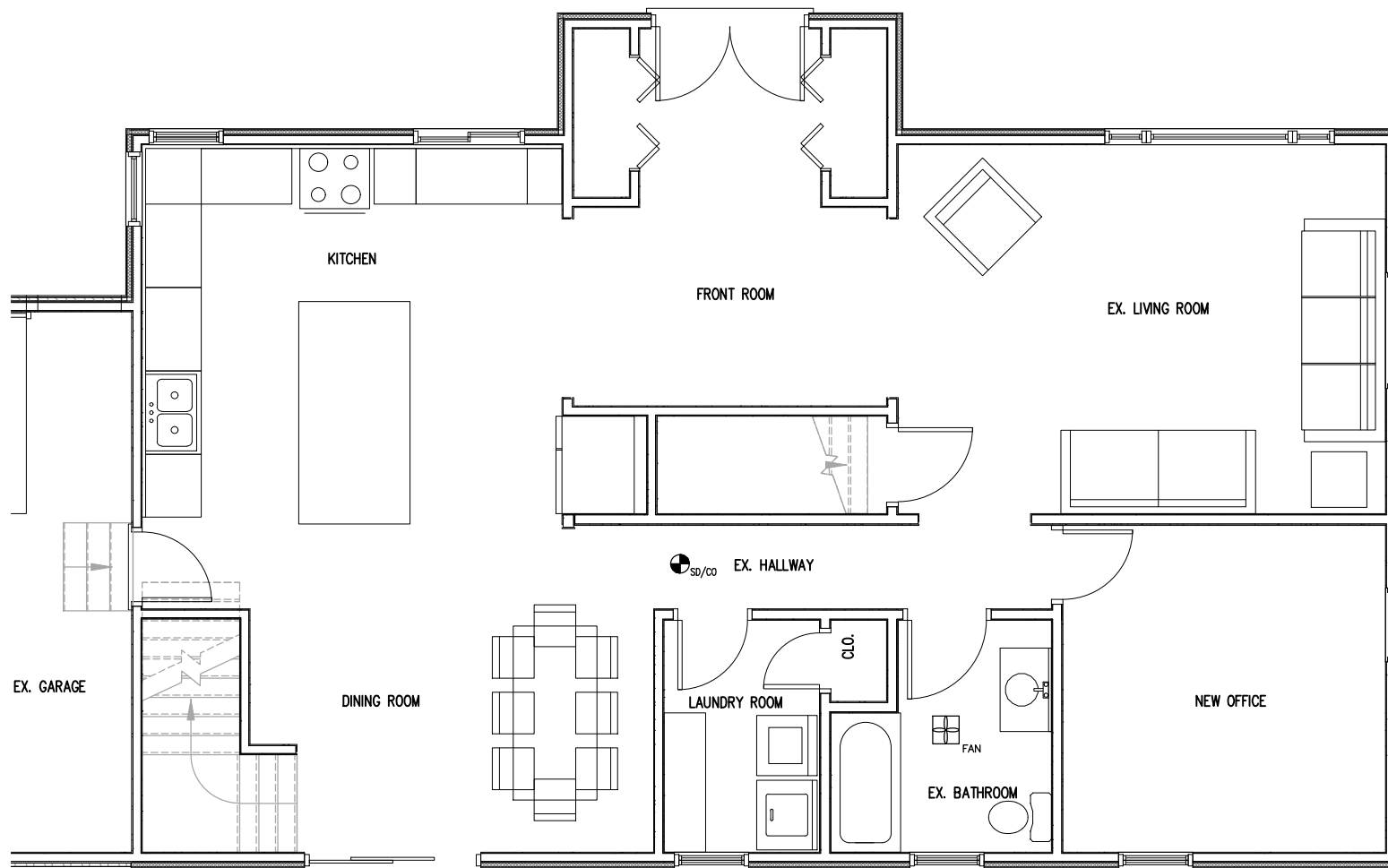
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202056

SHEET No.

F1

STAMP:



GROUND FLOOR FURNITURE PLAN



SEE DWG No. A7 & A8 FOR GENERAL NOTES

STEPHEN SELF ENGINEERING
Structural Engineers
10147 IONA ROAD
IONA STATION, ON NOL 1P0
519-317-6884

CLIENT:

STEFAN DESI

LOCATION:

166 GRAHAM ROAD
WEST LORNE, ON

DRAWN BY:

B. REMPEL

DATE:

24 APRIL 2021

SCALE:

1/4" = 1'-0"

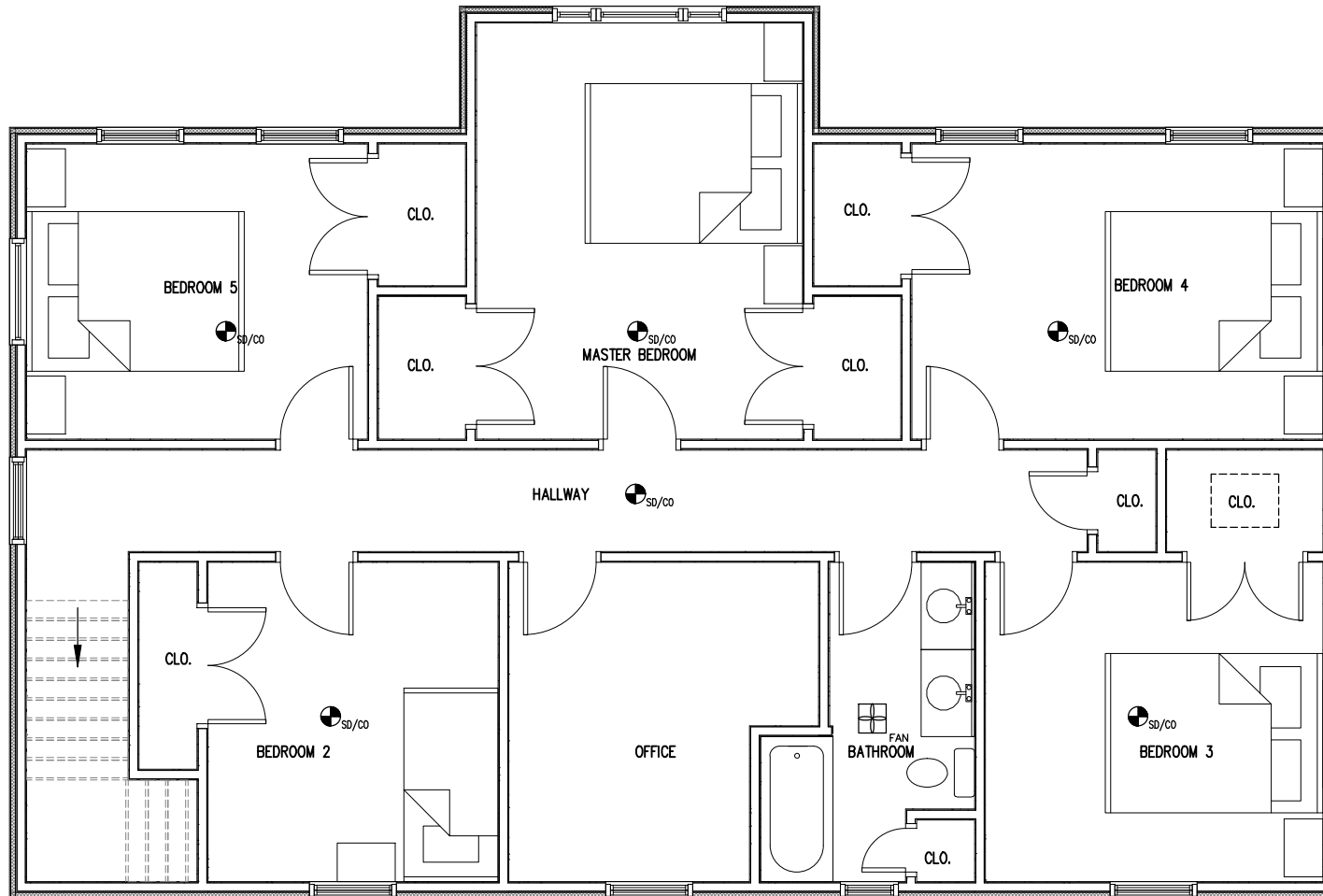
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202056

SHEET No.

F2

STAMP:



SECOND FLOOR FURNITURE PLAN



Staff Report

Report To: Committee of Adjustment

From: Bryan Pearce, Planner

Date: 2021-06-10

Subject: Minor Variance Application D13 02-2021 – Recommendation Report
(Planning Report 2021-21)

Recommendation:

That West Elgin Committee of Adjustment hereby receives the report from Bryan Pearce, Planner, regarding the Minor Variance Application D13 02-2021 – Recommendation Report (Planning Report 2021-21);

And that West Elgin Committee of Adjustment grant Minor Variance D13 02-2021, by obtaining relief from Section 4.1(f) of the Municipality of West Elgin Zoning By-law 2015-36 that requires accessory buildings or structures not to exceed ten (10) percent lot coverage of the total lot area, proposing an increase in maximum accessory use lot coverage to 13.14%, to permit the construction of a 119 square metre (1280 square foot) accessory use detached garage, subject to the following conditions:

1. That the proposed development is substantially in accordance with the Minor Variance D13 02-2021 drawings, as appended to Planning Report 2021-21.

Purpose:

The purpose of this application is to permit the construction of an accessory use detached garage on the subject property.

The effect of the variance is to seek relief to the Municipality of West Elgin Comprehensive Zoning By-law 2015-36 from Section 4.1(f) that requires accessory buildings or structures not to exceed ten (10) percent lot coverage of the total lot area, proposing an increase in maximum accessory use lot coverage of 13.14%, to permit the construction of a 119 square metre (1280 square foot) accessory use detached garage, being 12.1 metres (40 feet) by 9.8 metres (32 feet).

The Owner of the subject lands is Dawn Geddes and Keith Montgomery on the minor variance application.

The subject lands are situated on the north side of Moriah Street and east of Stinson Street, within the community of Rodney being Bock A, Lots 3 and 4, Plan 105; and known municipally as 151 Moriah Street, as shown in Figure One below:



Figure One

Background:

The subject lands have an area of 1226.21 square metres (13,200 square feet) in area, with 30.48 metres (100 feet) of frontage along Stinson Street and a depth of 40.23 metres (132 feet) along Moriah Street, with an existing single unit dwelling and accessory use detached garage with municipal water and municipal sewer services. The subject lands meet all other provisions of the Zoning By-law.

Financial Implications:

The proponent has submitted the minor variance application fee in accordance with the Municipality's Fees and Charges By-law, pursuant to Section 69 of the *Planning Act*. Therefore, there is no financial implications with this application, as the fee is to take in account staff's time, based on the Fees set by West Elgin Council.

Policies/Legislation:

Planning Policy Review:

Provincial Policy Statement

Under Section 3(5) of the *Planning Act*, the Township "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS).

Section 1.1.3 of the PPS states that settlement areas shall be the focus of growth and development.

This proposed Minor Variance is consistent with the PPS.

County of Elgin Official Plan

The subject lands are designated Tier 1 Settlement Area as shown on Schedule 'A' Land Use in the County of Elgin Official Plan (CEOP). In the Tier 1 Settlement Area designation, residential use such as a detached garage accessory to the single detached dwelling use is permitted.

Therefore, this proposed Minor Variance conforms to the CEOP.

Four Tests of the Minor Variance:

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.

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

Yes. The subject lands are designated Residential on Schedule 'C' of the Municipality of West Elgin Official Plan. A detached garage accessory to the single detached dwelling is permitted in the 'Residential' designation. The proposed increase maximum accessory use lot coverage does not contravene the Official Plan policies.

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

Yes. The subject lands are zoned Residential First Density (R1) Zone in the Municipality of West Elgin Zoning By-law 2015-36, Schedule B, Map 4. A single unit dwelling is a permitted use in the First Density (R1) Zone, as well as accessory uses thereto, such as the proposed detached garage. With the exception of the proposed increased maximum accessory use lot coverage, the application complies with all remaining zoning provisions. The proposed accessory use detached garage would be within the rear yard of the subject lands and accessed with the driveway through the Municipal Alley and Moriah Street, as shown on the drawings appended to this report. With the existing detached garage to remain on the subject lands, this puts the proposal over the maximum lot coverage requirements for accessory uses, causing the proposal to be non-compliant with the Zoning By-law.

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 construct a detached garage accessory to the existing single unit dwelling. Due to the proposed size of the detached garage and retaining the existing detached garage, the proposed detached garage is unable to meet the maximum accessory use lot coverage requirements for the subject lands. The variance will not impede the function of the

lot and still provides for side and rear yard access being that the subject lands abut 3 municipally-owned streets and is fully contained within 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 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 the municipal, County, or provincial functions.

The impact from the proposed variance is negligible with respect to the environment, Township functions and surrounding property owners.

Circulation of the Application:

The application was circulated to the applicable Municipal Departments, Commenting Agencies and neighboring property owners within 60 metres of the subject lands on May 28, 2021, 13 days prior to the public hearing (minimum 10 days required).

Municipal Department Comments

No comments received from Municipal Department's on the application.

Agency Comments

Enbridge, in their May 31, 2021 email, noted the following:

- Thank you for your correspondence with regard to the proposed Site Plan Application. Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed Site Plan.
- Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.
- If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.
- Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.

No further comments were received from applicable commenting agencies at time of writing of this report.

Public Comments

At the time of submission of this report, no comments from the public have been received related to the Minor Variance.

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, desirable for the appropriate and orderly development and use of the lands and buildings and is minor in nature; and therefore the minor variance application satisfies the four tests pursuant to Section 45(1) of the *Planning Act*, and constitutes good land use planning.

Planning Staff recommends that the request for Minor Variance be conditionally approved, subject to no concerns being raised through any oral and written submissions being received since the writing of this report and at the public hearing.

Once a Committee of Adjustment decision is made, Notice will be sent to those who have requested a copy and/or attended the public hearing.

There will be a 20 day appeal period from the Decision in which the Notice will be sent out within 10 days of the Decision. Any appeals received by the Municipality of West Elgin will be forwarded to the Local Planning Appeal Tribunal for a hearing, in accordance with the *Planning Act*.

Respectfully Submitted,

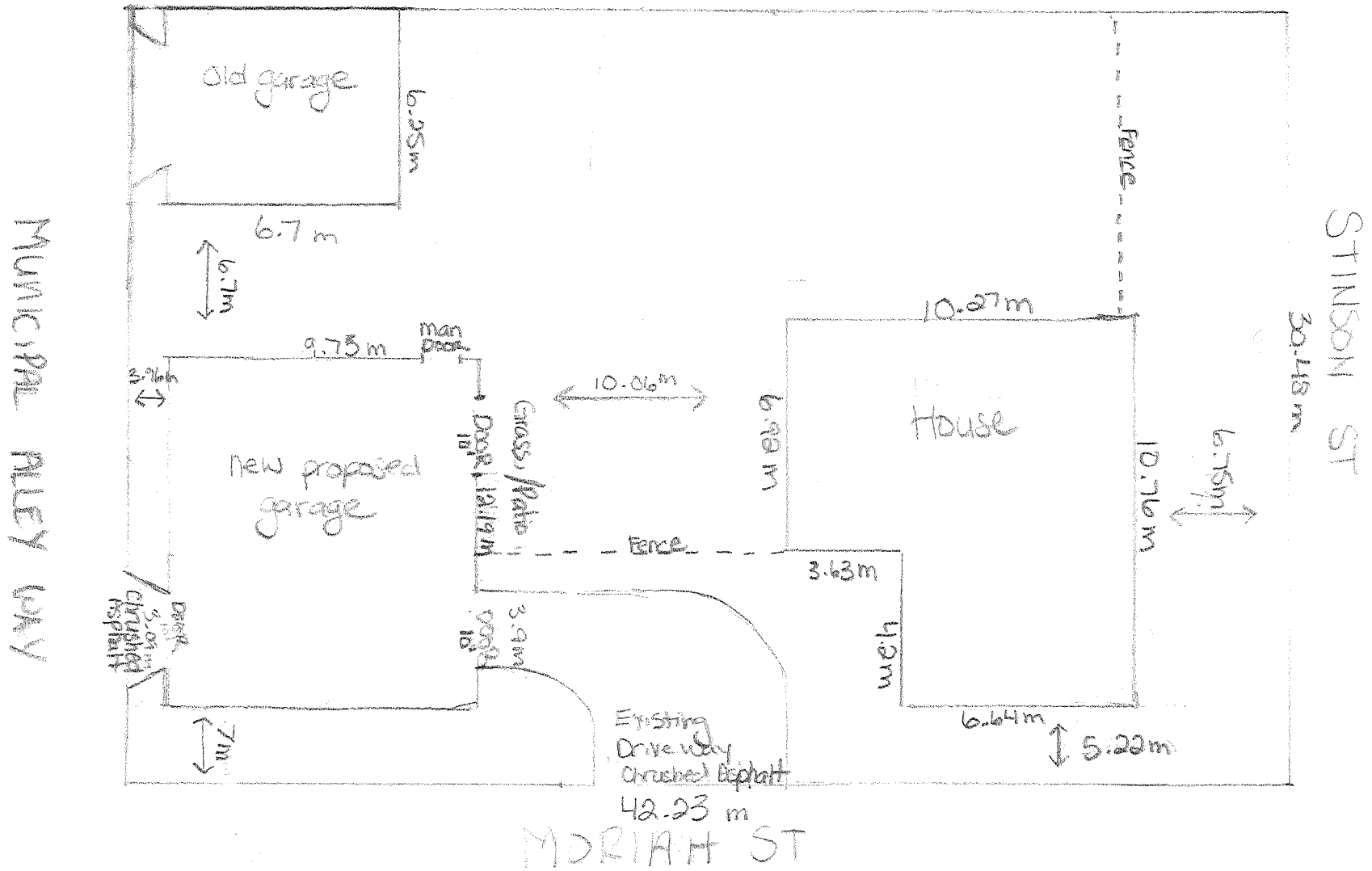
Bryan Pearce, HBA, CPT, MCIP, RPP
Planner
Municipality of West Elgin

Report Approval Details

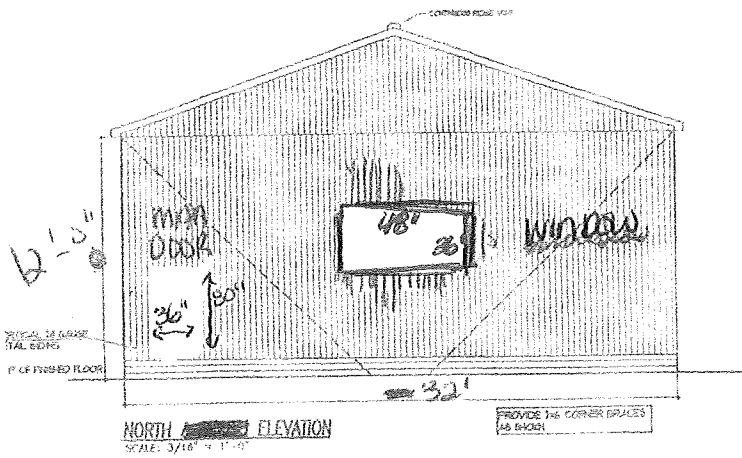
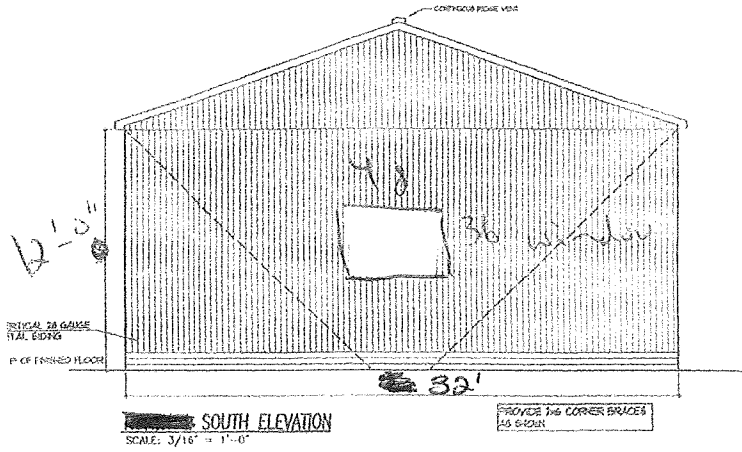
Document Title:	Minor Variance Application D13 02-2021 - Recommendation Report - 2021-21-Planning.docx
Attachments:	- Appendix One - Planning Report 2021-21 - Minor Variance Drawings D13 02-2021.pdf
Final Approval Date:	Jun 7, 2021

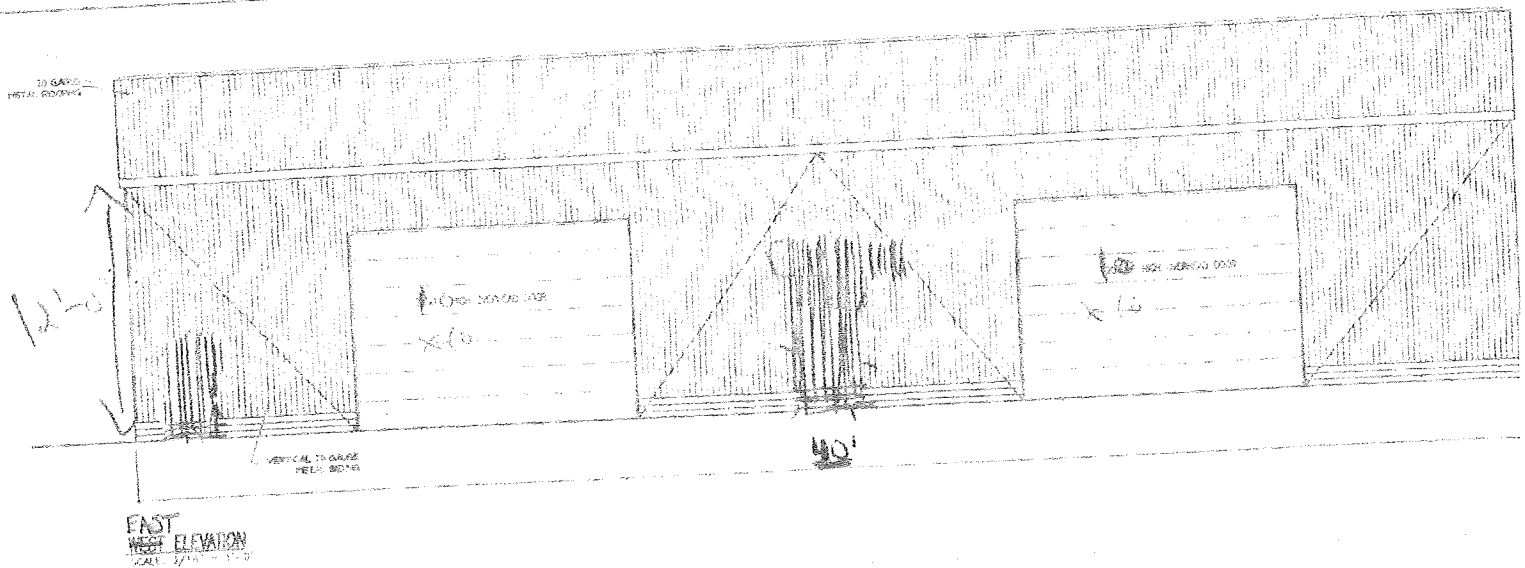
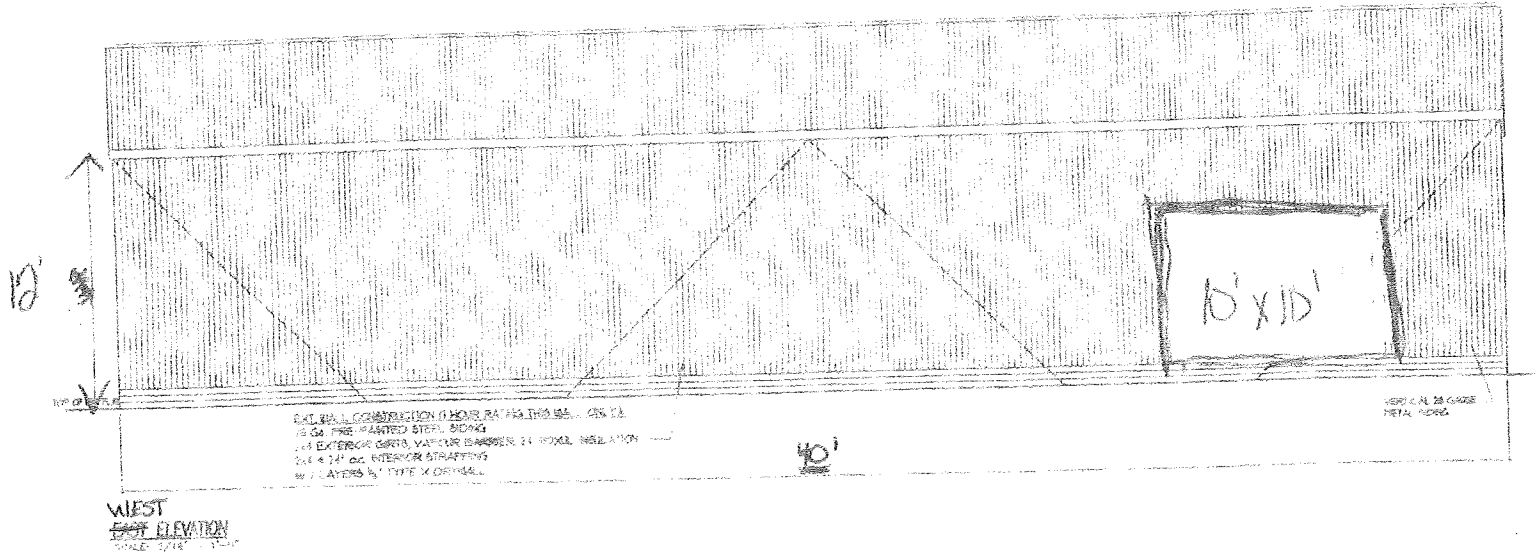
This report and all of its attachments were approved and signed as outlined below:

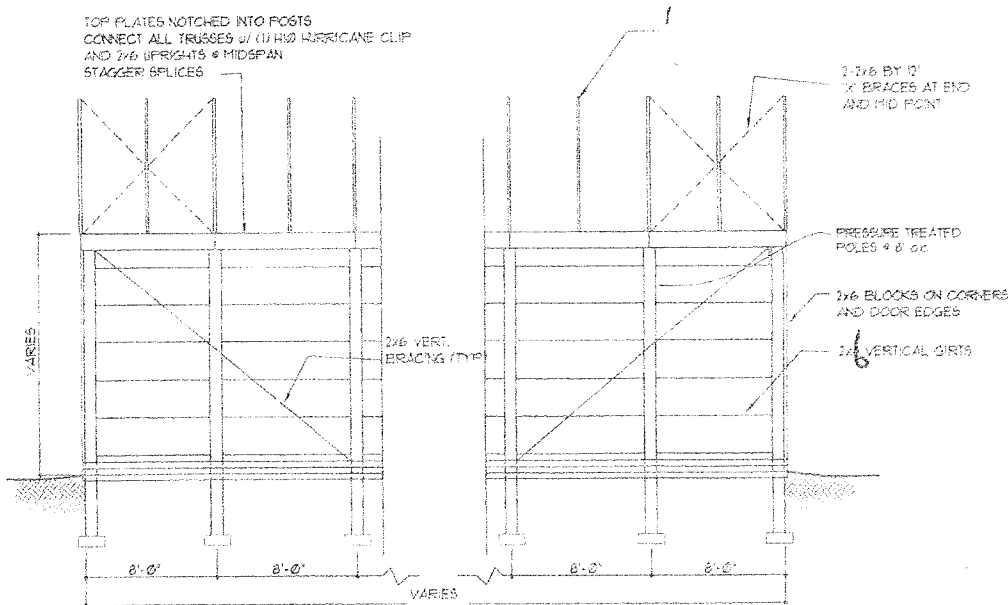
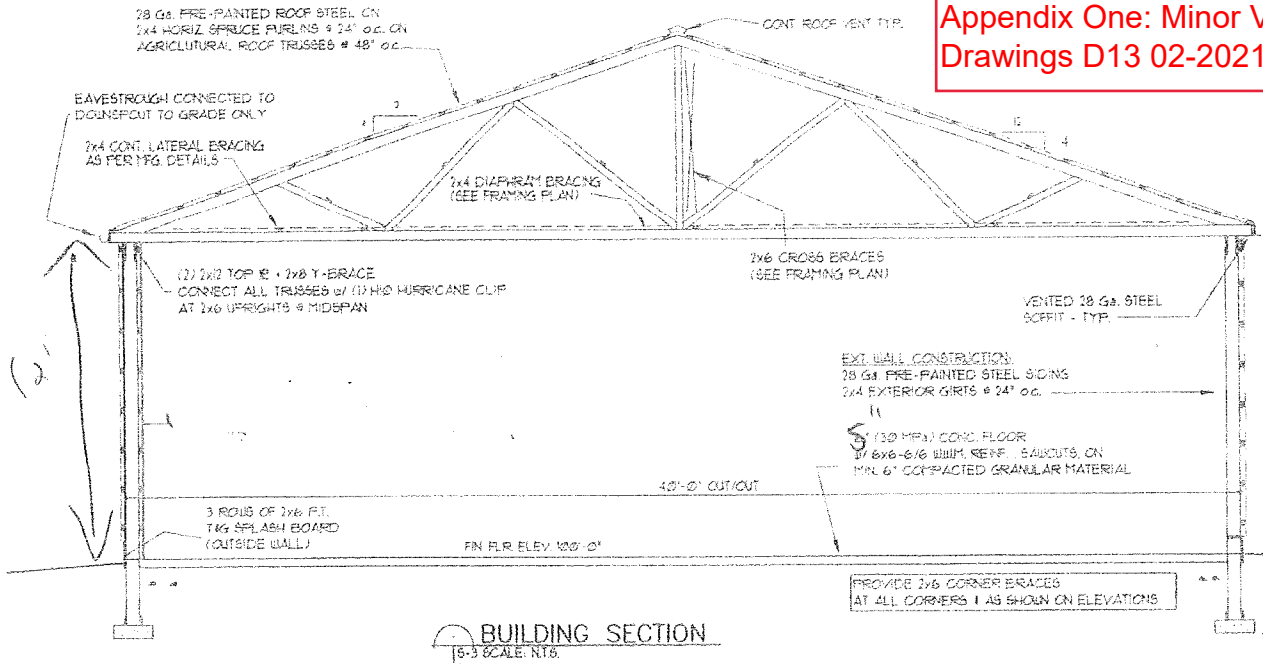
Jana Nethercott



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Appendix One: Minor Variance
Drawings D13 02-2021







GENERAL NOTES

1.0 GENERAL

- 1.1 PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OR FABRICATION, THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND FIELD CONDITIONS. SHOULD FIELD CONDITIONS OR DIMENSIONS VARY FROM DESIGN DRAWINGS, THE CONSULTANT SHALL BE NOTIFIED.
- 1.2 THE LOCATION OF UTILITIES IS NOT SHOWN ON THESE DRAWINGS. THE ONUS LIES UPON THE CONTRACTOR TO ASCERTAIN, AT HIS OWN EXPENSE, THE EXACT LOCATION OF EACH UTILITY.
- 1.3 CODES
- 1.4 THE NATIONAL BUILDING CODE OF CANADA, 1985 EDITION, LATEST REVISIONS, AND THE BUILDING CODE OF ONTARIO 1997, ONT. REG. 403/97, LATEST REVISIONS, SHALL BE THE BASIS FOR DESIGN AND CONSTRUCTION OF ALL WORK.
- 1.5 HEALTH AND SAFETY ACT, ONT. REG. 213/91, LATEST REVISIONS.

5.0 CARPENTRY WORK

- 5.1 CARPENTRY WORK SHALL INCLUDE ALL LABO BLOCKING, INSTALLATION OF DOORS, FRAMES, ALL NAILERS, FASTENERS, BOLTS, WASHERS, NL
- 5.2 ALL FRAMING LUMBER TO BE S-P-F No. 2 OR 1 PRESSURE TREATED LUMBER TO BE IN ACCOR Q15, GRADE B FIR PLYWOOD IN ACCORANCE
- 5.3 SUPPLY ALL ROUGH HARDWARE WHERE REQ'D EXPANSION BOLTS, ETC., TO BE OF SUFFICIENT
- 5.4 INSTALL HOLLOW METAL DOOR FRAMES PLUMB ON DRAWINGS COMPLETE WITH HARDWARE.

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Appendix One: Minor Variance

Drawings D13 02-2021

