



Municipality of West Elgin

Agenda

Committee of Adjustment

June 9, 2022, 9:00 a.m.

West Elgin Community Complex - Hybrid Meeting

160 Main Street

West Lorne

Electronic Hybrid Meeting

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 Nadine and Shaun Vickers of 177 Maple Street, West Lorne.

2. Adoption of Agenda

Recommendation:

That the Committee of Adjustment for the Municipality of West Elgin hereby adopt the Agenda for June 9, 2022 as presented.

3. 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 this application. The application is to permit the construction of a new detached garage and to seek relief to the Municipality's Comprehensive Zoning By-law 2015-36 from Section 4.1 f) Accessory Uses, Buildings and Structures to permit an increase in the accessory building lot coverage from 10% to 12.5% coverage of the total lot area to permit the construction of a new detached garage and recognize the existing decks accessory to the single detached dwelling.

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

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 to the Secretary-Treasurer by email at clerk@westelgin.net, no later than 4 pm on the day of the hearing. 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 26, 2022 to property owners within 60 m (200 ft) of the subject properties and to agencies requiring notice.

4. Adoption of the Minutes

Recommendation:

That the minutes of the Committee of Adjustment held on November 4, 2021 be adopted as circulated and printed.

5. Disclosure of Pecuniary Interest

6. Minor Variance

6.1. Minor Variance Application D13 01-2022 – Recommendation Report

5

Recommendation:

That West Elgin Committee of Adjustment hereby receives the report from Heather James, Planner, regarding the Minor Variance Application D13 01-2022 – Recommendation Report (Planning Report 2022-20);

And that West Elgin Committee of Adjustment grant Minor Variance Application D13 01-2022, 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 exceed ten (10) percent lot coverage of the total lot area, proposing an increase in maximum accessory use lot coverage to 10.33 percent, to permit the construction of a 83.61 square metres (900 square feet) accessory use detached garage, subject to the following conditions:

1. That the proposed development is substantially in accordance with Minor Variance Application D13 01-2022 drawings, as appended to Planning Report 2022-20.

6.2. Written Comments Received

6.2.1. Staff

6.2.2. Public Agencies

6.3. Comments from Applicant/Agent

6.4. Comments from Public

6.5. Committee Comments

7. Decision

8. Adjournment

Recommendation:

That West Elgin Committee of Adjustment hereby closes this Public Meeting held pursuant to section 45 of the *Planning Act* at ____



Municipality of West Elgin

Minutes

Committee of Adjustment

**November 4, 2021, 1:00 p.m.
West Elgin Community Complex - Hybrid Meeting
160 Main Street
West Lorne
Electronic Hybrid Meeting**

Present: Bonnie Rowe
Taraesa Tellier
Richard Leatham, Vice Chair
Angela Cammaert

Absent: Duncan McPhail

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

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

1. Call to Order

**Moved: Angela Cammaert
Seconded: Taraesa Tellier**

That West Elgin Committee of Adjustment convenes at 1:00 pm. to consider application for a minor variance for lands owned by David St Clair, municipally known as 266 Ridout Street, Rodney ON.

Carried

2. Purpose of Meeting

The purpose of the meeting was read aloud by the Clerk.

3. Adoption of the Agenda

Moved: Angela Cammaert

Seconded: Taraesa Tellier

That the West Elgin Committee of Adjustment adopt the Agenda of November 4, 2021 Committee of Adjustment as presented.

Carried

4. Adoption of Minutes

Moved: Bonnie Rowe

Seconded: Angela Cammaert

The West Elgin Committee of Adjustment hereby approves the minutes of the June 10, 2021 Committee of Adjustment Meeting, as circulated and printed.

Carried

5. Disclosure of Pecuniary Interest

None.

6. Minor Variance

6.1 Report

6.1.1 Minor Variance Application D13 03-2021 – Recommendation Report (Planning Report 2021-32)

Planner Bryan Pearce presented the report.

6.2 Written Comments Received

6.2.1 Staff

received as per Staff Report.

6.2.2 Public Agencies

Lower Thames Valley Conservation Authority commented that this is not a regulated area and not subject to flooding.

6.3 Comments from Applicant/Agent

David St Clair stated that he has requested this minor variance as additional bedrooms are required on his property.

6.4 Public Comments

Ian Scott, neighbour to the South - Mr. Scott stated that he spoke to the CBO who advised him that the addition would not have windows as he was concerned with people looking into his yard, however the drawings show windows.

Mr. St Clair stated that yes to be a bedroom there would be windows and that this addition will be 1.09 m off the property line with the newly completed survey. Mr. St Clair stated that he is not opposed to adding lattice across the top of the fence line to ensure privacy for Mr. Scott.

6.5 Committee Comments

None.

7. Decision

Moved: Taraesa Tellier

Seconded: Angela Cammaert

That West Elgin Committee of Adjustment grant Minor Variance D13 03-2021, by obtaining relief from the following:

1. Section 8.1.1, Table 8-1, Item 5(b) that requires the one-storey single unit dwelling without attached garage or carport to be a minimum of 1.5 metres from the lot line, proposing a reduced setback of 0.65 metres to the main wall (0.76 metres to the foundation); and
2. Section 4.29.1(b) that requires eaves of any building located within a residential zone shall be located no closer than 0.6 metres to any lot line, proposing a reduced setback of 0.31 metres with 0.33 metre projecting roofline and eavestrough;

Subject to the following conditions:

1. That the proposed development is substantially in accordance with the Minor Variance D13 03-2021 drawings, as appended to Planning Report 2021-32.

Carried

8. 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 1:42 p.m.

Carried

Richard Leatham, Vice Chair

Jana Nethercott, Secretary/Treasurer



Staff Report

Report To: Committee of Adjustment

From: Heather James, Planner

Date: 2022-06-09

Subject: Minor Variance Application D13 01-2022 – Recommendation Report

Recommendation:

That West Elgin Committee of Adjustment hereby receives the report from Heather James, Planner, regarding the Minor Variance Application D13 01-2022 – Recommendation Report (Planning Report 2022-20);

And that West Elgin Committee of Adjustment grant Minor Variance Application D13 01-2022, 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 exceed ten (10) percent lot coverage of the total lot area, proposing an increase in maximum accessory use lot coverage to 10.33 percent, to permit the construction of a 83.61 square metres (900 square feet) accessory use detached garage, subject to the following conditions:

1. That the proposed development is substantially in accordance with Minor Variance Application D13 01-2022 drawings, as appended to Planning Report 2022-20.

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 10.33 %, to permit the construction of an 83.61 square metre (900 square foot) accessory use detached garage, being 9.14 metres (30 feet) by 9.14 metres (30 feet).

Please note, in the Notice of Public Hearing that was circulated, it stated that the property owners were requesting an increase in maximum accessory lot coverage of 12.5%. This error was made due to the inclusion of two decks which are attached to the dwelling and not included in the accessory lot coverage calculation. This error does not impact the proposed application as the actual request in maximum accessory lot coverage is less than what was circulated.

The Owner of the subject lands is Nadine and Shaun Vickers on the minor variance application.

The subject lands are situated on the north side of Maple Street and east of Ridge Street, within the community of West Lorne being Lot 35, Plan 72; and known municipally as 177 Maple Street, as shown in Figure One below:

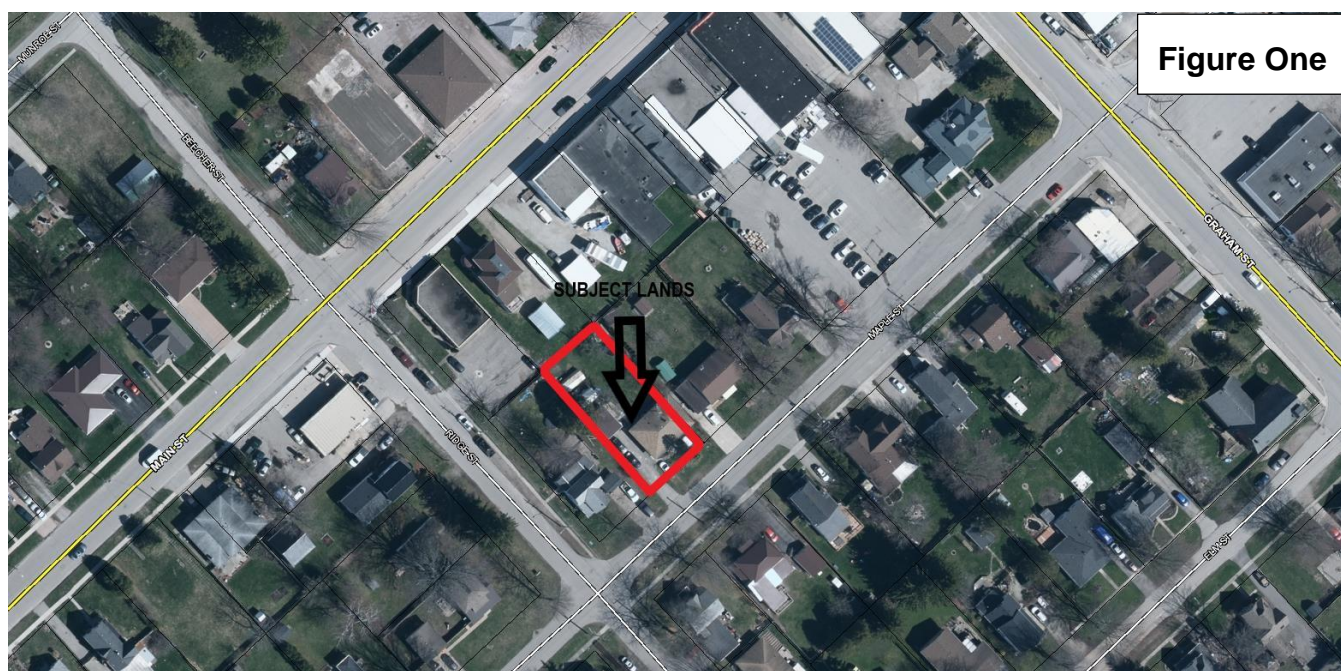


Figure One

Background:

The subject lands have an area of 809.37 square metres (8712 square feet) in area, with 20.1 metres (66 feet) of frontage along Maple Street and a depth of 40.23 metres (132 feet), with an existing single unit dwelling, accessory use detached garage and shed (both to be removed) 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:

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 C, Map 6. A single unit dwelling is a permitted use in the Residential 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 Maple Street, as shown on the drawings appended to this report. The proposed increase in maximum accessory use lot coverage meets the intent and purpose of 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, 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 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, municipal 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 26, 2022, 14 days prior to the public hearing (minimum 10 days required).

Municipal Department Comments

Comments received from Municipal Departments' on the application indicated they have no concerns.

Agency Comments

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

Public Comments

At the time of submission of this report, one comment had been received from the public related to the Minor Variance. The comment was received from Albert and Glenna Szabo, who reside at 176 Maple Street and they are in support of 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,

Heather James, MES (Pl.), MCIP, RPP
Planner
Municipality of West Elgin

Report Approval Details

Document Title:	Minor Variance Application D13 01-2022 - Recommendation Report - 2022-20-Planning.docx
Attachments:	- Planning Report 2022-20 Appendix One - Sketches.pdf - D13 02-2022 - MV Decision Sheet.docx
Final Approval Date:	Jun 6, 2022

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

Jana Nethercott

PLANNING REPORT 2022-20
APPENDIX ONE: SKETCHES

Measurements.

House - 8.534m x 12.4968

Front Porch 1.8288m x 2.7432m.

Back Porch 7.3152m x 4.2672m

New Garage. 9.144^{meter} ~~m~~ x 9.144m

Distance from property lines of
 new garage will be 4ft -
 1.2192m

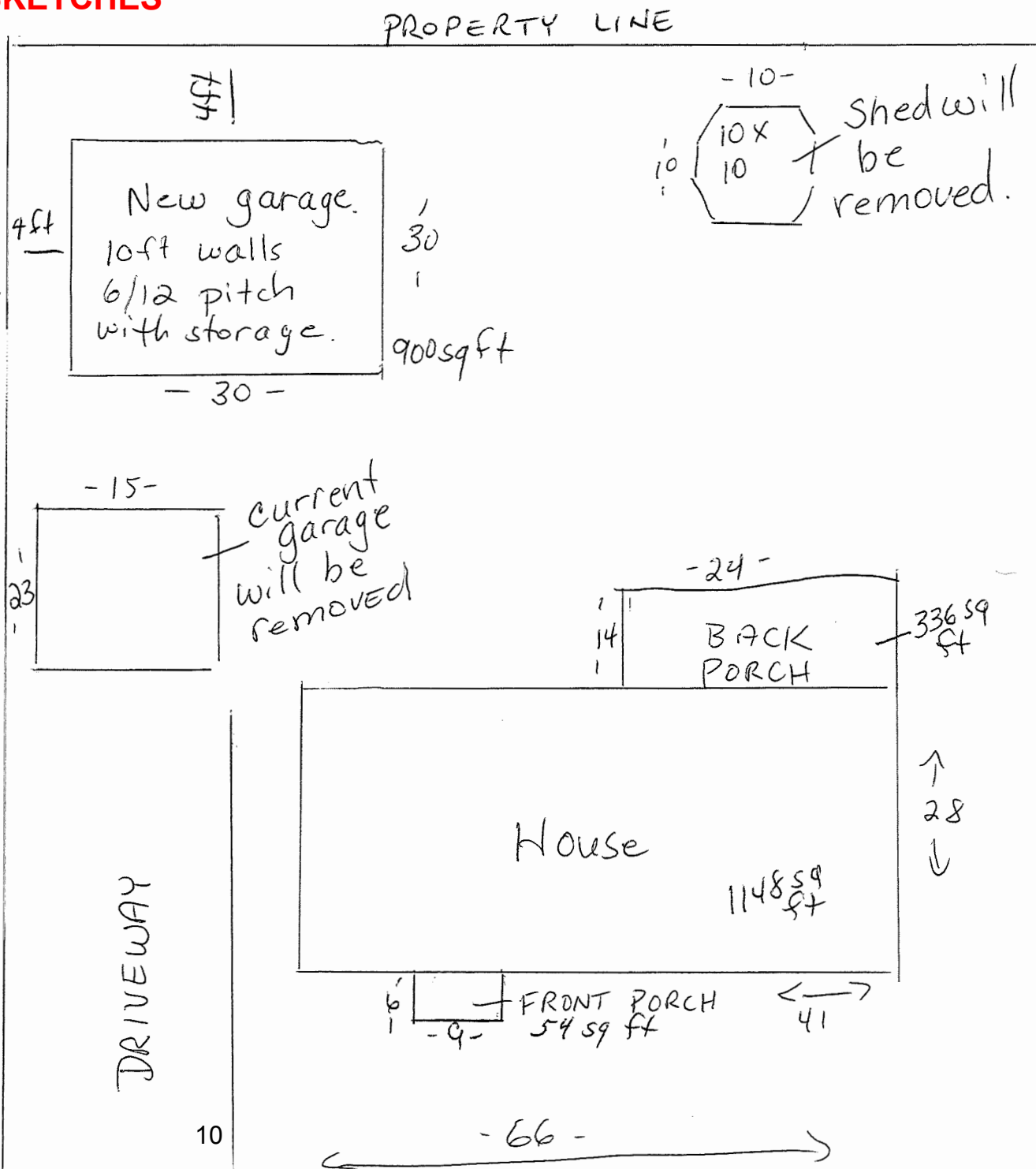
To Be Removed.

Current garage 4.572m x 7.010^{ft}

Shed. 3.048m x 3.048m

outer building to propose would
 be 2438 sq ft.

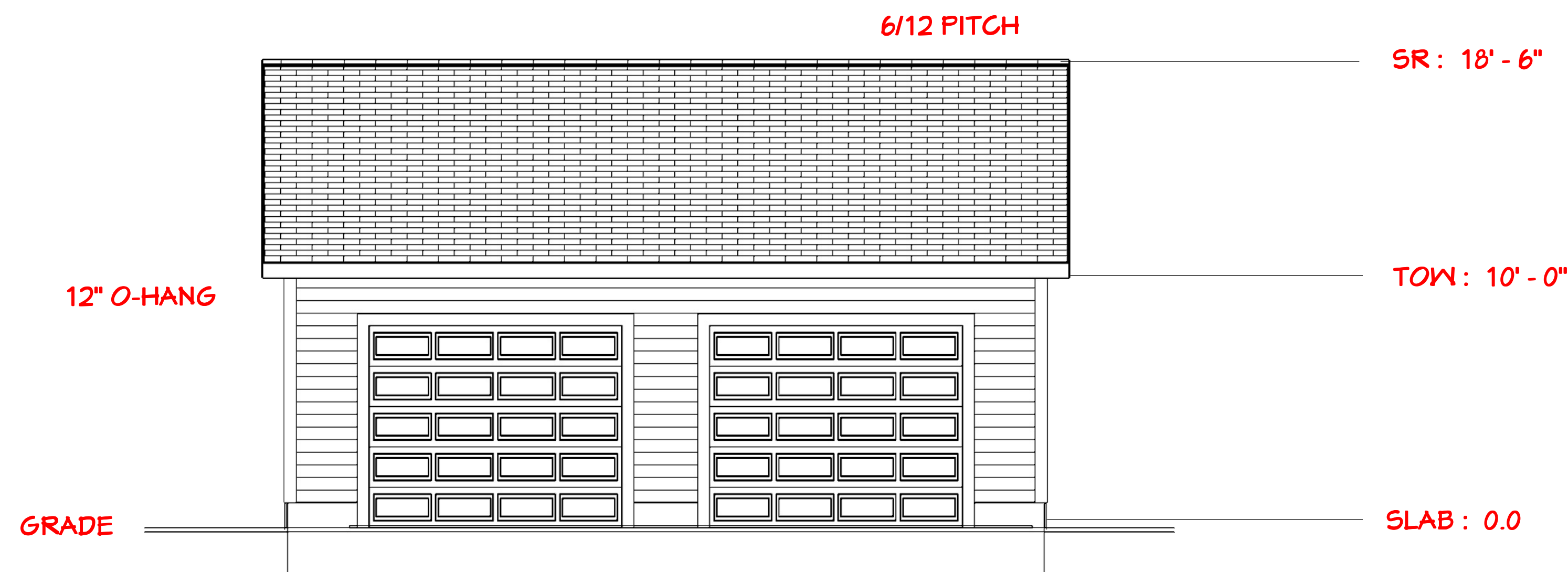
property is 10362 sq ft.



The CONIFER - 30 x 30 Garage

Model # CN3030E6 - 6/12 Pitch

10'-0" WALL



FRONT ELEVATION

1/4" - 1'-0" Scale
Printed at ARCH D

WALL HEIGHT = 10'-0"
WALL FRAME = 2x6 KD
HEADERS = 2x10 and LVL
SHEATHING = 1/2" Min

ROOF = Truss System
ROOF PITCH = 6/12
O-HANG SIZE = 12"
SHEATHING = 5/8" Min

SIDING = Vinyl Siding
ROOFING = Architectural Shingles
SOFFETS = Vinyl
TRIMS = Aluminum Coil Wrapped

WINDOWS = Vinyl
DOORS = Insulated
GARAGE DOORS = Insulated

OPTIONAL STORAGE = Above
Pull Down Ladder



REVISION TABLE	NUMBER	DATE	REVISION	DESCRIPTION
	1	3/2020	SH	Initial Setup
	1	1/2021	SH	Initial Setup
	2	11/2021	SH	2021 Upgrade



The CONIFER
30 x 30 Garage : 6/12
Eave Facing Doors

DRAWINGS PROVIDED BY:
Get My Garage
sheldon@fieldstonedesign.com
Custom Drawings Available

DATE:

11/24/2021

SCALE:

SHEET:

A - 5



" OPTIONS ARE ENDLESS "

WEBSITE - www.getmygarage.com



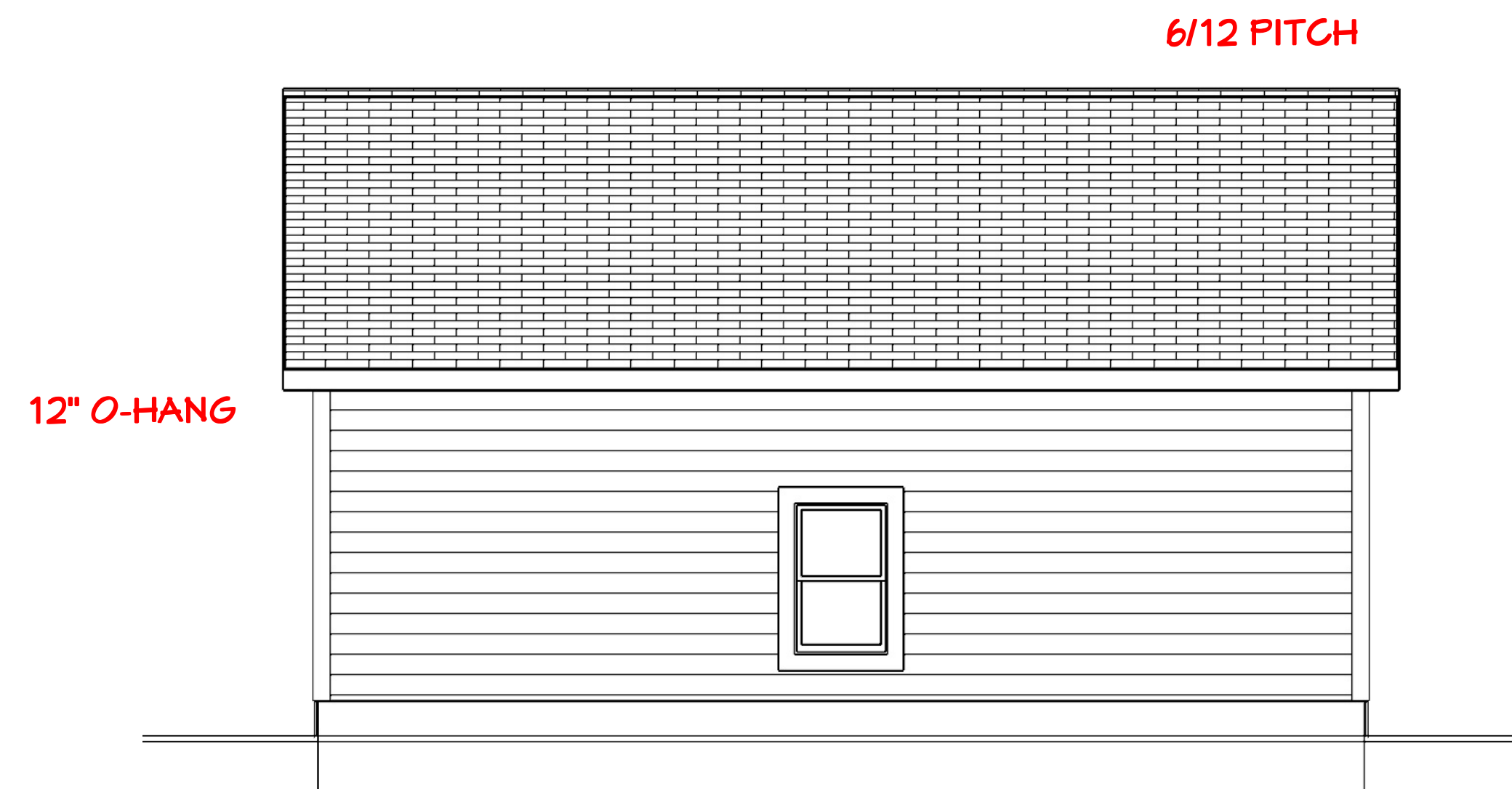
facebook.com/GetMyGaragedotcom

DISCLOSURE : Get My Garage is a Drafting Service intended to increase communication between Homeowners, Suppliers, Contractors, and Lending Institutions. Please consult with Local and State Building Codes prior to construction to assure compliance.

The CONIFER - 30 x 30 Garage

Model # CN3030E6 - 6/12 Pitch

10'-0" WALL



REAR ELEVATION

1/4" - 1'-0" Scale
Printed at ARCH D



" OPTIONS ARE ENDLESS "

WALL HEIGHT = 10'-0"
WALL FRAME = 2x6 KD
HEADERS = 2x10 and LVL
SHEATHING = 1/2" Min

ROOF = Truss System
ROOF PITCH = 6/12
O-HANG SIZE = 12"
SHEATHING = 5/8" Min

SIDING = Vinyl Siding
ROOFING = Architectural Shingles
SOFFETS = Vinyl
TRIMS = Aluminum Coil Wrapped

WINDOWS = Vinyl
DOORS = Insulated
GARAGE DOORS = Insulated

OPTIONAL STORAGE = Above
Pull Down Ladder



LEFT ELEVATION

1/4" - 1'-0" Scale
Printed at ARCH D



NUMBER	DATE	REVISION	DESCRIPTION
1	3/2020	SH	Initial Setup
1	1/2021	SH	Initial Setup
2	11/2021	SH	2021 Upgrade



The CONIFER
30 x 30 Garage : 6/12
Eave Facing Doors

DRAWINGS PROVIDED BY:
Get My Garage
sheldon@fieldstonedesign.com
Custom Drawings Available

DATE:

11/24/2021

SCALE:

SHEET:

A - 6



The CONIFER - 30 x 30 Garage

Model # CN3030E6 - 6/12 Pitch

10'-0" WALL

SR : 18' - 6"

6/12 PITCH

Light Storage
Optional

TOW : 10' - 0"

STEM : 1' - 0"
SLAB : 0.0

GRADE

BUILDING SECTION
As Drawn

ARCHITECTURAL SHINGLES
15# FELT PAPER
ICE AND WATER SHIELD
5/8" SHEATHING
ROOF TRUSS SYSTEM
LATERAL AND DIAGONAL BRACING
CEILING - UNFINISHED

VINYL SIDING
VINYL TRIM
HOUSE WRAP
1/2" SHEATHING
2x6 KD FRAME
2x10/ LVL HEADERS
INTERIOR - UNFINISHED

OPTION # 1 :

AS DRAWN : Footing and Frost Walls
Client/ Foundation GC to Set Criteria
FROST WALL DEPTH : _____
FOOTING SIZE : _____
STEM WALL HEIGHT : _____
SLAB THICKNESS : _____
ADDITIONAL : _____

OPTION # 2 :

MONOLITHIC SLAB
Client/ Foundation GC to Set Criteria
HONCH SIZE : _____
SLAB THICKNESS : _____
ADDITIONAL : _____

OPTION # 3 : (Describe)



" OPTIONS ARE ENDLESS "



REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION
1	3/2020	SH	Initial Setup
1	1/2021	SH	Initial Setup
2	11/2021	SH	2021 Upgrade



The CONIFER
30 x 30 Garage : 6/12
Eave Facing Doors

DRAWINGS PROVIDED BY:
Get My Garage
sheldon@fieldstonedesign.com
Custom Drawings Available

DATE:

11/24/2021

SCALE:

SHEET:

A - 7



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 01-2022

Location: 177 Maple Street

Legal Description: Lot 35, Plan 72

Owners/Applicants: Nadine and Shaun Vickers

Purpose and Effect

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

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 to 10.33%, to permit the construction of a 119 square metre (1280 square foot) accessory use detached garage

Decision and Reasons of the Committee

The application is hereby granted to obtain 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 an 83.61 square metre (900 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 01-2022 drawings, as appended to Planning Report 2021-21 and to Schedule A of this decision.

22413 Hoskins Line, Rodney ON N0L 2C0

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

Reasons of the Decision, in accordance with Planning Report 2021-21:

- 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 2021-21 and the minutes of the Committee of Adjustment Meeting.

Dated this 9th day of June, 2022.

ELECTRONIC RECORDED VOTE	TO GRANT	TO REFUSE	<i>Absent</i>	<i>Present</i>
Chairperson & Committee Member, Duncan McPhail	_____	_____	()	()
Committee Member, Richard Leatham	_____	_____	()	()
Committee Member, Taraesa Tellier	_____	_____	()	()
Committee Member, Angela Cammaert	_____	_____	()	()
Committee Member, 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

Date

Schedule A – D13 01-2022 Drawings