



Municipality of West Elgin

Agenda

Committee of Adjustment

December 19, 2024, 3:45 p.m.

Council Chambers

160 Main Street

West Lorne

Meetings are held in-person at 160 Main Street, West Lorne, and the post-meeting recording available at www.westelgin.net, when available (pending no technical difficulties).

Pages

1. Call to Order

2. Adoption of Agenda

Recommendation:

That West Elgin Committee of Adjustment hereby adopt the agenda of December 19, 2024, as presented.

3. Adoption of Minutes

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Recommendation:

That West Elgin Committee of Adjustment hereby adopt the minutes of November 14, 2024, Committee of Adjustment, as presented.

4. Disclosure of Pecuniary Interest

5. Purpose of Meeting

The purpose of this Public Meeting of the West Elgin Committee of Adjustment is to allow the presentation of one (1) application for Minor Variance and to allow interested members of the public an opportunity to ask questions or offer comments with regards to this application.

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 at clerk@westelgin.net. 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.

Notices were hand delivered on Friday, December 6, 2024, to property owners within 60 m (200 ft) of the subject property and to agencies requiring notice.

6. Minor Variance D 13-3 2024 - 25361 Talbot Line

4

Recommendation:

That West Elgin Committee of Adjustment hereby receives the report from Robert Brown, Planner, regarding Minor Variance Application D-13 3-2024 – Recommendation Report (Planning Report 2024-031).

And that West Elgin Committee of Adjustment grant Minor Variance D-13 3-2024, to obtain relief from Section 12.1, Table 12-1, Item 6 to reduce the required rear yard setback from 10 m to 5.5 m for a single detached dwelling without conditions.

6.1 Written Comments Received

6.2 Committee Comments

6.3 Public Comment

7. Adjournment

Recommendation:

That West Elgin Committee of Adjustment hereby closes this Public Meeting held pursuant the *Planning Act* at ____pm.



Municipality of West Elgin

Minutes

Committee of Adjustment

November 14, 2024, 3:45 p.m.

Council Chambers

160 Main Street

West Lorne

Present: Richard Leatham
Taraesa Tellier
Bill Denning
Ryan Statham

Staff Present: Magda Badura
Terri Towstiuc
Robert Brown, Planner

1. Call to Order

Committee of Adjustment Chair R. Leatham called Meeting to Order at 3:45 pm.

2. Adoption of Agenda

COA 2024- 09

Moved: Taraesa Tellier

Seconded: Bill Denning

That West Elgin Committee of Adjustment hereby adopt the agenda of November 14, 2024, as presented.

Carried

3. Adoption of Minutes

COA 2024- 10

Moved: Ryan Statham

Seconded: Taraesa Tellier

That West Elgin Committee of Adjustment hereby adopt the minutes of January 25, 2024, and February 22, 2024, Committee of Adjustment, as presented.

4. Disclosure of Pecuniary Interest

None.

5. Purpose of Meeting

The purpose of this Public Meeting of the West Elgin Committee of Adjustment is to allow the presentation of one (1) application for Minor Variance and to allow interested members of the public an opportunity to ask questions or offer comments with regards to this application.

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 at clerk@westelgin.net. 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 November 1, 2024, to property owners within 60 m (200 ft) of the subject property and to agencies requiring notice.

6. Minor Variance

COA 2024- 11

Moved: Taraesa Tellier

Seconded: Ryan Statham

That West Elgin Committee of Adjustment hereby receives the report from Robert Brown, Planner, regarding Minor Variance Application D-13 2-2024 – Recommendation Report (Planning Report 2024-30).

And that West Elgin Committee of Adjustment grant Minor Variance D-13 2-2024, to obtain relief from Section 9.1, Table 9-1, Item 2b) to reduce the required lot frontage from 10.5 m to 10 m for a semi-detached dwelling unit.

Carried

6.1 Written Comments Received

None received at Municipal Office.

6.2 Committee Comments

B. Denning questioned Mr. Brown, Planner, if this would set a precedence in the Municipality. Mr. Brown advised that it would not, in his opinion, as this is a common approach/solution.

6.3 Public Comment

None.

7. Adjournment

COA 2024- 12

Moved: Bill Denning

Seconded: Taraesa Tellier

That West Elgin Committee of Adjustment hereby adjourn this Public Meeting held pursuant to the *Planning Act* at 3:52 pm.

Carried

Richard Leatham, Chair

Terri Towstiuc, Secretary/Treasurer



Staff Report

Report To: Committee of Adjustment

From: Robert Brown, Planner

Date: 2024-11-27

**Subject: Minor Variance Application D13 3-2024 – Recommendation Report
(Planning Report 2024-031)**

Recommendation:

That West Elgin Committee of Adjustment hereby receives the report from Robert Brown, Planner, regarding Minor Variance Application D-13 3-2024 – Recommendation Report (Planning Report 2024-031).

And that West Elgin Committee of Adjustment grant Minor Variance D-13 3-2024, to obtain relief from Section 12.1, Table 12-1, Item 6 to reduce the required rear yard setback from 10 m to 5.5 m for a single detached dwelling without conditions.

Purpose:

The subject parcel is 1,147.5 sq. m (12,352 sq. ft.) in area with frontage on Talbot Line. (Figure One) The lot was created in April of 2023 with the intent of constructing a new single detached dwelling. Development of the lot faces two challenges in the hamlet of Eagle; 1) a large front yard setback (County Road) from Talbot Line (26 m from the center of the ROW) and 2) the need for an area to accommodate a private on-site septic system. In order to address both the house is setback on the lot however this reduces the rear yard setback from the required 10 m to 5.99 m. (See Figure Two) Therefore, the applicants have requested a minor variance to reduce the required rear yard setback to both accommodate the County Road setback and provide room for a new septic system.

Background:

Below is background information, in a summary chart:

Application	D-13 3-2024
Owner	Tina & Kurtis Wiebe
Applicant	Michele Hammond
Legal Description	Pt. Lot 19, Conc. 13, Pt 1, RP 11R 11074
Civic Address	25361 Talbot Line (Figure One)
Water Supply	Municipal water service
Sanitary Service	Private on-site septic system required

Existing Land Area	1,147.5 m ² (12,352 ft ²)
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Financial Implications:

The applicable fee was collected as outlined in the Fees and Charges By-law. There will be an increase in the assessed value of the subject property once the new dwelling is completed.

Policies/Legislation:

Provincial Planning Statement (2024)

The proposed variance does not raise any issues of Provincial significance.

County of Elgin Official Plan

There are no issues of significance raised related to the County of Elgin Official Plan. The lands are designated Tier Two Settlement Area by 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?

The subject lands are designated Hamlet as shown on the Land Use and Transportation Plan Schedule 'E' of the Official Plan. Setback requirements are not something that are addressed directly in the Official Plan. However, because the lot is in an area of established development it is required to maintain a setback consistent with the established line. The proposed location of the dwelling is in keep with the established building line for the lots to the east and west.

As such the intent and purpose of the Official Plan is maintained.

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

The subject lands are zoned Hamlet Residential (HR) Zone in the Municipality of West Elgin Zoning By-law 2015-36, Schedule "E". The creation of the subject lot was in compliance with the minimum lot area and frontage requirements of the applicable zone. Because it is generally unknown at the time of lot creation what type of dwelling will be built or where it will be located on the lot it is left up to the particular provisions of the zoning to guide or limit development. The subject lot is impacted by three issues in this location including; 1) the required County Road setback of 26 m from the centre line of the road allowance; 2) the established building line requirements and 3) the need for a large open area to locate a private on-site septic system.

Since a large front yard is necessary to address the road setback and established building line the logical location of the septic system is in the front yard. As a result, the dwelling is pushed back into the required rear yard of 10 m. The proposed setback is 5.99 m. All other requirements of the HR Zone for the proposed dwelling will be in compliance with the requirements.

The lot fabric in Eagle is mixed with a variety of sizes as well as the placement of dwellings being varied from lot to lot. The proposed will assist in maintaining the established front yard setback which is the more visible and potentially impacting requirement if it were to be reduced. Reduction of the rear yard setback does reduce the private outdoor amenity area but not to a level that is unacceptable for a residential use.

The increased rear yard standard in the Hamlet Residential (HR) Zone also anticipates that these lots may often back onto agricultural lands where an increased buffer is necessary. That is not the case for this lot or the lot to the east which back onto a large vacant residential parcel which was the remnant from the creation of the subject parcel. With these points in mind the variance does maintain 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?

The proposed development is a single detached dwelling on a residential lot. Reduction of the rear yard setback helps to maintain the more visible established building line along Talbot Line.

The increased front yard also helps accommodate the necessary septic system. The variance is desirable for the appropriate and orderly development of the use, land and buildings.

4. *Is the variance minor in nature?*

A minor variance is not solely based on a specific increase or decrease in a required zoning regulation but rather an assessment of any potential impacts that might result from granting relief. A common consideration can be what would the variance allow to be constructed that might otherwise not be permitted.

In the case of the reduced rear yard the reduction permits the construction of a permitted single detached dwelling but would allow it to be located a consistent distance from Talbot Line in comparison to other existing dwellings. As there is a greater potential for impact to the streetscape by a reduction in a front yard setback, the reduction of the rear yard can be considered the lesser of two evils. This reduction in turn provides space for the necessary private septic system in the front yard as there are no municipal sewers in Eagle. As such the variance is minor in nature.

Circulation of the Application:

The application was circulated to the applicable agencies for comment. All neighboring property owners within 60 metres of the subject lands were circulated with the public notice on December 6, 2024, 14 days prior to the public hearing (minimum 10 days required). The notice was also posted on the Municipal website and signage is posted on the subject property in full view of the fronting road allowance.

Other Agencies

The County of Elgin, LTVCA and internal staff were circulated. No objections or concerns were noted by staff or the County. The LTVCA provided formal comment. They have no objection as the subject parcel is not located in a regulated area. Full comment is attached as Appendix A.

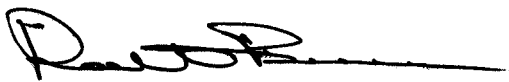
Public Comments

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

Alignment with Strategic Priorities:

Infrastructure Improvement	Recreation	Economic Development	Community Engagement
<input type="checkbox"/> To improve West Elgin’s infrastructure to support long-term growth.	<input type="checkbox"/> To provide recreation and leisure activities to attract and retain residents.	<input type="checkbox"/> To ensure a strong economy that supports growth and maintains a lower cost of living.	<input type="checkbox"/> To enhance communication with residents.

Respectfully submitted by,



Robert Brown H. Ba, MCIP, RPP
 Planner, Municipality of West Elgin

Report Approval Details

Document Title:	Minor Variance Application D13 3-2024 - Wiebe - 2024-31-Planning.docx
Attachments:	- Appendix A - MV 03-2024 Wiebe Dec2024 IPZ.pdf
Final Approval Date:	Dec 16, 2024

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

Terri Towstiuć

December 10, 2024

Municipality of West Elgin
22413 Hoskins Line
Rodney, ON NOL 2C0

Attn: **Robert Brown**

Re: **Minor Variance Application MV 3-2024**
25361 Talbot Line (Wiebe)
Part of Lot 19, Concession 13
Municipality of West Elgin

Please be advised that staff have undertaken a file search with respects to the above noted property and its relation to the Conservation Authority's "Prohibited Activities, Exemptions and Permits" regulations , O.Reg. 41/24 under the Conservation Authorities Act. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as administering the Conservation Authorities Act and its associated Prohibited Activities, Exemptions and Permits regulation (O. Reg. 41/24).

After reviewing our files and mapping, the staff have no objections to the proposed application and that the property is not subject to the Authority's regulations.

The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended.

Please be advised that the subject property is located in an Event Based Area [EBA] and an Intake Protection Zone [IPZ] as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at www.sourcewaterprotection.on.ca.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly

A handwritten signature in blue ink that reads "Valerie Towsley".

Valerie Towsley
Watershed Resource Planner