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THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD



**A G E N D A**

**Monday November 22, 2021**

**COMMITTEE OF ADJUSTMENT**

**8:30 p.m., Council Chambers, Fingal/Via Video Link**

- 
1. CALL TO ORDER
  2. ADDENDUM TO AGENDA
  3. DISCLOSURE OF PECUNIARY INTEREST
  4. ADOPTION OF MINUTES
    - (a) Minutes of Committee of Adjustment meeting of September 27, 2021
  5. NEW BUSINESS
    - (a) Minor Variance Application MV 2021-11, 15873828 Ontario Limited c/o Dave Sparenberg c/o Jody Pszczola, Associate, Dillon Consulting Limited
  6. ADJOURNMENT



Meeting of the Committee of Adjustment  
Monday September 27, 2021  
Council Chamber, Fingal/via video link

MEMBERS PRESENT: Chairperson: Mayor Grant Jones  
Members: Deputy Mayor Robert Monteith  
Councillor Sarah Emons  
Councillor Peter North,  
Councillor: Justin Pennings

Township Administration Present: Lisa Higgs, Secretary-Treasurer  
Bryan Pearce, Planner

**In Attendance:**

- Arlen Scherba, owner of 8686 Iona Road , Township of Southwold
- Jim and Sherry Miller, owners of 8728 Iona Road, Township of Southwold
- Nadar Habib, owner of Karim Design and Build, builder of houses at 99 Royal Crescent and 127 Optimist Drive, Township of Southwold

**C of A 2021- 28** MOVED BY: Member Pennings  
SECONDED BY: Member North

**THAT** the regular Council meeting adjourn to sit as a Committee of Adjustment to hear minor variance applications MV 2021-08, filed by A. and L Scherba, MV 2021-09, filed by Farhi Holdings Corporation C/O N. Habib-Karim Design and Build and MV 2021-10 Farhi Holdings Corporation C/O N. Habib-Karim Design and Build at **7:40 p.m.**

**CARRIED**

**C of A 2021-29** MOVED BY: Member Emons  
SECONDED BY: Member Pennings

**THAT** the minutes from the Committee of Adjustment meeting of September 13, 2021 are hereby adopted.

**CARRIED**

The applicant for MV 2021-08 is proposing to seek relief to seek relief from Section 3.3 Regulations of the General Provisions for Construction Uses, to permit the existing travel trailer to be utilized for overnight accommodation for a period of time in advance of the construction and occupancy of the future proposed single detached dwelling.

Planner Bryan Pearce presented his report to the Committee and notices were sent out in accordance to the requirements under *The Planning Act*. Section 45 (1) of *The Planning Act* outlines the four "tests" with which the Committee of Adjustment must be satisfied with when considering an application for a minor variance to the Zoning By-law. The Municipal Planner's report indicates that:

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law;
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.

Member Pennings questioned whether the dwelling was a house or a hunting lodge. Mr. Pearce responded that it is considered a dwelling. A test for a dwelling is sanitary, culinary and habitational facilities within a structure to define a dwelling unit. The intent is to live their and have a storage facility.

Member Monteith questioned what the water situation was on the subject property. Mr. Pearce responded that the property is serviced with municipal water from the Municipality of Dutton Dunwich. The service was installed a couple of years ago.

Member Pennings requested clarity again if it is going to be a hunting lodge or a dwelling. He inquired about the plans and if it was going to be a multi- residential dwelling or a hotel situation. Mr. Pearce responded that the property is zoned A1 and a dwelling on a property is allowed. The property currently does not have a dwelling on it. He is not sure what the dwelling looks like, but it can contain storage space.

Secretary- Treasurer Lisa Higgs clarified that if it meets the definition of a dwelling, it is a single-family dwelling but if the owner is looking to operate it as a commercial business, it will have to be rezoned. Hunting is permitted on agricultural lands, but a hunting establishment for profit is not.

Member Monteith questioned whether the water line is above ground or underground and if is being used, where is the meter. It is a pit or above ground, is it hooked up to the trailer. Mr. Pearce responded that this question can be asked to the applicant. The water is connected to the Dutton Dunwich system.

Member Emons questioned if it normal in the planning process to apply for the trailer use before the home building application. Mr. Pearce responded that the zoning allows it during construction. This is what they are seeking relief from. The intent is to regulate them with conditions to ensure that they are consistent with the drawings they submitted with their application. A building permit must be issued by June 2022. The travel trailer would be occupied from December 1 to June 1 of the next calendar year. Once the dwelling has been occupied the overnight travel trailer will cease being used. A fire inspection will also need to be done.

The Secretary – Treasurer reported that comments were received from Lower Thames Valley Conservation Authority, after the Planning Staff Report was finalized. Comments received from Lower Thames Valley Conservation Authority, stating the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. An application from their office is required prior to any works/construction taking place within the regulated area. Setbacks from the watercourse ravine systems to any proposed structure(s) will be required. Prior to any construction or site alteration, or other activities affected by the regulation, the property owner will be required to obtain a permit and/or clearance from the LTVCA.

Comments were also received from a solicitor for James and Sherry Miller, who are located adjacent to the subject property. They had concerns with Section 5 – the proposed use, Section 7 of the application – frontage measurement, Section 9 of the application – existing building, noting an existing storage shed, no detail on house construction proposed in 2022, location of existing and proposed buildings not on the drawing, drawing deficiencies – North directional arrow and dimensions of setbacks of the proposed use, and no septic system on site. Investigation needed on how they plan to empty in-trailer holding tank or if intend to use portable toilet.

The solicitor suggested that the Application is not "minor" use, as they consider it to be an RV Site (within an RV Park) and is made simply for the recreational and business enjoyment of the property by the owners. There is no evidence of any actual necessity for their accommodation in the absence of a dwelling or in conjunction with the home construction, which has not yet been permitted or applied for.

Chairperson Jones asked if the owner/applicant was present. The owner connected via phone. Mr. Scherba explained his proposal. He wants to build something simple with basic storage garage and accommodations attached or above with a septic system.

Member Pennings questioned again on the type of dwelling, and whether it will be a hunting lodge. Mr. Scherba responded he has a need for a storage area with a small addition that would contain a couple of small bedrooms above it. He suggested that the building is proposed to be a place where people could stay after hunting late at night. A place where family can come and enjoy. He has no intention of living there a lot. He has a residence in Tecumseh and plans to use the building as a bunk camp.

Member Emons questioned how the septic waste from the trailer will be disposed of. Mr. Scherba responded there is a porta-potty located on the property.

Jim and Sherry Miller of 8728 Iona Road identified themselves.

The Millers commented that they share 900 ft of property line with the applicant. They confirmed the letter that was submitted from their lawyer opposing the application. A complaint form was also sent on February 3<sup>rd</sup> 2020 regarding the concerns and opposition and the ongoing use of campground activities on the subject property. The Millers opined that the use of a travel trailer as a residence either permanent or temporary is not part of the Township's official plan. The zoning by-law is very restrictive stating a trailer is to be used as a dwelling overnight unless it is located on a RV park.

Their opposition is based on the detrimental impact that allowing the occupancy would have on their curb appeal and the sale value of their property as well as the impact on the personal enjoyment of their property. They would never have purchased this property if there was a bush camp and or trailers occupying the property. There are no dwellings or septic system on this property. It has shipping containers and a metal structure.

Ms. Miller also commented on the hand drawing illustration that was submitted with the public notice that it lacks significant details in that it does not show how close the amenities are to her residence. This information is relevant when assessing an impact on a residence. It does not show two large metal shipping containers and how close they are to her property line.

Since the change in ownership, Ms. Miller indicated that there has been significant impact on the use and enjoyment of their property. It now looks like a bush camp. Since 2020 to the current year to date, the Millers claimed there have been several overnight stays in two trailers, which is against the by-law on the property.

Member Monteith questioned if a building permit has been submitted on the subject property. Mr. Pearce responded no. The applicant is still in the design phase of his plan.



Holdings Corporation C/O Nadar Habib, Karim Design and Build as per the attached decision sheet.

**CARRIED**

Chairperson Jones advised the public that the last day for appealing this decision is October 18<sup>th</sup>, 2021. If you wish to be notified of the decision of the Committee in respect of this application, you must submit a **written request** to the Township of Southwold Committee of Adjustment. If you are not the applicant, you should request a copy of the decision since it may be appealed to the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) by the applicant or another member of the public.

Chairperson Jones advised the public and members of the Committee that this public meeting has now been concluded.



**COMMITTEE OF ADJUSTMENT FOR  
THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD**

**DECISION SHEET**

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**Application No.** MV 2021-09  
**Date of Hearing:** September 27, 2021  
**Owner:** Farhi Holdings Corporation  
**Applicant:** Nader Habib, Karim Design and Build  
**Description:** Lot 62, Plan 11M-249  
**Municipal Address:** 99 Royal Crescent

**Lot Description:**

Frontage 18 metres (61 feet)  
Depth 35 metres (114 feet)  
Area 651 square metres (7,014 square feet)

In the matter of Section 45(1) of The Planning Act R.S.O 1990, the Township of Southwold Comprehensive Zoning By-law 2011-14, and an application for **minor variance**.

The owners are requesting a Minor Variance to seek relief from Section 8.2(e) Regulations of the Residential 1 (R1) Zone to permit the construction of a 257 square metre (2,761 square foot) gross floor area, two storey single detached dwelling with a reduced exterior side yard setback from the required 6.0 metres (19.7 feet) to the proposed 4 metres (13.1 feet).

**Decision:**

The application is hereby **granted** to obtain relief from Section 8.2(e) Regulations of the Residential 1 (R1) Zone to permit the construction of a 257 square metre (2,761 square foot) gross floor area, two storey single detached dwelling with a reduced exterior side yard setback from the required 6.0 metres (19.7 feet) to the proposed 4 metres (13.1 feet), subject to the following conditions:

1. That the proposed development is substantially in accordance with the Minor Variance MV2021-09 drawings, as appended to Report PLA 2021-32.

Reasons, in accordance with Report PLA 2021-32:

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law.
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.

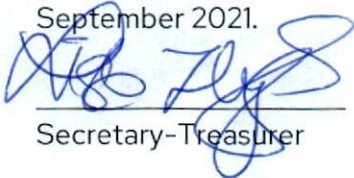
The effect of written and oral submissions on the Decision is contained within Report PLA 2021-32 and the minutes of the Committee of Adjustment Meeting of September 27, 2021.

We, the undersigned, concur in the decision and reasons given for the decision of the Committee of Adjustment for the Township of Southwold of this 27<sup>th</sup> day of September, 2021.

<b>ELECTRONIC RECORDED VOTE</b>	<b>TO GRANT</b>	<b>TO REFUSE</b>	<b>Absent</b>	<b>Present</b>
Chairperson and Committee Member, Grant Jones	<u>✓</u>	<u>      </u>	( )	(✓)
Committee Member, Robert Monteith	<u>✓</u>	<u>      </u>	( )	(✓)
Committee Member, Justin Pennings	<u>✓</u>	<u>      </u>	( )	(✓)
Committee Member, Peter North	<u>✓</u>	<u>      </u>	( )	(✓)
Committee Member, Sarah Emons	<u>✓</u>	<u>      </u>	( )	(✓)

**\*\*\*\*\*CERTIFICATION OF COMMITTEE'S DECISION\*\*\*\*\***

I, Lisa Higgs, being the Secretary-Treasurer of the Committee of Adjustment for the Township of Southwold, certify that this is a true copy of the Committee's decision on the 27<sup>th</sup> day of September 2021.

  
 \_\_\_\_\_  
 Secretary-Treasurer

September 29, 2021  
 \_\_\_\_\_  
 Date

**Schedule A - MV 2021-09**

## MINOR VARIANCE APPLICATION MV 2021-10

The applicant for MV 2021-10 is proposing to seek relief from Section 8.2(e) Regulations of the Residential 1 (R1) Zone to permit the construction of a 417 square metre (4,489 square foot) gross floor area, one storey single detached dwelling with a reduced exterior side yard setback from the required 6.0 metres (19.7 feet) to the proposed 4 metres (13.1 feet).'

Planner Bryan Pearce presented his report to the Committee and notices were sent out in accordance with the requirements under *The Planning Act*. Section 45 (1) of *The Planning Act* outlines the four "tests" with which the Committee of Adjustment must be satisfied with when considering an application for a minor variance to the Zoning By-law. The Municipal Planner's report indicates that:

5. The variance maintains the intent and purpose of the Official Plan.
6. The variance maintains the intent and purpose of the Zoning By-law;
7. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
8. The variance is minor in nature.

The Secretary Treasurer reported that comments were received indicating staff have no concerns as detailed in the Planning Staff Report. Comments were also received from Kettle Creek Conservation Authority and Ministry of Transportation, as detailed in the Planning Staff Report.

No questions were asked from the public or the committee.

**C of A 2021-32      Chairperson Jones, Member Emons, Member Monteith, Member North and Member Pennings.**

**RESOLVED** that the Committee of Adjustment approves Minor Variance Application MV 2021-10, filed by Farhi Holdings Corporation C/O Nadar Habib, Karim Design and Build as per the attached decision sheet.

**CARRIED**

Chairperson Jones advised the public that he last day for appealing this decision is October 18<sup>th</sup>, 2021. If you wish to be notified of the decision of the Committee in respect of this application, you must submit a **written request** to the Township of Southwold Committee of Adjustment. If you are not the applicant, you should request a copy of the decision since it may be appealed to the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) by the applicant or another member of the public.

**C of A 2021-33**

MOVED BY Member Monteith  
SECONDED BY Member Pennings

**RESOLVED** that the meeting of the Committee of Adjustment to hear Applications MV 2021-08, filed by A. and L Scherba, MV 2021-09, filed by Farhi Holdings Corporation C/O N. Habib-Karim Design and Build and MV 2021-10 Farhi Holdings Corporation C/O N. Habib-Karim Design and Build closes at **8:35 p.m.** and the regular meeting of council reconvene.

**CARRIED**

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Chairperson

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Secretary-Treasurer



**COMMITTEE OF ADJUSTMENT FOR  
THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD**

**DECISION SHEET**

\*\*\*\*\*

**Application No.** MV 2021-10  
**Date of Hearing:** September 27, 2021  
**Owner:** Farhi Holdings Corporation  
**Applicant:** Nader Habib, Karim Design and Build  
**Description:** Lot 150, Plan 11M-249  
**Municipal Address:** 127 Optimist Drive

**Lot Description:**

Frontage 22 metres (74 feet)  
Depth 57 metres (187 feet)  
Area 1,302 square metres (14,017 square feet)

In the matter of Section 45(1) of The Planning Act R.S.O 1990, the Township of Southwold Comprehensive Zoning By-law 2011-14, and an application for **minor variance**.

The owners are requesting a Minor Variance to seek relief from Section 8.2(e) Regulations of the Residential 1 (R1) Zone to permit the construction of a 417 square metre (4,489 square foot) gross floor area, one storey single detached dwelling with a reduced exterior side yard setback from the required 6.0 metres (19.7 feet) to the proposed 4 metres (13.1 feet).

**Decision:**

The application is hereby **granted** to obtain relief from Section 8.2(e) Regulations of the Residential 1 (R1) Zone to permit the construction of a 417 square metre (4,489 square foot) gross floor area, one storey single detached dwelling with a reduced exterior side yard setback from the required 6.0 metres (19.7 feet) to the proposed 4 metres (13.1 feet), subject to the following conditions:

1. That the proposed development is substantially in accordance with the Minor Variance MV2021-10 drawings, as appended to Report PLA 2021-33.

Reasons, in accordance with Report PLA 2021-33:

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law.
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.

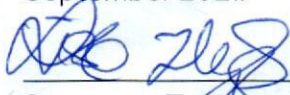
The effect of written and oral submissions on the Decision is contained within Report PLA 2021-33 and the minutes of the Committee of Adjustment Meeting of September 27, 2021.

We, the undersigned, concur in the decision and reasons given for the decision of the Committee of Adjustment for the Township of Southwold of this 27<sup>th</sup> day of September, 2021.

<b>ELECTRONIC RECORDED VOTE</b>	<b>TO GRANT</b>	<b>TO REFUSE</b>	<b>Absent</b>	<b>Present</b>
Chairperson and Committee Member, Grant Jones	<u>✓</u>	<u>      </u>	( )	(✓)
Committee Member, Robert Monteith	<u>✓</u>	<u>      </u>	( )	(✓)
Committee Member, Justin Pennings	<u>✓</u>	<u>      </u>	( )	(✓)
Committee Member, Peter North	<u>✓</u>	<u>      </u>	( )	(✓)
Committee Member, Sarah Emons	<u>✓</u>	<u>      </u>	( )	(✓)

\*\*\*\*\***CERTIFICATION OF COMMITTEE'S DECISION**\*\*\*\*\*

I, Lisa Higgs, being the Secretary-Treasurer of the Committee of Adjustment for the Township of Southwold, certify that this is a true copy of the Committee's decision on the 27<sup>th</sup> day of September 2021.

  
 \_\_\_\_\_  
 Secretary-Treasurer

November 29, 2021  
 \_\_\_\_\_  
 Date

**Schedule A - MV 2021-10**



**TOWNSHIP OF SOUTHWOLD**  
Report to Committee of Adjustment

**MEETING DATE:** November 22, 2021

**PREPARED BY:** Bryan Pearce, HBA, CPT, MCIP, RPP, Planner

**REPORT NO:** PLA 2021-39

**SUBJECT MATTER: Minor Variance Application ZBA 2021-11 – Recommendation Report**

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**Recommendation(s):**

THAT the Committee of Adjustment of the Township of Southwold receive Report PLA 2021-39 regarding Minor Variance Application ZBA 2021-11 – Recommendation Report;

AND THAT the Committee of Adjustment of the Township of Southwold approve the proposed Minor Variance Application MV 2021-11, to obtain relief from Section 2 Regulations of the Definition of “Lot” to permit the construction of 32 rowhouse dwellings, defining the whole of the subject lands as a lot for the vacant land plan of condominium, subject to the following conditions:

1. That the proposed development is substantially in accordance with the Minor Variance MV2021-11 drawings, as appended to Report PLA 2021-39.
2. That the Minor Variance only apply to the Draft Plan of Condominium Application, 34CD-SO2101.

**Purpose:**

The proposal is to seek relief from Section 2 Regulations of the Definition of “Lot” to permit the construction of 32 rowhouse dwellings, defining the whole of the subject lands as a lot for the vacant land plan of condominium.

**Background:**

Below is a background information from the application, in a summary chart:

<b>Application</b>	MV 2021-11
<b>Owner/Applicant</b>	1873828 Ontario Limited c/o Dave Sparenberg

<b>Applicant</b>	Dillon Consulting Limited c/o Jody Pszczola
<b>Legal Description</b>	Part Lot 40, Concession SENBTR
<b>Civic Address</b>	Not Assigned
<b>Entrance Access</b>	Glengariff Drive
<b>Water Supply</b>	Township water supply
<b>Sewage Supply</b>	Township sewer system
<b>Use of Property</b>	Existing: vacant residential Proposed: residential
<b>Buildings</b>	Existing: None Proposed: Proposed townhouses
<b>Existing Land Area</b>	3.52 Ha
<b>Official Plan Land Use Designation</b>	Residential
<b>Zoning Category</b>	Residential 3 Special Provision 2 (R3-2) (Schedule A, Map 12)

Figure One below, depicts the existing parcel of The Ridge at Talbotville Grove Lands.

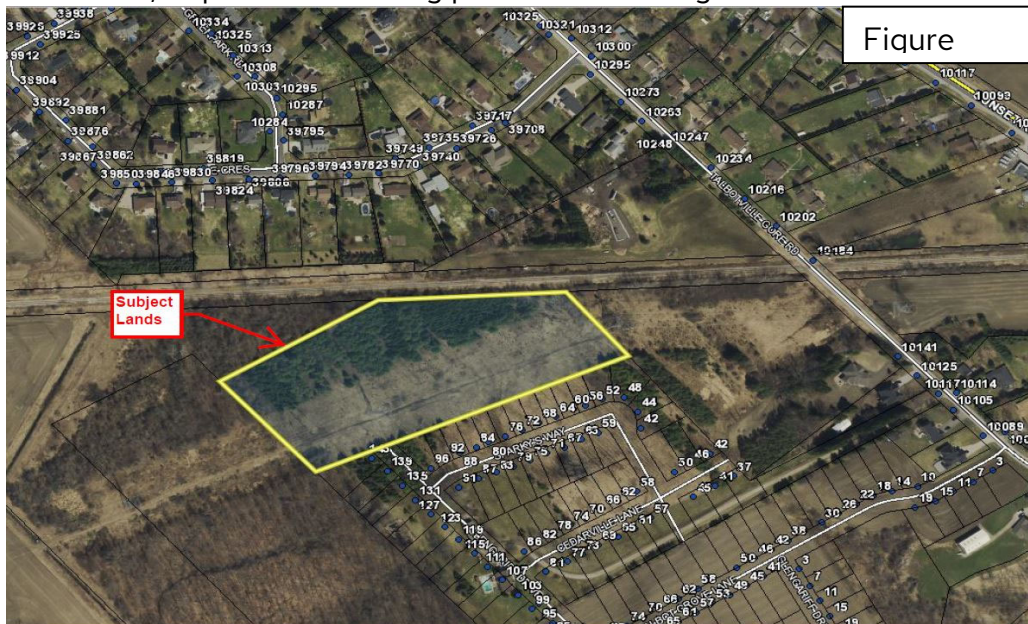
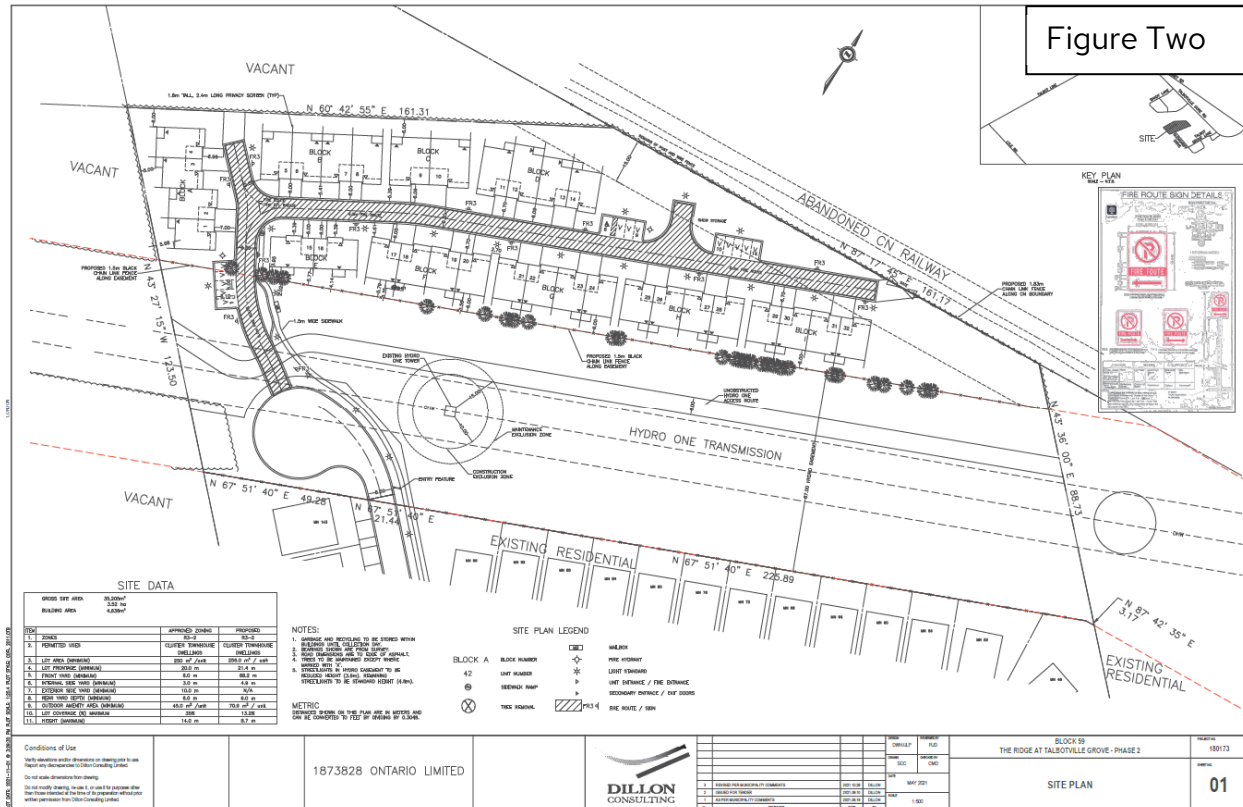


Figure Two below is an excerpt of the site plan drawing submitted:



**Comments/Analysis:**

**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 2 Settlement Area as shown on Schedule 'A' Land Use in the County of Elgin Official Plan (CEOP). In the Tier 2 Settlement Area designation, residential use such as townhouse dwellings are 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 Township of Southwold Official Plan?**

Yes. The subject lands are designated Residential on Schedule 'A-1' Talbotville Settlement Area of the Township of Southwold Official Plan. Townhouse dwellings is permitted in the 'Residential' designation. The proposed relief to the lot for the condominium does not contravene the Official Plan policies; and also in the adopted Official Plan 2021.

**2. Does the variance maintain the intent and purpose of the Township of Southwold Zoning By-law?**

Yes. The subject lands are zoned Residential 3 Special Provision 2 (R3-2) Zone in the Township of Southwold Zoning By-law 2011-14, Schedule 'A', Map 12. Rowhouse (townhouse) dwellings are a permitted use. The Zoning By-law does not complete condominium development with the definition of lot, as each condo unit is separately transferable on title under the current definition of lot, rather than the overall development of the condominium being consider a 'lot'. The proposed development would then comply, as the site development is all internal and private (amenity space, laneways etc).

**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 thirty-two (32) unit condo townhouse development, subject to the site plan and condominium approvals, in which the proponent is in the midst of detailed design.

**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 Township Departments, Commenting Agencies, neighboring property owners within 60 metres of the subject lands, and to those that expressed interest in the application through the public hearing on November 4, 2021, 18 days prior to the public hearing (minimum 10 days required).

Additional information related to the application is available on the website:  
<https://www.southwold.ca/en/business-and-development/current-planning-applications.aspx#MV-2021-11-Glengariff-Drive>

Township Department Comments

Comments received from the Township Department's are summarized below:

- Infrastructure Department:
  - No comments;
- Drainage Department:
  - No concerns.

No additional comments were received.

Agency Comments

Agency comments received from applicable commenting agencies are summarized below:

- Canadian National Railway Company, email dated November 4, 2021:
  - Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is adjacent to CN's Spur Line. CN's guidelines reinforce the safety and well-being of any existing and future occupants of

the area. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 15 metres.
  - The Owner shall install and maintain a chain link fence of minimum 1.83 meter height along the mutual property line.
  - The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:
    - “Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”
  - The storm water management facility must be designed to control storm water runoff to pre-development conditions including the duration and volume of the flow and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
  - The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
- CN anticipates the opportunity to review a detailed site plan and a storm water management report taking into consideration the CN development guidelines.

- Kettle Creek Conservation Authority, email dated November 18, 2021:
  - No concerns.
- Southwestern Public Health, letter dated November 8, 2021:
  - This letter acknowledges receipt of the application for a proposed minor variance with reference to the above premises/property. Public Health reviews these applications using the best available evidence regarding land use planning, zoning, and health protection.
  - A review of the application provides the following:
    - Public Health has no objection to the content of the application as it currently stands.
  - Should there be amendments to the application, please forward them to Public Health for further assessment.
  - Any relevant Public Health legislation applicable to the site will be discussed with the property owners if approval is granted.

No further comments were received from applicable commenting agencies at time of writing of this report. Canadian National Railway Company comments are being addressed through the site plan and condominium review processes, so doesn't need to be referenced in the minor variance application.

#### Public Comments

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

#### **Financial Implications:**

None. Application fees were collected in accordance with the Township's Tariff of Fees By-law, as amended time to time.

#### **Strategic Plan Goals:**

The above recommendation helps the Township meet the Strategic Plan Goal of:

Promoting residential, agricultural, commercial, and industrial development by ensuring policies and services are in place to support growth in The Township of Southwold.

- Promoting a healthy, naturally beautiful, and community-oriented municipality by encouraging and supporting involvement of volunteer organizations wishing to provide cultural and recreational activities in the Township of Southwold.
- Providing improved transportation and a strong commitment to asset management with a goal of maintaining the Township's infrastructure in the promotion of public safety
- Exercising good financial stewardship in the management of Township expenditures and revenues.
- Promoting public engagement, transparent government, and strong communications with all members of the community across various mediums for the strengthening of civic participation.

### **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, is 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 Township of Southwold will be forwarded to the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) for a hearing, in accordance with the *Planning Act*.

**Respectfully submitted by:**  
**Bryan Pearce, HBA, CPT, MCIP, RPP**  
**Planner**

**Approved for submission by:**  
**Lisa Higgs**  
**CAO/Clerk**

Appendices:

1. Appendix One: Minor Variance Application MV 2021-11 Drawings

