

THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD



A G E N D A

Tuesday May 24, 2022

COMMITTEE OF ADJUSTMENT

7:00 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 April 25, 2022
 5. NEW BUSINESS
 - (a) Minor Variance Application MV 2022-04, 8735506 Canada Ltd (Vara Home Inc.), 71 Wayside Lane
 6. ADJOURNMENT



Meeting of the Committee of Adjustment
Monday April 25, 2022
Council Chambers, Fingal/Via Video Link

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

Township Administration Present: Lisa Higgs, Secretary-Treasurer
Heather James, Planner

In Attendance: Fil Abrantes

C of A 2022-10 MOVED BY: Member Monteith
SECONDED BY: Member Pennings

THAT the regular Council meeting adjourn to sit as a Committee of Adjustment to hear minor variance application MV 2022-03, filed by Pine Tree Homes Inc. C/O Fil Abrantes at **5:32 p.m.**

<u>Recorded Vote</u>	<u>Yeas</u>	<u>Nays</u>
G. Jones - Mayor	<u>√</u>	—
R. Monteith	<u>√</u>	—
P. North	<u>√</u>	—
J. Pennings	<u>√</u>	—

CARRIED

C of A 2022-11 MOVED BY: Member Monteith
SECONDED BY: Member North

THAT the minutes from the Committee of Adjustment meeting of April 13, 2022 are hereby adopted.

<u>Recorded Vote</u>	<u>Yeas</u>	<u>Nays</u>
G. Jones - Mayor	<u>√</u>	—

R. Monteith	<u>√</u>	—
P. North	<u>√</u>	—
J. Pennings	<u>√</u>	—

CARRIED

Chairperson Jones called the Committee of Adjustment hearing for Minor Variance Application MV 2022-03 to order. To seek relief from Section 8.2(e) Regulations of the Residential 1 (R1) Zone to permit the construction of a 297.3 square metre footprint 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 4.0 metres (13.1 feet) for the property located at 90 Optimist Drive.

No members of the Committee declared a disclosure of interest on this application.

The Secretary-Treasurer reported that a sign was posted on property by April 14th, 2022 and notices mailed to property owners within 60 metres on April 13th, 2022.

Planner Heather James presented her report to the Committee.

Secretary- Treasurer reported that comments were received from staff indicating they had no concerns. Comments were received from Kettle Creek Conservation Authority, having no objection, as detailed in the Planning Staff Report. No other comments were received.

C of A 2022-12

MOVED BY: Member Monteith

SECONDED BY: Member North

RESOLVED that the Committee of Adjustment approves Minor Variance Application MV 2022-03, filed by Pine Tree Homes Inc. C/O Fil Abrantes as per the attached decision sheet.

<u>Recorded Vote</u>	<u>Yeas</u>	<u>Nays</u>
G. Jones - Mayor	<u>√</u>	—
R. Monteith	<u>√</u>	—
P. North	<u>√</u>	—
J. Pennings	<u>√</u>	—

CARRIED



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

DECISION SHEET

Application No. MV 2022-03
Date of Hearing: April 25, 2022
Owner/Applicant: Pine Tree Homes Inc.
c/o Fil Abrantes
Description: Lot 102, Plan 11M-249
Municipal Address: 90 Optimist Drive

Lot Description:

Frontage 20.6 metres (67.59 feet)
Depth 36.0 metres (118.11 feet)
Area 714 square metres (0.176 acres)

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 single detached dwelling on the subject lands.

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 297.3 square metre footprint 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 4.0 metres (13.1 feet), subject to the following conditions:

1. That the proposed development is substantially in accordance with the Minor Variance MV 2022-03 drawings, as appended to Report PLA 2022-07 and to Schedule A of this decision.

Reasons, in accordance with Report PLA 2022-01:

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 2022-017 and the minutes of the Committee of Adjustment Meeting of April 25, 2022.

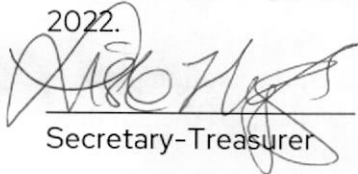
MV 2022-03
TOWNSHIP OF SOUTHWOLD
COMMITTEE OF ADJUSTMENT DECISION
PAGE 2 OF 3

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 25th day of April 2022.

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

*******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 25th day of April, 2022.


Secretary-Treasurer

April 27, 2022
Date

Schedule A - MV 2022-03

NOTE: THE PROPOSED BUILDING TIES TO THE PROPERTY LINES ARE DIMENSIONED AS A REFERENCE ONLY TO MEET MUNICIPAL REQUIREMENTS AND HAVE NOT BEEN ESTABLISHED BY A SURVEY.

NOTE: CONSULT ARCHITECTURE PLAN FOR EXACT BUILDING DIMENSIONS.

NOTE: REFER TO ARCHITECTURE PLAN FOR TOP OF FOUNDATION STEPPING. MAINTAIN MINIMUM OF 6" SEPARATION FROM TOP OF FOUNDATION TO ADJACENT FINISHED GRADE. CLIENT/CONTRACTOR TO CONFIR WITH DESIGN FIRM TO OBTAIN DESIRED HEIGHT SEPARATION BETWEEN BRICK LEDGE AND ADJACENT FINISHED GRADE.

NOTE: GARAGE USF TO TRANSITION AND BE STEPPED TO MAIN BUILDING USF AS PER OBC.

NOTE: SIDEWALK BUILT IN SIDEYARDS MAY REQUIRE RETAINING WALLS.

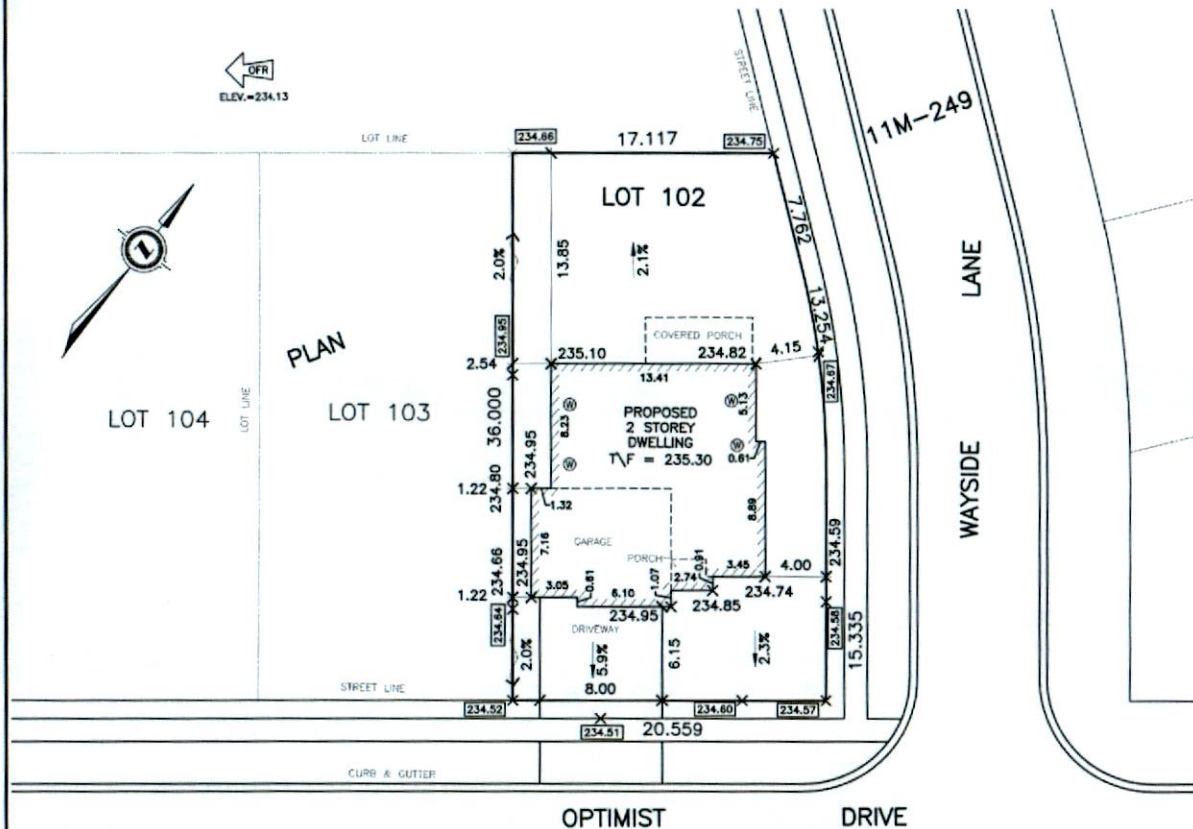
NOTE: STEP FOOTING AS PER O.B.C. PART 9.

NOTE: ALL FOOTINGS TO HAVE A MINIMUM OF 4" FROST COVER.

NOTE: WATER SERVICE CURB STOP AND SANITARY CLEAOUT (IF APPLICABLE) SHALL BE SET AT FINISHED GRADE.

NOTE: GARAGE CUT DOES NOT TAKE INTO ACCOUNT THE THICKNESS OF THE GARAGE SLAB.

NOTE: ELEVATION OF SANITARY SEWER PDC TO BE VERIFIED ON SITE, PRIOR TO EXCAVATION TO DESIGN UNDERSIDE OF FOOTING ELEVATION.



CAUTION: THIS IS NOT A PLAN OF SURVEY NOR A SITE PLAN AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

CERTIFICATION OF LOT GRADING DESIGN BY: B. R. HYLAND, P. ENG.
STRIK, BALDINELLI, MONIZ LTD., | FILE NO.: SBM-21-0912

SCALE - 1:300
0 3 6 12 18 METRES

LOT GRADING PLAN

OF ALL OF

LOT 102, PLAN 11M-249

MUNICIPAL NUMBER 90

**IN THE TOWNSHIP OF SOUTHWOLD
COUNTY OF ELGIN**

NOTES:

TOP OF FOUNDATION ELEV. = 235.30m
7-15" FDM. WALL HEIGHT MAIN BLDG. (2.35m)
0'-6" THICK FOOTING (0.15m)
UNDERSIDE OF FOOTING ELEV. • MAIN BLDG. = 232.78m
4'-6" FDM. WALL HEIGHT GARAGE (1.42m)
0'-6" THICK FOOTING (0.15m)
UNDERSIDE OF FOOTING ELEV. • GARAGE = 233.73m
13 3/4" GARAGE CLR. (0.35m)
GARAGE CUT ELEV. = 234.95m
DRIVEWAY SLOPE = 5.9%
WINDOW SIZE = 38" X 48"
BASEMENT WINDOW SILL ELEV. = 234.30m

LEGEND:

271.00 PROPOSED SPOT ELEVATION
X SUBDIVISION GRADE (BY OTHERS)
2.0% PROPOSED SLOPE
2.0% PROPOSED SLOPE
PROPOSED BUILDING
LS PROPOSED LIGHT STANDARD
CS PROPOSED CATCH BASIN
MH PROPOSED MAINTENANCE HOLE
ELTB PROPOSED ELECTRICAL TRANSBOX
PROPOSED WINDOW WELL
OFR OVERLAND FLOW ROUTE (BY OTHERS)

REFERENCE DOCUMENTS:

1. SUBDIVISION GRADING BY STRIK, BALDINELLI, MONIZ LTD., FILE No. SBM-19-0116, STAMPED 2021-03-30.
2. BUILDING DESIGN INFORMATION BY PINE TREE HOMES, FILE BASEMENT REVISED WITH SETBACK.PDF, RECEIVED BY EMAIL 2022-01-27.
3. PLAN OF SUBDIVISION REFERENCE 11M-249.

ENGINEER'S CERTIFICATE:

I HEREBY CERTIFY THAT THE PROPOSED GRADING AND APPURTENANT DRAINAGE WORKS COMPLY WITH SOUND ENGINEERING DESIGN AND THAT THE PROPOSED GRADING IS IN GENERAL CONFORMITY FOR DRAINAGE AND RELATIVE ELEVATIONS, WITH THE ACCEPTED SUBDIVISION GRADING PLANS FILED WITH THE CITY ENGINEER AND/OR ATTACHED TO THE SUBDIVISION AGREEMENT.

ZONING BASED ON : R1

COVERAGE CALCULATIONS

	AREA (m ²)	COVERAGE (%)
SITE AREA	714.26	100.00
LOT COVERAGE	241.24	33.77
DRIVEWAY AREA	50.71	7.10
LANDSCAPE AREA	422.31	59.13



1599 Adelaide St. N, Unit 203,
London, Ontario, N5X 4E8
Tel: (519) 914-1134
Fax: (519) 471-0034



DESIGN: JML CAD FILE: SBM-21-0183 CLIENT: PINE TREE HOMES
CHECKED: BPW PLOT DATE: 2022/01/28

Chairperson Jones advised the Committee and the public that the last day for appealing this decision is May 15th, 2022. 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 by the applicants or another member of the public.

C of A 2022-13

MOVED BY: Member Pennings

SECONDED BY: Member Monteith

THAT the meeting of the Committee of Adjustment to hear application MV 2022-03, filed by Pine Tree Homes Inc. C/O Fil Abrantes ends at **5:42 p.m.** and the regular meeting of council reconvenes.

<u>Recorded Vote</u>	<u>Yeas</u>	<u>Nays</u>
G. Jones - Mayor	<u>√</u>	—
R. Monteith	<u>√</u>	—
P. North	<u>√</u>	—
J. Pennings	<u>√</u>	—

CARRIED

Chairperson

Secretary-Treasurer



TOWNSHIP OF SOUTHWOLD

Report to Committee of Adjustment

MEETING DATE: May 24, 2022

PREPARED BY: Heather James, MES (Pl.), MCIP, RPP, Planner

REPORT NO: PLA 2022-10

**SUBJECT MATTER: Minor Variance Application MV 2022-04 –
Recommendation Report**

Recommendation(s):

THAT Committee of Adjustment of the Township of Southwold receive Report PLA 2022-10 regarding Minor Variance Application MV 2022-04 – Recommendation Report;

AND THAT Committee of Adjustment of the Township of Southwold approve the proposed Minor Variance Application MV 2022-04, to obtain relief from Section 8.2(e) Regulations of the Residential 1 (R1) Zone to permit the construction of a 209.04 square metre footprint 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 4.0 metres (13.1 feet), subject to the following conditions:

1. That the proposed development is substantially in accordance with the Minor Variance MV 2022-04 drawings, as appended to Report PLA 2022-10.

Purpose:

The proposal is to seek relief from Section 8.2(e) Regulations of the Residential 1 (R1) Zone to permit the construction of a single detached dwelling on the subject lands.

Background:

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

Application	MV 2022-04
Owner/Applicant	8735506 Canada Ltd. (c/o Vara Homes Inc.)
Legal Description	Lot 101, Plan 11M-249
Civic Address	71 Wayside Lane

Entrance Access	Wayside Lane
Water Supply	Township water supply
Sewage Supply	Municipal Sewer System
Use of Property	Existing: vacant residential Proposed: residential
Buildings	Existing: none Proposed: single detached dwelling
Existing Land Area	681.38 square metres (7,334.31 square feet)
Official Plan Land Use Designation	Residential
Zoning Category	Residential 1 (R1) (Schedule A, Map 12)

Figure One below, depicts the existing parcel of the 8735506 Canada Ltd. lands.

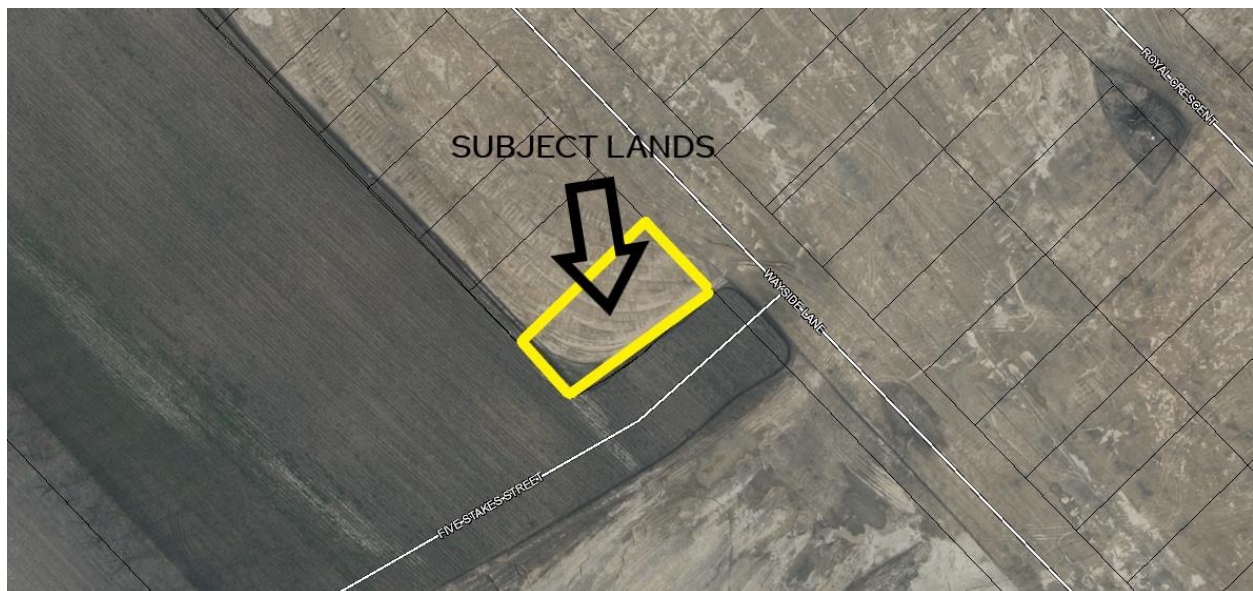
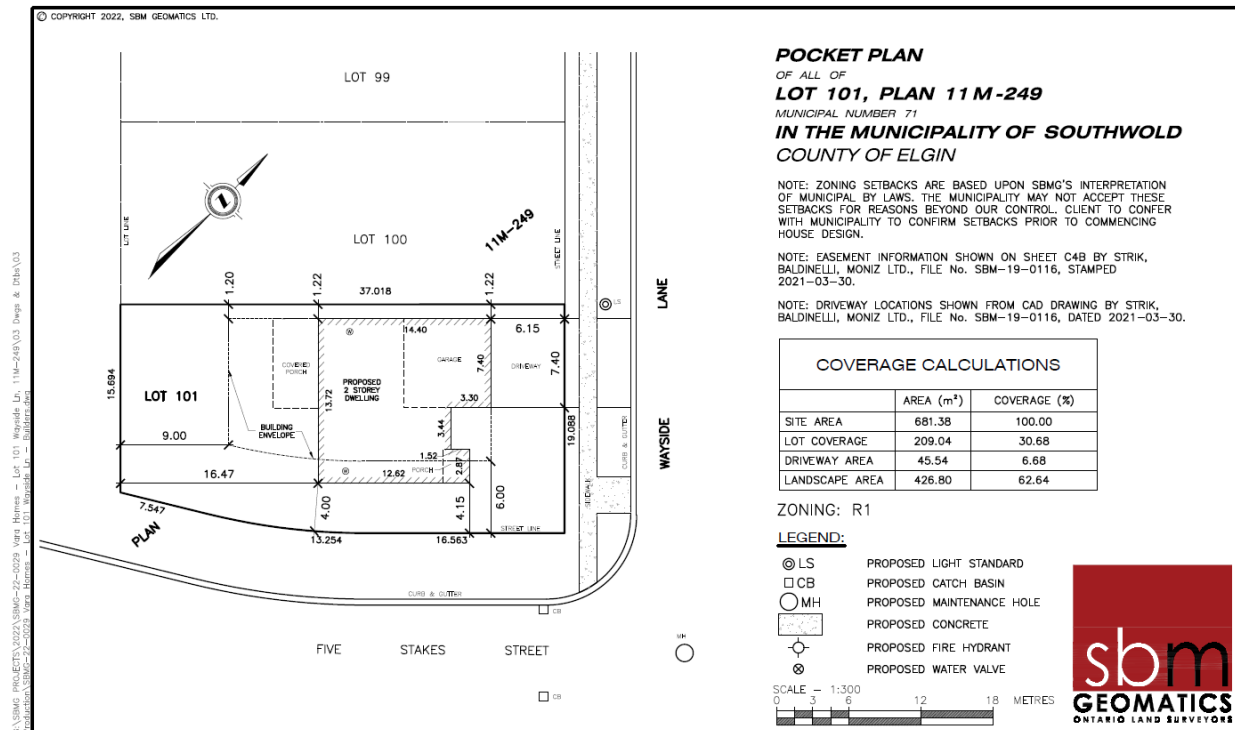


Figure Two below is an excerpt of the lot grading plan drawing submitted:



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 a 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 Township of Southwold Official Plan?

Yes. The subject lands are designated Residential on Schedule '4A' Talbotville Land Use of the Township of Southwold Official Plan. A single detached dwelling is permitted in the 'Residential' designation. The proposed reduced minimum exterior side yard does not contravene the Official Plan policies.

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

Yes. The subject lands are zoned Residential 1 (R1) Zone in the Township of Southwold Zoning By-law 2011-14, Schedule 'A', Map 12. A single detached dwelling is a permitted use in the Residential 1 (R1) Zone. With the exception of the proposed reduced minimum exterior side yard, the application complies with all remaining zoning provisions. The proposed dwelling would impact the exterior side yard setback for the whole side face of the dwelling, but still maintains adequate side yard for site visibility on the corner lots of Wayside Lane, as per Section 3.44 of the Zoning By-law, being a 6 metre by 6 metre triangle for a Township Road intersection.

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 single detached dwelling with a reduced minimum exterior side yard. Due to the proposed size of the dwelling and the inconsistent width of the lot, it is unable to meet the exterior side yard requirement. At the time of the issuance of the building permit, the owner will need to demonstrate that the lot grading and lot drainage for the lands will not be compromised as a result of the reduced exterior side yard and comply with the subdivision agreement. The variance will not impede the function of the exterior side yard and still provides for sufficient separation from the street.

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 May 11, 2022, 13 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#MV2022-03-90-Optimist-Drive>

Township Department Comments

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

- Infrastructure Department:
 - No concerns, as long as grading isn't negatively impacted.
- Drainage Department:
 - No concerns.
- Building Department:
 - No comments.

No additional comments were received.

Agency Comments

Comments received from applicable commenting agencies at time of writing of this report, as summarized below:

- Kettle Creek Conservation Authority
 - doesn't have any objection to the subject minor variance application.

No additional comments were received.

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, 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:
Heather James, MES (Pl.), MCIP, RPP
Planner

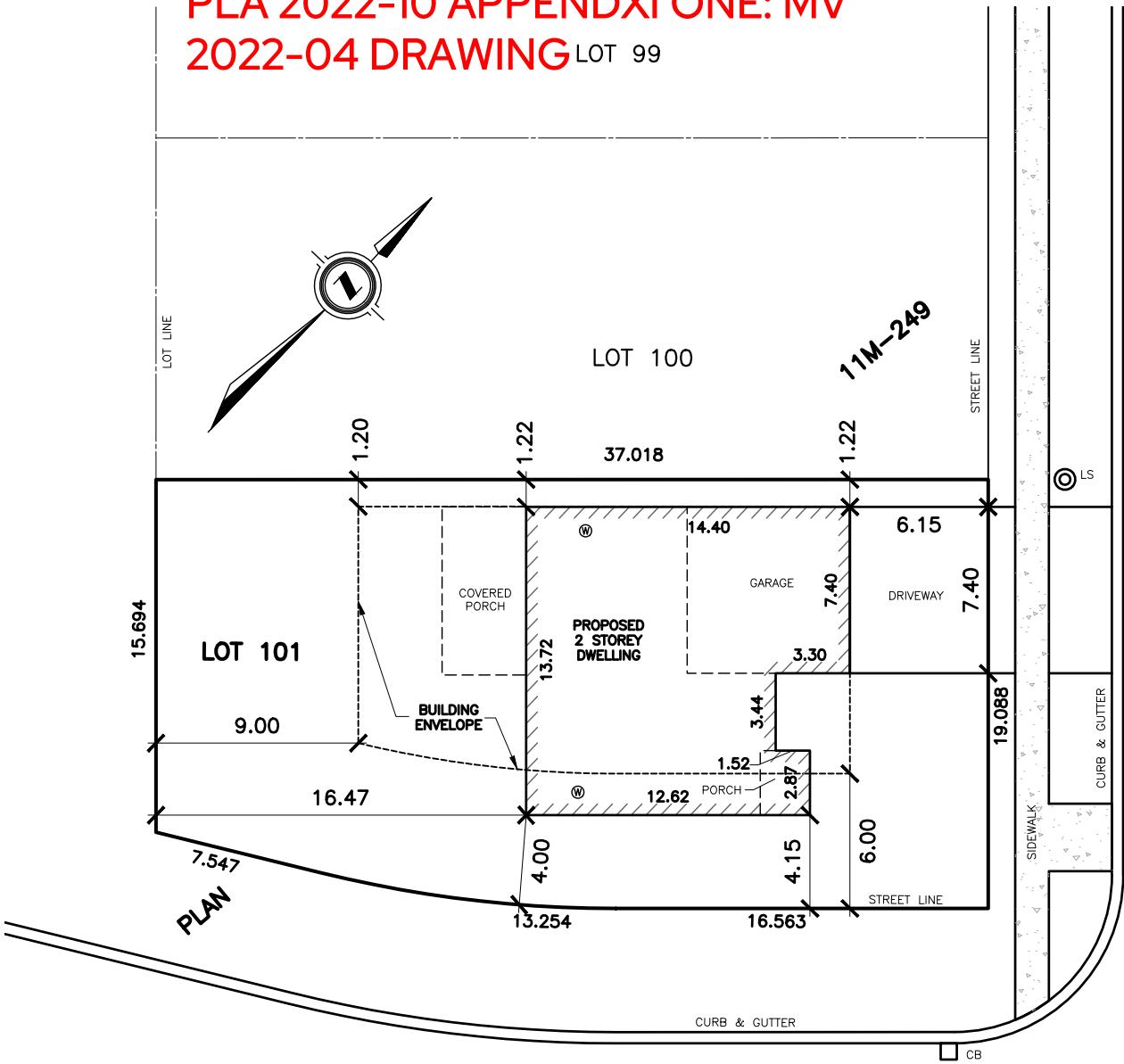
Approved for submission by:
Jeff Carswell
Director of Corporate
Services/Treasurer

Appendices:

1. Appendix One: Minor Variance Application MV 2022-04 Drawing

PLA 2022-10 APPENDXI ONE: MV
2022-04 DRAWING

LOT 99



LANE

WAYSIDE

POCKET PLAN
OF ALL OF
LOT 101, PLAN 11 M-249
MUNICIPAL NUMBER 71
IN THE MUNICIPALITY OF SOUTHWOLD
COUNTY OF ELGIN

NOTE: ZONING SETBACKS ARE BASED UPON SBMG'S INTERPRETATION OF MUNICIPAL BY LAWS. THE MUNICIPALITY MAY NOT ACCEPT THESE SETBACKS FOR REASONS BEYOND OUR CONTROL. CLIENT TO CONFER WITH MUNICIPALITY TO CONFIRM SETBACKS PRIOR TO COMMENCING HOUSE DESIGN.

NOTE: EASEMENT INFORMATION SHOWN ON SHEET C4B BY STRIK, BALDINELLI, MONIZ LTD., FILE No. SBM-19-0116, STAMPED 2021-03-30.

NOTE: DRIVEWAY LOCATIONS SHOWN FROM CAD DRAWING BY STRIK, BALDINELLI, MONIZ LTD., FILE No. SBM-19-0116, DATED 2021-03-30.

COVERAGE CALCULATIONS		
	AREA (m ²)	COVERAGE (%)
SITE AREA	681.38	100.00
LOT COVERAGE	209.04	30.68
DRIVEWAY AREA	45.54	6.68
LANDSCAPE AREA	426.80	62.64

ZONING: R1

LEGEND:

- ⊙ LS PROPOSED LIGHT STANDARD
- CB PROPOSED CATCH BASIN
- MH PROPOSED MAINTENANCE HOLE
- ▨ PROPOSED CONCRETE
- ⊕ PROPOSED FIRE HYDRANT
- ⊗ PROPOSED WATER VALVE

