



A G E N D A

Tuesday October 15, 2024

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 May 27, 2024
5. NEW BUSINESS
 - (a) Minor Variance Application MV 2024-05, R. Singh and M. Bajwa, 10868 Sunset Road
6. ADJOURNMENT



Meeting of the Committee of Adjustment
Monday May 27, 2024
Council Chambers, Fingal/Via Video Link

MEMBERS PRESENT: Chairperson: Mayor Grant Jones
 Members: Deputy Mayor Justin Pennings
 Councillor John Adzija
 Councillor Sarah Emons
 Councillor Scott Fellows

Township Administration Present: Lisa Higgs, Secretary-Treasurer
 Paul Hicks, Planner

MV 2024-03 and MV 2024-04

In attendance: S. Congdon, Strik Baldinelli Moniz Ltd.

MV 2024-03, Farhi Holdings Corp. C/O Strik Baldinelli Moniz Ltd, Optimist Drive BLK 183 and MV 2024-04 Farhi Holdings Corp. C/O Strik Baldinelli Moniz, Sycamore Road BLK 173

**C of A 2024-06 Moved by: Member Fellows
 Seconded by: Member Pennings**

THAT the regular Council meeting adjourn to sit as a Committee of Adjustment to hear minor variance applications MV 2024-03, Farhi Holdings Corp. C/O Strik Baldinelli Moniz Ltd., Optimist Drive BLK 183 and MV 2024-04 Farhi Holdings Corp. C/O Strik Baldinelli Moniz Ltd., Sycamore Road BLK 173 at **7:15 p.m.**

CARRIED

Approval of Committee of Adjustment Minutes

**C of A 2024-07 Moved by: Member Emons
 Seconded by: Member Adzija**

THAT the minutes from the Committee of Adjustment Meeting of April 8, 2024 are hereby adopted.

CARRIED

Chairperson Jones called the meeting to order and stated that this application seeks relief from the provisions of Zoning By-law 2011-14, as amended to permit the development of street rowhouse dwellings by way of a future vacant land Plan of

Condominium application. Specifically, the minor variance will consider the following: to obtain relief from the provisions of Section 3.38 - Parking Regulations and Section 10.2 - Residential 3 (R3) Zone of Zoning By-law 2011-14, as amended, to permit the following:

1. Reduce the required minimum separation of parking from a property line from 1.0 m to 0.0 m; and
2. Reduce the required minimum interior side yard setback from 3.0 m to 1.5 m.

Chairperson Jones asked if any member of the Committee had a disclosure of interest concerning the Minor Variance Application. No disclosures were made.

Chairperson Jones asked the Secretary-Treasurer what method and when was the notice given to the public for this hearing. The Secretary-Treasurer responded that a sign was posted on the property prior to the May 17, 2024 2024 deadline and notices were mailed to property owners within 60 metres on May 16, 2024.

Planning Consultant Paul Hicks presented reports PLA 2024-07, MV 2024-03, Blk 183 Optimist Drive and PLA 2024-08, MV 2024-04, Blk 173 Sycamore Road. MV 2024-04 is requesting a reduce the required minimum separation of parking from a property line from 1.0 m to 0.0 m; and a reduce the required minimum interior side yard setback from 3.0 m to 1.4 m.

Chairperson Jones asked if any Committee Members had any questions on the Planning Reports. No questions were asked.

Chairperson Jones asked the Secretary-Treasurer if any comments were received from staff. The Secretary-Treasurer responded yes. Comments received from staff were included in reports PLA 2024-07 and PLA 2024-08.

Chairperson Jones asked if any written submissions were received on these applications. The Secretary-Treasurer responded that no written submissions were received on either of these applications.

Chairperson Jones asked if the owner and/or applicant is in attendance and to please identify yourself so that the Township has a record of your attendance at this public hearing, with your name and civic address. We would like to give you an opportunity to address the application. S. Congdon of Strik Baldinelli and Moniz identified herself. She reported that she agrees with the recommendations that were presented in the staff reports.

C of A 2024-08

MOVED BY: Member Fellows

SECONDED BY: Member Pennings

THAT the Committee of Adjustment of the Township of Southwold receive Report PLA 2024-07 regarding Minor Variance Application MV 2024-03 filed by, Farhi Holdings Corp. C/O Strik Baldinelli Moniz Ltd, BLK 183, Optimist Drive; and

THAT the Committee of Adjustment approves the proposed Minor Variance to obtain relief from the Zoning By-law 2011-14, as amended to permit the development of street rowhouses by way of a future vacant land Plan of Condominium application in accordance with the site-specific decision sheet attached to the minutes of this meeting.

CARRIED



TOWNSHIP OF SOUTHWOLD
COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION
APPLICATION NO. MV 2024-03

ATTACHED is a certified copy of the decision of the Committee of Adjustment in the matter of an Application MV 2024-03 for a minor variance pursuant to Section 45 (10) of the Planning Act, R.S.O. 1990, as amended.

The applicant, the Minister or any other person or public body who has an interest in the matter may appeal the decision to the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) by filing with the Secretary-Treasurer of the Committee of Adjustment, not later than the **15th day of June, 2024**, a Notice of Appeal, accompanied by the Tribunal fee, in the amount of \$400.00 for the first appeal and \$25.00 for each further appeal related to the same matter. Certified Cheque, Money Order or Credit Card payment are to be made payable to the Minister of Finance and in Canadian funds. If you wish to appeal, a copy of an appeal form is available from the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) website at: <https://olt.gov.on.ca/tribunals/lpat/about-lpat/>

Additional Information regarding this application for minor variance is available for review, at the Township of Southwold Municipal Office, or by contacting the Township Planner via phone at 519-769-2010 or e-mail at cao@southwold.ca, or available online at the Township's website at: www.southwold.ca/current-planning-applications

Dated this 30th day of May, 2024.

Lisa Higgs, CAO
Secretary-Treasurer of the Committee of Adjustment
Township of Southwold
35663 Fingal Line
Fingal, Ontario N0L 1K0
Phone: 519-769-2010
Fax: 519-769-2837
E-mail: cao@southwold.ca



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

DECISION SHEET

Application No. MV 2024-03
Date of Hearing: May 27, 2024
Owner/Applicant: Farhi Holdings Corporation.
Agent: Sandra Congdon, Strik, Baldinelli, Moniz Ltd
Description: Blk 183 PLAN 11M266
Municipal Address: Optimist Drive

Lot Description:

| | |
|------------------------------|-----------------------------|
| Existing Lot Area | 4,094.0 sq m (1.01 Ac) |
| Existing Lot Frontage | 113.62 metres (372.77 feet) |
| Existing Lot Depth | 38.0 metres (124.67 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 provisions of Zoning By-law 2011-14, as amended to permit the development of street rowhouses by way of a future vacant land Plan of Condominium application. Specifically, the minor variance will consider the following:

1. Reduce the required minimum separation of parking from a property line from 1.0 m to 0.0 m;
 - a. This provision will apply to all lots.
2. Reduce the required minimum interior side yard setback from 3.0 m to 1.5m.
 - a. This provision will apply to lots 9 and 10 and shown on the Site Plan attached as Appendix 1.

Decision:

The application is hereby **approved**, subject to the following Condition:

1. That all development must comply with an approved Grading and Drainage Plan for the subject lands, to the satisfaction of Staff.

Reasons for approval, in accordance with Report PLA 2024-07:

1. The variance does maintain the intent and purpose of the Official Plan.
2. The variance does maintain 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 2024-07 and the minutes of the Committee of Adjustment Meeting of May 27, 2024.

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 27th day of May, 2024.

| RECORDED VOTE | TO GRANT | TO REFUSE | Absent | Present |
|---|-----------------|------------------|---------------|----------------|
| Committee Member, John Adzija | <u>✓</u> | _____ | () | (✓) |
| Committee Member, Scott Fellows | <u>✓</u> | _____ | () | (✓) |
| Committee Member, Sarah Emons | <u>✓</u> | _____ | () | (✓) |
| Chairperson and Committee Member, Grant Jones | <u>✓</u> | _____ | () | (✓) |
| Committee Member, Justin Pennings | <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 27th day of May, 2024.


 Secretary-Treasurer

May 29, 2024
 Date

*******NOTICE OF LAST DATE OF APPEAL*******

NOTICE IS HEREBY GIVEN THAT THE LAST DATE FOR APPEALING THIS DECISION TO THE ONTARIO LAND TRIBUNAL (OLT) IS THE **15th DAY OF JUNE, 2024.**

The decision of the Committee may be appealed to the Ontario Land Tribunal (OLT) by serving personally on or sending by registered mail to the Secretary-Treasurer of the Committee a Notice of Appeal and a copy of an appeal form which is available from the OLT website at www.olt.gov.on.ca setting out the objection to the decision and the reasons in support of the

objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Tribunal as payable on an appeal from the Committee of Adjustment to the Tribunal.

Lisa Higgs CAO/Clerk
Township of Southwold
35663 Fingal Line
Fingal, Ontario
NOL 1K0
Phone: 519-769-2010
Email: cao@southwold.ca

Schedule A: Subject Area Map Optimist Drive - MV 2024-03



Appendix 1: Site Plan

ZONING DATA CHART

| PERMITS | REQUIRED | PROVIDED |
|---------------------------------|-------------------------------------|-------------------------------------|
| 1 PERMITTED LINES | SEE PERMITTED USE NOTE ON SHEET SP1 | SEE PERMITTED USE NOTE ON SHEET SP1 |
| 2 LOT AREA (sq MTR) | 247.0m ² | 247.0 |
| 3 LOT FRONTAGE (m MIN) | 6.0 | 6.0 |
| 4 FRONT YARD SETBACK (m MIN) | 6.0 | 6.0 |
| 5 EXTERIOR SIDE YARD (m MIN) | 6.0 | N/A |
| 6 INTERIOR SIDE YARD (m MIN) | 3.0 | 1.0m |
| 7 REAR YARD (m MIN) | 10.0 | 10.0 |
| 8 OUTDOOR AMENITY AREA (sq MTR) | 45.0 | >45.0 |
| 9 LOT COVERAGE (% MAX) | 41.0% | 41.0 |
| 10 HEIGHT (m MAX) | 14.0 | <14.0 |
| 11 PARKING SETBACK (% MIN) | 1.0% | 0.0% |
| 12 VEHICLE PARKING | 1.5 PER UNIT | 3.0 PER UNIT |

PARKING REQUIREMENTS

MINIMUM PARKING SPACE (DIMENSIONS 3.7mX5.0m)
 RESIDENCE DRIVING 1.5 SPACES PER UNIT = 21 SPACES
 TOTAL PROVIDED PARKING = 24 SPACES
 PROVIDED EACH DRIVEWAY IS MIN. 3.0m WIDE

PERMITTED USES

ALL ZONE USES ARE OF SINGLE-DWELLING TYPE
 * RESIDENCE DRIVING
 * STREET HOMEWORK DRIVING
 * HOMEWORK DRIVING

LEGEND:

----- PROPOSED PARCEL UNIT
 ----- PROPOSED BUILDING SETBACKS
 - - - - - LIMITS OF SUBJECT PROPERTY

* AS PER 3.3.1(4) ZONING
 ** AS PER 3.3.1(5) ZONING
 *** ZONING SETBACKS

SITE BENCHMARK:

MONUMENT #1:

NAME: 02114M4218

TYPE: TABLET

LOCATION: 1-1/2 STREET WIDE HOUSE ON WEST SIDE OF DRIVE, 80 PLACING SOUTH FROM ONE OF THE 4 CURVE IN TALBOTVILLE 1.5m SOUTH OF THE LOT OF 111M-3 AND 4. TABLET IS SET HORIZONTALLY IN SOUTH FACE OF CONCRETE FOUNDATION, 3.0m WEST OF NORTHWEST CORNER AND 50cm BELOW BROOKWAY

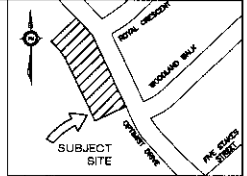
GEODEIC ELEVATION: 333.34m

MONUMENT #2:

NAME: 02114M4204

TYPE: TABLET

LOCATION: ONE STOREY RED BRICK ANTIQUE SHOP ON THE EAST SIDE OF HWY 4, 0.2m NORTH OF THE LOT OF 111M-3 AND 4 IN TALBOTVILLE. TABLET IS SET HORIZONTALLY IN THE NORTH FACE OF CONCRETE FOUNDATION OF ANTIQUE, 45cm WEST OF CENTRE LINE OF ROADWAY, 3.0m WEST OF THE EXTREME N.E. CORNER AND 24cm BELOW THE TOP OF FOUNDATION.
 GEODEIC ELEVATION: 333.05m

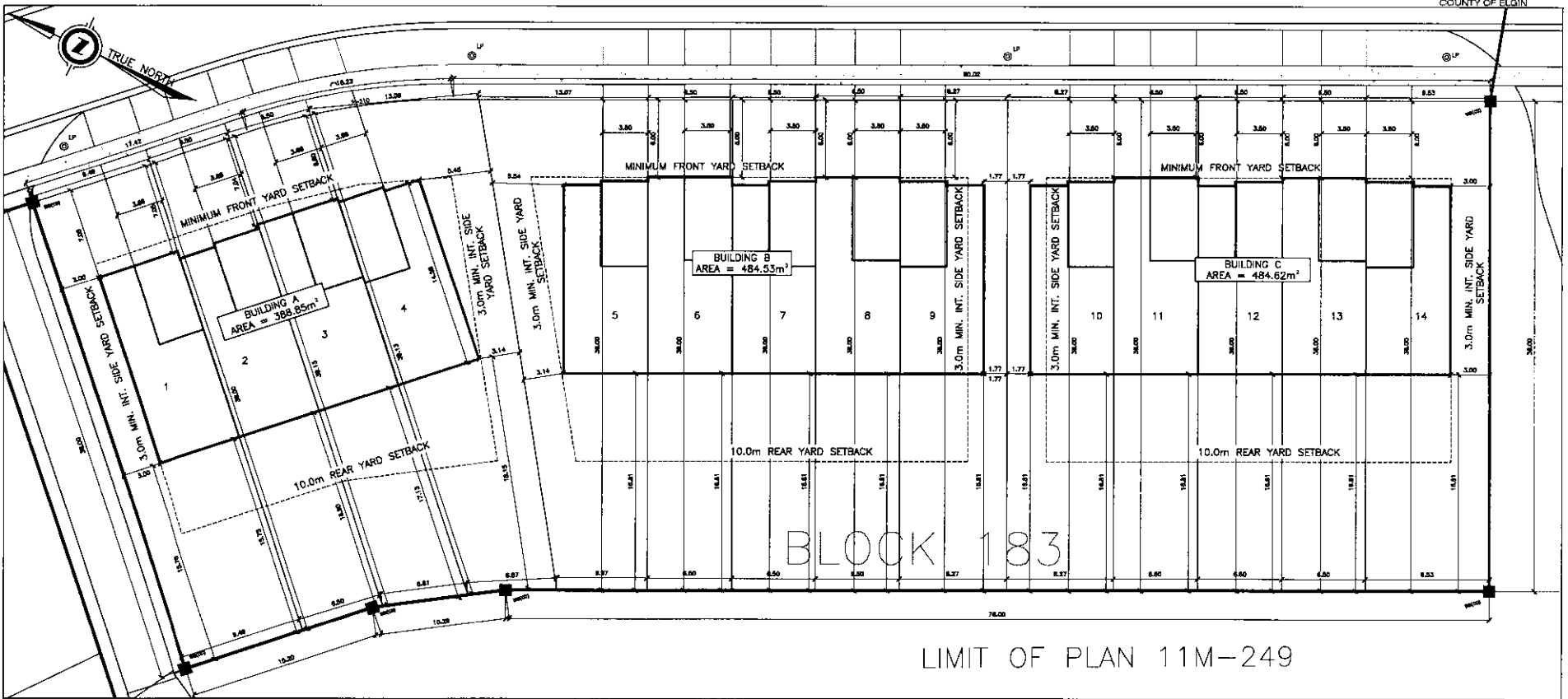


KEY PLAN

LEGAL INFORMATION

ALL OF
 BLOCK 183, PLAN 11M-TBD
 IN THE
 TOWNSHIP OF SOUTH-WOLD
 COUNTY OF ELGIN

OPTIMIST DRIVE



| AS CONSTRUCTED SERVICES | COMPLETION | No. | FOR CLIENT REVIEW | DATE | BY | REVISION |
|-------------------------|------------|-----|-------------------------------|----------|----|----------|
| | | 1 | FOR CLIENT REVIEW | 04/01/22 | MG | |
| | | 2 | ISSUED FOR MUNICIPAL VARIANCE | 01/04/24 | MG | |

STRIK BALDINELLI MONIZ
 PLANNING - CIVIL - ARCHITECTURE - ELECTRICAL
 159 Adelaide St. N., Unit 301, London, Ontario, N6A 4E3
 Tel: (519) 471-8827 Fax: (519) 471-0234
 Email: info@sbm.ca

| OWNER'S SHOP | DATE |
|--------------|------|
| | |

FARHI HOLDINGS CORP.
 620 RICHMOND ST.
 LONDON, ON
 N6A 5J9
 P: 519.645.8866
 E: DEVELOPMENT@FHC.CA ; JIM@FHC.CA

SCALE - 1:250
 2.5 5.0m

SITE PLAN & ZONING CHART
 BLOCK 183, 11M-TBD
TALBOTVILLE MEADOWS TOWNHOMES
 347-502302
 SOUTHWOLD, ON.

PROJECT NO. **SBM-19-0116**
 SHEET NO. **SP1**
 PLAN FILE NO.

C of A 2024-09

MOVED BY: Member Adzija

SECONDED BY: Member Emons

THAT the Committee of Adjustment of the Township of Southwold receive Report PLA 2024-08 regarding Minor Variance Application MV 2024-04 filed by, Farhi Holdings Corp. C/O Strik Baldinelli Moniz Ltd, BLK 173, Sycamore Road; and

THAT the Committee of Adjustment approves the proposed Minor Variance to obtain relief from the Zoning By-law 2011-14, as amended to permit the development of street rowhouses by way of a future vacant land Plan of Condominium application in accordance with the site-specific decision sheet attached to the minutes of this meeting.

CARRIED



TOWNSHIP OF SOUTHWOLD
COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION
APPLICATION NO. MV 2024-04

ATTACHED is a certified copy of the decision of the Committee of Adjustment in the matter of an Application MV 2024-04 for a minor variance pursuant to Section 45 (10) of the Planning Act, R.S.O. 1990, as amended.

The applicant, the Minister or any other person or public body who has an interest in the matter may appeal the decision to the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) by filing with the Secretary-Treasurer of the Committee of Adjustment, not later than the **15th day of June, 2024**, a Notice of Appeal, accompanied by the Tribunal fee, in the amount of \$400.00 for the first appeal and \$25.00 for each further appeal related to the same matter. Certified Cheque, Money Order or Credit Card payment are to be made payable to the Minister of Finance and in Canadian funds. If you wish to appeal, a copy of an appeal form is available from the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) website at: <https://olt.gov.on.ca/tribunals/lpat/about-lpat/>

Additional Information regarding this application for minor variance is available for review, at the Township of Southwold Municipal Office, or by contacting the Township Planner via phone at 519-769-2010 or e-mail at cao@southwold.ca, or available online at the Township's website at: www.southwold.ca/current-planning-applications

Dated this 30th day of May, 2024.

A handwritten signature in black ink, appearing to read 'Lisa Higgs'.

Lisa Higgs, CAO
Secretary-Treasurer of the Committee of Adjustment
Township of Southwold
35663 Fingal Line
Fingal, Ontario N0L 1K0
Phone: 519-769-2010
Fax: 519-769-2837
E-mail: cao@southwold.ca



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

DECISION SHEET

Application No. MV 2024-04
Date of Hearing: May 27, 2024
Owner/Applicant: Farhi Holdings Corporation.
Agent: Sandra Congdon, Strik, Baldinelli, Moniz Ltd
Description: Blk 173 PLAN 11M266
Municipal Address: Sycamore Road

Lot Description:

| | |
|------------------------------|----------------------------|
| Existing Lot Area | 3, 222.0 sq m (0.08 Ac) |
| Existing Lot Frontage | 87.08 metres (285.86 feet) |
| Existing Lot Depth | 37.0 metres (121.39 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 provisions of Zoning By-law 2011-14, as amended to permit the development of street rowhouses by way of a future vacant land Plan of Condominium application. Specifically, the minor variance will consider the following:

1. Reduce the parking separation from a property line from 1.0m to 0.0m
 - a. This provision will apply to all lots
2. Reduce the required interior side yard setback from 3.0m to 1.4m in Appendix 1 to this report and to be attached as Schedule A to any decision of the Committee of Adjustment
 - a. This provision will apply to lots 6 and 7 as shown in the Site Plan attached as Appendix 1

Decision:

The application is hereby **approved** subject to the following Condition:

1. That all development must comply with an approved Grading and Drainage Plan for the subject lands, to the satisfaction of Staff.

Reasons for approval, in accordance with Report PLA 2024-08:

1. The variance does maintain the intent and purpose of the Official Plan.
2. The variance does maintain 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 2024-08 and the minutes of the Committee of Adjustment Meeting of May 27, 2024.

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 27th day of May, 2024.

| RECORDED VOTE | TO GRANT | TO REFUSE | Absent | Present |
|---|-----------------|------------------|---------------|----------------|
| Committee Member, John Adzija | <u>✓</u> | _____ | () | (✓) |
| Committee Member, Scott Fellows | <u>✓</u> | _____ | () | (✓) |
| Committee Member, Sarah Emons | <u>✓</u> | _____ | () | (✓) |
| Chairperson and Committee Member, Grant Jones | <u>✓</u> | _____ | () | (✓) |
| Committee Member, Justin Pennings | <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 27th day of May, 2024.


 Secretary-Treasurer

May 29, 2024
 Date

*******NOTICE OF LAST DATE OF APPEAL*******

NOTICE IS HEREBY GIVEN THAT THE LAST DATE FOR APPEALING THIS DECISION TO THE ONTARIO LAND TRIBUNAL (OLT) IS THE **15th DAY OF JUNE, 2024.**

The decision of the Committee may be appealed to the Ontario Land Tribunal (OLT) by serving personally on or sending by registered mail to the Secretary-Treasurer of the Committee a Notice of Appeal and a copy of an appeal form which is available from the OLT website at www.olt.gov.on.ca setting out the objection to the decision and the reasons in support of the

objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Tribunal as payable on an appeal from the Committee of Adjustment to the Tribunal.

Lisa Higgs CAO/Clerk
Township of Southwold
35663 Fingal Line
Fingal, Ontario
NOL 1K0
Phone: 519-769-2010
Email: cao@southwold.ca

Schedule A: Subject Area Map Sycamore Road – MV 2024-04



Appendix 1: Site Plan

ZONING DATA CHART

| GROSS SITE AREA: 3222.00 m ² | ASPHALT AREA: 259.3 m ² | |
|---|--|-------------------------------------|
| BUILDING AREA: 1165.5 m ² | LANDSCAPED AREA: 1797.2 m ² | |
| ITEM NO. | REQUIRED | PROVIDED |
| 1 PERMITTED USES | SEE PERMITTED USE NOTE ON SHEET SP1 | SEE PERMITTED USE NOTE ON SHEET SP1 |
| 2 LOT AREA (m ² MIN) | 240.0** | 240.5 |
| 3 LOT FRONTAGE (m MIN) | 6.0 | 6.5 |
| 4 FRONT YARD SETBACK (m MIN) | 6.0 | 6.0 |
| 5 EXTERIOR SIDE YARD (m MIN) | 6.0 | 3/4 |
| 6 INTERIOR SIDE YARD (m MIN) | 3.0 | 1.4*** |
| 7 REAR YARD (m MIN) | 10.0 | 15.81 |
| 8 OUTDOOR AMENITY AREA (m ² /UNIT) | 45.0 | >45.0 |
| 9 LOT COVERAGE (MAX) | 41.0** | 41.0 |
| 10 HEIGHT (m MAX) | 14.0 | <14.0 |
| 11 PARKING SETBACK (m MIN) | 1.2* | 0.00** |
| 12 VEHICLE PARKING | 1.5 PER UNIT | 2.0 PER UNIT |

PARKING REQUIREMENTS

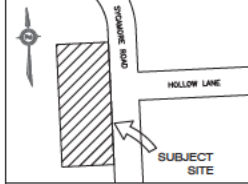
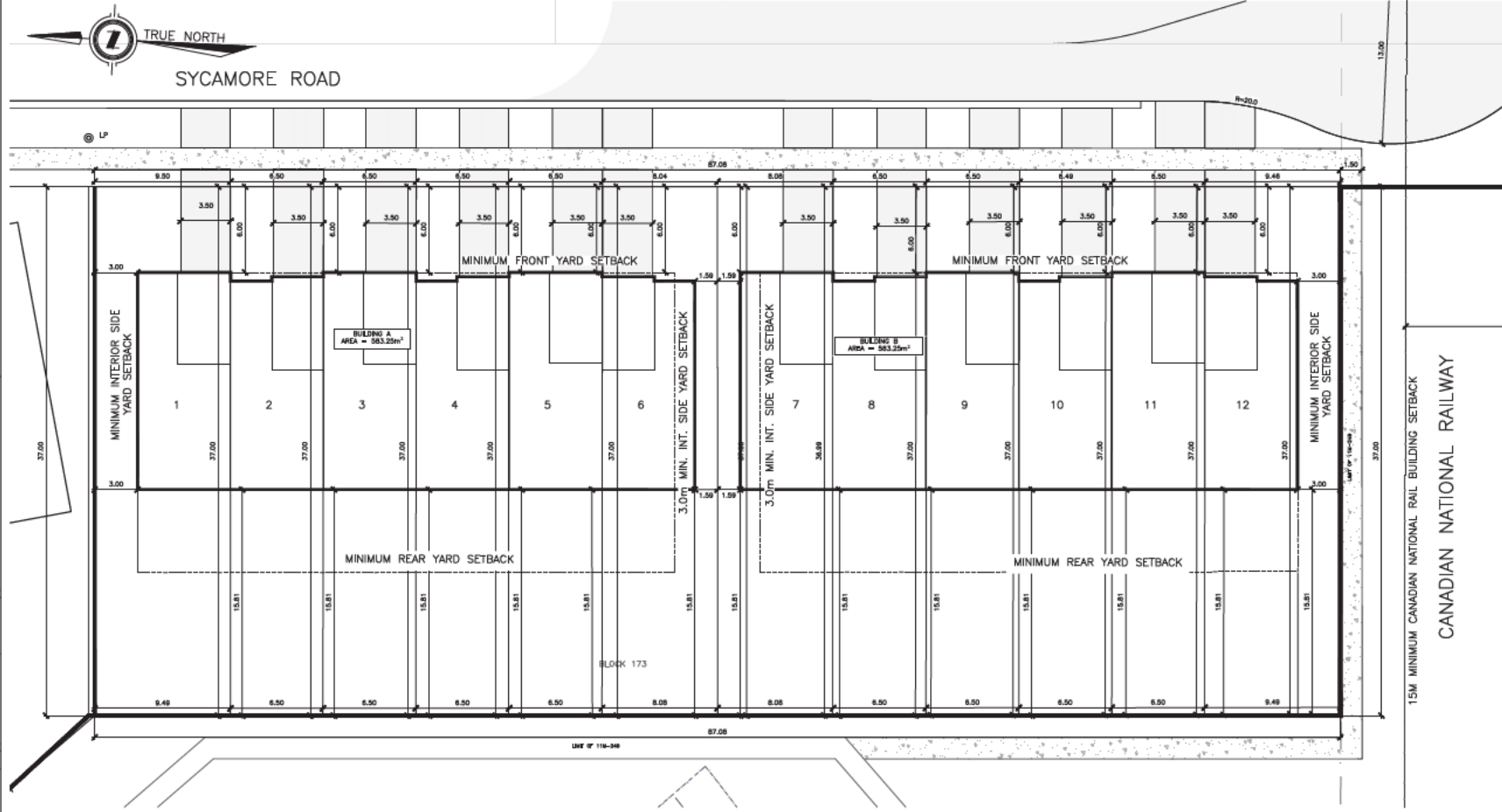
MINIMUM PARKING SPACE DIMENSIONS 2.7mx0.9m,
 MINIMUM PARKING SPACE DIMENSIONS 2.7m x 0.9m,
 1.5 SPACES PER UNIT
 TOTAL PROVIDED PARKING 24 SPACES
 PROVIDED: EACH DRIVEWAY IS MIN. 3.5m WIDE

LEGEND:

- PROPOSED PARCEL LIMIT
- PROPOSED BUILDING SETBACKS
- LIMITS OF SUBJECT PROPERTY



SYCAMORE ROAD



KEY PLAN
N.T.S.

LEGAL INFORMATION

ALL OF
 BLOCK 173, PLAN 11M-TBD
 IN THE
 TOWNSHIP OF SOUTHWOLD
 COUNTY OF ELGIN

SITE BENCHMARK:

MONUMENT #1:
 NAME: 00810548018
 TYPE: TABLET
 LOCATION: 1-1/2 STOREY BRICK HOUSE ON WEST SIDE OF GRAVEL RD RUNNING SOUTH FROM END OF HWY 4 CURVE IN TALBOTVILLE, 0.3m SOUTH OF THE JOINT OF HWYS 3 AND 4. TABLET IS SET HORIZONTALLY IN SOUTH FACE OF CONCRETE FOUNDATION, 2.07m WEST OF NORTHWEST CORNER AND 0.5m BELOW BRICKWORK.
 GEODETIC ELEVATION: 233.346m

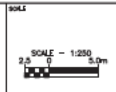
MONUMENT #2:
 NAME: 00810588004
 TYPE: TABLET
 LOCATION: ONE STOREY RED BRICK ANTIQUE SHOP ON THE EAST SIDE OF HWY 4, 0.8m NORTH OF THE JOINT OF HWYS 3 AND 4 IN TALBOTVILLE. TABLET IS SET HORIZONTALLY IN THE NORTH FACE OF CONCRETE FOUNDATION OF ADDITION, 43.0m EAST OF CENTRE LINE OF PAVEMENT, 0.2m WEST OF THE EXTREME N.E. CORNER AND 24cm BELOW THE TOP OF FOUNDATION.
 GEODETIC ELEVATION: 235.566m

| AS CONSTRUCTED SERVICES | COMPLETION | No. | REVISIONS | D/M/Y | BY | 09943Jmt |
|-------------------------|------------|-----|-------------------------|------------|-----|----------|
| | | 1 | FOR CLIENT REVIEW | 04/07/23 | MSG | |
| | | 2 | ISSUED FOR MGR APPROVAL | 28/02/24 | MSG | |
| | | | APPROVED BY | | | |
| | | | DATE | 04/07/2022 | | |
| | | | NO | 19-0116 | | |



1000 Adelaide St. N., Unit 201, London, Ontario, N6A 4Z8
 Tel: (519) 471-4867 Fax: (519) 471-0034
 Email: info@striklb.com

Developer's Stamp
 Developer's Stamp
 CLIENT
FARHI HOLDINGS CORP.
 620 RICHMOND ST.
 LONDON, ON
 N6A 5J9
 P: 519.845.6666
 E: DEVELOPMENT@FHC.CA ; JIMB@FHC.CA



TITLE SITE PLAN & ZONING CHART
 BLOCK 173, 11M-TBD
 PROJECT NO. SBM-19-0116
 SHEET NO. SP2
 PLAN FILE NO. ---
 34T-502302
 SOUTHWOLD, ON.

Chairperson Jones advised the public that the last day for appealing this decision is June 15, 2024. 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 applicant or another member of the public.

MV 2024-03 and MV 2024-04, Adjournment of Committee of Adjustment

C of A 2024-10 **Moved by: Member Pennings**
Seconded by: Member Fellows

THAT the meeting of the Committee of Adjustment to hear applications MV 2024-03, Farhi Holdings Corp. C/O Strik Baldinelli Moniz Ltd. , Optimist Drive BLK 183 and MV 2024-04 Farhi Holdings Corp. C/O Strik Baldinelli Moniz Ltd., Sycamore Road BLK 173 and the regular meeting of council reconvenes at **7:27p.m.**

CARRIED

Chairperson

Secretary-Treasurer



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: October 15, 2024
PREPARED BY: **Christie Kent, Planner, Mike Szilagyi, Planner & Lisa Higgs, CAO/Clerk**
REPORT NO: PLA 2024-16
SUBJECT MATTER: **Minor Variance Application MV 2024-05**
10868 Sunset Drive, Talbotville
Owners: R. Singh and M. Kaur Bajwa

Recommendations:

THAT the Committee of Adjustment for the Township of Southwold receive Planning Report PLA 2024-14 regarding Application for Permission and Minor Variance MV 2024-05;

THAT the Committee of Adjustment for the Township of Southwold grant Permission under Section 45(2)(b) of the Planning Act to permit an accessory building to be used for a Home Industry; and,

THAT the Committee of Adjustment for the Township of Southwold grant the requested Minor Variance to obtain relief from the provisions of Section 3.1 (b) (Accessory Uses) to permit an increased lot coverage for accessory buildings and 3.14 (c) (Home Industry) to permit an increased maximum floor area devoted to a Home Industry.

Summary:

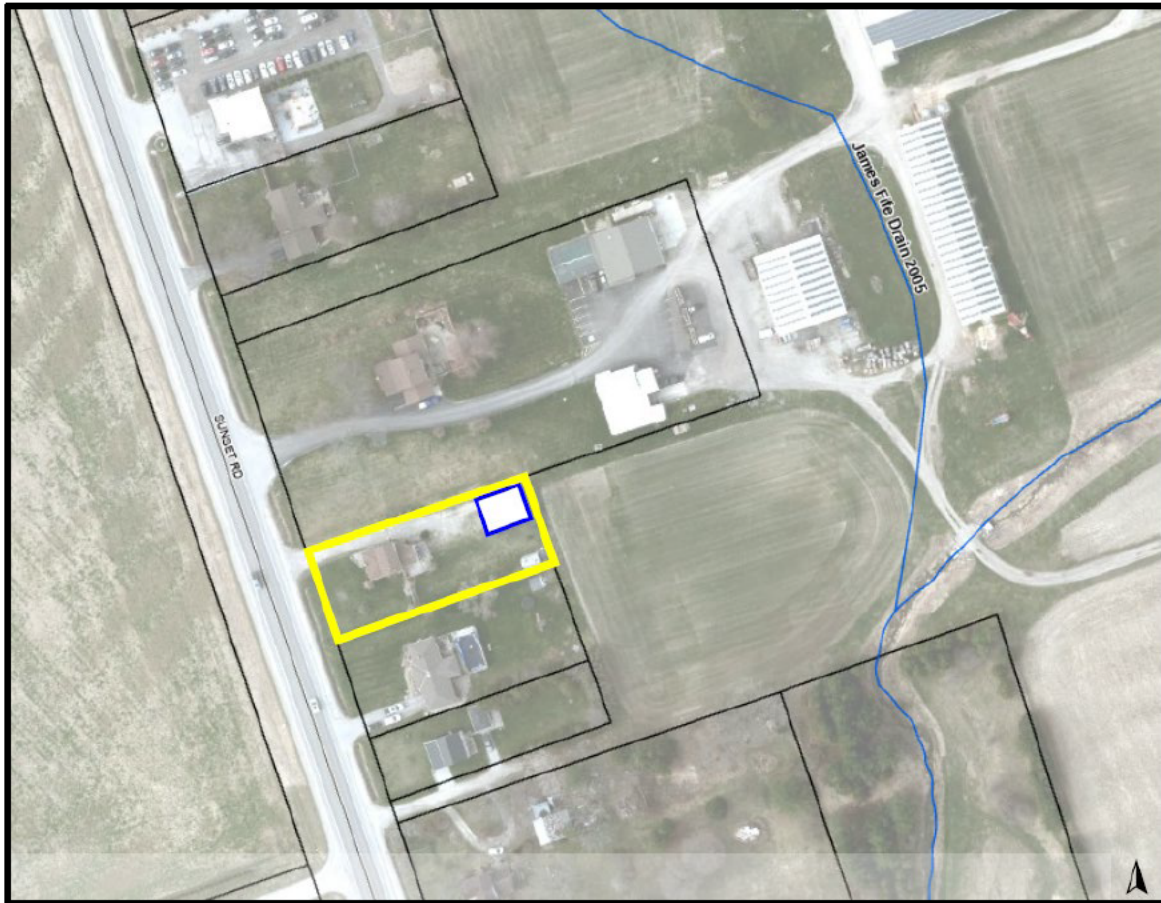
- The permission would specify that a Home Industry, as an accessory use to the principal residential use of the property, conforms with the uses permitted in the Zoning By-law, whereas Home Industry is not specifically permitted within the Residential 1 (R1) Zone but accessory uses, buildings and structures shall be permitted in any zone subject to provisions;
- The variances would increase the lot coverage of an accessory building from 15% to 25% and increase the maximum gross floor area devoted to a Home Industry from 200m² to approximately 325m²;
- The applicants reside on the property and intend to establish and scale the proposed Home Industry until such time that the subject property is re-zoned to align with the underlying Industrial land use designation.

Purpose:

The purpose of this report is to provide the Committee of Adjustment with background information to support the recommendation to approve Application for Permission and Minor Variance following the Public Hearing scheduled for October 15, 2024.

The subject lands are located at 10868 Sunset Drive, Talbotville and are legally described as Part of Lot 42, Concession East of the North Branch of Talbot Road, Geographic Township of Southwold, County of Elgin. The subject lands are highlighted

The subject lands are located within the Talbotville settlement area, on lands designated Industrial on Schedule 4A of the Township of Southwold Official Plan. It is assumed that over the longer-term planning horizon, the existing residential uses will transition to commercial/industrial uses that are more compatible with surrounding larger-scale industrial and commercial uses. To the north of the subject lands is the Oegema Turkey Shoppe and associated agricultural uses. Lands to the south include similar residential uses while southwest of the subject property lands are zoned to permit parking and storage of construction vehicles. Other surrounding land uses include existing residential and agricultural lands reserved for future residential.

Figure 1.0 Key Map of Subject Property**Consultation****Statutory Notice Requirements**

The Notice of the Public Hearing was provided in accordance with the provisions of the Planning Act. Property owners within 60m of the subject lands were provided notice through regular mail delivery. Applicable persons and public bodies were provided notice of the Public Hearing and a request for comments via email. Signage advising of the date of the Public Hearing, as well as the purpose and effect of the application, was placed on the subject property and details of the application and Public Hearing were also posted publicly on the Township's website.

Public and Agency Comments

At the time of the writing of the report, no comments or concerns have been received from public agencies or surrounding property owners.

Township Comments

The Development and Infrastructure Services team expressed concerns about the water servicing on the subject property, especially as it relates to the accessory building and indicated that a servicing sketch needs to be submitted prior to issuance of a building permit. The department also indicated that there are concerns about the inclusion of significant hard surfacing. Prior to issuance of any building permits, the proponent will be required to submit a grading plan, showing that stormwater runoff will not exit the property onto neighbouring lands and will outlet into an appropriate receiver.

The building department had comments that a submitted survey for a building permit needs to show the location of existing septic system to ensure OBC Part 8 setbacks are maintained from newly proposed construction, and that any plumbing proposed for the new construction will need to be accommodated in the septic design. A land use permit from MTO will also be required for building permit issuance.

Multiple departments expressed concerns about the number of non-resident employees, indicating that the proponent must comply with the Home Industry requirements of the Zoning By-Law, which limits this to a maximum of two. Roadside parking is not permitted by either employees or customers. The proponent confirmed their intention to limit the number of non-resident employees.

Overview and Analysis:

This analysis is provided prior to the Public Hearing. Should new information arise regarding this proposal, the Committee of Adjustment is advised to take such information into account when considering the recommendation provided by Township Staff.

Application for Permission and Minor Variance was reviewed with consideration to the Provincial Policy Statement (2020), Elgin County Official Plan, Township of Southwold Official Plan, and the Township of Southwold Zoning Bylaw 2011-14. A summary of the applicable planning policies and regulations is provided.

| | Section(s) | Relevant Policy Direction |
|--|---|--|
| Provincial Policy Statement, 2020 | PPS 1.1.3 Settlement Areas | <ul style="list-style-type: none"> Settlement Areas shall be focus of growth and development |
| Elgin County Official Plan | A6.1.1. Settlement Areas C1.1.3 Employment Areas | <ul style="list-style-type: none"> Tier Two Settlement Area Encouraging development of lands within settlement areas |

| | Section(s) | Relevant Policy Direction |
|--|---|---|
| | C2.7 Secondary Uses | <ul style="list-style-type: none"> Recognizing types of employment and different locational requirements to support continued viability Secondary use (such as Home Industry) is any land use that is accessory and subordinate to the principal use |
| Township of Southwold Official Plan | 5.2 Settlement Area Land Uses 5.2.4 Industrial | <ul style="list-style-type: none"> Settlement Areas are intended to be complete communities with a mix of uses Industrial uses are intended to provide for a range of employment types and support economic diversification Small scale commercial uses may be permitted provided they do not detract from the area for industrial purposes now or in the future |
| Township of Southwold Zoning By-law 2011-14 | 2.0 Definition for "Accessory" 8.0 Residential 1 (R1) Zone | <ul style="list-style-type: none"> "Accessory" means a use, a building or a structure that is customarily incidental, subordinate and exclusively devoted to a main use and located on the same lot Applies to low density residential development |

Permission

An Application for Permission considered under Section 45(2) of the Planning Act is not subject to the same evaluation criteria (four tests) that a minor variance is typically reviewed when considering a request under Section 45(1).

Under Section 45(2), subsection (b), the Committee of Adjustment is afforded the power to: *"...upon any such application, where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land,*

building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law [Zoning By-law]."

1. Is the permitted "use" described in the By-law defined in general terms?

The Residential 1 (R1) Zone outlines two permitted uses within Section 8.0 of the Zoning By-law: Home Occupation and Single Detached Dwelling. Section 3.1 of the Zoning By-law (Accessory Uses) indicates that accessory uses, buildings or structures shall be permitted in any zone subject to the provisions of the applicable zone and evaluation criteria.

For the purposes of this report, jurisprudence for the meaning of "general terms" is adopted from *Social Betterment Properties International (Re), 2015*. Specific terms refer to clear, specific and unchanged requirements, whereas general terms would lack such criteria.

Definitions

"ACCESSORY", when used to describe a use, a building or a structure, means a use, a building or a structure that is customarily incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith, and shall not include a residential use unless specifically stated otherwise.

Based on the above definition, "accessory" is considered to be a general term as the considerations of what may constitute an accessory use, building or structure are unspecified.

2. Does the purpose conform with uses permitted in the By-law?

A home industry differs from a home occupation (a permitted use of the R1 Zone) in that a home industry may be located within an accessory building or structure and is typically greater in size and scale than a home occupation which is intended to be located within the principal dwelling unit. Both home industry and home occupation are intended to be secondary, or incidental and subordinate, to the main use of the property and can be considered as accessory. The proposed home industry use (woodworking shop) conforms to the definition of a home industry, as outlined below:

"HOME INDUSTRY" means an occupation or business conducted for gain or profit within a dwelling unit and/or accessory buildings in accordance with Section 3.14 Home Industry.

In addition to the above consideration, it is notable that the underlying land use designation within the Township's Official Plan is Industrial. Rezoning the subject lands to a site-specific Commercial / Industrial Zone would be supportable based on the policy direction established within the Official Plan. Permission with variances is being pursued by the Applicants as a zone change to remove the principal residential use was considered premature. The Applicants reside on the property and intend to scale the home industry use until such time that a more comprehensive plan for the Talbotville industrial lands is available and a rezoning is deemed necessary or otherwise advanced.

Minor Variances

The Applicants are requesting relief from the following provisions of the Zoning By-law:

Section 3.19(b) Accessory Uses – Lot Coverage

In all other Zones and for all other uses, with the exception of uses, buildings and structures in the Agricultural Zones, the lot coverage of all accessory buildings or structures on the said lot shall not exceed fifteen percent (15%) of the said lot area. One (1) accessory building or structure, not exceeding 15.0 m² (161.5 sq.ft) in floor area, may be excluded from the calculation of total lot coverage.

- The Applicants are requesting that the permitted lot coverage be increased from 15% to 25% to accommodate future expansion of the accessory building and home industry use.

Section 3.14(c) Home Industry – Gross Floor Area

For any lot, the gross floor area devoted to home industries shall not exceed 200 m² (2,153 sq.ft)

- The Applicants are requesting that the permitted gross floor area devoted to the home industry use be increased from 200m² (2,153 sq.ft) to approximately 325m² (3,498 sq.ft).

When presented with an Application for Minor Variance, the Committee of Adjustment must be satisfied the application meets the "Four Tests" of subsection 45(1) of the Planning Act:

Do the variances maintain the intent of the Official Plan? Yes

The subject lands are designated Industrial within the Township Official Plan. Policy direction for the Industrial areas includes support of a range of employment types and economic diversification, including incorporation of smaller scale uses provided that the current and long-term use of the lands for industrial-type land uses is not compromised.

The proposed home industry use, with variances enabling future expansion, maintains the intent of the Official Plan and provides an appropriate transitional use on the property. The use will not compromise or detract from the character of the area and is considered orderly development.

Do the variances maintain the intent of the Zoning By-law? Yes

The subject lands are zoned Residential 1 (R1) Zone within the Township's Zoning By-law. This zoning recognizes the current use of the lands as residential but does not reflect (but is deemed to conform with) the underlying Industrial land use designation.

The intent of restricting lot coverage of accessory buildings and gross floor area of accessory uses, such as a home industry, is to ensure that both remain operationally and visually subordinate to the principal use of the land, in this case being residential. The existing accessory building is located in the rear yard of the subject property, behind the existing house, and future expansion would remain in what is currently the rear yard.

An increased lot coverage for the accessory building and greater gross floor area for the home industry is not anticipated to result in off-site impacts and would not be out of character with the surrounding land uses.

Are the variances an appropriate use of the land? Yes

The resulting home industry use located in an accessory building with increased lot coverage and gross floor area permissions would be consistent with accessory buildings (both residential and agricultural) and other uses on surrounding properties. The location of the home industry use and accessory building will maintain sufficient lot area and amenity space for the principal residential use of the lands.

As this area is intended for future non-residential land uses, the proposed home industry is considered an appropriate and desirable use of the lands that would not compromise future non-residential land uses.

Are the variances minor in nature? Yes

The requested variances are considered minor in that the subject lands are located in an area characterized by a variety of agricultural and commercial operations as well as residential uses. The site is further intended for future industrial uses. The requests are related to the expansion of an accessory use that presently operates appropriately on the lands without any negative impacts on the surrounding properties. The proposed expansion of the use and accessory structure ensures that that use will be maintained internally, limiting the potential impacts of noise and dust. Confirmation from the

applicant has been provided that the use will continue to be maintained as a small operation with no requests for additional parking being requested. Furthermore, concerns raised through the review process will be addressed through the building permit process which will be required prior to any construction beginning.

Conclusion:

Subject to receiving further questions and comments from the Committee of Adjustment and members of the public, staff is in a position to state that the application, as proposed:

- i. Is in keeping with the general intent of the Official Plan.
- ii. Is in keeping with the general intent of Zoning By-law 2011-14, as amended, for the Township of Southwold.
- iii. Is desirable and will result in the appropriate development of the area
- iv. Is minor in nature not causing any adverse impact that may result from granting this application

Upon the Committee of Adjustment making a decision, the required Notice of Decision for the Minor Variance will be circulated within 15 days of the meeting. There is a 20-day appeal period during which objections to the decision can be submitted to the Ontario Land Tribunal.

The Committee of Adjustment should be able to demonstrate why the application does or does not meet the four tests for a minor variance under the Planning Act and state those reasons in making a decision.

Financial Implications:

There are no significant financial implications related to the consideration of Minor Variance Application MV 2024-05.

Strategic Plan Goals:

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

- Managed Growth
- Welcoming and Supportive Neighbourhoods
- Economic Opportunity

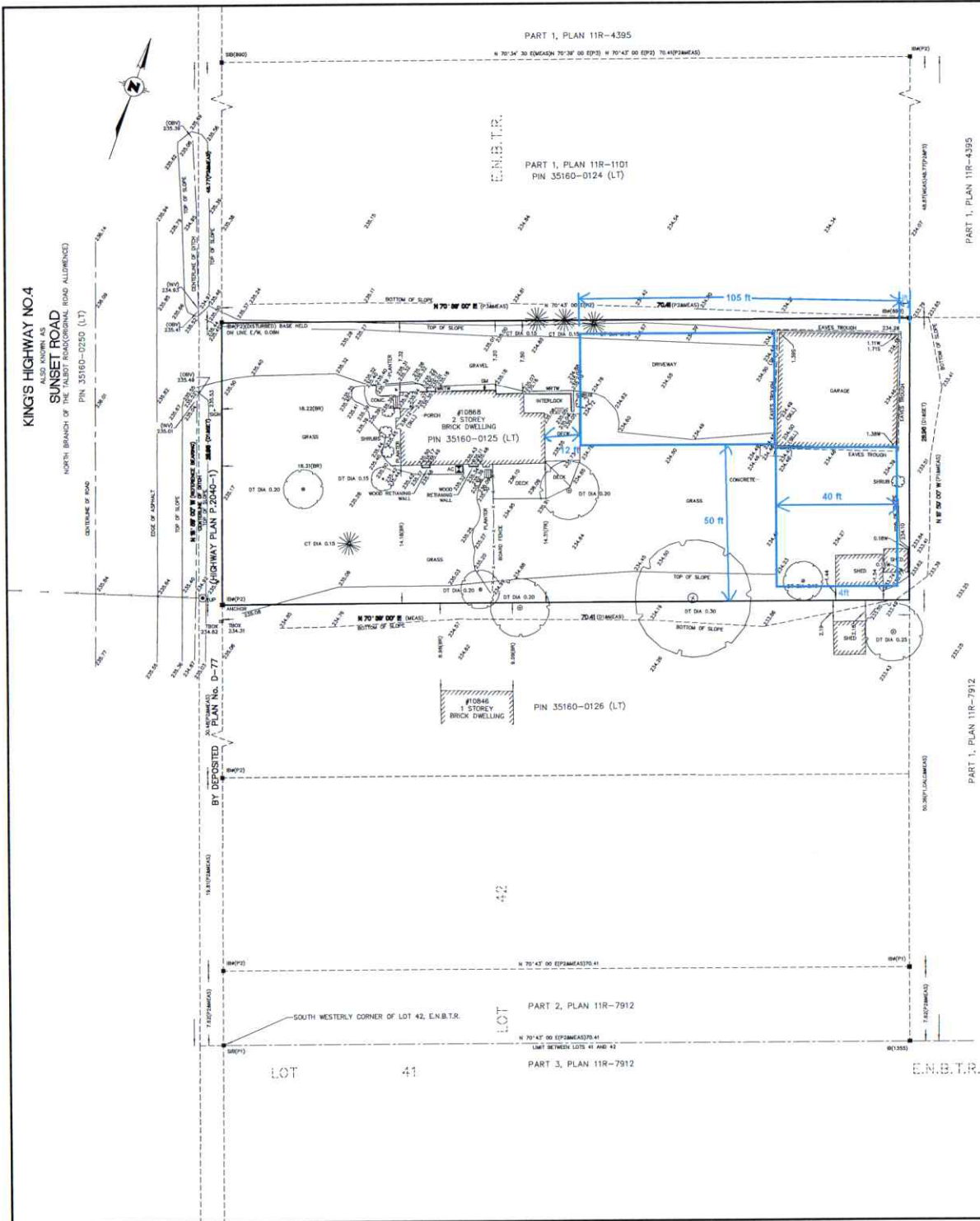
Fiscal Responsibility and Accountability

Respectfully submitted by:
Mike Szilagyi
Planner
"Submitted Electronically"

Approved by:
Lisa Higgs
CAO/Clerk
"Approved Electronically"

Attachments:

Appendix 1 – Site Plan Sketch



**SURVEYORS REAL PROPERTY REPORT
PART 1
PLAN OF SURVEY OF
PART OF LOT 42
CONCESSION EAST OF THE NORTH BRANCH
OF TALBOT ROAD
TOWNSHIP OF SOUTHWOLD
CITY OF ST. THOMAS
COUNTY OF ELGIN**



THE INTENDED PLOT SIZE OF THIS PLAN IS 636mm IN WIDTH BY 576mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:225

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METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES

- 1) BEARINGS ARE ASTROMONIC, AND ARE REFERRED TO THE EASTERLY LIMIT OF SUNSET ROAD HAVING A BEARING OF N18°59'00"W AS SHOWN ON P1
- 2) TREES ARE TAKEN TO FOUNDATION UNLESS OTHERWISE NOTED.

BENCHMARK NOTE

ELEVATIONS HEREON ARE GEODETIC AND DERIVED USING LEICA SMARTNET NETWORK (EPOCH 2010) AND ARE REFERRED TO THE CGVD-1928:1978 DATUM.

PART 2: SURVEY REPORT

- DESCRIPTION OF LAND: PART OF LOT 42, CONCESSION EAST OF THE NORTH BRANCH OF TALBOT ROAD.
- REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY: NONE REGISTERED.
- BOUNDARY FEATURES: FENCES AND OVERHEAD HYDRO WIRE AND THEIR RELATIONSHIP TO THE PROPERTY LIMITS ARE SHOWN ON THE FACE OF THE PLAN.
- COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS: PLAN DOES NOT CERTIFY ZONING COMPLIANCE.

LEGEND

- DENOTES FOUND MONUMENT
- DENOTES PLANTED MONUMENT
- SB DENOTES STANDARD IRON BAR
- SSB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- IB# DENOTES ROUND IRON BAR
- CU DENOTES CROWN UNKNOWN
- BB# DENOTES H. L. VAN PELT, O.L.S.
- 1355 DENOTES BRAM VAUGHAN SURVEYING LTD., D.L.S.
- CALC DENOTES CALCULATED
- MEAS DENOTES MEASURED
- WT DENOTES WITNESS
- PROD DENOTES PRODUCTION
- P1 DENOTES PLAN 118-7912
- P2 DENOTES PLAN 118-1101
- P3 DENOTES PLAN 118-4395
- D1 DENOTES INST. No. E348720
- AC DENOTES AIR CONDITIONER
- BR DENOTES BRICK
- CLF DENOTES CHAIN LINK FENCE
- CONC DENOTES CONCRETE
- CT DENOTES CONIFEROUS TREE
- DT DENOTES DECIDUOUS TREE
- EV DENOTES EAVES TROUGH
- FR DENOTES FRAME
- GM DENOTES GAS METER
- INV DENOTES INVERT
- LS DENOTES LIGHT STANDARD
- OSV DENOTES OVERSET
- WRTW DENOTES WOODEN RETAINING WALL
- UBOX DENOTES UTILITY BOX
- UP DENOTES UTILITY POLE
- OH- DENOTES OVERHEAD HYDRO

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - 2) THE SURVEY WAS COMPLETED ON 11TH DAY OF MARCH, 2024.

MARCH 20TH, 2024

DATE

Kedda
ARTHURIAN KANAGANAYAGAM
ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO LAND SURVEYORS
V-73881

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Email: info@akmsurveying.com

AKM
AK&M SURVEYING LTD.

PREPARED FOR: BASANDEEP SINGH

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR
In accordance with Regulation 116E, Section 26(3)

DRAWN BY: AK
CHECKED BY: AK
DATE: March 22, 2024
FILE LOCATION: G:\3044-25\AKM Survey Files\Folder\Brampton\2024\2024-33\Ordnance\NET_2024-33_PST.dwg

PROJECT No.: 2024-33