



A G E N D A

Monday January 13, 2025

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 December 9, 2024
5. NEW BUSINESS
 - (a) PLA 2025-01 Minor Variance Application MV 2025-01 R. and J.
Lukasik, 7283 Mellor Road
6. ADJOURNMENT



Meeting of the Committee of Adjustment
Monday November 25, 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: June McLarty, Deputy Secretary-Treasurer
Mike Szilagyi, Township Planning Consultant

IN ATTENDANCE: J. DaSilva, A. Koebel, T. Koebel

**C of A 2024-18 Moved by: Member Fellows
Seconded by: Member Adzija**

THAT the regular Council meeting adjourn to sit as a Committee of Adjustment at **7:05 p.m.** to hear application MV 2024-07, J. DaSilva, 34 Talbot Grove Lane.

CARRIED

**C of A 2024-19 Moved by: Member Fellows
Seconded by: Member Adzija**

THAT the minutes from the Committee of Adjustment Meetings of October 15, 2024 and November 25, 2024 are hereby adopted.

CARRIED

Chairperson called this public hearing to order and stated that this application for a Minor Variance is to seek relief from the provision of Section 3.1 (vi) (Accessory Uses) of Zoning By-law 2011-14, as amended under Section 45(1) of the Planning Act. The proponent is seeking permission to construct an accessory structure with a height of 6m (20ft-4in) from the maximum height of 5.5m (18 ft) to be used as an Additional Dwelling Unit.

Chairperson Jones asked if any member of the Committee had a disclosure of interest concerning the Minor Variance Application. Nothing was declared.

Chairperson Jones asked the Deputy Secretary-Treasurer what method of notice and when was notice given to the public for this hearing. The Deputy Secretary-Treasurer

the construction of an accessory structure for the purposes of establishing an Additional Dwelling Unit. as per the attached decision sheet.

CARRIED



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

DECISION SHEET

Application No. MV 2024-07
Date of Hearing: December 9, 2024
Owner/Applicant: Jason DaSilva
Agent:
Description: Lot #7 and merged Part 1 of Lot 58, Plan 11M-245, Registered Plan 11R-11142
Municipal Address: 34 Talbot Grove Lane

Lot Description:

Existing Lot Area	1,655 sq m (0.41 Ac)
Existing Lot Frontage	18 metres (59.05 feet)
Existing Lot Depth	66.4 metres (217.85 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 owner is requesting a Minor Variance to seek a relief provision of Zoning By-law 2011-14, as amended to permit the construction of an accessory structure. Specifically, the minor variance will consider the following:

1. Relief from the provision of Section 3.1 (vi) (Accessory Uses) to permit the construction of an accessory structure for the purposes of establishing an Additional Dwelling Unit.

Decision:

The application is hereby **approved** to obtain relief from Section 3.1 (vi) (Accessory Uses) to permit the construction of an accessory structure from the maximum height of 5.5m (18 ft) to 6.2 m (20 ft -4in) for the purposes of establishing an Additional Dwelling Unit.

Reasons for approval, in accordance with Report PLA 2024-17:

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 land.
4. The variance is minor in nature.


The effect of written and oral submissions on the Decision is contained within Report PLA 2024-17 and the minutes of the Committee of Adjustment Meeting of December 9, 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 9th day of December, 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, June McLarty, 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 9th day of December, 2024.


 Secretary-Treasurer

December 11, 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 **31st DAY OF DECEMBER, 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.

June McLarty, Deputy Clerk
 Township of Southwold
 35663 Fingal Line
 Fingal, Ontario
 N0L 1K0
 Phone: 519-769-2010
 Email: deputyclerk@southwold.ca

Schedule A: Subject Area Map 34 Talbot Grove Lane - MV 2024-07



Appendix 1: Site Plan



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: January 13, 2025
PREPARED BY: Mike Szilagyi, Planner
REPORT NO: PLA 2025-01
SUBJECT MATTER: **Minor Variance Application MV 2025-01**
7283 Mellor Road, St. Thomas
Owner: R. and J. Lukasik

Recommendations:

THAT the Committee of Adjustment for the Township of Southwold receive Planning Report PLA 2025-01 regarding Application for Minor Variance MV 2025-01; and

THAT the Committee of Adjustment for the Township of Southwold grant the requested Minor Variance to obtain relief from the provision of Section 3.47 (a)(vi) (Yard Encroachments and Obstructions) to permit the construction of a new front yard porch.

Summary:

- The variance would permit the construction of a 29.45 m² (317 ft²) L-shaped front porch. The proposed porch extends further into the front yard than is permitted by Zoning By-law 2011-14.
- The proposal complies with all other provisions of Zoning By-law 2011-14.

Purpose:

The purpose of this report is to provide the Committee of Adjustment with background information to support the recommendation to approve Application for Minor Variance following the Public Hearing scheduled for January 13, 2025.

The subject lands are located at 7283 Mellor Road, St. Thomas and are legally described as Lot 5, Range 1, East of River Road, Registered Plan 11R-3155. The subject lands are highlighted in Figure 1.

The subject lands are approximately 5,362 m² (57,716 ft²) in area with a frontage of 71.63 m (235 ft) along Mellor Road. The lands are located within the Agricultural Area of the Township of Southwold, on lands designated Agricultural Area on Schedule 4 of the

Township of Southwold Official Plan and zoned Agricultural 1 (A1) on Map 9 of the Township of Southwold Zoning By-law 2011-14. The lands are occupied by a single-detached dwelling and associated accessory structures. The lands are surrounded to the North and West by another rural residential property and to the East and South by agricultural lands.

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 by hand 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

At the time of the writing of the report, no concerns were received from Township staff.

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 Minor Variance was reviewed with consideration to the Provincial Planning Statement (2024), 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 Planning Statement, 2024	2.5 Rural Areas in Municipalities	<ul style="list-style-type: none"> • Build upon rural character • Protect natural areas and features
	4.1 Natural Features	
Elgin County Official Plan	C2.1 Agricultural Area Objectives	<ul style="list-style-type: none"> • Maintain and preserve the agricultural resource base of the County • Preserve and promote agricultural character • Protect natural heritage features
	D1.1 Natural Heritage, Water and Natural Hazards	
Township of Southwold Official Plan	4.1.1.1 Natural Heritage Features	<ul style="list-style-type: none"> • Protect natural heritage features such as significant woodlands and other natural features • Preserve agricultural land and prevent conflict between farm and non-farm uses • Existing single-detached non-farm dwellings permitted
	5.1.2 Agricultural Uses	
	5.1.3.3 Residential Permissions with the Agricultural Area	

<p>Township of Southwold Zoning By-law 2011-14</p>	<p>3.47 – Yard Encroachments and Obstructions</p> <p>5.0 – Agricultural 1 Zone</p>	<ul style="list-style-type: none"> • Porches are permitted to encroach into a required front yard • Existing home benefits from legal non-compliant rights for placement within the required front yard • Residential use is permitted on the lands
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Minor Variance

The Applicant is requesting relief from the following provision of the Zoning By-law:

Section 3.47 (a)(vi) Yard Encroachments and Obstructions – Encroachment into required front yard.

No part of any required yard shall be obstructed by any building or structure or portion thereof except one or more of the following: stoops, sun decks, balconies, open roofed porches and verandas, balconies on top of porches or verandas, uncovered terraces and exterior steps providing access between finished grade and either the basement or the first storey of a building, where such structures project not more than 1.5 m (5 ft.) into any required front yard.

- The Applicant is requesting to construct an L-shaped porch projecting 4.88 m (16 ft) into the front yard.

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 Agriculture with lands west of the property designated as Significant Woodland in the Township Official Plan. Policy direction does not speak directly to structures such as a porch but does permit existing residential uses within the Agricultural Area. Furthermore, policies seek to ensure that any Natural Features are not compromised by any future development.

The proposed porch is permitted in its function as accessory to an existing residential use and will have no impact on the ecological function of the significant woodland or any other natural features. The intent of the Official Plan is maintained.

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

The subject lands are zoned Agriculture 1 (A1) Zone within Zoning By-law 2011-14. This zoning permits the existing residential use as well as the construction of a porch which may encroach into a front yard. The existing home also benefits from Legal Non-Compliant Rights as it was developed prior to the establishment of a Zoning By-law in the Township of Southwold. As a result, the existing dwelling is located closer to the front lot line than would normally be permitted and establishes an existing front yard setback of 9.31 m (30.5 ft). The proposed porch largely extends 1.83 m (6.0 ft) into the front yard for a length of 8.38 m (27.5 ft) across, matching the depth of an existing porch. A portion 2.90 m (9.5 ft) wide extends 4.88 m (16.0 ft) into the front yard.

Staff had trouble determining the specific intent of why the Zoning By-law establishes a maximum encroachment of 1.5 m (5.0 ft). In speaking with internal departments, it is believed that 1.5 m was selected to reflect a standard size of prefabricated materials. Beyond that, there was some consideration for potential visual obstruction. With respect to consideration of the average size of materials, this was not considered to be a Planning concern and with respect to visual obstruction, the by-law continues to apply a restriction on encroachments into any required sight visibility triangles. As that is not the case in this instance and the maximum encroachment only extends for a small portion of the lot width, along with the recognition that a porch is a common residential feature, the requested variance is considered to maintain the intent of the Zoning By-law.

Are the variances an appropriate use of the land? Yes

The subject property is a residential lot, which recognizes the construction of a porch as part of a typical housing feature. The proposed porch will contribute to the enjoyment of the property and complements the intended residential use. As such, the proposed variance is appropriate for the use of the land.

Are the variances minor in nature? Yes

The proposed L-shaped porch largely matches the depth of an existing porch accessory structure which has a depth of 1.83 m (6.0 ft). Of the width of the newly proposed porch over 74% of the porch width maintains that existing depth. Only 26% or 2.90 m (9.5 ft) of the width extends beyond the 1.83 m (6.0 ft) depth to 4.88 m (16.0 ft), or 4.43 m (14.5 ft) from the front lot line. Given that the total lot width is over 71 m, the limited number of other residential neighbours, and the presence of several mature trees along the frontage of the existing dwelling, the impact of the increased encroachment is considered to be minor in nature.

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 2025-01.

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 Szilagy
Planner
"Submitted Electronically"

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

Attachments:

Appendix 1 – Provided plans for 7283 Mellor Road

Appendix 1 – Provided Plans for 7283 Mellor Road



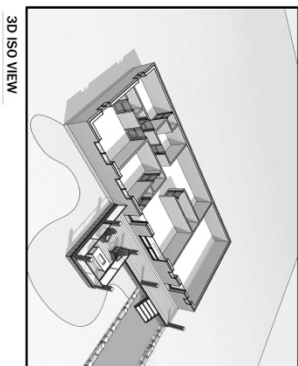
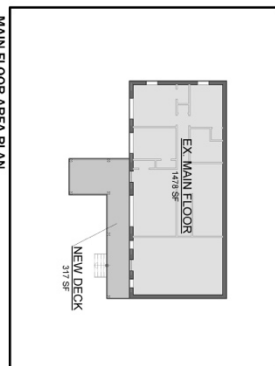
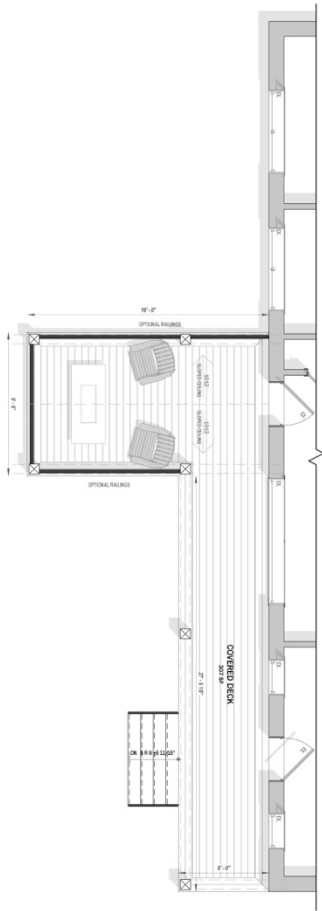
7283 MELLOR RD. - TIMBER DECK



R02A00



PRELIMINARY DESIGN



MAIN FLOOR PLAN

7283 MELLOR RD. TIMBER DECK



R00 D2