



PLANNING REPORT

Corporation of the Town of Erin

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DATE: April 10, 2024

TO: Justin Grainger, Secretary Treasurer
Town of Erin Committee of Adjustment

FROM: Elaine Leung, Senior Planner, Macaulay Shiomi Howson Ltd.

SUBJECT: MINOR VARIANCE APPLICATION A03-24
(John and Kristine McKillop)
5884 Fifth Line
Town of Erin, Ontario

Application

The applicants request relief from Zoning By-law 07-67, as amended, to permit an accessory building with a maximum height of 8.35 m, whereas the Zoning By-law requires a maximum accessory building height of 4.5 m, and maximum ground floor area of 232.26 m², whereas the Zoning By-law requires a maximum ground floor area of 185.8 m².

The applicants request approval of this application in order to construct a new accessory building on the subject property.

Recommendation

It is Planning Staff's opinion that the variances are minor in nature, desirable for the appropriate development of the land, and meet the intent of Erin's Official Plan and Zoning By-law, and therefore recommends **Approval** of the proposed variances.

DISCUSSION

Our Discussion of this application relative to the four tests under the *Planning Act* is as follows:

Four Tests	Discussion
That the general intent and purpose of the Official Plan is maintained.	<ul style="list-style-type: none">The property is designated Hamlet – Cedar Valley on Schedule B2 – Land Use, in the Town of Erin Official Plan.Hamlets are typically historical small

	<p>settlement areas in the Town. While typically servicing surrounding communities, they also provide an alternative for residential location. Development is limited to minor infilling.</p> <ul style="list-style-type: none"> • The proposed accessory building is permitted within the Hamlet designation and will be utilized by an existing residential dwelling. The residential use of the subject property will remain unchanged, and the proposed building will be secondary to the main dwelling. • Town Planning staff are of the opinion that the proposed variances are in keeping with the general intent and purpose of the Town of Erin Official Plan.
<p>That the general intent and purpose of the Zoning By-law is maintained.</p>	<ul style="list-style-type: none"> • The property is zoned Rural Residential 3 Exception (R3-106) and Rural Environmental Protection (EP2). • The site specific R3-106 zone provisions relate to the minimum lot frontage of 42 m (137.79 ft) and minimum lot area of 0.8 ha (1.97 ac). The subject property exceeds these provisions, with 85.1 m of frontage, and 1.75 ha in lot area, respectively. • The existing residential dwelling and proposed accessory building are located within the R3-106 zone. • The general intent and purpose of the Zoning By-law is to regulate land uses and regulations, as it relates to the placement of buildings and structures on land. <p>Building Height</p> <ul style="list-style-type: none"> • The variance is requested in order to permit 8.35 m in height, whereas the bylaw states accessory buildings shall not exceed 4.5 m in height. • The variance is to accommodate a second storey. The second floor will be used for additional personal recreation and fitness space for the home owners. • The second floor is not substantial in nature, and will only be used for personal use. • Staff note that the proposed second floor of 148.18 m² is smaller in area than the ground floor. <p>Lot Coverage</p> <ul style="list-style-type: none"> • The variance requested is to permit a ground floor area of 232.26 m², whereas the By-law states that the maximum ground floor area for an accessory building is 185.8 m². • The proposed ground floor is for personal storage use for one vehicle, snowmobiles and snowmobile

	<p>trailers.</p> <ul style="list-style-type: none"> • The applicants have expressed their desire to construct one cohesive accessory building for additional storage and recreation use, rather than multiple smaller accessory buildings. As such, this will result in an accessory building larger in area and taller in height than typically permitted. • The subject property is of a size large enough to accommodate the size and height of the accessory building being proposed. The intent of the main established rural residential use will continue, and the accessory building will remain secondary to the dwelling. • The proposed accessory building meets all other zoning requirements. • Staff is of the opinion that the variances meet the intent of the Zoning By-law.
<p>The variances are desirable for the appropriate development and use of the land, building, or structure.</p>	<ul style="list-style-type: none"> • The purpose of the proposed variances is to allow for the construction of an accessory building for personal use. The subject property will continue to be used for rural residential purposes. • The proposed accessory building will be located to the east side, and rear of the existing dwelling. • The proposed accessory building will be constructed behind an existing tree line, and well back from the road. The existing row of mature trees will provide screening to the adjacent property most directly affected by the proposed building, located to the east of the subject property. Therefore, the view of the accessory building from the adjacent neighbour appears to be minimal. • The applicants are also proposing to plant new trees at the front of the property, which would provide additional visual screening from the road. Therefore the visual impacts to the road would also appear to be minimal. • The nature and function of the subject property would remain as rural residential use. • Staff are of the opinion that the variances are appropriate and desirable, as the accessory building is for personal use on an existing rural residential lot. The intent and character of the residential use will be maintained.
<p>The variances are minor in nature.</p>	<ul style="list-style-type: none"> • The proposed accessory building is intended for personal use, and will not change the function of the existing rural residential use on the property. • It does not appear that it will negatively impact the adjacent neighbour to the east, and there does not

	<p>appear to be a building on the other side of the road that would be directly impacted.</p> <ul style="list-style-type: none"> • Staff note that the requested variances relate to the proposed accessory building only, and will operate and function secondary to the main dwelling. The existing setbacks for the existing dwelling and other accessory structures on the property will remain unchanged. • Additionally, the buffer setback to the GRCA feature to the rear of the property, will be respected. • The proposed accessory building is in keeping with the intent and character of other similar accessory structures in the area. The principal rural residential use on the subject property remains unchanged. • Staff are of the opinion that the variances are considered minor in nature.
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PUBLIC, AGENCY, & TOWN COMMENTS

County of Wellington Planning

- No concerns with the proposed minor variance application

County of Wellington Roads

- As of writing this report, no comments received.

Town of Erin – Engineering Peer Review

- The proposed separate building on the property should include a Grading Plan as part of the Building Permit Application, showing how drainage is managed.
- A new driveway has been created for access to the new building. The Town should confirm that the driveway has a permit.
- Building should confirm that there is no conflict with the existing septic system.

Town of Erin Building Services

- As of writing this report, no comments received.

Town of Erin Fire Services

- As of writing this report, no comments received.

Canada Post

- Canada Post has no comments on this application.

Grand River Conservation Authority

- No concerns with the proposed minor variance application.

In conclusion, Planning Staff is of the opinion that the requested variance meets the four tests of the *Planning Act*. We trust that these comments will be of assistance to the Committee in their consideration of this matter.

Sincerely,

Elaine Leung

Senior Planner, Consultant on behalf of the Town of Erin

Attachment A – Site Plan

Attachment B – Building Elevations