



**Minutes of the Town of Erin  
Committee of Adjustment Meeting**

**April 17, 2024  
6:00 PM  
Municipal Council Chamber**

<b>Present:</b>	<b>Robert Fletcher</b>	<b>Chair</b>
	<b>Brad Bruce</b>	<b>Member</b>
	<b>Elizabeth Crighton</b>	<b>Member</b>
	<b>William Oughtred</b>	<b>Member</b>
	<b>Wayne Parkinson</b>	<b>Member</b>

<b>Staff Present:</b>	<b>Justin Grainger</b>	<b>Secretary-Treasurer</b>
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**1. Call to Order**

Chair Robert Fletcher called the meeting to order at the hour of 6:00 p.m. and announced that this meeting has been called under the Authority of Section 45(1) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended to seek relief from Zoning By-law 07-67. The Chair stated that the following applications will be heard this evening: A03-24 and A04-24.

The Chair stated the purpose of this Public Meeting of the Town of Erin Committee of Adjustment is to allow the presentation of an application for a Minor Variance and to allow interested members of the public the opportunity to ask questions or offer comments with regard to this application. Staff requests that members of the public seeking to pre-register for a meeting or submit written comments email [coa@erin.ca](mailto:coa@erin.ca).

The Chair advised that if any member of the public would like to be notified in writing of the Committee of Adjustment's decision on an application they are to email [coa@erin.ca](mailto:coa@erin.ca) or mail this request to 5684 Trafalgar Road, Hillsburgh, ON N0B 1Z0.

The Secretary-Treasurer explained the appeal process, that certain parties may be eligible to appeal the Committee's decision and must do so within twenty (20) days of notice by filing with the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reason in support of the objection accompanied by a payment to the Secretary-Treasurer of the fee set out by the Tribunal under the *Ontario Land Tribunal Act, 2021*.

**2. Approval of Agenda**

**Moved By** Member Parkinson

**Seconded By** Member Bruce

**Be it resolved that** the Committee hereby approve the agenda as circulated.

**Carried**

**3. Declaration of Pecuniary Interest**

None.

**4. Requests for Withdrawal or Deferral of Application**

None.

## 5. Notices

The Secretary-Treasurer advised notice was given by mail on April 3rd, 2024 to every owner of land within 60 meters (200 ft) of the subject property and to agencies requiring notice as prescribed under the *Planning Act*. Also, public notice was issued on the Town's Website.

The Secretary-Treasurer advised applicable agencies were circulated including the conservation authorities, the County of Wellington, the Ministry of Municipal Affairs and Housing, school boards, Enbridge Gas and Town Staff.

## 6. Applications

### 6.1 File Number: A03-24 5884 Fifth Line

**THE PURPOSE AND EFFECT OF THE APPLICATION** is to provide relief from Section 4.2.3 and Section 4.2.4.2 of 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
- a maximum ground floor area of 232.26 m<sup>2</sup>, whereas the Zoning By-law requires a maximum ground floor area of 185.8 m<sup>2</sup>.

#### 6.1.1 Planning Report

##### Town of Erin - Planning Department

- The property is designated Hamlet – Cedar Valley on Schedule B2 – Land Use, in the Town of Erin Official Plan.
- 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.
- The property is zoned Rural Residential 3 Exception (R3-106) and Rural Environmental Protection (EP2).
- 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 proposed ground floor is for personal storage use for one vehicle, snowmobiles and snowmobile trailers.
- Staff is of the opinion that the variances meet the intent of the Zoning By-law.
- 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.

- 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.

### 6.1.2 Correspondence

#### County of Wellington Planning Department

- No concerns with the proposed minor variance application

#### 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.

#### Canada Post

- No comments on this application.

#### Grand River Conservation Authority

- No concerns with the proposed minor variance application.

#### Source Water Protection

- Since this property is not located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), the application can be screened out and it does not require a Section 59 notice under the Clean Water Act.

### 6.1.3 Comments

*The Chair requested that the applicant speak to the application.*

#### Drew McKillop (Applicant)

Advised the main level of the proposed accessory building is for the storage of a vehicle, snowmobiles and trailers and the upper level is for recreational purposes.

*The Chair asked if any members of the Committee have questions.*

#### Member Oughtred

Asked if the neighbour to the north of the subject property was consulted on the application.

#### Justin Grainger - Secretary Treasurer

Advised all adjacent property owners received notice of the application and that no comments have been received by the Town to date.

Member Oughtred

Asked if the second storey will be used as a rental.

Drew McKillop (Applicant)

Advised the proposed accessory building is for personal use only.

#### **6.1.4 Decision of the Committee**

**Moved By** Member Oughtred

**Seconded By** Member Crighton

**Be it resolved that** the Town of Erin Committee of Adjustment hereby **APPROVE** the Minor Variance Application A03/24 as the application meets the Planning Act tests for a minor variance being:

1. The requested variance is considered minor in nature;
2. The variance is appropriate for the development or use of the land, building or structure;
3. The general intent and purpose of the Zoning Bylaw is maintained; and
4. The general intent and purpose of the Official Plan is maintained.

**Carried**

#### **6.2 File Number: A04-24 11 Thompson Crescent**

**THE PURPOSE AND EFFECT OF THE APPLICATION** is to provide relief from Section 9.1.2 of Zoning By-law 07-67, as amended, to permit:

- an addition to an existing industrial building with a minimum rear yard setback of 2.19 m, whereas the Zoning By-law requires a minimum rear yard setback of 7.5 m.; and
- a maximum lot coverage of 42.1% whereas the By-law requires a maximum of 40%.

##### **6.2.1 Planning Report**

Town of Erin – Planning Department

- The property is designated as Industrial – Erin Urban Area on Schedule A2 – Land Use, in the Town of Erin Official Plan.
- 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.
- The property is zoned General Industrial (M2). The General provisions for the M2 zone are the same provisions as the Industrial (M1) Zone.
- The proposed addition will be constructed along the rear (east side) and interior side yard (west side) of the existing industrial building. Staff note that the interior side yard setback will comply.

- The proposed addition would enclose a portion of the building at the rear, which is currently unenclosed. Therefore, the proposed rear setback would be simply matching the existing setback already established.
- The proposed addition is due to the need for expansion of the existing building for increased production.
- Staff is of the opinion that the variances meet the intent of the Zoning By-law.
- The proposed addition will not have a negative impact on surrounding properties, as many properties in this area already have industrial buildings in operation, and the addition will not prevent these uses from continuing.
- Staff are of the opinion that the variances are appropriate and desirable. The intent and character of the industrial use will be maintained.
- It does not appear that it will negatively impact the adjacent neighbour to the east, which would be most affected by the reduced rear yard setback. The adjacent property appears to have outdoor storage which is focused towards the front of the property, away from the proposed addition. Therefore, it would appear that the proposed addition would have minimal impact on the neighbouring property.
- Staff are of the opinion that the variances are considered minor in nature.

### **6.2.2 Correspondence**

#### County of Wellington Planning Department

- No concerns with the proposed Minor Variance application.

#### Town of Erin – Engineering Peer Review

- The new addition is approximately 3 m from the south property line and 2 m from the east property line, both which appear to cut off fire access around two sides of the building. This concern should be discussed with the Emergency Services/ Fire Department.
- The proposed addition should include a grading plan to show a swale along the property lines and how runoff is managed.
- The proposed addition should confirm the sanitary septic system is sized to accommodate any additional washroom/waste water facilities.
- The existing fire route should be extended to the rear of the property and include enough space to turn around a fire truck. 90m is typically the maximum distance fire trucks are willing to “drive in and back out” of a location.
- The “refuse area” may interfere with the fire truck turnaround space at the rear of the property.

- The Town should consider requiring a site plan for the works on this property, in which case the above comments would be captured during site plan review.

#### Town of Erin – Fire Services

- Erin Fire Services is satisfied with the access to two sides of the building provided there are no obstructions.
- A turnaround will be required given that Fire cannot drive all the way around the building.
- Maximum back up distance is 90m.

#### Canada Post

- No comments on this application.

#### Grand River Conservation Authority

- The subject property is located outside of the GRCA regulated area, and therefore there are no comments.

#### Source Water Protection

- Since this property is not located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), the application can be screened out and it does not require a Section 59 notice under the Clean Water Act.

### **6.2.3 Comments**

*The Chair requested that the applicant speak to the application.*

#### Jason Hunwicks - Reinders + Law Ltd. (On behalf of Applicant)

Advised Trevco Steel Ltd. is seeking an addition to their existing facility due to increased demand and the need for increased production. Advised the existing building has an open storage area that encroaches the current setback based on the Zoning By-law. Advised the application seeks to enclose that area and continue that same encroachment line and therefore relief is sought for the rear yard setback and lot coverage.

*The Chair asked if any members of the Committee have questions.*

#### Member Bruce

Asked if traffic flow would be impeded by trucks entering and exiting the property.

#### Frank Trevisan (Applicant)

Advised trailers typically back into the property and that through this proposal trailer traffic will enter and exit from the rear of the subject property.

#### Member Oughtred

Asked if the proposal includes adequate space for a turnaround route.

#### Jason Hunwicks - Reinders + Law Ltd. (On behalf of Applicant)

Advised a hammerhead turnaround at the rear of the property

would be required and that 90 metres is maintained as long as coverage around the building is maintained.

Member Oughtred

Asked if private hydrants will be constructed.

Steve Law - Reinders + Law Ltd. (On behalf of Applicant)

Advised this has not yet been determined and will be through the detailed design process based on Town comments.

Member Bruce

Asked if there are flammable materials are stored on the subject property.

Frank Trevisan (Applicant)

Advised the subject property has been inspected by the Town's Fire Department and that flammable materials are stored outside.

Member Parkinson

Asked if a condition should be placed on the variance based on the turnaround.

Steve Law - Reinders + Law Ltd. (On behalf of Applicant)

Advised these conditions may be addressed through the site plan application.

Justin Grainger - Secretary-Treasurer

Advised the comments from the Town's Engineering Peer Reviewer and Fire Department may be addressed through the site plan application.

**6.2.4 Decision of Committee**

**Moved By** Member Parkinson

**Seconded By** Member Bruce

**Be it resolved that** the Town of Erin Committee of Adjustment hereby **APPROVE** the Minor Variance Application A04/24 as the application meets the Planning Act tests for a minor variance being:

1. The requested variance is considered minor in nature;
2. The variance is appropriate for the development or use of the land, building or structure;
3. The general intent and purpose of the Zoning Bylaw is maintained; and
4. The general intent and purpose of the Official Plan is maintained.

**Carried**

**7. Adoption of Minutes**

**7.1 March 20, 2024 Committee of Adjustment Meeting**

**Moved By** Member Parkinson

**Seconded By** Member Crighton

**Be it resolved that** the Committee hereby adopts the minutes as circulated for the following Committee of Adjustment meeting:

- **March 20, 2024**

**Carried**

**8. Adjournment**

**Moved By** Member Oughtred

**Seconded By** Member Bruce

**Be it resolved that** the Town of Erin Committee of Adjustment hereby adjourns this Public Meeting held pursuant to section 45 of the *Planning Act* at 6:29 PM.

**Carried**

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Chair Robert Fletcher

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Secretary-Treasurer Justin Grainger