



# PLANNING REPORT

Corporation of the Town of Erin

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**DATE:** September 12, 2024

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

**FROM:** Jessica Peake, Senior Planner, Town of Erin

**SUBJECT:** MINOR VARIANCE APPLICATION A08-24  
(Sarah O'Beirne)  
Concession 5, Part Lot 7, Part 2 Plan 61R-22250  
Town of Erin

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## Application

The applicant is seeking relief from Zoning By-law 07-67, as amended, to permit an accessory building.

A Minor Variance application has been submitted concerning the proposal, requesting the following relief:

- Section 4.2.3: an accessory building (Accessory Building 'B') with a maximum height of 6.60 m, whereas the maximum height of an accessory building cannot exceed 4.5 m.

A Site Plan and Accessory Building 'B' Floor Plans and Elevations illustrating the proposal are included in this report as Attachments A and B.

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## Recommendation

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

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## DISCUSSION

The subject property is designated Secondary Agricultural Areas on Schedule A1 – Land Use in the Town of Erin's Official Plan and zoned Agricultural (A) in the Town of Erin's Zoning By-law 07-67, as amended. The property is also located in the Greenbelt Plan.

The subject property is approximately 1.09 ha (2.7 ac) in area with approximately 12.18 m (39.0 ft) of frontage along Fourth Line. The property is currently vacant and the applicant proposes to construct a primary single detached dwelling and two (2) accessory buildings (Accessory Building 'A' and Accessory Building 'B').

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

Four Tests	Discussion
<p>That the general intent and purpose of the <b>Official Plan</b> is maintained.</p>	<p>The property is designated as Secondary Agricultural Areas on Schedule A1 – Land Use, in the Town of Erin’s Official Plan.</p> <ul style="list-style-type: none"> <li>• Agriculture is the primary land use, however a range of residential uses are permitted within the Secondary Agricultural Areas designation.</li> <li>• The relief requested pertains to a proposed accessory building (Accessory Building 'B').</li> <li>• Accessory buildings are permitted within the Secondary Agricultural Areas designation.</li> <li>• The proposed requested relief will not alter the existing agricultural and residential use of the property.</li> <li>• The accessory building will be secondary in nature to the proposed primary single detached dwelling to be constructed on the property.</li> </ul> <p>Planning staff are of the opinion that the proposed variance is in keeping with the general intent and purpose of the Town of Erin’s Official Plan.</p>
<p>That the general intent and purpose of the <b>Zoning By-law</b> is maintained.</p>	<p>The subject property is zoned Agricultural (A) on Schedule A, in The Town of Erin’s Zoning By-law 07-67, as amended.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Accessory buildings are permitted in the Agricultural (A) Zone, subject to the maximum height, size and location provisions within the By-law.</li> </ul> <p><b>Building Height</b></p> <ul style="list-style-type: none"> <li>• A variance is requested is to permit an accessory building (Accessory Building 'B') with a maximum height of 6.60 m, whereas the maximum height of an accessory building cannot exceed 4.5 m.</li> </ul>

	<ul style="list-style-type: none"> <li>• The proposed maximum height is consistent and compatibility with surrounding lots.</li> <li>• It is unlikely that the accessory building will be visible from the road or neighbouring properties due to the setbacks and screening from trees along all property lines.</li> <li>• As stated previously, the accessory building will be secondary in nature to the primary single detached dwelling.</li> <li>• In addition, the proposed accessory building meets all other zoning requirements.</li> </ul> <p>Planning staff are of the opinion that the proposed variance maintains the general intent and purpose of the Town of Erin’s Zoning By-law.</p>
<p>The variance is <b>desirable</b> for the appropriate development and use of the land, building, or structure.</p>	<ul style="list-style-type: none"> <li>• The purpose of the proposed variance is to allow for the construction of an accessory building (Accessory Building ‘B’).</li> <li>• The proposal is in keeping with the existing character of the area, as neighbouring properties generally consist of single detached dwellings, accessory buildings and agricultural uses.</li> <li>• The existing agricultural and residential use of the property remains unchanged.</li> <li>• In addition, as previously stated, the accessory building will be secondary in nature to the primary single detached dwelling.</li> </ul> <p>Planning staff are of the opinion that the variance is desirable and appropriate.</p>
<p>The variance is <b>minor</b> in nature.</p>	<ul style="list-style-type: none"> <li>• The requested variance is minor in nature, and does not result in any changes to the agricultural and residential use and function of the property. The variance continues to maintain the site layout and function of the property.</li> </ul> <p>Planning staff are of the opinion that the requested variance is minor in nature.</p>

**PUBLIC, AGENCY, & TOWN COMMENTS**

County of Wellington Planning

- The subject lands are designated Secondary Agriculture in the County Official Plan and partially located within the Paris Galt Moraine Policy Area.

- The subject lands are in the Greenbelt Plan. The Town will need to consider Section 4.5 *Existing Uses* within the Greenbelt Plan and be satisfied this proposal is consistent.
- Overall, the Town will need to be satisfied the proposal meets Provincial and County Official Plan policy direction.

#### Town of Erin Infrastructure Services

- As of writing this report, no comments received.

#### 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.

#### Ainley Group (Town of Erin's Engineering Peer Reviewer)

- No objection to the proposed development/accessory building.

#### Canada Post

- No objection to the proposed minor variance.

#### Grand River Conservation Authority

- The GRCA has no objection to the proposed minor variance application.
- GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the *Planning Act* as per our CA Board approved policies.
- The subject property contains a wetland and the regulated allowance adjacent to the wetland. A copy of GRCA's resource mapping is attached as Attachment C.
- Due to the presence of the features noted above, a portion of the property is regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.
- It appears that the proposed development is located outside of the regulated area noted above. As such, GRCA has no objection to the approval of this minor variance application.
- A GRCA permit may be required for any development activities associated with these structures.
- Consistent with GRCA's approved fee schedule, this application is considered a 'minor' minor variance. An invoice in the amount of \$300.00 has been sent to the applicant for the GRCA's review of this application.

#### Credit Valley Conservation Authority

- The subject property is outside of CVC's regulated area. CVC review/approval are not required. As such, CVC staff will not be providing comments on the application.

#### Wellington Source Water Protection

- This property is located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), however, the activity, as indicated, would not create a significant drinking water threat, the application can be screened out and does not require a Section 59 notice under the *Clean Water Act*. Source water may provide comments on any future applications subject to this property, given the vulnerable areas.

In conclusion, Planning Staff is of the opinion that the requested variance satisfies 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.

Kindly,



Jessica Peake, MCIP, RPP  
Senior Planner

Attachment A – Site Plan

Attachment B – Accessory Building 'B' Floor Plans and Elevations

Appendment C – Grand River Conservation Authority Mapping