

# **Township of Chatsworth Committee of Adjustment Agenda**

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**Wednesday September 23, 2015 9:00 AM**

**1) Call to Order**

**2) Disclosure of Pecuniary Interest**

**3) Minor Variance Meeting:**

9:00 a.m.    A2-2015    Murray

**4) Adjournment**



Chatsworth

**Township of Chatsworth**  
**RR 1, Chatsworth, Ontario, N0H 1G0**  
**Will Moore, CAO / Clerk**      **Grace Nayler, Treasurer**  
**Telephone 519-794-3232**      **Fax 519-794-4499**

August 31, 2015

Township of Chatsworth  
Committee of Adjustment  
R.R. 1  
CHATSWORTH, Ontario  
N0H 1G0

Dear Chair Pringle and members of the Committee of Adjustment:

**Re: Minor Variance Application**  
**Lot 67, Concession 3 NETSR,**  
**Geographic Township of Holland**  
**Township of Chatsworth**  
**Owners: David and Michele Murray**  
**Applicant: David Goudy**

The following has been drafted to provide the Committee of Adjustment with planning comments concerning the above-noted matter.

The subject property is located northeast of Berkeley, along the northeast side of East Back Line. This 20 hectare site is predominantly forested. A detached dwelling that had existed previously on this property was destroyed by fire. A garage and in-ground pool exist on the site.

The owners wish to build a new dwelling generally within the same footprint as the previous house, although the dwelling will be situated closer to the front lot line. The new dwelling is proposed to be set back 10.3 metres from the front lot line whereas the 'A1' zone requires a 'minimum front yard' of 15 metres. Also, an enclosed porch would encroach another 2 metres into the front yard, although the Zoning By-law permits such structures to encroach only 1 metre into the required front yard. The proposed Minor Variance would adjust these provisions accordingly.

When dealing with Minor Variances, the Committee of Adjustment must be satisfied that the request passes all four tests for Minor Variances set out in The Planning Act. Failure

to meet any of the tests should result in the application being refused. In this regard, please consider the following:

1. Does the variance maintain the intent and purpose of the Grey County Official Plan?

The County Official Plan designates the subject property as 'Rural'. Permitted uses within the 'Rural' designation include detached dwellings. The Official Plan generally does not contain detailed development standards, such as front yard requirements. As such, the development should not be seen as undermining the intent and purpose of the 'Rural' policies of the Official Plan.

Appendix B of the Official Plan identifies a large portion of the subject property as 'Significant Woodland'. This constraint appears to cover the area that is subject to the proposed yard encroachment and also includes a portion of the previous dwelling's footprint, which would suggest that the constraint mapping is not entirely accurate. Having seen this site, it would seem that this minor increase in the building footprint would not have a negative impact on the adjacent Significant Woodland. Confirmation from the Conservation Authority on this matter is being requested.

2. Does the variance maintain the intent and purpose of the Township of Chatsworth Zoning By-law 2006-45?

The purpose of requiring a 15 metre setback from front lot line is to ensure a reasonable and consistent setback along all Township roads. A front yard of 10.3 metres, as proposed, along with an further minor encroachment with the enclosed porch should still provide a reasonable setback and should not cause any visible issues in terms of inconsistent setbacks along East Back Line. It should be noted that the dwelling will be screened from the properties to the east and west by existing vegetation along the sides of the subject property.

3. Is the variance requested desirable for the appropriate and orderly development and use of the lands and buildings?

The proposed dwelling will still maintain a reasonable setback from the Township road. As such, the development should be considered appropriate and orderly.

It should be noted that the applicant has stated on the application that the house cannot be pushed back further from the road because of the location of the in-ground pool.

4. Is the variance is minor in nature?

This test has traditionally been interpreted as meaning “what impact will the variance have on the neighbours?” This variance, intended to allow the owner to rebuild essentially in the same location as the previous dwelling except slightly closer to the road, should have no impact on the neighbours’ use and enjoyment of their own properties. The variance therefore should be considered minor in nature.

Based on the foregoing, it would appear the requested variance can pass the four tests of a Minor Variance listed in The Planning Act and could be given favourable consideration, subject to the Conservation Authority confirming that the Significant Woodland would not be impacted by the proposal.

This opinion is provided without the benefit of having received comments from any other agency or any adjacent land owners. Should new information arise regarding this proposal, the Committee is advised to take such information into account when considering this application.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Davidson".

Ron Davidson, BES, RPP, MCIP  
Planner

# MEETING DATE CHANGE

## CORRECTED NOTICE OF A PUBLIC MEETING CONCERNING AN APPLICATION FOR MINOR VARIANCE

**TAKE NOTICE** that the Public Meeting date for this Minor Variance application has been changed. The Public Meeting will now be held on:

**Wednesday, September 23, 2015 at 9:00 a.m.**

in the Municipal Council Chambers to consider the proposed Minor Variance, as per the requirements of Section 45 of the Planning Act, R.S.O. 1990, as amended.

The proposed Minor Variance will affect the lands described as:

**Lot 67, Concession 3 NETSR, Geographic Township of Holland,  
Township of Chatsworth (796067 East Back Line)**

***(please refer to the sketch on the reverse of this form)***

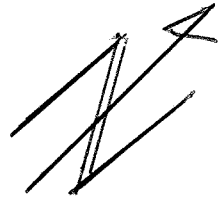
The purpose of the application is to reduce the 'minimum front yard' requirement of the 'A1' zone from 15 metres to 10.3 metres. The owner is proposing to construct a new dwelling on the subject property in approximately the same location as the previous dwelling (which was destroyed by fire); however, the ground floor of the dwelling will be larger than the previous dwelling and will extend closer to the front lot line. The proposed Minor Variance will also allow for an enclosed porch to be constructed two metres into the required front yard requirement as opposed to a one metre encroachment.

**ANY** individuals, corporations and public bodies may attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposal. An individual, corporation or public body that does not make an oral submission at the public meeting or make a written submission to the Committee of Adjustment with regard to the application prior to the request being approved is not entitled to appeal the decision, nor is such person entitled to be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

**ADDITIONAL** information relating to this application may be obtained by contacting the undersigned.

**DATED** at Chatsworth this 2<sup>nd</sup> day of September, 2015.

Will Moore, CAO / Clerk  
Township of Chatsworth  
R.R. #1  
CHATSWORTH, Ontario  
N0H 1G0  
Tel. (519) 794-3232  
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East Back Line

60 Sideroad

60 Sideroad

East Back Line

Berkeley

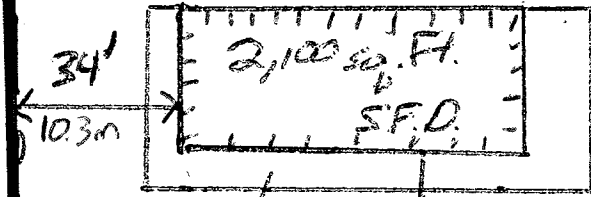
SUBJECT  
PROPERTY

70 Sideroad

EAST BACK LINE

Proposed house to replace  
on same footprint

129'



Covered deck



Existing driveway

Existing in ground pool

Existing well

Existing 2 car garage

Replace existing septic  
with new septic on same  
location