

Township of Chatsworth Planning Committee Agenda

Wednesday February 3, 2016 at 9:30 AM

1) Call to order

2) Disclosure of Pecuniary Interest

3) Public meetings:

9:30 a.m. Minor Variance- Thompson

4) Adjournment:

**NOTICE OF A PUBLIC MEETING
CONCERNING AN APPLICATION FOR MINOR VARIANCE**

TAKE NOTICE that the Corporation of the Township of Chatsworth is in receipt of a complete application for Minor Variance under Section 45 of the Planning Act, R.S.O. 1990, as amended.

AND TAKE FURTHER NOTICE that the Committee of Adjustment for the Corporation of the Township of Chatsworth will hold a Public Meeting on

Wednesday, February 3, 2016 at 9:30 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:

**Part Lot 90, Concession 1 NETSR,
Geographic Township of Holland,
Township of Chatsworth
(635072 Euphrasia-Holland Townline)**

The purpose of the application is to reduce the 'minimum front yard' requirement for the subject property from 15 metres to 9 metres in order to allow for the expansion of the existing garage, as shown on the drawing on the reverse of this form. The actual setback will likely be 10 metres; however, the applicant is requesting a 9 metre front yard in order to provide for some flexibility in the event that his measurement for the location of the existing garage is incorrect.

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 7th day of JANUARY, 2016.

Will Moore, CAO / Clerk
Township of Chatsworth
316837 Highway 6
R.R. #1
CHATSWORTH, Ontario
N0H 1G0
Tel. (519) 794-3232
Fax (519) 794-4499



Chatsworth

Township of Chatsworth
316837 Highway 6 RR 1, Chatsworth, Ontario, N0H 1G0
Will Moore, CAO / Clerk Grace Nayler, Treasurer and Assistant CAO/Clerk
Telephone 519-794-3232 Fax 519-794-4499

January 7, 2016

Township of Chatsworth
316837 Highway 6
R.R. 1
CHATSWORTH, Ontario
N0H 1G0

Chair Pringle and Members of the Committee of Adjustment:

**Re: Part Lot 90, Concession 1 NETSR,
Geographic Township of Holland, Township of Chatsworth
635072 Euphrasia-Holland Townline
Assessment Roll: 42 04 360 003 20215
Owner/Applicant: Allan Thompson**

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

The purpose of the application is to reduce the 'minimum front yard' requirement for the subject property from 15 metres to 9 metres in order to allow for the expansion of the existing garage. The actual setback will likely be 10 metres; however, the applicant is requesting a 9 metre front yard in order to provide for some flexibility in the event that his measurement for the location of the existing garage is incorrect.

The subject property is located along the west side of Euphrasia-Holland Townline. The site comprises 3.56 hectares of land, the majority of which is heavily forested. A dwelling and garage exist in the front section of the property, within a cleared area. A row of mature trees along the front lot lines screens most of the site from public view.

Also located on the property, to the rear of the garage, is a shipping container.

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'. The Official Plan does not contain development standards, such as a minimum front yard requirement. As such, the proposed reduction in the front yard requirement should not be seen as undermining the intent and purpose of 'Rural' policies of the Official Plan.

The Official Plan recognizes the front portion of the subject lands as a 'Aggregate Resource Area', which means a sand and gravel deposit likely exists on the site. The intent of the Official Plan is to generally protect this resource by prohibiting non-farm development that might inhibit the future extraction of this resource. In this particular instance, this policy would not appear to be relevant. A house and garage already exist on the site, and allowing the garage to expand should have no bearing on whether or not this property would be used in the future as a gravel pit. The size of the property, the amount of 'Environmental Protection' on the site and the location of other dwellings in the area would collectively suggest that a gravel pit will never occur on this site.

The Official Plan also recognizes a large portion of the subject property and most of the neighbouring lands as 'Significant Woodland'. The area of the proposed garage expansion is approximately 30 metres from the closest boundary of the 'Significant Woodland' feature. Development and site alteration is generally not allowed within 50 metres of this feature unless an Environmental Impact Study (EIS) has demonstrated that such development or site alteration would have no negative impact on this feature or its function. In this particular case, the expansion of the garage will occur further from the 'Significant Woodland' feature than the garage itself. As such, there should be no impact on this feature and an EIS should not be required to demonstrate this.

Based on the foregoing, the proposed Minor Variance appears to be in keeping with the intent and purpose of the Official Plan.

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 the municipal road is to ensure that a consistent and reasonable building setback is provided along municipal thoroughfares, and to ultimately maintain an attractive, non-crowded streetscape. The requested 10 metre setback is still an adequate setback from the road and therefore the intent of the front yard provision should be maintained. The row of mature trees along the front lot line will effectively

screen the proposed development from the road, which lends further merit to the proposal.

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

Allowing a detached garage 10 metres from the front lot line, especially when the garage will be screened from public view with trees, causes no concerns with regard to the appropriateness of the development.

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?” In this particular case, none of the neighbours should be affected by this minor encroachment.

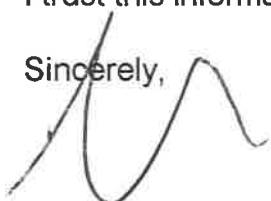
Based on the foregoing, it would appear the requested variance can pass the four tests of a Minor Variance listed in The Planning Act. For these reasons, the Committee may wish to grant approval.

Because the Zoning By-law does not permit shipping containers on properties within the Township, except on ‘A1’ or ‘A2’ zoned lots comprising 20 hectares or more, the decision of this Minor Variance should be conditional upon the container being removed prior to the issuance of a Building Permit.

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.

I trust this information will be of assistance.

Sincerely,



Ron Davidson, BES, RPP, MCIP



Grey
County Planning and Development

595 9th Avenue East, Owen Sound Ontario N4K 3E3
519-376-2205 / 1-800-567-GREY / Fax: 519-376-7970

January 25, 2016

Mr. Will Moore, CAO / Clerk
Township of Chatsworth
R R # 1
Chatsworth, Ontario, N0H 1G0
Sent Via Email

**Re: Minor Variance Application A1/2016
635072 Euphrasia – Holland Townline
Con 1 NETSR Pt Lt 90 (RP 16R4865 Pt 1)
Township of Chatsworth (geographic Township of Holland)
Owner: Allan Thompson**

Dear Mr. Moore:

This correspondence is in response to the above noted minor variance application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose of the application is to permit a reduced front yard setback from 15 m to 9 m to facilitate the expansion of an existing garage.

Schedule A of the OP designates the subject lands as 'Rural'. The Rural designation permits non-farm residential dwellings.

Schedule B of the OB identifies an 'Aggregate Resource Area' that covers the front portion of the parcel and the surrounding area. The Aggregate Resource Areas were established through Aggregate Resource Inventory Master Plan and identify the location of areas of sand and gravel deposits that are appropriate for protection. The intent of the OP policies to protect the Aggregate Resources Areas from incompatible development such as residential use. However in this case the residential use is established and the expansion of the existing garage is not expected to significantly impact future extraction.

Appendix B to the OP identifies 'Significant Woodlands' on the subject property. Section 2.8.4 of the County Plan restricts development within Significant Woodlands or within the 50 metre adjacent lands; unless an Environmental Impact Study (EIS) is completed to demonstrate that there will be no negative impacts on the woodlands or their ecological function. Based on the available mapping it appears that the garage and dwelling are located beyond the Significant Woodlands however potentially within the adjacent lands. The County may allow for the waiving of the requirement for the preparation of an Environmental Impact Study when the site conditions for a development are such that the preparation of an Environmental Impact Study would serve no useful purpose for the protection of significant environmental features. In this case the garage exists and the application is proposing an expansion directed away from the Significant Woodlands. County staff recommend that comments from the Grey Sauble Conservation Authority be received in regard to the need for an Environmental Impact Study for the proposed development.

Provided positive comments have been received from the Conservation Authority, County planning staff would have no further concerns with the subject application.

The County requests notice of any decision rendered with respect to this application.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,



Sabine Robart
Planner
519-372-0219 ext. 1233
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www.grey.ca

360-003-20215

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THE CORPORATION OF THE TOWNSHIP OF CHATSWORTH
Application for Minor Variance or Permission

1. TYPE OF APPLICATION:

() Minor Variance () Permission

2. WHAT IS THE PURPOSE OF AND REASONS FOR THE PROPOSED MINOR VARIANCE OR PERMISSION?

indoor storage for my vehicle, tractor, lawn mower.

can only build on one side of my existing garage

want permission to expand accessory building in front yard.

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): ALLAN THOMPSON

Address: 635072 EUPHRASIA HOLLAND T.L.

Phone: Home (519) 986-2674 Work (519) 373-2589 Fax ()

b) Applicant (Agent) Name(s): SAME

Address: _____

Phone: Home () Work () Fax ()

c) Name, Address, Phone of all persons having any mortgage charge on encumbrance on the property:

d) Send Correspondence To? Owner () Agent () Other () _____

4. PROVIDE A DESCRIPTION OF THE PROPERTY:

Municipal Address: 635072 EUPHRASIA HOLLAND T.L.

Concession: 1 Lot: PT 90 Registered Plan No: 16R-4865

Area: _____ Hectares Depth: _____ Metres Frontage (Width): _____ Metres

8.8 Acres 1207 Feet 375 Feet

5. WHAT IS THE CURRENT PLANNING STATUS?

Official Plan Designation: Rural

Zoning: A-1 WITH R-1 PROVISIONS

6. WHAT IS THE "EXISTING" USE OF THE LAND?

RESIDENTIAL

7. WHAT IS THE "PROPOSED" USE OF THE LAND?

SAME

8. NATURE AND EXTENT OF RELIEF APPLIED FOR:

NEED TO BUILD 20' CLOSER TO ROAD ALLOWANCE

9. WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE BY-LAW?

GARAGE AT SETBACK LIMIT NOW

10. PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS: (Use a separate page if necessary)

	Existing		Proposed	
a) Type of Building(s)	Garage		Addition to Garage	
b) Main Building Height	6.4 (m)	21 (ft)	3.7 (m)	12 (ft)
c) % Lot Coverage				
d) # of Parking Spaces	N/A			
e) # of Loading Spaces	N/A			
f) Number of floors	1			
g) Total Floor Area	143 (sq.m.)	1536 (sq.ft.)	71.4 (sq.m.)	768 (sq.ft.)
h) Ground Floor Area (exclude basement)	(sq.m.)	(sq.ft.)	(sq.m.)	(sq.ft.)

11. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Water	Commercial Water	Private Well	Municipal Sewers	Commercial Sewers	Private Septic
a) Existing	()	()	(✓)	()	()	(✓)
b) Proposed	()	()	()	()	()	()

12. ARE STORMWATER SEWERS PRESENT? () Yes (✓) No

13. WHAT IS THE NAME OF THE ROAD PROVIDING ACCESS? EUPHRASIA HOLLAND T.L.

14. ACCURATE TO SCALE, DRAWING OF PROPOSAL: (on a separate page(s) or on page attached, please provide a drawing of the proposal, preferably prepared by a qualified professional. In some cases, it may be more appropriate to prepare additional drawings at varying scales to better illustrate the proposal.)

15. AUTHORIZATION FOR AGENT/SOLICITOR TO ACT FOR OWNER:

(If affidavit (#16) is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below must be completed).

I (we) _____ of the _____ of _____
 County/Region of _____ do hereby authorize _____ to act as my agent
 in the application.

 Signature of Owner(s) Date

16. AFFIDAVIT: (This affidavit must be signed in the presence of a Commissioner)

I (we) ALLAN THOMPSON of the TWP of CHATSWORTH in
 the County/Region of GREY solemnly declare that all the statements contained in this application are
 true, and I (we) make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same
 force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the Township of Chatsworth in the County/Region
 of Grey this 23 day of December, 2015.

Allan Thompson _____ December 23, 2015
 Signature of Owner or Authorized Solicitor or Authorized Agent Date

 _____ December 23, 2015
 Signature of Commissioner Date

Heather Georgina Stirling, a Commissioner, etc.,
 Province of Ontario, for the Corporation of the
 Township of Chatsworth. Expires August 20, 2016.

APPLICATION AND FEE OF \$ _____ RECEIVED BY THE MUNICIPALITY:

 Signature of Municipal Employee Date

