



# Committee of Adjustment Agenda

Wednesday, May 5, 2021

9:00 a.m.

Municipal Council Chambers

Pages

**Please note that our Committee of Adjustment meetings are currently being conducted digitally to control the spread of COVID-19.**

## HOW TO JOIN

Join from a PC, Mac, iPad, iPhone, or Android device:

<https://us02web.zoom.us/j/81808677790?pwd=dm14dnJNU1YzbDViQW83TkRGUmZ1QT09>

## Or join by phone:

+15873281099,,81808677790#,,,,\*735805# Canada

Meeting ID: 818 0867 7790

A **password** is required to access this meeting. Those wishing to obtain the password please contact [patty.sinnamon@chatsworth.ca](mailto:patty.sinnamon@chatsworth.ca) or 519-794-3232 x124 by 4:00 p.m. on May 5, 2021

1. **Call to Order**
2. **Disclosure of Pecuniary Interest**
- 3.
4. **Minutes of Previous Meetings** 2

## Resolution

That the Committee of Adjustment hereby approves the minutes of April 7, 2021

5. **Committee of Adjustment Public Meeting**
- 5.1. **Minor Variance A02/2021 (Peterson)** 6

217 Garafraxa Street, Part Lots 10, 25 and 26, Plan 121, Former Geographic Village of Chatsworth, now the Township of Chatsworth, Owner/Applicant James and Sharon Peterson

## RESOLUTION

THAT Committee of Adjustment hereby receives Minor Variance A02/2021 application for lands legally described Part Lots 10, 25 and 26, Plan 121, Geographic Township of Chatsworth, located at 217 Garafraxa

Street, now in the Corporation of the Township of Chatsworth;  
AND Further the application is hereby ( ) refused or ( ) granted subject  
to the following conditions:

- That all buildings and structures occur as shown on the attached Schedule A;
- That any future enlargement or new buildings conform to all relevant zone provisions.
- That access to the lands meet the requirements of the Township of Chatsworth Road Entrance requirement

## **6. Adjournment**

### **RESOLUTION**

THAT Committee of Adjustment adjourn at : a.m.



**Township of Chatsworth**  
**Committee of Adjustment Minutes**

**Wednesday, April 7, 2021, 9:00 A.M.**

Members Present: Mayor Scott Mackey  
Deputy Mayor Brian Gamble  
Councillor Shawn Greig  
Councillor Diana Rae  
Councillor Elizabeth Thompson

Staff Present: Patty Sinnamon  
Ron Davidson, Planner

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**1. Call to Order**

Chair Mackey called the meeting to order at 9:00 a.m.

**3. Minutes of Previous Meetings**

**Resolution:** 2021-03-01

Moved by: Diana Rae

Seconded by: Shawn Greig

That the Committee of Adjustment hereby approves the minutes of March 3, 2021.

**Carried**

**4. Committee of Adjustment Public Meeting**

**4.1 Minor Variance A01/2021 (Seibel)**

Public in Virtual Attendance:

Paul Seibel, Applicant  
Shelley Dodds, Neighbour

Township Planner Ron Davidson gave an overview of the proposal and explained that the purpose of the Minor Variance is to reduce the side yard requirements of the "R3" zone from 3.0 m to 2.12 m in order to facilitate an addition onto an existing dwelling. He reviewed the sketch submitted with the application. Mr. Seibel indicated that the existing shed on the property, closest to the roadway is being removed. The existing driveway is also being relocated.

Neighbour Shelley Dodds asked about the shed closest to the Lake. Mr. Seibel indicated that it would be remaining. Ms. Dodds had also submitted written concerns about the height of the addition, and that it would block their view of the lake.

Mr. Seibel also indicated that the addition is for his own residential purposes and that the addition would not exceed the height of the existing dwelling.

Following the discussion by the Committee the following resolution was introduced:

**Resolution:** 2021-03-02

Moved by: Elizabeth Thompson

Seconded by: Diana Rae

That Committee of Adjustment hereby grants Minor Variance A01/2021, Lot 5, Plan 393, former Geographic Township of Sullivan, now the Township of Chatsworth subject to the following conditions:

1. That the variance only applies to the development proposal shown on the attached Schedule A.
2. The existing garage be removed.
3. A permit be obtained from the Saugeen Valley Conservation Authority.

**Carried**

#### **4.2 Consent B03/2021 - Revised Decision Required**

Public in Virtual Attendance:

There were no persons in attendance, including the applicant.

Township Planner Ron Davidson explained that Council had previously approved this decision on March 3, 2022, but due to an oversight, a condition requested by the County of Grey was not included in the decision. He explained that the County had requested a portion of land adjacent to the County road for road widening purposes. The Planning Act does provide for the Committee to amend its decision.

Committee members agreed the revised decision was appropriate and the following resolution was introduced:

**Resolution:** 2021-03-03

Moved by: Shawn Greig

Seconded by: Elizabeth Thompson

That Committee of Adjustment hereby grants Consent B03/2021, Part Lot 7, Concession 11 in the former Township of Holland, now in the Township of Chatsworth subject to the following conditions:

1. Submission of an undertaking by the applicant's solicitor to merge the severed parcel with the adjacent property having the address of 804586 Grey Road 40. (Note: In some circumstances, the merging of two parcels

requires the spoiling of a previous severance, which may require additional surveying work being conducted.);

2. Confirmation from the Township that the Zoning By-law Amendment intended to reduce the lot area requirement of the 'A1' zone as it pertains to the retained parcel is in effect.
3. Payment of outstanding taxes to the Township, if any.
4. The submission of an undertaking by the applicant's solicitor to transfer a 5.18 metre wide parcel of land along the entire County Road frontage from the retained parcel to the County of Grey.

**Carried**

#### **4.3 Consent B04/2021**

Public in Virtual Attendance:

Mark Van Grootheest, Applicant

Brenda Van Grootheest, Applicant

Township Planner Ron Davidson gave an overview of the proposal and explained that the purpose of the application is to ever a 0.8 hectare vacant lot and retain a 39.9 hectare farm lot containing the existing dwelling, barn and sheds.

The applicants thanked Mr. Davidson for his assistance throughout the process.

There were no letters of objection or concerns received.

The following motion was introduced:

#### **Resolution: 2021-03-04**

Moved by: Shawn Greig

Seconded by: Elizabeth Thompson

That Committee of Adjustment hereby grant Consent B04/2021, Lots 71 and 72, Concession 3, NETSR, in the former Township of Holland, now in the Township of Chatsworth, subject to the following conditions:

1. Payment of the severance fee to the Township;
2. Payment of outstanding taxes to the Township if any.
3. Payment of Parkland Dedication Fee.
4. Confirmation from the Township that a Zoning By-law Amendment intended to reduce the lot area and frontage requirements as they pertain to the severed parcel is in force and effect.

5. Issuance of an Entrance Permit from the Township.

**Carried**

**5. Adjournment**

**Resolution: 2021-03-05**

Moved by: Brian Gamble

Seconded by: Shawn Greig

THAT Committee of Adjustment be hereby adjourned.

**Carried**

\_\_\_\_\_  
Scott Mackey, Mayor

\_\_\_\_\_  
Patty Sinnamon, Acting Secretary-Treasurer

**REVISED**  
**NOTICE OF A VIRTUAL 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 Township of Chatsworth Committee of Adjustment will hold a **VIRTUAL** Public Meeting on **Wednesday, May 5, 2021 at 9:00 a.m.** to consider the proposed Minor Variance Application as per the requirements of Section 45 of the Planning Act, R.S.O. 1990, as amended. Those wishing to attend or speak at the virtual meeting **must** register to obtain a password by 4:00 p.m. on May 4, 2021 with the Acting Deputy Clerk at [barb.schellenberger@chatsworth.ca](mailto:barb.schellenberger@chatsworth.ca) or 519-794-3232 x134. Those with a password can either listen or speak via telephone or internet.

**How to join (once you have password):**

Join from a PC, Mac, iPad, iPhone, or Android device:

Please click this URL to join:

<https://us02web.zoom.us/j/81808677790?pwd=dm14dnJNU1YzbDViQW83TkRGUmZ1QT09>

**Or join by phone:**

One tap mobile

+15873281099,,81808677790#,,,,

+16473744685,,81808677790#,,,,

**Dial by your location**

+1 647 558 0588 Canada, Meeting ID: 818 0867 7790

If you are unable to participate in the virtual public meeting but still wish to make a written statement, please send an e-mail to [barb.schellenberger@chatsworth.ca](mailto:barb.schellenberger@chatsworth.ca) no later than 4:00 p.m. on May 4, 2021. Comments received will be read at the public meeting.

The proposed Minor Variance will affect the lands described as **Part Lots 10, 25 and 26, Plan 121, Geographic Village of Chatsworth, Township of Chatsworth and has the address of 217 Garafraxa Street. Township File # A02/2021.**

**THE PURPOSE OF THE APPLICATION** is to reduce the 'minimum exterior side yard' requirement of the R2 zone to 3.9 metres for the dwelling, 2.0 metres for the attached ramp/deck and 5.5 metres for the detached garage; and, to reduce the 'minimum rear yard' requirement to 2.0 metres for the dwelling and garage. The variances would facilitate the construction of a detached dwelling and a new garage on the site, as illustrated on the attached drawing.

**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 Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

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

**DATED** at Chatsworth this 23<sup>rd</sup> day of April, 2021.

Committee of Adjustment Secretary-Treasurer  
Township of Chatsworth, 316837 Highway 6  
RR 1 Chatsworth, Ontario N0H 1G0  
Telephone 519-794-3232 - Fax 519-794-4499



316837 Highway 6, RR 1  
Chatsworth, Ontario N0H 1G0

Telephone 519-794-3232 - Fax 519-794-4499

Meeting Date: May 5, 2021

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

Chair Mackey and Members of the Committee of Adjustment:

**Re: Part Lots 10, 25 and 26, Plan 121  
Geographic Village of Chatsworth, Township of Chatsworth  
217 Garafraxa Street  
Owner: James and Sharon Peterson  
File: A02/2021**

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

**Background:**

A detached dwelling previously existed on the subject property but was destroyed by fire a few years ago. The new owners of the property wish to erect a new house on the property, but given the narrow width of this corner lot (15.08 metres) and the need for corner lots to provide 7.5 metres of exterior side yard plus an interior side yard of 3.0 metres, it would be impossible to erect a dwelling on this site without some relief from the Zoning By-law. In this regard, the owners have filed a Minor Variance application requesting a reduction in the exterior side yard requirement to 3.9 metres for the detached dwelling and 2.0 metres for the attached ramp/deck, and also requesting relief from the interior side yard requirement to 2.0 metres. As well, relief is also being requested to allow for a detached garage to be located 5.5 metres from the exterior side lot line and 2.0 metres from the interior side lot line.

The variances would facilitate the construction of a house and detached garage as illustrated on the attached drawing.



## **Subject Lands:**

The subject property is located at the southeast corner of the Loucks Lane / Garafraxa Street intersection. The site comprises approximately 1357 square metres of land. Situated on the property is a garage, which is to be removed from the property. As mentioned above, a house previously existing but was destroyed by fire a few years ago.

## **Adjacent Lands:**

A mix of land uses exists in the area including a seniors home to the east, commercial to the north, residential to the south, and commercial and residential to the west.

## **Planning Act:**

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?

Schedule A to the County Official Plan designates the urban area of Chatsworth as 'Secondary Settlement Area'. This land use designation permits a variety of urban type uses including residential, commercial, institutional, recreational and open space. A detached dwelling is clearly a permitted use.

The Official Plan does not contain development standards such as side yard requirements.

Based on the foregoing, the proposed variance would appear to maintain 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?

The purpose of the 'minimum exterior side yard' requirement is identical to the purpose of the 'minimum front yard' provision which is to ensure that all buildings along a street have a consistent and harmonious setback, and also to ensure that development doesn't interfere the operations of the municipal road.

In this particular instance, there is no concern with regard to a consistent and harmonious setback, given that the property is a corner lot and that the seniors home to the east is located a considerable distance from the proposed house.

A yard of such a small size, however, could potentially interfere with the operations of the Township road with regard to snow removal and other matters. In this situation, however, Public Works staff find the proposal acceptable given that there will still be a

considerable distance between the edge of the paved road and the new house. It's not a perfect situation, but it is acceptable. The garage will be set back 5.5 metres from the road allowance in order to provide sufficient area on the subject property to park a vehicle.

Please note that the deck (wheelchair ramp) at the front of the house will project another 1.9 metres into the exterior side yard, thereby leaving 2.0 metres between the deck the municipal lands. Public Works staff also find this acceptable.

With regard to the request to reduce the 'interior side yard' requirement from 3.0 metres to 2.0 metres, please note that the purpose of this provision is to ensure that an appropriate setback is provided between houses on abutting properties in order to ensure that an overcrowding does not occur and to allow for building and property maintenance without having to trespass onto the neighbouring property. In this particular instance, a 2.0 metre side yard can still be considered reasonable, and it does leave sufficient room for maintenance of the house and property.

Based on the above, the variances are considered to be in keeping with the intent and purpose of the Zoning By-law.

3. Is the variance minor in nature?

This test has traditionally been interpreted as meaning "what impact will the variance have on the neighbours?"

It's doubtful that a reduced exterior side yard would have any negative impact on the commercial operation to the north or the seniors residence to the east.

The reduced interior side yard should not impact the neighbour to the south, since the new house will be erected toward the east side of this elongated property at a considerable distance from the dwelling located on the property to the south.

Based on the foregoing, the variance should be considered minor in nature.

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

Variances to the Zoning By-law are necessary because it's impossible to erect a house on a 15.08 metre wide lot and comply with the 7.5 metre and 3.0 metre yard requirements, unless the house is only 4.58 metres deep. The depth of the proposed house isn't large and therefore the request is reasonable. The idea of building a house this close to a road isn't generally the preferred option, but in this particular case, the lot is narrow and the Public Works Department are okay with this arrangement.

There are no concerns about reducing the 'interior side yard' requirement to 2.0 metres.

Based on this information and that fact that no negative impact should result from the proposed variance, the variance should be considered desirable for the appropriate and

orderly development and use of the lands and buildings.

**Provincial Policy Statement:**

The variance would appear to be consistent with the Provincial Policy Statement. There are no policies that would suggest that the reduced yard requirements are inappropriate.

**Conclusion and Recommendation:**

The proposed Minor Variance passes the four texts identified in Section 45 of the Planning Act and is consistent with the PPS. As such, the application can be approved.

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,

A handwritten signature in blue ink, appearing to read 'Ron Davidson', with a stylized flourish at the end.

Ron Davidson, BES, RPP, MCIP

**From:** planning@grey.ca <planning@grey.ca>

**Sent:** April 21, 2021 3:08 PM

**To:** Heather Stirling <heather.stirling@chatsworth.ca>; ronaldavison@rogers.com; Patty Sinnamon <patty.sinnamon@chatsworth.ca>; Carolyn Marx <carolyn.marx@chatsworth.ca>

**Subject:** County Comments for **A02.2021 Peterson**

County Comments for A02.2021 Peterson

## County Comments for A02.2021 Peterson



Hello Ms. Sinnamon,

County planning staff have no comments or concerns regarding application A02.2021 Peterson.

Staff request notice of decision for the subject file once issued.

Best regards,

Stephanie Lacey-Avon

Planning & Development, Grey County, Owen Sound ON

-----Original Message-----

From: Building <[building@chatsworth.ca](mailto:building@chatsworth.ca)>

Sent: April 16, 2021 7:59 AM

To: Heather Stirling <[heather.stirling@chatsworth.ca](mailto:heather.stirling@chatsworth.ca)>

Subject: Re: A02-2021 Peterson Minor Variance Application Township of Chatsworth

**Building has no objections to the proposed minor variance. A building permit is required for demolition of the existing structure, new dwelling, new accessory building and new septic system.**

Karl Schipprack  
Chief Building Official  
Township of Chatsworth  
[building@chatsworth.ca](mailto:building@chatsworth.ca)  
(519)794-3232

> On Apr 8, 2021, at 7:14 PM, Heather Stirling <[heather.stirling@chatsworth.ca](mailto:heather.stirling@chatsworth.ca)> wrote:

>

> Good afternoon,

> Please find attached Notice of a Public Meeting regarding a Proposed for a Minor Variance, along with supporting documents for comment for the above noted Minor Variance Application. We would ask that comments be received no later than Wednesday, April 28, 2021 at 4:00 p.m.

> Take care,

>

>

> Heather Stirling

> Administrative Assistant Building

> [<cid:image003.jpg@01D72CAB.599892C0>]Township of Chatsworth

> 316837 Highway 6, RR 1, Chatsworth ON N0H 1G0 Phone 519-794-3232 Ext

> 128 | Fax 519-794-4499 | [www.chatsworth.ca](http://www.chatsworth.ca)<<http://www.chatsworth.ca/>>

>

> "Chatsworth Community Hub -where neighbours meet and community is built"

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>

**From:** Mike Givens <[mike.givens@chatsworth.ca](mailto:mike.givens@chatsworth.ca)>  
**Sent:** April 9, 2021 9:37 AM  
**To:** Heather Stirling <[heather.stirling@chatsworth.ca](mailto:heather.stirling@chatsworth.ca)>  
**Subject:** Re: A02-2021 Peterson Minor Variance Application Township of Chatsworth

## No concerns

Mike Givens, Fire Chief/CFPO/CEMC  
Township of Chatsworth Fire Department  
519-794-3188  
[mgivens@chatsworth.ca](mailto:mgivens@chatsworth.ca)



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**From:** Heather Stirling <[heather.stirling@chatsworth.ca](mailto:heather.stirling@chatsworth.ca)>  
**Sent:** Thursday, April 8, 2021 7:14 PM  
**Subject:** A02-2021 Peterson Minor Variance Application Township of Chatsworth

Good afternoon,  
Please find attached Notice of a Public Meeting regarding a Proposed for a Minor Variance, along with supporting documents for comment for the above noted Minor Variance Application. We would ask that comments be received no later than **Wednesday, April 28, 2021 at 4:00 p.m.**  
Take care,

### Heather Stirling

Administrative Assistant Building



Township of Chatsworth  
316837 Highway 6, RR 1, Chatsworth ON N0H 1G0  
Phone 519-794-3232 Ext 128 | Fax 519-794-4499 | [www.chatsworth.ca](http://www.chatsworth.ca)

**From:** Chris Hachey <hsmlrcc@bmts.com>

**Sent:** April 19, 2021 3:13 PM

**To:** Carolyn Marx <carolyn.marx@chatsworth.ca>

**Subject:** Request for Comments - Chatsworth (Peterson) - Proposed Minor Variance

Your File: A02-2021

Our File: Chatsworth Municipality

Ms. Vlieland-Marx,

**The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Minor Variance as presented.**

Thank you for the opportunity to review this matter.

Regards,

Chris Hachey

Coordinator, Lands, Resources & Consultation

Historic Saugeen Métis

email: [hsmlrcc@bmts.com](mailto:hsmlrcc@bmts.com)

phone: 519-483-4000

site: [saugeenmetis.com](http://saugeenmetis.com)

address: 204 High Street Southampton, ON

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**From:** ONTUGLLandsINQ <[ONTUGLLandsINQ@enbridge.com](mailto:ONTUGLLandsINQ@enbridge.com)>

**Sent:** April 9, 2021 7:22 AM

**To:** Heather Stirling <[heather.stirling@chatsworth.ca](mailto:heather.stirling@chatsworth.ca)>

**Subject:** RE: A02-2021 Peterson Minor Variance Application Township of Chatsworth

Thank you for your correspondence with regard to the proposed Site Plan Application. Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed Site Plan.

Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.

Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.

We trust the foregoing is satisfactory.

**Barbara M.J. Baranow**  
**Analyst Land Support**  
**Enbridge Gas Inc.**

50 Keil Drive North, Chatham, ON N7M 5M1  
Integrity. Safety. Respect.

**From:** Heather Stirling <[heather.stirling@chatsworth.ca](mailto:heather.stirling@chatsworth.ca)>

**Sent:** Thursday, April 8, 2021 7:14 PM

**Subject:** [External] A02-2021 Peterson Minor Variance Application Township of Chatsworth

Good afternoon,

Please find attached Notice of a Public Meeting regarding a Proposed for a Minor Variance, along with supporting documents for comment for the above noted Minor Variance Application. We would ask that comments be received no later than **Wednesday, April 28, 2021 at 4:00 p.m.**

Take care,

**Heather Stirling**

Administrative Assistant Building

Township of Chatsworth

316837 Highway 6, RR 1, Chatsworth ON N0H 1G0

Phone 519-794-3232 Ext 128 | Fax 519-794-4499

