



Staff Report

Report To: Committee of Adjustment

From: Robert Brown, Planner

Date: 2024-11-27

Subject: Minor Variance Application D13 3-2024 – Recommendation Report
(Planning Report 2024-031)

Recommendation:

That West Elgin Committee of Adjustment hereby receives the report from Robert Brown, Planner, regarding Minor Variance Application D-13 3-2024 – Recommendation Report (Planning Report 2024-031).

And that West Elgin Committee of Adjustment grant Minor Variance D-13 3-2024, to obtain relief from Section 12.1, Table 12-1, Item 6 to reduce the required rear yard setback from 10 m to 5.5 m for a single detached dwelling without conditions.

Purpose:

The subject parcel is 1,147.5 sq. m (12,352 sq. ft.) in area with frontage on Talbot Line. (Figure One) The lot was created in April of 2023 with the intent of constructing a new single detached dwelling. Development of the lot faces two challenges in the hamlet of Eagle; 1) a large front yard setback (County Road) from Talbot Line (26 m from the center of the ROW) and 2) the need for an area to accommodate a private on-site septic system. In order to address both the house is setback on the lot however this reduces the rear yard setback from the required 10 m to 5.99 m. (See Figure Two) Therefore, the applicants have requested a minor variance to reduce the required rear yard setback to both accommodate the County Road setback and provide room for a new septic system.

Background:

Below is background information, in a summary chart:

Application	D-13 3-2024
Owner	Tina & Kurtis Wiebe
Applicant	Michele Hammond
Legal Description	Pt. Lot 19, Conc. 13, Pt 1, RP 11R 11074
Civic Address	25361 Talbot Line (Figure One)
Water Supply	Municipal water service
Sanitary Service	Private on-site septic system required

Existing Land Area	1,147.5 m ² (12,352 ft ²)
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Financial Implications:

The applicable fee was collected as outlined in the Fees and Charges By-law. There will be an increase in the assessed value of the subject property once the new dwelling is completed.

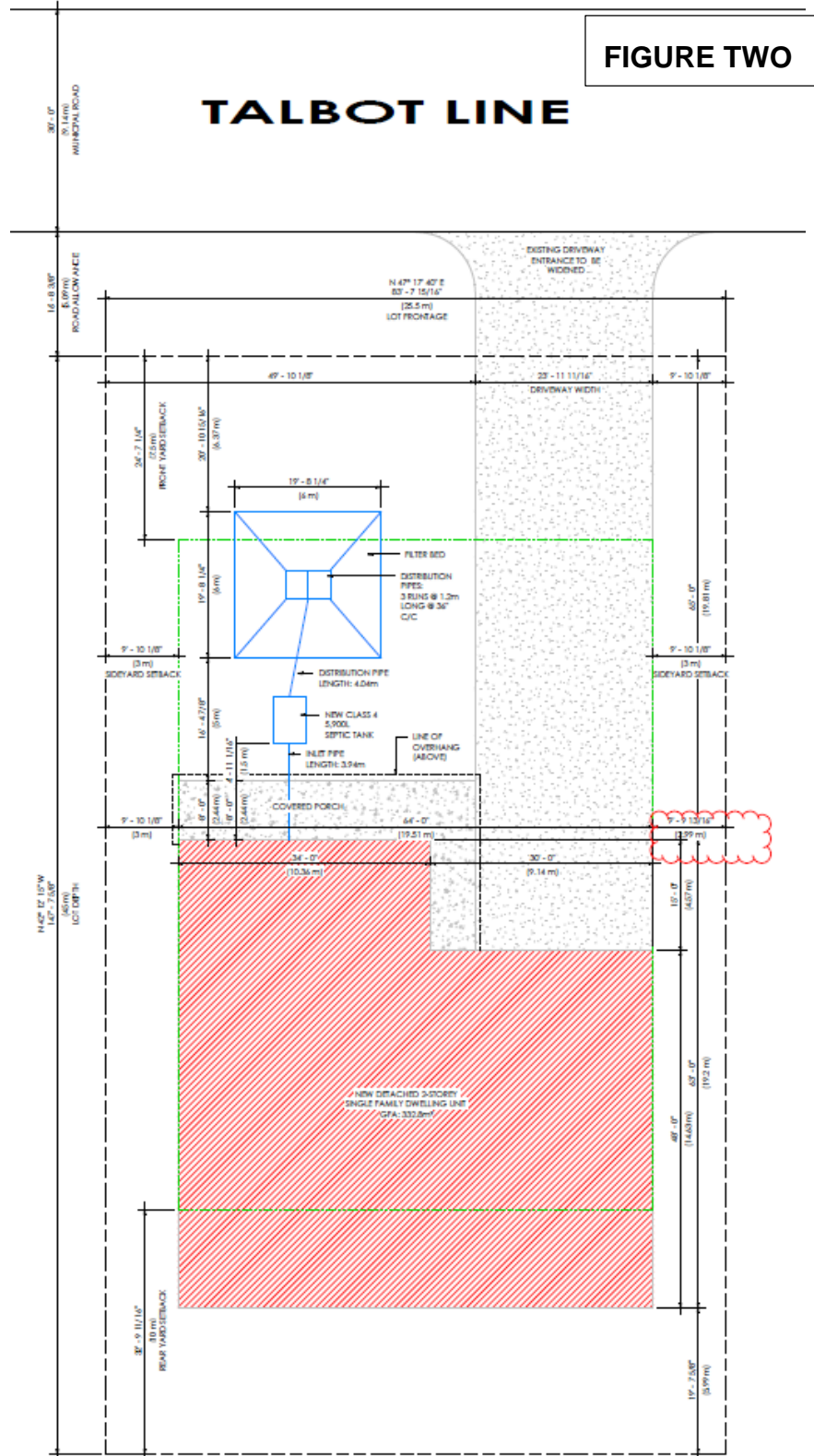
Policies/Legislation:

Provincial Planning Statement (2024)

The proposed variance does not raise any issues of Provincial significance.

County of Elgin Official Plan

There are no issues of significance raised related to the County of Elgin Official Plan. The lands are designated Tier Two Settlement Area by the CEOP.



Four Tests of the Minor Variance:

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

1. Does the variance maintain the intent and purpose of the Municipality of West Elgin Official Plan?

The subject lands are designated Hamlet as shown on the Land Use and Transportation Plan Schedule 'E' of the Official Plan. Setback requirements are not something that are addressed directly in the Official Plan. However, because the lot is in an area of established development it is required to maintain a setback consistent with the established line. The proposed location of the dwelling is in keep with the established building line for the lots to the east and west.

As such the intent and purpose of the Official Plan is maintained.

2. Does the variance maintain the intent and purpose of the Municipality of West Elgin Zoning By-law?

The subject lands are zoned Hamlet Residential (HR) Zone in the Municipality of West Elgin Zoning By-law 2015-36, Schedule "E". The creation of the subject lot was in compliance with the minimum lot area and frontage requirements of the applicable zone. Because it is generally unknown at the time of lot creation what type of dwelling will be built or where it will be located on the lot it is left up to the particular provisions of the zoning to guide or limit development. The subject lot is impacted by three issues in this location including; 1) the required County Road setback of 26 m from the centre line of the road allowance; 2) the established building line requirements and 3) the need for a large open area to locate a private on-site septic system.

Since a large front yard is necessary to address the road setback and established building line the logical location of the septic system is in the front yard. As a result, the dwelling is pushed back into the required rear yard of 10 m. The proposed setback is 5.99 m. All other requirements of the HR Zone for the proposed dwelling will be in compliance with the requirements.

The lot fabric in Eagle is mixed with a variety of sizes as well as the placement of dwellings being varied from lot to lot. The proposed will assist in maintaining the established front yard setback which is the more visible and potentially impacting requirement if it were to be reduced. Reduction of the rear yard setback does reduce the private outdoor amenity area but not to a level that is unacceptable for a residential use.

The increased rear yard standard in the Hamlet Residential (HR) Zone also anticipates that these lots may often back onto agricultural lands where an increased buffer is necessary. That is not the case for this lot or the lot to the east which back onto a large vacant residential parcel which was the remnant from the creation of the subject parcel. With these points in mind the variance does maintain the intent and purpose of the zoning by-law.

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

The proposed development is a single detached dwelling on a residential lot. Reduction of the rear yard setback helps to maintain the more visible established building line along Talbot Line.

The increased front yard also helps accommodate the necessary septic system. The variance is desirable for the appropriate and orderly development of the use, land and buildings.

4. *Is the variance minor in nature?*

A minor variance is not solely based on a specific increase or decrease in a required zoning regulation but rather an assessment of any potential impacts that might result from granting relief. A common consideration can be what would the variance allow to be constructed that might otherwise not be permitted.

In the case of the reduced rear yard the reduction permits the construction of a permitted single detached dwelling but would allow it to be located a consistent distance from Talbot Line in comparison to other existing dwellings. As there is a greater potential for impact to the streetscape by a reduction in a front yard setback, the reduction of the rear yard can be considered the lesser of two evils. This reduction in turn provides space for the necessary private septic system in the front yard as there are no municipal sewers in Eagle. As such the variance is minor in nature.

Circulation of the Application:

The application was circulated to the applicable agencies for comment. All neighboring property owners within 60 metres of the subject lands were circulated with the public notice on December 6, 2024, 14 days prior to the public hearing (minimum 10 days required). The notice was also posted on the Municipal website and signage is posted on the subject property in full view of the fronting road allowance.

Other Agencies

The County of Elgin, LTVCA and internal staff were circulated. No objections or concerns were noted by staff or the County. The LTVCA provided formal comment. They have no objection as the subject parcel is not located in a regulated area. Full comment is attached as Appendix A.

Public Comments

At the time of submission of this report, no comments from the public have been received related to the Minor Variance.

Alignment with Strategic Priorities:

Infrastructure Improvement	Recreation	Economic Development	Community Engagement
<input type="checkbox"/> To improve West Elgin's infrastructure to support long-term growth.	<input type="checkbox"/> To provide recreation and leisure activities to attract and retain residents.	<input type="checkbox"/> To ensure a strong economy that supports growth and maintains a lower cost of living.	<input type="checkbox"/> To enhance communication with residents.

Respectfully submitted by,



Robert Brown H. Ba, MCIP, RPP
Planner, Municipality of West Elgin

Report Approval Details

Document Title:	Minor Variance Application D13 3-2024 - Wiebe - 2024-31-Planning.docx
Attachments:	- Appendix A - MV 03-2024 Wiebe Dec2024 IPZ.pdf
Final Approval Date:	Dec 16, 2024

This report and all of its attachments were approved and signed as outlined below:

Terri Towstiuć