



## Staff Report

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**Report To:** Council  
**From:** Heather James, Planner  
**Date:** 2020-06-11  
**Report:** 2020-18  
**Subject:** Minor Variance Concession 14, Part of Lot 4, Gray Line

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### **Recommendation:**

That West Elgin Committee of Adjustment hereby receives the report from Heather James regarding the minor variance application for File No. D13 03-2020, Concession 14, Part of Lot 4, Gray Line; and,

That West Elgin Committee of Adjustment approve Minor Variance File No. D13 03-2020, subject to the conditions on the Decision Sheet.

### **Purpose:**

A minor variance application was submitted by the owners, Lakeview Aldborough Bluffs Inc. c/o Allan Murray. The purpose of this application is to seek relief from Section 5.1.1 Permitted Uses Table 5-1 General Agricultural (A1) Zone Standards Subsection 1 Minimum Lot Area and Subsection 2 Minimum Lot Frontage of the Municipality of West Elgin Comprehensive Zoning By-law No. 2015-36 to permit the creation of an agricultural parcel with undersized lot area and undersized lot frontage associated with severance application E 57/19, which is conditionally approved. The minimum lot area in the A1 Zone is 20.2 ha (49.92 ac.) and the minimum lot frontage is 300.0 m (984.25 ft.); the owners are proposing a minimum lot area of 17.55 ha (43.37 ac.) and a minimum lot frontage of 233.33 m (765.52 ft.). The reason for the minor variance application is due to inaccuracies between the measurements submitted with and approved for the severance application and the actual measurements made by an Ontario Land Surveyor when a survey was prepared for the lands.

### **Background:**

The subject lands are situated on the south side of Gray Line, and legally described as Concession 14, Part of Lot 4 (being Part 2 on RP 11R-10587). The subject lands have an area of 17.55 ha (43.37 ac.), an irregular depth and a frontage of 233.33 m (765.52 ft.) along Gray Line. The lands are vacant with no services and used for agricultural use. Agricultural and non-farm residential uses surround the subject lands. Location of the subject lands is shown on the attached Schedule 'A' map.

The subject lands are designated Agricultural as shown on Schedule 'E' Rural Area Land Use & Transportation Plan in the Municipality of West Elgin Official Plan and are zoned General Agricultural (A1) as shown on Schedule "A" Map No. 75 in the Municipality of West Elgin Comprehensive Zoning By-law 2015-36

The application was circulated to Municipal staff for comment and municipal staff indicated they have no concerns.

The application was circulated to all applicable public agencies. Only one comment was received:

Lower Thames Valley Conservation Authority

*'Please note the shoreline does not directly abut this property but the regulations for the shoreline, due to the setback limits from Lake Erie are present on this parcel. As such, an application from this office is required prior to any works/construction taking place in the regulated area.'*

**Comment:** The lands subject to the minor variance are not proposing any buildings and/or structures. The owners have been notified of this requirement for future development.

The application was circulated to all neighbouring property owners within 60 m (196.85 ft.) of the subject lands. No comments were received.

**Financial Implications:**

None.

**Policies/Legislation:**

**Provincial Policy Statement (PPS):**

Under Section 3(5) of the *Planning Act*, the Municipality "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS). Agricultural policies were reviewed and no concerns were evident.

Upon review of the applicable PPS policies, the application is consistent with the PPS.

**County of Elgin Official Plan:**

The County Official Plan designates the subject property as Agricultural Area on Schedule 'A' Land Use. Lot creation for agricultural use are permitted.

Upon review of the applicable County Official Plan policies, the application conforms to the County of Elgin Official Plan.

**Ontario Planning Act:**

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.

**Four Tests of the Minor Variance**

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

Yes. The subject lands are designated Lakeshore Area, which permits the creation of lots for agricultural use (other than the raising or keeping of livestock). With the exception of the undersized lot area and undersized lot frontage, the application does not contravene the Municipality of West Elgin Official Plan policies.

2. *Does the variance maintain the intent and purpose of the Municipality of West Elgin Comprehensive Zoning By-law 2015-36?*

Yes. Lot creation for agricultural use is permitted in the General Agricultural (A1) Zone. With the exception of the undersized lot area and undersized lot frontage, the application complies with all remaining General Agricultural (A1) zone provisions.

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

Yes. The variance will enable the owners to maximize the value and use of the property, in accordance with the Official Plan policies and Zoning By-law provisions. The undersized lot area and undersized lot frontage is due to a previous surplus farm house severance, a previous lot addition to provide frontage and access for an adjacent landlocked lakefront property, and lastly, to keep a woodlot in tact without fragmentation (which is the severed parcel in the associated severance). The parcel is still of a sufficient size for the existing agricultural use (cash crop). The variance will not impede the function of the lot.

4. *Is the variance minor in nature?*

Yes. The meaning of 'minor' is not based on a specific number, where a difference of a number of metres or feet determines whether or not the development is acceptable. It is more appropriate to base this test on the degree of potential impact on neighbouring property owners; the environment; and municipal functions.

The impact from the proposed variance with respect to the neighbouring property owners and the environment is minimal. There will be minimal impact from the proposed variance with respect to municipal functions.

**Summary/Conclusion:**

The application has been assessed for appropriateness with regard to existing policy and the impact of the proposal on the surrounding land uses. The application maintains the intent and purpose of the Official Plan and Zoning By-law and is not expected to have an impact on surrounding property owners, the environment, or municipal functions.

I am of the opinion that the application satisfies the four tests, constitutes good land use planning, and should be approved.

**Related Documents:**

Municipality of West Elgin Comprehensive Zoning By-law No. 2015-36.



## Report Approval Details

Document Title:	Minor Variance Concession 14, Part of Lot 4, Gray Line.docx
Attachments:	- Decision Sheet - Lakeview Aldborough Bluffs Inc.docx
Final Approval Date:	Jun 8, 2020

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

Jana Nethercott