



Committee of adjustment report

Meeting date:	September 19, 2022
Title:	A14.2022 – 1993934 ONTARIO Inc. (DOHERTY, Ed)
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That Committee of Adjustment receives the report from Planner Spencer A14.2022 – 1993934 Ontario Inc. (Doherty, Ed) wherein the planner recommends approval of application A14.2022 as the application is considered to maintain the general intent and purpose of the Official Plan, the general intent and purpose of the municipality's zoning by-law, is minor in nature and is considered a desirable use of the land and buildings.

Executive summary

The property is municipally identified as 199381 Sideroad 30, specifically unit 4 and legally identified as the PT LOT 61 CON 1 NDR PT LOT 61; RP 17R1496 PTS 1 and 2, the geographic township of Bentinck. The purpose of the application is to vary the provisions of section 16.2.7 to permit a total floor area of 29 m² whereas 8m² is permitted. The effect of which will permit the construction of an accessory structure in the MH (Mobile Home Park) zone. The accessory structure will be in the form of a detached garage for personal use.

Background and discussion

The subject lands are located on the northeast corner of 30th Sideroad NDR and Grey Road 4.

To determine the consistency of the proposal planning staff have conducted a review of the Provincial Policy Statement (PPS), County Official Plan and the Municipality's Comprehensive Zoning By-law 37-2006. The portion of the property in question is within the Meadows Drive Modular Home Park, specifically within unit 4 of the developed portion of the modular home park.

The applicant has requested permission to construct an accessory structure (detached garage) within his mobile home site. The MH zone differs from the provisions of section 6.0 of the municipality's comprehensive zoning by-law 37-2006 whereas a maximum total floor area of the accessory structure is limited to 92.9 m².

The applicant has been provided authorization from the modular park landowner to proceed with the application. Previous correspondence was provided to Council on September 6th,



September 19, 2022 (2)

2022 requesting permission to file a minor variance under the Planning Act. The recent removal of the holding provision for phase 2 of the modular home park occurred on June 7th, 2022 through by-law 61-2022. As noted on September 6th, the Planning Act, R.S.O. 1990, as amended does not permit applications for minor variance for a two (2) year time period following a zoning amendment process without Council permission in the form of a motion.

This application will apply only to unit 4 Meadow's Drive and any further consideration for units within the park will require an overall site-specific amendment through the zoning process. The landowners have been advised of the same.

Section 45 of the Planning Act gives the Committee of Adjustment the authority to grant relief from a provision(s) of the comprehensive zoning by-law provided such relief passes four (4) tests:

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

The subject lands are identified as 'rural' under schedule 'A' of the County of Grey Official Plan with a layer of identified aggregate. The identified aggregate is located along the southeastern boundary of the overall subject lands. The portion of the property in question is located outside of this identified area.

Policy 5.4.1 of the County Plan defines the permitted uses within the rural land use type (refers back to 5.2.1 of the agricultural designation). Residential land uses and accessory uses are permitted within this land use designation.

Although a unique zone, planning staff are satisfied that the construction of the accessory structure will serve the purposes identified by the applicant for personal use. However, the applicant will be required to abide by the balance of the zoning provisions related to the MH zone specific to their mobile home site.

Verbal comments from the applicant also provided clarity that the existing accessory structure (storage shed) which is located on the mobile home site will be removed to accommodate this structure.

Provided the balance of the implementing zoning provisions are maintained, planning staff are satisfied that the general intent and purpose of the County official plan will be maintained.

2. Does the minor variance maintain the general intent and purpose of the zoning by-law?

The intent of provision of 16.2.7 is to ensure that each mobile home site is not dominated by accessory structures. Provision 16.2.2.3 of the MH zone requires a minimum floor area for the mobile home site of 55m². It is intended that the modular home is the predominant use of each site and that the main use is residential.

Provision 16.2.7 further requires that the accessory structure is located in the rear



September 19, 2022 (3)

yard of the mobile home site. Based on the site plan provided, planning staff are satisfied that the modular home will remain the predominant use of the site and that the accessory structure will be located in the rear yard and maintain the appropriate setback from County Road 4 as required under 16.2.3.

Based on the above, planning staff are satisfied that the request for this site maintains the general intent and purpose of the zoning by-law.

3. Is the variance minor in nature?

The ability to determine if a variance is minor in nature is relative to the impact the variance would have on the adjacent lands. In this particular circumstance, the adjacent lands are considered to be the adjacent mobile home sites under the MH zone. A mobile home site exists to the west of the subject unit and a vacant area exists to the east with a holding provision. The holding provision in this location will not be removed without further significant servicing review. Planning staff are satisfied that this site will continue to remain vacant.

The proposed accessory structure would provide a site coverage (specific to unit 4) of 7.7% which is comparable to the overall lot coverage permitted for accessory structures of 10% under section 6.0 of the zoning by-law.

Planning staff are satisfied that the ratio of the accessory structure to the overall mobile home site of unit 4 is minor in nature. Although there is no requirement for the accessory structure to maintain the same sideyard setback as the modular home, planning staff recommend that the setback be maintained as feasible to ensure sufficient separation between unit 3 and 4.

Provided review of the above is provided on site during construction, planning staff consider the request to be minor in nature.

4. Does the minor variance represent an appropriate or desirable use of land and buildings?

As previously noted, the property is zoned MH (mobile home park) within the municipality's comprehensive zoning by-law. Residential uses and accessory uses are permitted within this zone.

The construction of an accessory structure of this size is new for the current lot fabric associated within the surrounding developed units in the park. Planning staff recommended to the landowner that if further desire of this type of accessory structure appears within the modular home park it would not be considered through the minor variance process. In the absence of other applications, staff have agreed to review this file on its own merits.

The requested variance to increase the size of the accessory structure will ensure that a personal vehicle can be stored internally and prevent the outside storage of personal items. The accessory structure will not be permitted to be used for profit or



September 19, 2022 (4)

gain nor for the purposes of human habitation.

On the basis that the structure is purely for personal use, planning staff consider this request to be an appropriate use of the land and buildings.

Legal and legislated requirements

None.

Financial and resource implications

None.

Staffing implications

None.

Consultation

- County of Grey Planning & Development Department
- Saugeen Valley Conservation Authority

Alignment to strategic vision plan

Pillar: Build a better future
Goal: Review the official plan and zoning by-law
Strategy: Take a co-operative approach to development

Attachments

- Aerial and official plan mapping (schedule A)
- Aerial and official plan mapping (appendix B)
- Aerial and zoning map
- Commissioned application form
- County of Grey Planning & Development Department comments
- Saugeen Valley Conservation Authority comments

Next steps

If approved, planning staff will provide notice of decision in accordance with the planning act. Provided no appeals are received, the applicant will be advised that they can pursue their building permit.



September 19, 2022 (5)

Respectfully submitted,



Lorelie Spencer, Ba.U.R.PI, MCIP, RPP
Manager of Planning and Development