



Committee of adjustment report

Meeting date:	September 19, 2022
Title:	A16.2022 – GANDIER, Ashley
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, A16.2022 – GANDIER wherein the planner recommends approval of application A16.2022 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 subject lands are municipally identified as 313090 Highway 6, north of the secondary settlement area of Varney. The property is legally identified as CON1 WGR; PT DIV 2 and PT DIV 3 LOT 2; RP 17R2309; PT 2 in the geographic township of Normanby. The purpose of the application is to vary the provisions of section 9.2.4(c) to permit an interior side yard setback is 0.7 metres (2.3 feet). The effect of which will permit the construction of a livestock facility on the subject lands.

Background and discussion

The property is located on the west side of Highway 6. The property currently contains a single detached dwelling unit and accessory structures and is approximately 3.2 hectares (7.9 acres) a significant amount of hazard lands are identified toward the west half of the property boundary. The structure in question was placed illegally on the property which sparked this application. The development violation with the Saugeen Valley Conservation Authority has been resolved. This application will assist in the provision of a building permit provided the engineered plans required are found acceptable.

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 tests:

1. Does the Minor Variance maintain the intent and purpose of the Official Plan?

The subject lands are identified as a 'secondary settlement area' and 'hazard lands' within schedule 'A' of the County of Official Plan. The County Plan states that secondary settlement areas are towns, villages and larger hamlets that generally have significant populations and a wide range of uses and amenities. These areas accommodate limited residential growth as well as new community facilities and employment uses. Development within these settlement areas may be limited due to external, physical, or policy constraints and lack of infrastructure.



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Varney has limited development potential however, this parcel is within the defined settlement area boundary. The location of the accessory structure is along the northern boundary of the subject lands and outside of the identified 'hazard lands' designation. Planning staff are satisfied that the accessory structure is considered a permitted use within the secondary settlement area of Varney.

On this basis, planning staff are satisfied that the variance meets the general intent and purpose of the County Plan.

2. Does the Minor Variance maintain the intent and purpose of the Zoning By-law?

The intent of provision 9.2.4(c) is to ensure sufficient buffering between adjacent properties. The applicant has provided a site plan depicting the placement of the accessory structure relative to the existing single detached dwelling unit and the interior side yard. Although the structure was located without Municipal and SVCA approvals, there are constraints on the property that would preclude the required side yard setback of 18.0 metres (60 feet). The NE zone limits the distance from the lot line that can be achieved. In the interest of locating the structure outside of the NE zone and associated features, planning staff find the reduced setback to be appropriate in this circumstance.

The lands immediately north of the subject property contain a single detached dwelling unit and accessory structures including a workshop. These structures are located on the northern portion of the adjacent lands and are not in proximity to the accessory structure. Despite the placement of the structure in advance of the necessary approvals, planning staff are of the opinion that the reduced setback maintains the overall general intent and purpose through the preservation of the NE zone and adjacent lands.

3. Is the variance minor in nature?

The ability to determine if a variance is minor in nature relates to the impact the variance would have on adjacent lands. Development of this site would not impact the adjacent lands as the property is located on an existing lot of record. Of note, minimum distance separation (MDS) calculations are not required to be conducted on an existing lot of record but the applicant should be advised that this area will be subject to noise and activities that are considered typical farming practices. Based on the information provided, staff further understand that livestock will be housed in the structure. The applicant is encouraged to contact a nutrient management specialist to determine the requirements of the Ontario Ministry of Agricultural and Rural Affairs.

As previously noted, the placement of this building has been assessed and planning staff are of the opinion that the impact to adjacent lands will be minimal.

Planning staff consider the application minor in nature as a result.

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



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The property is presently zoned A2 (rural) and NE (natural environment) within the municipality's comprehensive zoning by-law. Provision 9.4 does not permit livestock facilities on lots that are less than 2.0 hectares (5 acres) in size. In this respect, the subject lands are 3.2 hectares (8.0 acres), therefore livestock facilities are permitted.

In the interest of ensuring that the NE zone and adjacent lands are protected, planning staff feel this is reasonable request for this property. Review of this request is based solely on the merits of this property and the specific constraints associated with this parcel.

Based on review of the above, planning staff have no further concerns in this regard.

Legal and legislated requirements

None.

Financial and resource implications

None.

Staffing implications

None.

Consultation

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

Alignment to strategic vision plan

Pillar: Clear Communication
Goal: Review the official plan and zoning by-law
Strategy: Take a cooperative approach to development

Attachments

- 1.) Aerial and official plan mapping (Schedule A)
- 2.) Aerial and zoning map
- 3.) Commissioned application form
- 4.) County of Grey Planning and Development Department comments
- 5.) Saugeen Valley Conservation Authority comments

Next steps

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

Respectfully submitted:

A handwritten signature in dark ink, appearing to read 'Lorelie E. Spencer', is written over a circular professional seal. The seal is for the Registered Professional Planner (R.P.P.) and is issued by the Ontario Professional Planners Institute. The seal contains the text 'LORELIE E. SPENCER', 'REGISTERED PROFESSIONAL PLANNER', 'R.P.P.', and 'ONTARIO PROFESSIONAL PLANNERS INSTITUTE'.

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