



Committee of adjustment report

Meeting date:	September 19, 2022
Title:	A17.2022 – BURNS, Jaqueline (LLOYD HUNT, Architect)
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, A17.2022 – 615703 Hamilton Lane (BURNS) wherein the planner recommends approval of application A17.2022 as the application is considered to maintain the general intent and purpose of the County of Grey 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 615703 Hamilton Lane within the Municipality of West Grey. The lands are legally identified as PT LOT 104, CON 3 SWTSR; PTS 1 and 2; 16R11730 within the geographic township of Glenelg. The purpose of the application is to vary the provisions of section 10.2.3(a) of the Municipality's Comprehensive Zoning By-law No. 37-2006 to permit a reduced front yard setback of 10.7 metres whereas a minimum front yard setback of 20.0 metres is required. The effect of which will permit the demolition and reconstruction of an attached garage to the single detached dwelling unit.

Background and discussion

The property is located on the southwest side of the West Back Line, south east of Grey Road 12 with direct access on Hamilton Lane. The lands were previously expanded through two separate lot additions approved through the Committee of Adjustment (files B27.2021 and B28.2021) on November 15th, 2021. The consent applications were completed and deeds provided for registration with the Land Registry Office (LRO) on August 31st, 2022.

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 'rural' and 'hazard lands' under the County of Grey Official Plan. Policy 5.4.1 defines the permitted uses within the rural land use type



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(refers to 5.2.1 and permitted uses of the agricultural designation). Residential land uses are permitted within the rural designation.

The site continues to be used for residential purposes and applications for the enlarged attached garage and expansion of the single detached dwelling unit have been provided. Planning staff have no further concerns in this regard.

The proposed development on the subject lands is proposed on a newly enlarged lot created through previous consent applications. In this capacity, the proposal generally conforms to the policies of the Official Plan.

Comments have further been received from the Saugeen Valley Conservation Authority which have clarified the hazard lands designation on the subject lands. The proposed development is considered outside of the hazard lands designation.

Planning staff are satisfied that the proposed development maintains the general intent and purpose of the County official plan.

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

The intent of provision 10.2.3(a) is to ensure sufficient setback from the front lot line for the purposes of sufficient sight lines for ingress and egress, while also providing a sufficient buffer from the street. The overall intent is to ensure the safe movement of traffic and pedestrians without creating conflict and possible injury to people and / or property. The existing attached garage is setback 12.85 metres. This request would set the new attached garage an additional 2.15 metres in comparison to existing conditions.

The request to reduce the front yard setback is considered acceptable by staff as it does not create issues related to sight lines and continues to provide a buffer from the front lot line. The request is considered to maintain the general intent and purpose of the Municipality's Zoning By-law.

3. Is the variance minor in nature?

To determine if a variance is minor in nature is relative to the impact the variance would have on adjacent lands. In this particular circumstance, the physical aesthetics of the structure will be improved, despite the reduction in the front yard setback. The existing attached garage is intended to be removed, which currently has a front yard setback of 12.85 metres. Although a further reduction in this front yard setback of 2.15 metres is requested, planning staff are satisfied that the proposed use will not have a negative impact on the adjacent lands.

The site is further constrained in terms of the NE zoning on the property which limits the location of any site expansion.



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The proposed use is in keeping with the existing lot fabric of the neighbourhood and provides a similar housing type. Planning staff note that a new septic system is being constructed as part the addition to the balance of the construction works which further limits the areas of expansion available on the property, despite its size.

Planning staff are satisfied that the request is minor in nature.

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

The property is presently zoned A3 (restricted rural) and NE (natural environment) within the municipality's comprehensive zoning by-law. The A3 zone permits residential uses and associated accessory structures. No part of the attached garage is proposed within the NE zone.

The existing lot fabric in the neighbourhood surrounding the subject lands contains predominantly residential land uses in a rural setting. Planning staff are satisfied that the redevelopment of the lands for residential land uses is a desirable use of the land and compatible with the existing land uses in the area.

Planning staff are satisfied that the request is an appropriate and desirable use of the subject lands.

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

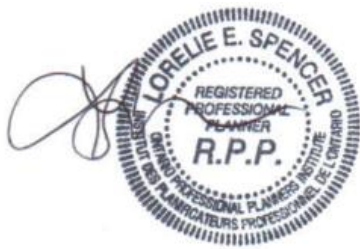
- 1.) Aerial and official plan mapping
- 2.) Aerial and zoning map

- 3.) Commissioned application form
- 4.) Site grading plan with new construction overlay
- 5.) County of Grey Planning and Development Department comments
- 6.) 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 permit.

Respectfully submitted:



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