



Committee of adjustment report

Meeting date:	October 3, 2022
Title:	A18.2022 – SCANTLAND, Dean and SCANTLAND, Julie
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, A18.2022 – SCANTLAND wherein the planner recommends approval of application A18.2022 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 523055 Sideroad 6, northeast of the Highway 6 and Sideroad 6 intersection. The property is legally identified CON 1 EGR DIV 3 PT; LOT 6 RP 16R10009 PT PART 2 in the geographic township of Glenelg. The purpose of the application is to vary the provisions of section 6.1.4(ii) to permit a total floor area of 94.0 m² (1,011.8 ft²) whereas 92.9 m² (1,000 ft²) is permitted. The effect of which will permit the construction of an accessory structure within the rear yard. A single detached dwelling unit currently exists on the subject lands.

Background and discussion

The property is located on the north side of Sideroad 6 east of Highway 6. The property currently contains a single detached dwelling unit. The property is approximately 4.5 hectares (11.2 acres) in size. The property has previously been cleared to the east with identified significant woodlands covering the western boundary of the property and across the midpoint of the front lot line. The accessory structure is proposed within the previously disturbed area of the subject lands.

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' within schedule 'A' of the County of Official Plan. Section 5.4.1 defines the permitted uses within the rural designation. Residential dwelling units and accessory structures are permitted within this land use designation. Appendix 'B' of the County Plan further identifies significant woodlands on the subject lands as previously noted. The proposed accessory structure is located within the 'rural' designation.



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The proposed development on the subject lands is proposed on an existing lot of record. In this capacity, the proposal generally conforms to the policies of the Official Plan.

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

The intent of provision 6.1.4(ii) is to ensure the overall streetscape is maintained with the principal use of the property (single detached dwelling) is predominant. The applicant has provided a site plan indicating the intended placement of the accessory structure relative to the existing single detached dwelling unit. Based on the site plan provided, the accessory structure will be located in the rear yard. Planning staff have no concerns relative to the placement of the structure and the streetscape.

Despite the request to increase the total floor area to approximately 94.0 m² (1,011 ft²), the location of the structure in the side yard ensures that it will not dominate the streetscape. The use of the accessory structure is personal storage which will enhance the streetscape by avoiding the need for outside storage. Planning staff are satisfied that the intent of provision 6.1.4(ii) is maintained.

Of note, planning staff note that the holding provision denoted on the zoning schedule is not correct and has been noted for correction when the by-law is updated. This will not impede the applicant's ability to obtain a building permit.

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 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.

Outside storage on the subject lands will be minimized which planning staff consider to be appropriate.

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?

The property is presently zoned NE-231 (natural environment with exception), ER (estate residential) and ER-220 (estate residential with exception) within the municipality's comprehensive zoning by-law. Residential dwelling units and accessory structures are permitted within the ER zone. The request to locate the new structure on the subject land on the scale and location noted on the site plan is considered a desirable use of land and the future buildings.

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 official plan mapping (Appendix B)
- 3.) Aerial and zoning map
- 4.) Commissioned application form
- 5.) County of Grey Planning and Development Department comments
- 6.) Saugeen Valley Conservation Authority comments
- 7.) Enbridge Gas 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:



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Manager of Planning and Development