



Minutes

Committee of Adjustment

Municipality of West Grey

September 19, 2022, 1 p.m.

West Grey municipal office, council chambers and virtual

Committee members present: Chair T. Hutchinson, Member R. Hergert, Vice-Chair D. Hutchinson, Member C. Robinson, Member S. Townsend

Staff members present: Chief Administrative Officer L. Johnston, Manager of Planning and Development L. Spencer, Communications Coordinator S. Ferguson, Secretary-Treasurer L. Mulligan

1. Call to order

Chair Tom Hutchinson called the meeting to order at 1:01 p.m.

Staff reviewed instructions for members of the public to participate via Zoom or telephone, and how to contact staff for assistance if disconnected. It was noted that this meeting will be livestreamed to the West Grey YouTube channel.

2. Purpose of meeting

Secretary-Treasurer Mulligan advised that the purpose of this meeting is to allow the presentation of a minor variance application and a consent to sever application; and to allow interested members of the public the opportunity to ask questions or offer comments with regard to the applications.

A public registry for the applications are available by email at sferguson@westgrey.com and if any member of the public would like to be notified in writing of the decision on one of the applications they are to provide their name and mailing address by email or via the meeting chat function for the corresponding registry. This will also entitle one to be advised of a possible Ontario Land Tribunal hearing in the event the decision on the application is appealed.

3. Disclosure of pecuniary interest and general nature thereof

None.

4. Approval of minutes

No minutes posted from previous meeting.

5. Minor variance application No. A14.2022 - 199381 Sideroad 30 (Unit 4), Township of Bentinck

5.1 Application No. A14.2022 - Doherty, Edward

5.2 Planner L. Spencer - report minor variance application A14.2022

Planner Spencer reviewed her report noting 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.

Resolution: N/A

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.

5.3 Written comments received

Written comments were received from the County of Grey Planning and Development Department in addition to conservation comments from the Saugeen Valley Conservation Authority; both of which have no objection to the application at hand.

5.4 Verbal comments

5.4.1 Committee members

Member Hutchinson requests clarification of test number 4, second paragraph, 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. Inquires if there won't be any more options to build driving sheds or garages, or that it has to go

through a different process? Planner Spencer advises that the comment has been made in essence that rather than dealing through each one individually through a minor variance process, she has suggested to the property owner that it's more appropriate that there is an over all zoning change considered to permit these types of structures than dealing with it through every case-by-case basis. In essence it's not appropriate to deal with a minor variance for every unit within that mobile home park, but that consideration would be given going forward to permit a blanket zoning bylaw to permit this so it doesn't have to come back to committee and would be dealt with on an overall basis for the park.

Member Townsend requests clarification on paragraph indicating structure will not be permitted to be used for profit or gain nor for the purposes of human habitation, and inquires if that will be in the bylaw. Planner Spencer confirms that is part of the bylaw. The minor variance is only dealing with the floor area specifically and does not take away those restrictions with respect to using it for profit or gain or for the purposes of human habitation. Those continue to not be permitted at this time.

5.4.2 Members of the public

Staff reviewed instructions for members of the public to participate via Zoom. No comments were made.

5.5 Decision

Resolution: COA56-2022

Moved by: Member C. Robinson

Seconded by: Vice-Chair D. Hutchinson

That Committee of Adjustment receives the report from Planner Spencer, A14.2022 – DOHERTY, Edward (1993934 Ontario Inc.); and

That Committee of Adjustment hereby approves minor variance application A14.2022.

Disposition: Carried

5.6 Next steps

Planning staff will provide notice of the decision. There is a twenty-day appeal period, after which, if there are no appeals, the applicant may pursue their building permit.

6. Minor variance application No. A15.2022 - 6840 Highway 89, Township of Normanby

6.1 Application No. A15.2022 - Sandbrook, Jesse

6.2 Planner L. Spencer - report minor variance application A15.2022

Planner Spencer reviewed her report, noting the subject lands are municipally identified as 6840 Highway 89, northwest of the Town of Mount Forest. The property is legally identified as part lot 75; concession A in the geographic township of Normanby. The purpose of the application is to vary the provisions of section 6.1.4(ii) to permit a total floor area of 112 m² (1,205 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.

Resolution: N/A

That Committee of Adjustment receives the report from Planner Spencer, A15.2022 – SANDBROOK wherein the planner recommends approval of application A15.2022 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.

6.3 Written comments received

6.3.1 Grey County

No concerns.

6.3.2 Saugeen Valley Conservation Authority

No concerns.

6.4 Verbal comments

6.4.1 Committee members

None.

6.4.2 Members of the public

Staff reviewed instructions for members of the public to participate via Zoom. No comments were made.

6.5 Decision

Noted that member Townsend was having technical difficulties and not available for vote. Still had quorum.

Resolution: COA57-2022

Moved by: Member R. Hergert

Seconded by: Vice-Chair D. Hutchinson

That Committee of Adjustment receives the report from Planner Spencer, A15.2022 – SANDBROOK, Jesse; and

That Committee of Adjustment hereby approves minor variance application A15.2022.

Disposition: Carried

6.6 Next steps

Planning staff will provide notice of the decision. There is a twenty-day appeal period, after which, if there are no appeals, the applicant may pursue their building permit.

7. Minor variance application No. A16.2022 - 313090 Highway 6, Township of Normanby

7.1 Application No. A16.2022 - Gandier, Ashley

7.2 Planner L. Spencer - report minor variance application A16.2022

Planner Spencer reviewed her report, noting 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. It was also noted that if the structure is to be used for livestock purposes, there is a requirement for the applicant to be advised that they will need and be required to deal with a Nutrient Management Strategy Plan and that will be on the onus of the applicant and not through the municipality.

Resolution: N/A

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.

7.3 Written Comments received**7.3.1 Grey County**

In favour of the application.

7.3.2 Saugeen Valley Conservation Authority

No concerns.

7.4 Verbal Comments**7.4.1 Committee members**

None.

7.4.2 Members of the public

Staff reviewed instructions for members of the public to participate via Zoom. No comments were made.

7.5 Decision**Resolution: COA58-2022**

Moved by: Member C. Robinson

Seconded by: Member S. Townsend

That Committee of Adjustment receives the report from Planner Spencer, A16.2022 – GANDIER, Ashley; and

That Committee of Adjustment hereby approves minor variance application A16.2022.

Disposition: Carried

7.6 Next steps

Planning staff will provide notice of the decision. There is a twenty-day appeal period, after which, if there are no appeals, the applicant may pursue their building permit.

8. Minor variance application No. A17.2022 - 615703 Hamilton Lane, Township of Glenelg

8.1 Application No. A17.2022 - Burns, Jacqueline

8.2 Planner L. Spencer - report minor variance application A17.2022

Planner Spencer reviewed her report, noting 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

Resolution: N/A

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.

8.3 Written comments received

Comments have been provided by the County of Grey in support of the application, in addition to comments from the Saugeen Valley Conservation Authority.

8.4 Verbal comments

8.4.1 Committee members

8.4.2 Members of the public

Staff reviewed instructions for members of the public to participate via Zoom. No comments were made.

8.5 Decision

Resolution: COA59-2022**Moved by:** Member R. Hergert**Seconded by:** Vice-Chair D. Hutchinson

That Committee of Adjustment receives the report from Planner Spencer, A17.2022 – BURNS, Jacqueline; and

That Committee of Adjustment hereby approves minor variance application A17.2022.

Disposition: Carried**8.6 Next steps**

Planning staff will provide notice of the decision. There is a twenty-day appeal period, after which, if there are no appeals, the applicant may pursue their building permit.

9. Consent to sever application No. B09.202 and B10.2022 - 234330 Concession 2 WGR, Township of Bentinck

9.2 Planner L. Spencer - report consent to sever application B09.2022 and B10.2022

Planner Spencer reviewed her report, noting the property is municipally identified 234330 Concession 2 WGR and legally identified as LOTS 30-32 CON 2-3 WGR in the geographic township of Bentinck. The purpose of application B09.2022 is to sever approximately 0.8 hectares of vacant rural land and retain approximately 54.2 hectares of vacant rural land. The effect of which will create a new non-farm rural parcel. The purpose of application B10.2022 is to sever approximately 0.8 hectares of vacant rural land and retain approximately 53.6 hectares of vacant rural land. The effect of which will create a new non-farm rural parcel. A fulsome pre-consultation on the application was conducted with the County of Grey and Saugeen Valley Conservation Authority, and pre-circulated with the Environmental Impact Study (EIS) which has been conducted on the property. The site plan agreement component will introduce those recommendations from the Environmental Impact Study and ensure that they are registered on title to identify the building envelopes associated with the property and to protect those interests of the natural heritage features that we know exists on the subject lands.

Resolution: N/A

That Committee receive Planner Spencer's report and approve applications B09.2022 and B10.2022 (ELO) subject to the following conditions:

- Payment of any outstanding municipal taxes;
- Payment of the zoning by-law amendment application fee;
- Payment and receipt of an entrance permit to the newly created parcels;
- Approval of a zoning by-law amendment;
- Payment of the site plan application fee;
- Approval and execution of the site plan agreement and registration on title at the expense of the owner for both of the newly created parcels; and
- Payment of a Parkland Dedication Fee for each newly created lot.

9.3 Written comments

9.3.1 Hydro One

Comments have been received in favour from both conservation authority and the County of Grey in addition to comments from Hydro One.

9.4 Verbal comments

9.4.1 Committee members

9.4.2 Members of the public

Staff reviewed instructions for members of the public to participate via Zoom.

Nicholas Coleman - resident - opposed to application. Would like it left as natural environment. Planner Spencer explains the notification of decision and appeal process. Also explains establishment of building envelopes, the restrictiveness of them based on the favourable Environmental Impact Study.

Kristine Loft - applicant planner - attending on behalf of land owner, Mr. Elo, for questions and clarification.

Unidentified resident from unidentified address opposed to application.

Tiffany Coleman - unidentified address - indicated on Zoom software opposed to application.

9.5 Decision

Member Hergert inquires if Planner Spencer should explain the holding provision that will be placed on the property to reassure the public of concerns. Planner Spencer explains the Environmental Impact Study was very specific to the areas proposed for the two severances before committee today. The balance of the lands were not evaluated for building envelopes, hence the recommendation to place a holding provision on the balance of the subject lands, the retained parcels. In essence, the holding provision will prevent further development from occurring on the site of the retained parcel if committee chooses to approve the two severances before them, until such time a further Environmental Impact Study is conducted and reviewed with respect to the county, conservation authority and the municipality itself to ensure that there would not be any adverse implications toward the natural heritage features and obviously the wetland feature on the property. The purpose of the holding provision will prevent any further development from happening on the property until such time that review has been conducted and found to be acceptable.

Resolution: COA60-2022

Moved by: Vice-Chair D. Hutchinson

Seconded by: Member R. Hergert

That Committee of Adjustment receives Planner Spencer's report B09.2022 and B10.2022 Elo, Ronald; and

That Committee of Adjustment hereby approves applications B09.2022 (ELO) and B10.2022 (ELO) for the reasons and with the conditions set out in the planners report.

Disposition: Carried

9.6 Next steps

Staff advised that the applicant will be notified of the conditional approval and they will have twelve months to complete the conditions set out in the decision.

10. Consent to sever application No. B13.2022 - 324166 The Glen Road, Township of Glenelg

10.1 Application No. B13.2022 - MacArthur, Ken

10.2 Planner L. Spencer - report consent to sever application B13.2022

The property is municipally identified as 324166 The Glen Road and legally identified as part lots 26-30, concession 1 SDR in the geographic township of Glenelg. The purpose of the application is to sever approximately 36.5 hectares of vacant rural land and retain approximately 27.0 hectares of land with a single detached dwelling unit and accessory structures. The effect of which will create a new vacant rural parcel within the original crown survey of lots 29 to 30, concession 1 SDR. The conditions related to the road widening will need to be satisfied through the County of Grey with the applicant and or an agent on their behalf.

Resolution: N/A

That Committee receive Planner Spencer's report and approve application B13.2022 (MacArthur) subject to the following conditions:

- Payment of any outstanding municipal taxes;
- Payment of an entrance permit application;
- Provision of a road widening to the satisfaction of the County of Grey Transportation Department along Grey Road 23;
- Receipt of an entrance permit to the newly created parcel; and
- Payment of the \$500.00 Parkland Dedication Fee for the newly created lot.

10.3 Written comments received

10.3.1 County of Grey

No concerns.

10.3.2 Saugeen Valley Conservation Authority

No concerns.

10.3.3 Hydro One

No concerns.

10.4 Verbal comments

10.4.1 Committee members

Member Townsend inquires regarding the widening of the road and whether there will be a cost to West Grey. Planner Spencer explains the widening will be taken on the county road so there is no expense to the municipality, there may be an expense to the land owner to provide a survey. That will be a discussion that will be held directly between themselves and the County of Grey with respect to what that road widening incurs and entails and their cost directly.

Member Hutchinson inquires if the entrance is to come off The Glen Road, which would be a municipal road and not a county road, why are they asking to widen the county road when the entrance isn't on that road. Planner Spencer explains it's not that the entrances are along the county road, what they're asking for is the provision of a road widening in the event that the county road is identified as a future expansion for improvement at the county perspective. This is a common practice when a severance is requested, often road widenings on county roads are requested for that sole future purpose of the intention for that road to be upgraded and widening to be taken in order to facilitate that development going forward. The county has requested that the entrances be off The Glen Road.

Member Hergert inquires about the extractive industrial, the aggregate, and how is it determined whether or not that area should be left alone, or prepared for future aggregate extraction? Planner Spencer confirms that the question is that the adjacent lands to the west are going to continue to be used for extractive purposes. It is a licenced aggregate operation, the components and extent of that are up to the individual licenced operator in how much they take from that. Through the ministry, they have their own plan with respect to rehabilitation when that aggregate resource is exhausted. There is a limitation in the ability to create farm lots within proximity of identified aggregate resources in addition to identified aggregate operations, and this application before Committee of Adjustment is meeting those minimum lot size requirements. In the rural setting if there is identified aggregate adjacent to you, the minimum lot size is 50 acres, under the County of Grey Official Plan. Member Hergert inquires if there is any extraction of minerals or aggregate currently on the subject property? Planner Spencer advises to her knowledge there is not. The mapping is somewhat alluding to that effect through the licenced area, but to her knowledge it is not an extractive operation, however there is the ability for a land owner to conduct, under the building code, they are allowed

to change the grades on their property but there is no extractive operation associated with the title to this property at this point in time. Member Hergert inquires regarding Planning staff are of the opinion that the boundary of the M4 zone is not accurately depicted and requires a mapping correction in future as part of the zoning by-law amendment update; where are we getting that mapping, that's Grey County's aggregate mapping? Planner Spencer advises that the mapping associated is Grey County GIS site and that is where the zoning is conducted and our mapping is conducted through the County of Grey. Mapping isn't accurate 100% of the time, and she believes that the overlap between the two properties isn't accurate, and will be corrected through a housekeeping amendment when we amend our zoning bylaw.

10.4.2 Members of the public

Staff reviewed instructions for members of the public to participate via Zoom. No comments were made.

10.5 Decision

Resolution: COA61-2022

Moved by: Member R. Hergert

Seconded by: Vice-Chair D. Hutchinson

That Committee of Adjustment receives Planner Spencer's report B13.2022, MacArthur; and

That Committee of Adjustment hereby approves application B13.2022 (MACARTHUR), for the reasons and with the conditions set out in the planners report.

Disposition: Carried

10.6 Next steps

Staff advised that the applicant will be notified of the conditional approval and they will have twelve months to complete the conditions set out in the decision.

12. Adjournment

Resolution: COA62-2022

Moved by: Member C. Robinson

Seconded by: Member R. Hergert

That committee of adjustment hereby adjourns this meeting at 2:03 p.m.

Disposition: Carried

Chair Tom Hutchinson

Secretary-Treasurer Lisa Mulligan