



# Committee of adjustment report

<b>Meeting date:</b>	November 10, 2020
<b>Title:</b>	A04.2020 – Murray, Elizabeth
<b>Prepared by:</b>	Lorelie Spencer, Manager of Planning and Development
<b>Reviewed by:</b>	Laura Johnston, CAO

## Recommendation

That the Committee of Adjustment receives the report from Planner Spencer, A04.2020 Murray, Elizabeth. The planner recommends that Committee of Adjustment approves the application as the proposal maintains the general intent and purpose of the Official Plan, the general intent and purpose of the municipality's Zoning Bylaw, is minor in nature, and appropriate for the development of the subject lands.

## Executive summary

The subject lands are located on the northwest corner of Albert and Caroline Street in the settlement area of Ayton. The property is municipally known as 941 Caroline Street and legally known as Lot 9, Plan 153 in the geographic Township of Normanby.

The applicant has requested relief from the provisions of Section 28.2.4 to permit a reduced side yard setback of 0.457 metres to permit the construction of an accessory structure along the northern interior side yard.

## Background and discussion

The subject lands currently contain mature vegetation in the form of trees and shrubs. A single detached dwelling unit is present on the subject lands, in addition to an old barn foundation. The proposed location of the accessory structure is in the vicinity of the former barn, but does not encompass the entire footprint. Based on the information provided, it would appear that the previous barn structure encroached on the adjacent lands (Lot 8). The proposed accessory structure would have a setback of 0.457 metres. This is considered an improvement from the previous conditions and resolves an encroachment issue to the adjacent lands.

## Legal and legislated requirements

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?



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The subject lands are designated as Secondary Settlement Area on Schedule A to the County Official Plan. Policy 3.6 states that secondary settlement areas have lower density targets and a limited range of land uses. These areas accommodate limited residential growth as well as new community facilities and employment uses.

Secondary Settlement Areas, are identified in Table 5 and shown on Schedule A of the County Plan and include existing community areas which may have significant populations and/or a wide range of uses and amenities. Secondary Settlement Areas are intended to provide a limited opportunity for growth and provide a range of living styles and employment locations.

Permitted uses in the areas designated as Secondary Settlement Areas are residential uses, bed and breakfast establishments, home/rural occupations, commercial and dry industrial uses, public, recreational, and institutional uses intended to support the surrounding agricultural community.

Section 3.6 further defines that where partial services exist in a Secondary Settlement Area, development shall only be permitted to allow for the development of vacant and/or underutilized lots, as well as the creation of lots, subject to satisfying the following requirements:

- a) The development is within the reserve sewage system capacity or reserve water system capacity;
- b) Site conditions are suitable for the long-term provision of such services;
- c) The development is within the existing settlement area;
- d) Allow for infilling and minor rounding out of existing development.

The Applicant is proposing to construct a structure accessory to the existing single detached dwelling unit. Planning Staff are satisfied that the proposal maintains the general intent and purpose of the Official Plan as it is accessory to a permitted use.

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

The intent of the side yard setback is to ensure adequate privacy and buffering between properties. The side yard setback also ensures that access can be obtained for maintenance purposes on structures when necessary.

Subsection 28.2.4 of the Municipality's Comprehensive Zoning By-law No. 37-2006 requires a side yard setback of 3.0 metres. Planning staff note that a previous accessory structure was located in proximity to the proposed. The previous structure encroached on the adjacent lands. The proposed setback is an improvement to the previous conditions and in the opinion of staff meets 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 adjacent lands. The reduction in the side yard setback is an improvement from previous conditions and is considered minor in nature by planning staff.

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



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The subject lands are zoned Institutional (I) within the Municipality of West Grey Comprehensive Zoning By-law No. 37-2006. The Institutional zone does not permit residential uses. However, it is the opinion of Planning staff that the use of the lands is a legal non-conforming use and should be considered residential in nature, similar to the surrounding properties. The single detached dwelling unit appears to have served as the manse for the church that previously existed on the adjacent lands to the south. Therefore although the lands were used for residential purposes, their use as a manse was considered institutional.

The lands immediately north of the subject lands (Lot 8) are zoned Unserviced Residential (R1A). Although a side yard setback in this zone would still require a 3.0 metre setback, Planning Staff consider this a desirable use of the land while still maintaining sufficient distance from the adjacent property line and preventing unnecessary removal of mature vegetation.

## Financial and resource implications

None

## Staffing implications

None

## Consultation

- County of Grey Planning and Development Department

## Alignment to strategic vision plan

Pillar: Build a better future

Goal: Invest in business

Strategy: Review zoning by-laws and West Grey Official Plan

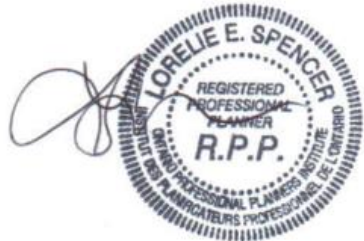
## Attachments

- Aerial and OP map
- Aerial and Zoning map

## Next steps

The Committee accept Planner L. Spencer's report wherein the application was recommended for approval.

Respectfully submitted:



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