



Committee of adjustment report

Meeting date:	November 10, 2020
Title:	B09.2020 – Candue Homes 2020 Ltd.
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That Committee of Adjustment received Planner L. Spencer's report wherein application B09.2020 is recommended for refusal for the following reasons:

- The proposal is not consistent with the PPS as it would create a lot in a prime agricultural designation
- The proposal does not maintain the general intent and purpose of the County Official Plan based on the agricultural designation and minimum lot sizes

In the event Committee chooses to provide provisional consent the following conditions should be applied:

- Payment of any outstanding municipal taxes (if any)
- Passage of a Zoning by-law amendment
- Payment of the Zoning by-law amendment fee
- Confirmation of private services and their ability to serve the single detached dwelling unit

Executive summary

The subject lands are located near the southeast corner of Grey Road 4 and 24th Avenue. A single detached dwelling unit and commercial business currently exist on the subject lands. The Applicant intends to separate the existing single detached dwelling unit from the commercial business through the consent process. The proposed residential lot would be approximately 0.2 hectares (0.4 acres) in size. The severed commercial lands are proposed to be approximately 0.35 hectares (0.9 acres) in size. Both the severed and retained parcels currently have existing entrances on Grey Road 4 however further consultation with the County of Grey Transportation Department has been requested as part of this review process.

The subject lands are designated as 'agricultural' and 'hazard lands' within the County of Grey Official Plan and exist in close proximity to the settlement area boundary of the Town of Hanover.

Background and discussion

In order to assess the merits of the application, Planning Staff have reviewed the Provincial Policy Statement (2020 PPS), the County of Grey Official Plan and the Municipality's Comprehensive Zoning By-law.



1. Provincial Policy Statement (2020 PPS)

The subject lands are designated as 'agricultural' and 'hazard lands' on Schedule 'A' of the County Official Plan. Policy 5.2.3 of the County Official Plan specifies that lot creation in the 'Agricultural land use type' is generally discouraged and may only be permitted for agricultural uses, agricultural-related uses, surplus farmhouse severances, infrastructure and conservation lots in accordance with policy 5.2.3 of the County Plan. Planning Staff note that the application does not meet the policies of Section 5.2.3 as a result of the land designation on the subject lands. However, Planning Staff are satisfied that the lands have been used for a single detached dwelling unit and commercial operation for an extended period of time and that the proposed lot creation will not involve further development within the identified 'Agricultural land use type' as the physical structures on both the severed and retained parcels currently exist.

Section 2.3.1 of the 2020 PPS states that prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

Section 2.3.3.3 of the 2020 PPS states that new land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

MDS 1 was reviewed as part of the application, however there were no active livestock facilities within 500 metres of the subject lands that warranted the calculation.

Section 2.3.4.1 speaks to lot creation within prime agricultural areas. Lot creation is permitted for agricultural uses, agriculture-related uses, a residence surplus to a farm operation and infrastructure. Section 2.3.4.2 permits lot creation in prime agricultural areas for legal or technical reasons. The 2020 PPS defined a legal or technical reason as a severance for the purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

The proposed application is not consistent with the 2020 PPS.

2. County of Grey Official Plan (Recolour Grey)

The subject lands are designated as 'Agricultural' and 'Hazard' under the County Official Plan.

The County of Grey Official Plan (Recolour Grey), speaks to lot creation in agricultural areas within Policy 5.2.2. Policy 5.2.2(3) states that the minimum lot size within the 'Agricultural land use type' for non-agricultural permitted uses is restricted to the minimum size required, with as little acreage as possible taken out of productive agricultural land. Planning Staff are generally satisfied that the active production on both the severed and retained parcels has been removed for an extended period of time. The lot creation proposed will not impact active agricultural lands.



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Policy 5.2.2(8) states that new non-farm sized lot creation is not permitted within 500 metres of a Primary Settlement Area boundary. Although the subject lands are within the 500 metre radius of the Primary Settlement Area boundary of the Town of Hanover, Planning Staff are satisfied that the impact of the newly created lot line is for technical reasons to separate an existing commercial lot from the residential component.

The 'hazard' portion of the property runs along the entire West side of the subject lands and approximately 25.0 metres along the northern frontage of the parcel along Grey Road 4. Policy 7.2 of the County Plan states that development shall generally be directed away from identified hazard lands. Policy 7.2.(2) further defines the uses permitted within the hazard designation as forestry and uses connected with the conservation of water, soil, wildlife and other natural resources. Other uses also permitted include agriculture, passive public parks, public utilities and resource based recreational uses. The aforementioned uses are only permitted where site conditions are suitable and where the relevant hazard impacts have been reviewed. Policy 7.2.(3) further states that in the hazard designation that buildings and structures are not permitted. Minor extensions or enlargements of existing buildings and structures may be permitted subject to the policies of Section 7. A small portion of the existing commercial structure is located within the hazard lands designation. Based on the information provided by the Applicant it would appear that there is no intent to alter the existing structure at this time. Future alteration would require review through the minor variance process.

On the basis of the proximity of the subject lands to the Town of Hanover and the agricultural designation on the subject lands, the lot line proposed does not meet the minimum size requirements of the agricultural designation.

County Planning Staff have also reviewed this application and permits will be required for any existing entrance improvements or changes.

Policy 8.9 of the Official Plan speaks to circumstances where municipal water and sewer services are not available, redevelopment of existing lots of record or new lots require evidence of the site's suitability to accommodate private services. Should Committee wish to approve this application, confirmation from a licensed septic installer and well records should be provided as a condition of consent. This will ensure that the site can function on private services.

Planning Staff recognize that the proposal is for the separation of an existing commercial operation and single detached dwelling unit. However, the application does not maintain the general intent and purpose of the Official Plan.

3. The Municipality of West Grey Comprehensive Zoning By-law No. 37-2006

The subject lands are presently zoned Neighbourhood Commercial with exception (C3-162. Exception 162 states as follows:

Notwithstanding the provisions of section 19.1 and 19.2.10 to the contrary, the only permitted uses for the subject lands within the Neighbourhood Commercial Zone shall



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be for an equipment sales, rental and leasing outlet, and the existing single detached residential dwelling. Such uses shall be subject to the following:

Minimum Lot Area: 5,000 m²

Minimum Lot Frontage: 58.0 m

Notwithstanding subsection 6.20.2 of By-law No. 37-2006 to the contrary, lands within the Natural Environment (NE) Zone shall be included in the calculation of lot area for the lands subject to this By-law.

The C3 zone will continue to apply to the lands severed with the commercial structure. The following table identifies the regulations applicable to the C3 zone:

Section 19.2 – Regulations (Neighbourhood Commercial, C3)		
	Required	Provided
LOT AREA, Minimum	0.13 acres (0.05 ha.)	0.89 acres (0.36 ha.)
LOT FRONTAGE, Minimum	18.0 metres	38.4 metres
FRONT YARD, Minimum	7.5 metres	30.5 metres
INTERIOR SIDE YARD, Minimum	3.0 metres	16.5 metres
REAR YARD, Minimum	7.5 metres	38.0 metres
LOT COVERAGE, Maximum	40%	10%

The commercial component of the subject will not require a site-specific exception to address the minimum lot area and frontage. Planning Staff recommend that these components be removed as part of a Zoning By-law Amendment.

The residential parcel, if approved, will require an exception to limit the uses on the subject lands to a single detached dwelling unit and accessory uses associated therein. The lands should be zoned Restrictive Rural (A3) with an exception to recognize the deficiencies identified in the following table.

Section 10.2 – Regulations (Restricted Rural)		
	Required	Provided
LOT AREA, Minimum	100 acres (40 ha.)	0.41 acres (0.18 ha.)
LOT FRONTAGE, Minimum	122 metres	20.1 metres
FRONT YARD, Minimum	20.0 metres	29.1 metres
INTERIOR SIDE YARD, Minimum	6.0 metres	3.0 metres
REAR YARD, Minimum	7.5 metres	37.1 metres
LOT COVERAGE, Maximum	15%	20%

Based on the information provided by the Applicant in their submission an exception will be required to recognize deficient lot area, frontage, the interior side yard and lot



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coverage of the residential parcel. The amendment can be conducted through one (1) application.

On the basis that further development is not anticipated with the creation of the new lot line, Planning Staff are satisfied that the general intent and purpose of the Municipality's Comprehensive Zoning By-law can be maintained.

Legal and legislated requirements

Planning Staff will require a Zoning By-law as a condition of consent as noted above in addition to the confirmation that the single detached dwelling unit can function on private services as previously noted.

Financial and resource implications

None

Staffing implications

None

Consultation

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

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

- Zoning and Aerial maps
- OP and Aerial map

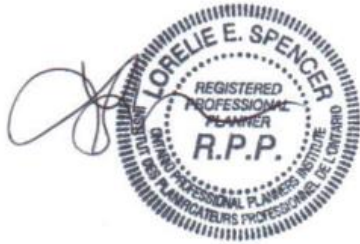


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Next steps

Provided provisional consent is granted the Applicant should proceed with the passage of a Zoning Bylaw Amendment as noted above.

Respectfully submitted:



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Manager of Planning and Development