



Committee of adjustment report

Meeting date:	November 10, 2020
Title:	A05.2020 – Cover, Gary
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That the Committee of Adjustment receives the report from Planner Spencer, A05.2020 Cover, Gary. The planner recommends that the 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 east side of Baptist Church Road south of the Baptist Church Road and Concession 4. The property is municipally known as 493815 Baptist Church Road and legally known as Part Lot 11, Registered Plan 16R6956 (Part 2) in the geographic Township of Glenelg.

The applicant has requested relief from the provisions of subsections 6.1.2(a) and (b) to permit the placement of the structure in the front yard.

Background and discussion

The subject lands currently contain a single detached dwelling unit and mature vegetation. . The proposed location of the accessory structure is within the required front yard and does not meet the provisions of Section 6.1.2(a) or (b) of the Municipality's Comprehensive Zoning By-law. is Based on the information provided by the Applicant and their Agent, they are requesting relief from the requirement for the placement of the accessory structure in the rear yard to avoid the removal of vegetation. The proposed accessory structure would have a setback of 25 metres from the front lot line adjacent to the single detached dwelling unit. The accessory structure will be in line with the existing single detached dwelling unit within the interior side yard.

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?



November 10, 2020 (2)

The subject lands are designated Rural on Schedule A to the County Official Plan. Policy 5.4 states that the predominant use of lands within the Rural designation will be agriculture, recreation, and forestry. This policy also states that non-agricultural uses are permitted, including residential uses.

Permitted uses within the Rural designation are further described under Policy 5.4.1(2) as follows:

- a) *Resource based recreational uses,*
- b) *Small scale transport terminals,*
- c) *Buildings and yards associated with trades, including contractors yards, plumbing, electrical heating and cooling shops, etc.,*
- d) *Residential farm cooperatives,*
- e) *Agri-minimums,*
- f) *Institutional uses including cemeteries, churches or schools,*
- g) *Recreational or tourist-based rural clusters (e.g. cottages, yurts, or a similar form of development under common ownership).*

Planning Staff are satisfied that the proposed construction of an accessory structure on the subject lands 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 subject lands are zoned Rural (A2) within the Municipality's Comprehensive Zoning By-law No. 37-2006. Provision 9.1 of the A2 zone permits accessory uses, buildings and structures in accordance with Section 6.1. Provision 9.3.3 of the Zoning by-law requires a minimum front yard setback of 18.3 metres. The proposed front yard setback of the accessory structure is 18.3 metres. Provision 9.3.4 of the Zoning By-law requires a minimum rear yard setback of 7.5 metres. The proposed rear yard setback of the accessory structure is 11.3 metres. The required side yard setback under provision 9.3.5 is a minimum of 7.5 metres. The proposed side yard setback of the accessory structure is 42 metres. Planning staff have no concerns related to the placement of the structure with respect to the above.

The intent of provisions 6.1.2(a) and 6.1.2(b) is to prevent accessory structures from dominating the streetscape within the front yard. The front yard is intended to demonstrate the primary use of the property. In this case, the predominant use is the single detached dwelling unit.

Subsection 6.1.2(a) states as follows:

Any accessory building or structure excluding a private sewage treatment system which is not an integral part of the main building shall not be located in a required front yard and shall comply with all other requirements of the zone in which such building or structure is situated.

Planning Staff are satisfied that the proposed structure meets the required front yard setback and have no concerns in this regard.

Subsection 6.1.2(b) states as follows:



November 10, 2020 (3)

On any lot zoned A1, A2, or A3 comprising 2 hectares (5 acres) or less, or on any lot zoned R1A, R1B, R2, R3 or ER, all accessory buildings and structures shall be located in a rear yard or interior side yard provided it is not closer than 1 metre (3.3 feet) to the interior lot line or the rear lot line and not closer than 7.6 metres (25 feet) to the exterior side lot line.

Planning Staff are satisfied that the location of the accessory structure meets the general intent and purpose of the above noted provision. Due to the limitation in the depth of the lot and the presence of mature vegetation, Planning Staff are satisfied that the general intent and purpose of the Zoning by-law is still being maintained.

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. Although the location of the accessory structure is not in keeping with the provisions of Section 6.1.2(a) and 6.1.2(b), Planning Staff are satisfied that the accommodation of all of the required other yards will ensure that impact to the adjacent lands and the streetscape is minimized. The location of the accessory structure is considered minor in nature.

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

The subject lands are zoned Rural (A2) within the Municipality of West Grey Comprehensive Zoning By-law No. 37-2006. The Rural zone permits residential uses and those uses considered accessory to the residential use. It is the opinion of Planning Staff that the proposed accessory structure is appropriate as a use on the subject lands. As previously noted, the intent of the provisions restricting the placement of accessory structures is to ensure that the primary land use, in this case residential, is the dominant streetscape on the subject lands. Due to the depth of the property, the location of the accessory structure entirely within the rear yard is not feasible without the removal of mature vegetation. On the basis that the vegetation is being maintained and sufficient distance between the adjacent single detached dwelling unit are being maintained, Planning Staff are satisfied that the variance represents an appropriate and desirable use of the land and buildings.

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: Build a better future

Goal: Invest in business

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



November 10, 2020 (4)

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