

## Staff Report

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**Report To:** Committee of Adjustment  
**Report From:** Lorelie Spencer, Manager of Planning & Development  
**Meeting Date:** June 6, 2023  
**Subject:** A04.2023 – ECKHARDT, Bev and ECKHARDT, Barb (Agent – CANDUE HOMES)

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### Recommendations:

That in consideration of staff report A04.2023 – ECKHARDT, Bev and ECKHARDT, Barb, the committee of adjustment approves the minor variance as it considered to maintain the general intent and purpose of the official plan and zoning bylaw, is considered a desirable use of the property and is minor in nature.

### Highlights:

The purpose of the application is to vary the provisions of Zoning Bylaw 37-2006 to permit the following:

- To vary the provisions of section 6.29(d) to permit a maximum floor area of 157m<sup>2</sup> whereas only 93m<sup>2</sup> is permitted.
- The effect of which will increase the total floor area of a permitted accessible apartment.

### Previous Report/Authority:

None.

### Analysis:

The subject lands are municipally 403129 Grey Road 4, West Grey. The property is legally identified as CON 2EGR; PT LOTS 58 AND 59; PT 1 RP 17R.1672; in the Geographic township of Glenelg. The lands are physically located on the northeast of the intersection of Grey Road 4, east of Concession 1.

The purpose of the application is to vary the provisions of Zoning Bylaw 37-2006 to permit the following:

- Section 6.29(d) to permit a maximum floor area of 152m<sup>2</sup> whereas only 93m<sup>2</sup> is permitted for the purposes of an accessory apartment.

The effect of which will permit the construction of an accessory apartment with a maximum floor area of 152m<sup>2</sup>.

Section 45 of the Planning Act gives the Committee of Adjustment the authority to grant relief from a provision(s) of the Comprehensive Zoning Bylaw provided the relief passes the four (4) tests below:

**1. Does the minor variance maintain the general intent and purpose of the official plan?**

The subject lands are identified as 'rural' and 'hazard lands' within schedule 'A' of the county Official Plan. Significant valleylands and woodlands are identified on approximately 60% of the subject lands on the northern portion of the property.

The proposed development of the single detached dwelling unit with the accessory apartment is entirely located within the 'rural' land designation. The proposed development will provide an alternative form of housing from a single detached dwelling unit through the inclusion of an accessory apartment on the subject lands.

The subject lands are located outside of the defined settlement area of the Town of Durham, therefore the policies of the West Grey Official Plan do not apply.

The subject lands are on an existing lot of record. The location of which would not be supported under current County policies due to the proximity of the settlement area boundary for the Town of Durham under section 3.4(12) of the County Plan which precludes lot creation within 500 metres of a defined settlement area boundary. The lot is a legal lot of record, established in advance of this policy requirement.

Section 5.2.1(6) of the County of Grey official plan states, in part, that additional residential units are permitted in the main house and accessory uses are permitted under the 'rural' land use designation.

As part of the building permit process, the use of private services (water and septic) will need to be reviewed and approved prior to the issuance of a building permit.

Planning staff are satisfied that the requested relief noted above to promote an increase in the maximum floor area of the accessory apartment maintains the general intent and purpose of the county official plan.

## 2. Does the minor variance maintain the general intent and purpose of the zoning bylaw?

The subject lands are zoned ER (estate residential) and FL (floodway) within the municipality's Comprehensive Zoning Bylaw No. 37-2006. Single detached dwelling units and accessory apartments are permitted within the ER (estate residential) zone, specifically within the provisions of section 6.29.

The provisions of section 6.29 states as follows:

*Where specifically permitted by this By-law, an accessory apartment dwelling unit shall be allowed within a detached dwelling in the following instances:*

- a) The accessory apartment dwelling shall not be permitted in any other dwelling other than the principal detached dwelling unit, exists on the subject property;*
- b) The accessory apartment dwelling unit is situated entirely within the same building as the principal dwelling with a separate entrance pursuant to the Ontario Building Code;*
- c) The accessory apartment has a minimum floor area of:*
  - i. Bachelor unit                      37m<sup>2</sup>*
  - ii. One bedroom unit                50m<sup>2</sup>*
  - iii. Two bedroom unit               59m<sup>2</sup>*
- d) The maximum number of bedrooms within the accessory apartment dwelling unit is two and the accessory apartment dwelling unit has a maximum floor area of 93m<sup>2</sup>; and*
- e) A minimum of one (1) extra parking space shall be provided in accordance with section 6.27 in addition to the parking requirements associated with the principal detached dwelling.*

The Planning Act requires that official plans and zoning by-laws permit additional residential units (ARU's). The County of Grey is generally permissive of ARU's outside of settlement areas subject to specific conditions. These conditions are consistent with the provisions of the Municipality's zoning by-law.

Understanding that the requirements of the Ontario Building Code will apply to ensure sufficient private services are included as part of the applicable law review of the building department, planning staff are satisfied that the request maintains the general intent and purpose of the municipality's 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 the adjacent lands. Staff note that the lands are surrounded by residential units to the east and west. Provided private services meet the requirements of the Ontario Building Code to support the increased maximum floor area, planning staff have no further concerns with the proposed development.

Planning staff are satisfied that the request is minor in nature.

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

The subject lands are zoned ER (estate residential residential) within the municipality's zoning bylaw. Residential dwelling units and accessory apartments (subject to certain conditions) are permitted within the ER zone. The requested relief permits an increase in the maximum floor area of the accessory apartment through the enclosure of an existing approved porch area.

In addition to the policies of the County and local plans, Bill 23 has promoted residential intensification within areas with access to full municipal water and sewer services. Although this development is outside of the defined settlement area, the intent of intensification remains the same.

Planning staff are confident that the permit process through the building department will ensure the increased maximum floor area can be permitted through the use of private services.

Based on the review noted above, planning staff are satisfied that the variance requested is appropriate and desirable.

**Financial Implications:**

None.

**Communication Plan:**

As required by the Planning Act, R.S.O. 1990, as amended.

**Consultation:**

- County of Grey Planning & Development Department
- Saugeen Valley Conservation Authority
- Hydro One
- Enbridge Gas

**Attachments:**

- Notice of Public Meeting
- Aerial and official plan mapping (schedule A)
- Aerial and official plan mapping (appendix B)

- Aerial and zoning map
- County of Grey Planning & Development Department comments
- Saugeen Valley Conservation Authority comments

**Recommended by:**



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

**Submission reviewed by:**

Laura Johnston, Chief Administrative Officer

For more information on this report, please contact Lorelie Spencer, Manager of Planning and Development at [lspencer@westgrey.com](mailto:lspencer@westgrey.com) or 519.369.2200, ext. 236.