

## Staff Report

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**Report To:** Committee of Adjustment  
**Report From:** Lorelie Spencer, Manager of Planning & Development  
**Meeting Date:** July 4, 2023  
**Subject:** A05.2023 – BIESINGER, Paul and Heidi

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### Recommendations:

That in consideration of staff report 'A05.2023 – BIESINGER, Paul and BIESINGER, Heidi', 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 as follows:

- To vary the provisions of section 9.25(a) to permit a reduced exterior side yard setback of 3.65 metres whereas 18.3 metres is required.
- The effect of which will permit the construction of an addition to the existing single detached dwelling unit.

### Previous Report/Authority:

None.

### Analysis:

The subject lands are municipally 042143 Road 71, West Grey. The property is legally identified as PT LOT 16; CON 13; in the Geographic township of Normanby. The lands are physically located on the north side of Road 71, east of the Baseline.

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 9.25(a) to permit a reduced exterior side yard setback of 3.65 metres whereas 18.3 metres is required.

- The effect of which will permit the construction of an addition to the existing single detached dwelling unit.

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', hazard lands' and 'provincially significant wetlands' within schedule 'A' of the county Official Plan. Schedule 'B' further defines aggregate resource over the majority of the property and an area of 'significant valleylands' is identified along the eastern boundary of the property in accordance with Appendix 'B'.

The proposed addition to the single detached dwelling unit is entirely located within the 'rural' land designation. The addition is intended to incorporate an attached garage and mudroom to the existing structure. The addition will align with the existing driveway on the subject lands. Existing agricultural structures and an existing accessory structure are located on the property however, they do not interfere with the placement of the proposed addition.

The subject lands are on an existing lot of record.

Planning staff are satisfied that the requested relief noted above maintains the general intent and purpose of the County of Grey Official Plan.

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

The subject lands are zoned A2 (rural), NE (natural environment) and NE2 (natural environment 2) within the municipality's Comprehensive Zoning Bylaw No. 37-2006. Single detached dwelling units and accessory structures are permitted within the A2 (rural) zone.

The provisions of section 9.2.5(a) states as follows:

*EXTERIOR SIDE YARD, Minimum*

*A) For residential dwellings - 18.3m*

The site is located west of an unopened and unmaintained road allowance referred to as 'Road F'. This is the boundary that requires the reduced side yard setback to 3.65 metres. Planning staff note that if the interior side yard setback was applied a setback of 6.0 metres would be required. However, in order to address the unopened and unmaintained road, the provisions related to 9.2.5(a) have been reviewed with consideration of the road potentially being opened in future.

The sight triangle in this location was also reviewed to ensure future conflicts with the potential road opening and maintenance. The sight triangle can be met.

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. As previously noted, Road F is immediately adjacent to the subject lands. Planning staff are satisfied that no further impacts would occur to the adjacent lands as a result of this addition even if the road were opened in future.

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 where the addition is proposed are zoned A2 (rural) just south of the NE (natural environment) zone within the municipality's zoning bylaw. The addition in this location minimizes site alteration and would align with the existing entrance and driveway to the property.

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 (schedule B)
- Aerial and official plan mapping (appendix B)
- Aerial and zoning map
- County of Grey Planning & Development Department comments

**Recommended by:**



Lorelie Spencer, Ba.U.R.PI, 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.