

Staff Report

Report To: Committee of Adjustment
Report From: Lorelie Spencer, Manager of Planning & Development
Meeting Date: July 4, 2023
Subject: A06.2023 – DUNN, Tyler

Recommendations:

That in consideration of staff report 'A06.2023 – DUNN, Tyler' 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 6.1.4(ii) to permit a maximum floor area of an accessory structure of 165m² whereas only 92.9m² is permitted.
- The effect of which will permit an addition to an existing accessory structure on the subject lands.

Previous Report/Authority:

None.

Analysis:

The subject lands are municipally 112313 Grey Road 3, 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 east side of Grey Road 3 and south of Concession 14.

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

- Section 6.1.4(ii) to permit a maximum floor area of 165m² whereas only 92.9m² is permitted for accessory structures.

The effect of which will permit an addition to an existing accessory structure.

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 entirely 'agricultural' within schedule 'A' of the county Official Plan. No hazard lands have been identified on the subject lands.

The proposed expansion of the existing accessory structure will prevent the need for outside storage and provide for overall general maintenance of the property. The accessory structure is not intended to be the dominant use of the lands. Based on the location of the structure in the rear yard, and the absence of immediate development in proximity of the property, planning staff have no further concerns in this regard.

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.

Planning staff are satisfied that the requested relief noted above to promote an increase in the maximum floor area of the accessory structure 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 entirely A1 (agricultural) within the municipality's Comprehensive Zoning Bylaw No. 37-2006. Single detached dwelling units and accessory structures are permitted within the A1 (agricultural) zone, specifically within the provisions of section 6.0 of the municipality of West Grey comprehensive zoning by-law no. 37-2006. Section 6.1.2(b) speaks to the location of accessory structures on lots less than 2.0 hectares in size, which is the case for the subject lands. This provision requires the placement of the structure to be within the side or rear yard. The addition to this structure meets this requirement.

Section 6.1.4(ii) speaks to the maximum total floor area of accessory structures. The intent of this provision is to ensure that accessory structures are not the dominant landscape from the principal use on the subject lands. Despite the increase in total floor area, the location of the structure in the rear yard ensures that the dwelling unit is the dominant landscape on the subject lands. Planning staff have no further concerns in this regard.

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 subject lands are surrounded by agricultural fields and a natural environment area to the east. The expansion of the accessory structure will not visibly impact adjacent lands and is considered minor in nature on this site.

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?

As previously noted, the subject lands are zoned A1 (agricultural) within the municipality's zoning bylaw. Provided a principal land use is located on the subject lands accessory structures are permitted subject to specific conditions.

The accessory structure to which the addition applies is located in the rear yard and adjacent to the natural environment area. The use of the structure for storage purposes will limit outside storage on the subject lands which is considered desirable for the general maintenance and upkeep of the subject lands.

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 zoning map

- County of Grey Planning & Development Department comments
- Saugeen Valley Conservation Authority 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 or 519.369.2200, ext. 236.