

Staff Report

Report To: Committee of Adjustment
Report From: Mary Hall, Planning Consultant BES, RPP (ret)
Meeting Date: September 5, 2023
Subject: A07.2023 - YACK, Barry and YACK, Mary

Recommendations:

That in consideration of staff report A07.2023 - YACK, Barry and YACK, Mary; the Committee of Adjustment approves the minor variance as it maintains the general purpose of the Official Plan and Zoning Bylaw, is considered a desirable use of the property, and is minor in nature.

Highlights:

- The property owners, Barry and Mary Yack, propose to construct an accessory building in the front yard;
- Presently, there is a house and shop on the subject property;
- The proposed new structure/building is a single storey garage/shop with a floor area of 312 square metres (3360 square feet); and
- The variance to Zoning Bylaw 37-2006 Section 6.1.2(b) is to permit the accessory building in the front yard in the Rural(A2) Zone where the lot is less than 2 hectares in size.

Previous Report/Authority:

None.

Analysis:

The subject property is municipality known as 522708 Welbeck Road, Part Lot 14 RP 16R6473 Part 2, former township of Bentinck, Municipality of West Grey.

The purpose and effect of the Minor Variance application is to vary the provisions of the Zoning Bylaw 37-2006 to permit: an accessory structure in the defined front yard setback under Section 6.1.2(b) on a lot that is less than 2 hectares in size.

The effect is to permit the construction of an accessory building in the defined front yard.

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

1. Does the Minor Variance meet the General Intent and Purpose of the Official Plan?

The subject property is an existing lot of record. Section 5.2.1(6) of the County of Grey Official Plan states, in part, that accessory uses are permitted under the Rural land use designation.

Planning staff are satisfied that the requested relief noted above to construct an accessory in the defined front yard maintains the general intent and purpose of the County Official Plan.

2. Does the minor variance maintain the general intent and of Zoning Bylaw 37-2006?

The subject land is a rural residential lot and zoned A2-Rural in the Municipality's Zoning Bylaw No. 37-2006. The configuration of the lot and the curvature of the municipal road has created a pie shape lot with a front yard and 2 side yards. The proposed location for the new accessory building will be located in the front yard as defined in the Town's Zoning Bylaw 37-2006. The proposed accessory building (garage) will be constructed 18.2 metres and 24.3 metres from the existing road as identified on the Minor Variance application. The proposed variance meets the general intent and purpose of the Zoning Bylaw as the proposed accessory building is well removed from the road allowance and in proximity to the existing house.

3. Is the variance minor in nature?

Planning staff is of the opinion the minor variance is minor in nature and desirable to the area.

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

The subject lands are used as a rural residential lot and the landowners wish to construct an accessory building in the defined front yard. Due to the configuration of the pie shape lot the accessory building will be in the defined front yard. The accessory building will be located adjacent to the existing house and well removed from the road. Staff is of the opinion the proposed accessory building is appropriate/desirable use.

Financial Implications:

None.

Consultation:

- County of Grey Planning and Development
- Hydro One
- Enbridge
- Internal departments - Fire, Building, Public Works

Attachments:

- Notice of Hearing
- Aerial and Zoning Mapping
- Aerial and Official Plan Mapping
- County of Grey Planning and Development Department comments
- West Grey Building Department Comments
- West Grey Public Works Department Comments
- West Grey Fire Department Comments
- Hydro One Comments

Recommended by:

Mary Hall, Planning Consultant, BES, RPP (ret)

Karl Schipprack, CBCO, Director of Infrastructure and Development

Submission approved by:

Laura Johnston, Chief Administrative Officer

For more information on this report, please contact Britney Becker at bbecker@westgrey.com or 519-369-2200.