

Staff Report

Report To: Committee of Adjustment
Report From: Mary Hall, Planning Consultant, BES, RPP (ret)
Meeting Date: September 5, 2023
Subject: B16.2023 – BRENNDORFER, Alfred and BRENNDORFER, Dawn
(Ron Davidson Land Use Planning Consultant Inc.)

Recommendations:

That in consideration of staff report B16.2023 - BRENNDORFER, Alfred and BRENNDORFER, Dawn (Ron Davidson Land Use Planning), the Committee of Adjustment provides provisional consent, subject to the following conditions:

1. Payment of any outstanding municipal taxes (if applicable);
2. Payment of an entrance permit fee for the newly created parcel;
3. Receipt of an acceptable entrance permit application;
4. Payment of the \$500.00 parkland dedication fee;
5. Payment of the zoning bylaw amendment application fee;
6. Receipt of an amendment to the municipality of West Grey zoning bylaw A2 (Rural), subject to the approval of consent application B16.2023, to recognize the reduction in the lot area (3.3 hectares) and frontage (110 metres) for the portion of the lands subject to consent application B16.2023; and
7. Receipt of an amendment to the Municipality of West Grey zoning bylaw A2 (Rural) and A3 (Restricted Rural) for the retained lands to consent application B16.2023 to recognize the reduction in the lot area (37.4 hectares) and the NE zone lands shall be used in the calculation of lot area.

Highlights:

- The purpose of consent application is to create a new residential building lot of approximately 3.3 hectares of land with a frontage of 110 metres from the subject property leaving a retained lot of 37.4 hectares with a frontage of 294 metres.
- All existing buildings, being a house and three accessory buildings will remain on the retained lot.

- In the consent application submitted to the municipality, the consultants report has stated the previous barn, located on the retained lands, is now being used by the landowner as a personal workshop and for storage only.
- An intermittent watercourse traverses the southwest and northeast corners of the property. Neither of these watercourses are located on the proposed severed lot.
- There is a grass landing strip located on the retained land that is in close proximity to the proposed westerly boundary of the severed lot.
- The Planning Consultant for the applicants had a MDS (minimum distance separation report) prepared and submitted with the consent application. The proposed severance meets the setback from any existing barns in proximity to the proposed lot.

Analysis:

The property is municipal known as 501105 Concession 10 NDR in the former geographic Township of Bentinck.

The subject property comprises 40.7 hectares of land. The consent application is requesting to sever 3.3 hectares of land with a frontage of 110 metres from the subject property. All existing buildings and structures will remain on the retained lands as well as the two intermittent watercourses which are located in the southwest and northeast corner of the subject property.

There is an active barn on the property immediately to the west. The applicant completed the MDS (minimum distance separation) calculation, and a copy of the report was submitted to the municipality with the consent application. The MDS report states the proposed severed lot meets the minimum distance separation.

The subject lands are designated Rural within the County of Grey Official Plan. The Municipality of West Grey Comprehensive Zoning Bylaw 37-2006 zones the land A2 (Rural), A3 (Restricted Rural) and NE (Natural Environment). A residential dwelling is proposed for the severed lot.

The following documents were reviewed in the consideration of the proposed severance application: Provincial Policy Statement (2020); County of Grey Official Plan and the Municipality of West Grey Comprehensive Zoning Bylaw

Provincial Policy Statement (PPS) 2020

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS focuses growth and development within urban and rural settlements while

supporting the viability of rural areas. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

The proposed consent application (B16.2023) is considered new residential development and the location of the proposed lot has been strategically located to support and protect the adjacent nature features on the retained lands. The proposed severance meets the intent and purpose of the Provincial Policy Statement.

County of Grey Official

The land subject is designated Rural in the County of Grey Official Plan. Section 5.4.3(1) states all consents for new development shall be no smaller than 0.8 hectare and the maximum density shall not exceed 3 severance from the original 40 hectare original lot. The proposed severance meets the minimum lot area and number of severances from an original 40 hectare original lot.

Under section 5.2.2(5) of the County of Grey Official Plan requires new land uses, including the creation of a lot, shall comply with the Provincial MDS formulae. An MDS report was submitted with the Consent application prepared by AgriSuite and the setback required from the barn to the lot line of the Consent application meets the MDS requirement (minimum setback required is 197 metres while the actual distance from livestock barn to the proposed westerly lot line of the of the proposed severance is 418 metres.)

Schedule A and Appendix B to the County of Grey Official Plan identifies Hazard Lands and Linkage as well as Significant Woodland and Streams on the total land holdings. The land subject to the consent application is outside the identified Hazard Land and Linkage and Significant Woodland and Streams. Therefore, the County has no concerns.

The Municipality of West Grey Comprehensive Zoning Bylaw 37-2006

The retained lands will not meet the lot area and the severed lot will not meet the lot area and frontage of their respective zones; therefore a zoning bylaw amendment is required and is imposed as a condition of the Committee of Adjustment decision.

General Comments

The proposed consent application B16.2023 meets the general intent and purpose of the County of Grey Official Plan and the Municipality of West Grey Zoning Bylaw. Staff support consent application B16.2023 subject to the conditions noted in the recommendations of this report.

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 Official Plan mapping
- Aerial and Zoning Bylaw mapping
- County of Grey Planning and Development Department comments
- Enbridge comments
- Hydro One comments
- West Grey Building Department comments
- West Grey Fire Department comments
- West Grey Public Works comments

Next steps:

Following provisional approval of the applications, staff will notify of the decision and the required appeal period will commence. Provided no appeals are received the applicant will be notified and have twenty-four (24) months from the date of decision to satisfy all conditions, provide draft deeds and a survey for approval by the municipality, and have the same registered by their lawyer at the land registry office.

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.