

Staff Report

Report To: Committee of Adjustment
Report From: Mary Hall, Planning Consultant
Meeting Date: October 3, 2023
Subject: A09.2023 Brenndorfer, Alfred and Dawn

Recommendations:

That in consideration of staff report Minor Variance Report A09.2023 - Brenndorfer, Alfred and Dawn, the Committee of Adjustment approves the minor variance as it maintains the general purpose and intent of the official plan and zoning bylaw, is considered a desirable use of the property, and is minor in nature.

Highlights:

- Consent application B16.2023 received conditional approval from the Committee of Adjustment on September 5, 2023;
- Minor Variance application A09.2023 is to fulfill a condition of consent application B16.2023 for the severed and retained lands;
- The lot area and lot frontage provisions of the A2 (Rural Zone) in the municipalities zoning bylaw needs to be amended for the severed lot. As well, the minimum lot area of the A3 (Restricted Rural) zone of the retained lands needs to be amended;
- Provision of the municipality's zoning bylaw to be amended to include the NE (Natural Environment) zone in the calculation of lot area;
- The minor variance application will reduce the required lot area for the severed lands to 3.3 hectares and lot frontage to 100 metres (being in the Rural - A2 zone)
- The minor variance will also recognize the reduced lot area of the retained lands from 40 hectares to 37 hectares (being in the Restricted Rural - A3 zone)

Previous Report/Authority:

Committee of Adjustment report B16.2023 granted conditional approval of the consent application subject to several conditions. One of the conditions was a minor variance

application to recognize a reduced lot area for the retained lands and a reduced lot frontage and lot area for the severed lands.

Analysis:

The subject property is municipally known as 501105 Concession 10 NDR, Lot 3, Concession 7, 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 recognize the lot area of 3.3 hectares and lot frontage of 100 metres for the severed land (consent application B16.2023) and recognize a reduced lot area for the retained lands being 37 hectares.

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 it meets the (4) test:

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

As noted in the planning report for file B16.2023 presented to the committee of adjustment, the consent application met the requirements for a new lot by meeting the requirements for minimum lot size, did not exceed maximum density per 40 hectares per original lot (this is the first severed lot from the original lot); meets minimum distance separation (MDS) and is located outside the hazard and linkage areas.

It is the opinion of planning staff the minor variance meets the general intent and purpose of the Official Plan for the County of Grey.

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

As County of Grey's Official Plan permits the creation of rural residential lots in the countryside, the smaller lot size and frontage needs to be recognized through a planning process. The minor variance process with public consultation provides a method of amending the zoning provisions for the severed and retained lands. It is the opinion of planning staff that the minor variance application meets the intent and purpose of zoning bylaw 37-2006, as amended.

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. The lot size and frontage of the severed lot is in keeping with other severed lots within the municipalities rural area.

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

The lands subject to the minor variance application will be developed as a rural residential lot while the use of the retained will remain unchanged. Planning staff is of the opinion that the variance to recognize reduced lot area and lot frontage for the severed land and lot area for the retained land is appropriate and a desirable use.

Financial Implications:

None.

Communication Plan:

The minor variance application was mailed to all agencies and landowners as required by the Planning Act.

Consultation:

Karl Schipprack, CBCO, Director of Infrastructure and Development

Attachments:

- Notice of Hearing
- Aerial and Official Plan mapping
- Aerial and Zoning mapping
- 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)

Submission reviewed by:

Laura Johnston, Chief Administrative Officer

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