



Staff Report

Report To: Committee of Adjustment
Report From: Mary Hall, Planning Consultant
Meeting Date: October 3, 2023
Subject: B17.2023 and B18.2023 Lang, Joni and Wayne

Recommendations:

That in consideration of staff report B17.2023 and B18.2023, 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 each of the newly created lots from the Municipality of West Grey;
3. Receipt of an acceptable entrance permit for each of the newly created lots from the Municipality of West Grey;
4. Payment of the \$500.00 parkland dedication fee for each application; and
5. Receipt of an amendment to the Municipality of West Grey's Comprehensive Zoning Bylaw 37-2006- A2 zone, subject to the approval of consent application B17.2023 and B18.2023, to recognize the reduction in the lot area (0.81 hectares) and frontage (90 metres) for the portion of the lands subject to consent application B17.2023 and B18.2023.

Highlights:

- The purpose of consent applications is to create 2 new residential building lots: the approximate area and frontage are 0.81 hectares of land with a frontage of 90 metres from the subject property leaving a retained lot of 37.48 hectares with a frontage of 218 metres.
- The planning consultant for the applicants had a minimum distance separation report (MDS) 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 034344 5th Sideroad in the former geographic Township of Bentinck, Municipality of West Grey.

The subject property comprises 38.29 hectares of land with two detached dwellings; a barn converted for storage purposes and a shed used partly for a small water bottling operation and partly for storage.

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 37-2006.

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 applications (B17.2023 and B18.2023) are 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 consent for new development shall be no smaller than 0.8 hectare and the maximum density shall not exceed 3 severances from the original 40 hectares original township lot. The proposed severance meets the minimum lot area and number of severances from an original 40 hectares original township 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. A minimum distance separation report was submitted with the consent applications, prepared by AgriSuite, and the setback required from the barns on adjacent lands to the lot line of the consent applications meets the MDS requirements.

Appendix B to the County of Grey Official Plan identifies three forested areas on the subject property as 'Significant Woodland' none of the significant woodlands are located on the proposed lots although the northerly consent application is within the 120 metres of the significant woodland. Within the 120 metres setback is a significantly disturbed area (cash crops) which provides no benefit to the significant woodlands and has no negative impact on the woodland feature/function.

It is the opinion of planning staff that the proposed severances meet the intent and purpose of the County of Grey Official Plan.

The Municipality of West Grey Comprehensive Zoning Bylaw 37-2006

The subject lands are zoned A2 (Rural) and NE (Natural Environment) in the West Grey zoning bylaw. The proposed severed lots will not meet certain standards in the zoning bylaw (lot area and lot frontage) and will need to modify these requirements through a planning process.

The applicant's agent has indicated that the small water bottling operation was rezoned several years ago and the land use was not carried forward into the current West Grey zoning bylaw. As such the bottling operation as a legal non-conforming status.

General Comments

The proposed consent applications B17.2023 and B18.2023 meet the general intent and purpose of the Provincial Policy Statement, County of Grey Official Plan and the Municipality of West Grey's Comprehensive Zoning Bylaw. Staff support consent application B17.2023 and B18.2023 subject to the conditions noted in the recommendations of this report.

Financial Implications:

None.

Communication Plan:

As required by the Planning Act R.S.O. 1990, as amended.

Consultation:

Karl Schipprack, 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
- Enbridge 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.