



Planning and Development

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Planning Report **for the Municipality of West Grey** **Committee of Adjustment**

Date: July 9th, 2020

File No.: Minor Variance A01/20

Owner: Jako Developments Inc.

Applicant: Tammy and Karl Schipprack

Legal Description: Lot 22 Louise Creed Crescent, Forest Creek Estates,
Registered Plan 10197, Part Lot 22

Address: N/A

Purpose of Application:

The purpose and effect of the subject application is to vary the requirements of subsection 15.2.4 to reduce the interior side yard setback from 6.0 metres to 3.0 metres to permit the construction of a single detached dwelling unit. To further vary the requirements of Subsection 6.1.2 (b) to permit the construction of an accessory structure in the front yard.

Subject Lands:

The subject property is located along the south side of Louise Creek Crescent and has approximately 38 metres frontage along the Municipal road. The lot dimensions will not change as a result of this application which is approximately 4159.15 square metres or 1 acre. This is currently a vacant lot which the applicant is proposing to build a dwelling and accessory garage.

Adjacent Lands:

Most of the lands within immediate vicinity of the subject property are also large wooded vacant residential lots.

Official Plan Conformity:

Schedule A of the County Official Plan designates the subject lands as a 'Rural'. The subject lot was created as part of larger Plan of Subdivision 42T-84004. The Rural land use type allows for residential development as of right on already established lots of record. The minor variance would permit a variance in the minimum interior side yard setback for a proposed residential dwelling.

The County Official Plan also designates the subject lands as 'Hazard Lands' and 'Significant Woodlands'. The Saugeen Valley Conservation Authority (SVCA) reviewed the subject application on July 8th, 2020 and state that the requirement for an EIS should be waived in accordance with section 7.11.3 c) of the County OP, as the subject lots were created as part of a Draft Approval of Subdivision 42T-84004. This lot has been historically established as a developable area. SVCA has assessed the impacts and recommends approval.

Lastly, the subject lots also contain 'Aggregate Resource Area' designation. As part of the historical Plan of Subdivision 42T-84004, the larger property has been divided into smaller residential lots with many lots already containing residential homes. Therefore, the impact to the Aggregate Resource Area already exists.

Zoning By-law Conformity:

The subject property is zoned as 'ER' – Estate Residential. The minor variance would have the effect of amending section 15.2.4 (interior side yard, minimum) from 6 m (19.68 ft) to 3.0 metres (9.84 feet).

Minor variance applications are required to meet the following four tests:

1. Is the application minor? The proposed application will reduce the interior side yard setback from 6 metres to 3 metres. Even with the proposed reduction in the interior side yard setback, there would appear to be adequate buffering between the adjacent uses. Planning staff see this proposal as minor in nature.
2. Is the application desirable for the appropriate development of the lands in question? The proposed development will be residential in nature, keeping with the policy direction of the local Zoning By-Law and the County Official Plan. There is an existing cluster of residential lots surrounding the subject lands created by a historic Plan of Subdivision. The minor variance would facilitate the development of a residential dwelling which would maintain the intent and purpose of the Zoning By-law.

3. Does the application conform to the general intent of the Zoning By-law? The intent of the interior yard setback is to ensure that the house is set back an appropriate distance from the neighboring property ensure a harmonious flow of development. The property owner has indicated that due to the natural heritage features and the site conditions, there is a limited area in the side or rear yard for an accessory garage. Moving the proposed dwelling over 3 metres would allow room for a driveway, parking and septic. While a 3 metre interior yard setback is not overly large, there is a large swath of treed area that creates an adequate buffer and separation between the neighboring property. Based on the foregoing, the proposed variance would appear to maintain the intent and purpose of the Zoning By-law.
4. Does the application conform to the general intent of the Official Plan? Yes – the proposed development conforms with the general intent of both the County Official Plan and the Zoning By-law, as the proposed use will be residential in nature.

Provincial Policy Statement Conformity:

The Provincial Policy Statement (PPS) does not provide policies pertaining to building location. The PPS does include policies aimed at protecting aggregate resources and natural heritage features; and, as explained above, there should be no impact in this regard. It would appear that the variance is consistent with the PPS.

Conclusion and Recommendation:

The proposed minor variance conforms to the County's Official Plan and is consistent with the Provincial Policy Statement. Approval for this application should be considered.

This Report was prepared by County planning staff, as the local planner – Lorelie Spencer declared a conflict of interest. County comments were reviewed while writing this report. All other agency comments have not been received, and comments were written prior to the Public Meeting. It is possible that comments received after the writing of this Planning Report could warrant a reconsideration of the aforementioned recommendation.

Page 4
July 9th, 2020

Yours truly,

A handwritten signature in cursive script, reading "Hibahussain".

Hiba Hussain
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