



Committee of adjustment report

Meeting date:	January 18, 2021
Title:	B22.2020 and B23.2020 – CULLITON, Aaron and Dalana
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Reviewed by:	Laura Johnston, CAO

Recommendation

That committee receives report B22.2020 and B23.2020 – CULLITON, Aaron and Dalana and the recommendation that applications B22.2020 and B23.2020 be provisionally approved, subject to the following conditions:

- payment of any outstanding municipal taxes (if applicable);
- payment of the zoning by-law amendment application fee;
- passage of the zoning by-law amendment application;
- confirmation that appropriate private services are on-site for the proposed detached dwelling units (i.e. well and septic records);
- payment and receipt of entrance permits for the severed lands (file B22.2020) and the retained lands (file B23.2020); and
- payment of the \$500.00 parkland dedication fee for each parcel created.

Executive summary

The subject lands are municipally identified as 1021 Victoria Street in the secondary settlement area of Ayton. They are legally identified as Plan 153, Lot 2, Part Lot 1 S; RP 16R11092, Part 1 in the geographic township of Normanby.

The purpose of the applications is to sever two residential lots and retain one residential lot within the secondary settlement area. The effect of the applications will create a total of three lots, including the retained parcel. All of the proposed parcels will be used for residential purposes.

Background and discussion

The subject lands are located on the south side of Victoria Street and currently contain a single detached dwelling unit and an accessory structure. The lands are designated as a 'Secondary Settlement Area' under the County of Grey Official Plan. Policy 3.6 of the Official Plan states that secondary settlement areas are identified as areas that have lower density targets and have a limited range of uses and amenities compared to primary settlement areas and have partial or



January 18, 2021 (2)

private services. These areas are intended to have limited residential growth as well as new community facilities and employment services. The type of permitted uses allowed in these areas include residential uses, bed and breakfast establishments, home/rural occupations, commercial and dry industrial uses, public, recreational and institutional uses intended to support the surrounding agricultural community.

The proposed lot creation maintains the general intent and purpose of the Official Plan policies in this regard.

Legal and legislated requirements

To assess the merits of the consent applications in question the following policies were reviewed in detail.

1. Provincial Policy Statement, 2020 (2020 PPS)

Part V, Section 1.0 of the 2020 PPS speaks to building healthy and strong communities. In accordance, Section 1.1 of the 2020 PPS speaks to the management and direction of land use to achieve efficient and resilient development and land use patterns. Section 1.1.2 of the 2020 PPS further promotes the efficient use of land within defined settlement areas through the use of intensification and redevelopment.

Section 1.1.3.1 of the 2020 PPS also states that settlement areas shall be the focus of growth and development. The creation of additional lots within the settlement area in this location is considered to be consistent with the policies of the 2020 PPS.

The lot creation proposed as part of these two applications would provide intensification with no further consideration to development of the lots at this time. There would be no further development of the lots in future under current policy going forward.

Section 1.1.3.6 of the 2020 PPS states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and have a compact form, mix of land uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The creation of these two lots would not cause an adverse impact to the existing community facilities and public services in the area. The lots are intended to be utilized for residential purposes which are consistent with the fabric of the existing community. The public services utilized are not anticipated to be under strain with the addition of two lots intended for single detached dwelling units on private services.

Planning staff are satisfied that the applications are consistent with the 2020 PPS.

2. County of Grey Official Plan (Recolour Grey)

The subject lands are designated as being within a defined secondary settlement area under



January 18, 2021 (3)

the County Official Plan. Policy 3.6 defines the parameters of secondary settlement areas and support the growth of these areas despite being on private or partial services. Permitted uses within this designation under policy 3.6.2 include residential uses, bed and breakfast establishments, home / rural occupations, commercial and dry industrial uses, public, recreational and institutional uses intended to support the surrounding agricultural community. Policy 3.6.6 promotes the intensification of intensification opportunities within secondary settlement areas to promote the development of healthy communities. Intensification under policy Section 3.6 further permit the development of lands on private services provided they demonstrate no adverse environmental impact.

Planning staff are satisfied that the proposed consent applications maintain the general intent and purpose of the Official Plan.

3. Municipality of West Grey Comprehensive Zoning By-law 37-2006

The subject lands are currently zoned FD (Future Development) under the municipality's zoning by-law. The FD zone does permit single detached dwelling units however, planning staff recommend that the property is rezoned to R1A for consistency and to recommend the accessory structure that will now exist on a newly created parcel without a principal use.

At this time, the current structures appear to conform to the requirements associated with the R1A (Un-serviced Residential) zone but confirmation will be required to ensure that the recognition of deficient setbacks is not required as part of the zoning by-law amendment. A single application will cover the property associated with both consent applications and include the retained parcel. The creation of these lots will sever an existing accessory structure that will be located on the retained lot where no principal use has been established in terms of a dwelling unit. The accessory structure is approximately 92.9 m² (1000 ft²) and is located in the front yard. Section 6.1.2(a) of the municipality's comprehensive zoning by-law does not permit the placement of an accessory structure in the front yard unless it maintains the setback provisions of the established zone. Section 6.1.2(c) of the municipality's comprehensive zoning by-law also limits the placement of accessory structures in the front yard where they do not meet the minimum lot size of 1.0 hectares (2.5 acres). Both of these provisions would require recognition on the retained parcel as part of the Zoning By-law Amendment.

Provided the amendment recognizes the existing accessory structure and rezones the lands to the R1A zone, staff have no further concerns with the proposed consent applications.

Financial and resource implications

None.



January 18, 2021 (4)

Staffing implications

None.

Consultation

- County of Grey Planning and Development Department
- Saugeen Valley Conservation Authority
- Hydro One Networks
- Enbridge Gas Inc.

Alignment to strategic vision plan

Pillar: Build a better future

Goal: Invest in business

Strategy: Take a co-operative approach to development

Attachments

- County of Grey Planning and Development Department comments
- Saugeen Valley Conservation Authority comments
- Hydro One Networks
- Enbridge Gas Inc.

Next steps

On provisional consent approval of application B22.2020 and B23.2020 staff will provide notice to commence the appeal period. Provided no appeals are received, planning staff will notify the applicant and verify the conditions required to be completed within 12 months from the date of decision.

Respectfully submitted:



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Manager of Planning and Development