



Committee of adjustment report

Meeting date:	January 18, 2021
Title:	A07.2020 – DAVIS, Ben and Jasmine (Agent: DOMM Construction)
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That committee receives report A07.2020 – DAVIS, Ben and Jasmine (Agent: DOMM Construction) and the recommendation that application A07.2020 be approved.

Executive summary

The purpose and effect of the application is to vary the provisions of Section 6.1.4(ii) of the municipality’s comprehensive zoning by-law no. 37-2006 to permit a maximum floor area of an accessory structure of ± 366 m² (1200 ft²), whereas a maximum floor area of 92.9 m² (1000 ft²) is permitted. The effect of which will permit the construction of an accessory structure for storage purposes.

Background and discussion

The subject lands are municipally identified as 933 Caroline Street in the secondary settlement area of Ayton. The subject lands are legally identified as Plan 153, Lots 12 and 13, W. Part or Park Lot 1, Registered Plan 17R613, Registered Plan 17R3147, Part 5 in the geographic township of Normanby.

The property is designated as ‘Secondary Settlement Area’ and ‘Hazard’ under the County of Grey Official Plan. The location of the accessory structure and the delineation of the ‘Hazard’ boundary has been verified with the Saugeen Valley Conservation Authority by the applicant’s agent. Residential dwelling units and accessory structures are permitted in the secondary settlement area designation. Planning staff are satisfied that the placement of an accessory structure on the subject lands conforms to the Official Plan.

The lands are zoned R1A (Unserviced Residential) and NE (Natural Environment) within the Municipality’s comprehensive zoning by-law 37-2006. Accessory structures are permitted under the R1A zone.



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Legal and legislated requirements

The four (4) tests of a minor variance were reviewed with this application:

1. Is the request considered to be minor in nature?

The applicant has requested relief from section 6.1.4(ii) of the Municipality of West Grey comprehensive zoning by-law 37-2006 to permit a maximum floor area for an accessory structure of $\pm 366 \text{ m}^2$ (1200 ft^2), whereas a maximum floor area of 92.9 m^2 (1000 ft^2) is permitted.

The intent of the maximum floor area, specifically as it relates to accessory structures is to ensure that the main use of the property is the principal use and not accessory structures. In this case, the main use is the single detached dwelling unit.

Planning staff consider the request for the increased floor area to be minor in nature as it does not contravene the intent of the provisions of the zoning by-law and will remain a secondary use on the property to the principal dwelling unit.

2. Is the request desirable for the appropriate use of the land?

Secondary settlement areas within the Official Plan are areas that have been identified as having lower density targets with a limited range of uses and amenities compared to Primary Settlement Areas and have partial or private services.

Secondary settlement areas permit residential uses and uses accessory thereto. Section 11.1 of the Municipality's comprehensive zoning by-law permits accessory structures in accordance with section 6.1. Section 6.1.4(ii) limits the use of the accessory structure's floor area as previously stated. The location of the accessory structure is outside of hazard lands and is located in the rear yard of the subject lands which does not undermine the provisions of the R1A zone and does not encroach and jeopardize the NE zone to the south by placing the structure further away from the more sensitive flood plan area zone.

Planning staff are satisfied that the request is desirable and appropriate for the use of the subject property.

3. Does the request maintain the general intent and purpose of the County of Grey Official Plan?

The intent of the secondary settlement area is to provide for growth in a settlement area but further policies under section 7.2 state, in part, that new development shall generally be directed away from hazard lands. Consultation has been conducted with the Saugeen Valley Conservation Authority (SVCA) who have confirmed that the identified hazard



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boundary in this location was not accurate and supports the request for the location of the structure in this location.

Provided the appropriate permits are obtained from the SVCA, planning staff have no further concerns in this regard.

4. Does the request maintain the general intent and purpose of the Municipality of West Grey Comprehensive Zoning By-law No. 37-2006?

The municipality's comprehensive zoning by-law contains specific provisions to limit the location and density of accessory structures on residential properties. The general intent and purpose of these provisions is to ensure that the principal use is not overshadowed by an accessory building, particularly in settlement areas where it may pose significant impacts to adjacent properties and alter the character of the neighbourhood.

Section 31.2 of the zoning by-law contains provisions that limit the floor area and location of accessory structure for the reasons previously noted in the text above. Section 2.6 of the by-law further relates to the interpretation of the NE (Natural Environment) zone. Consultation from the SVCA has been provided to verify that the NE boundary for the subject lands (identified on the submitted site plan) is not accurate. In accordance with the provisions of this zone, staff are satisfied that the alteration of the NE boundary is appropriate and maintains the appropriate distance from the identified NE zone to the south.

Planning staff are satisfied that the location and size of the structure maintain the general intent and purpose of the zoning by-law by maintaining an appropriate setback from the true boundary of the NE zone.

Financial and resource implications

None.

Staffing implications

None.

Consultation

- 1.) County of Grey Planning and Development Department
- 2.) Saugeen Valley Conservation Authority



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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
- Saugeen Valley Conservation Authority

Next steps

On approval of application A07.2020, planning staff will notify of the committee decision. Provided no appeals are received, staff will advise the applicant's agent that they can proceed to obtain a building permit.

Respectfully submitted:



Lorelie Spencer, Ba.U.R.PI, MCIP, RPP
Manager of Planning and Development