



# Committee of adjustment report

<b>Meeting date:</b>	January 18, 2021
<b>Title:</b>	A06.2020 – LEVITT, Brett and Jerri Lynn
<b>Prepared by:</b>	Lorelie Spencer, Manager of Planning and Development
<b>Reviewed by:</b>	Laura Johnston, CAO

## Recommendation

That committee receives report A06.2020 – LEVITT, Brett and Jerri Lynn and the recommendation to approve application A06.2020.

## Executive summary

The purpose and effect of the application is to vary the provisions of Section 8.2.4(d) to permit an accessory structure  $\pm$  3.05 metres (10 feet) from the interior lot line whereas 15.2 metres (49.9 feet) is required. The effect of which will permit the placement of an accessory structure for storage purposes on the subject lands.

## Background and discussion

The subject lands are municipally identified as 503862 Grey Road 12. The subject lands are legally identified as part lot 9, concession 12 in the geographic township of Glenelg. The property is designated as 'Agricultural', 'Rural' and 'Hazard' under the County of Grey Official Plan. The location of the accessory structure would be within the agricultural designation. Residential dwelling units and accessory structures are generally permitted within the agricultural designation.

The subject lands are zoned as A1 (Agriculture), A2 (Rural) and NE (Natural Environment) within the Municipality of West Grey Comprehensive Zoning By-law No. 37-2006. The location of the accessory structure is within the A1 zone. The provisions of the A1 zone permit accessory structures.



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## Legal and legislated requirements

To address the merits of the application, the four test of a minor variance were reviewed in accordance with the Planning Act R.S.O. 1990, as amended.

1. Is the application considered minor in nature?

The applicant has requested relief from the provisions of section 8.2.4(d) of the zoning by-law to permit a reduced interior side yard setback. In total, the side yard would be reduced from the required 15.0 metres (49.9 feet) by 12.2 metres (39.9 feet). The side yard setback proposed is approximately 3.05 metres (10 feet). Planning staff appreciate that the structure has been in place on the property since prior to the purchase of the subject lands by the current property owner five years ago. However, the intent of the interior side yard setback is to provide separation between adjacent land uses and to provide sufficient distance for building maintenance, repair and for safety reasons in the event of fire.

Planning staff note that had the structure been less than 14m<sup>2</sup> in size the side yard setback requirement would have been 6.0 metres. However, the structure is 17m<sup>2</sup> which requires a side yard setback of 15.2 metres. The placement of this structure maintains a cluster of the structures on the subject lands in this case and is considered by staff to be minor in nature.

2. Is the application desirable for the appropriate development of the lands in question?

Within the agricultural designation, it is desirable to avoid the use of additional farm lands wherever possible. Planning staff are satisfied that the placement of the structure within the farm cluster and the maintenance of a sufficient setback that continues to maintain the intent of the provision is acceptable.

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

The general intent and purpose of the County Official Plan within the agricultural and rural designations is to prevent the unnecessary use of farmland for non-farm structures. The general intent and purpose of the hazard designation is to prevent the unnecessary placement of structures within, or in proximity, to hazard lands to prevent adverse impacts. Planning staff are satisfied that the placement of the accessory structure maintains the general intent and purpose of the Official Plan in this regard.



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

The general intent and purpose of the Municipality of West Grey Comprehensive Zoning By-law No. 37-2006 is to ensure the compatibility of adjacent and surrounding land uses and to ensure healthy separation between structures. As previously stated the placement of this structure meets the general intent and purpose of the zoning by-law as noted in the first test.

## Financial and resource implications

None.

## Staffing implications

None.

## Consultation

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

## 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



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## Next steps

On approval of application A06.2020 staff will provide notice to commence the appeal period. Provided no appeals are received, planning staff will notify the applicant so they pursue a building permit.

Respectfully submitted:



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