



Committee of adjustment report

Meeting date:	March 15, 2021
Title:	A02.2021 – BARROW, Marni
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That Committee approve application A02.2021.

Executive summary

To vary the provisions of Section 10.2.3(a) to permit a reduced front yard setback of ± 7.9 m whereas 20.0 m is required. The effect of which will permit the placement of a new single detached dwelling unit on the subject lands.

Background and discussion

The subject property is located at 474825 Townsend Lake Road. Townsend Lake abuts the property along the northern boundary and Townsend Lake Road abuts the property along the southern boundary. This area is located southeast of the intersection of Baseline Road and Concession 12.

The site is comprised of approximately 0.16 hectares of land. A single detached dwelling unit in the form of a mobile home previously existed on the property but has since been removed. Two (2) accessory structures are currently located on the subject lands.

An application was submitted by the property owners to request relief from the front yard setback of the Restricted Rural (A3) zone. Relief from the required 20.0 m setback will permit the placement of a new dwelling unit on the subject lands further from Townsend Lake.

To determine if the application meets the four (4) tests of a minor variance staff have reviewed the file in addition to comments received from authorities having jurisdiction.

Legal and legislated requirements

Section 45 of the Planning Act gives the Committee of Adjustment the authority to grant relief from the provision(s) of the municipality's zoning by-law provided it meets the four (4) tests of a minor variance.



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1. Does the application maintain the intent and purpose of the official plan?

The property is designated as 'Inland Lakes and Shorelines' and 'Hazard Lands' under the County of Grey Official Plan. Although sand and gravel deposits are mapped on the property, the ability to remove these resources is not feasible on the subject lands when considering existing development in the area.

Policy 3.7(3) of the County Official Plan (Colour it Grey) defines the uses permitted within the 'Inland Lakes and Shorelines' designation. These uses are defined as low-density residential dwellings, bed and breakfast establishments, home occupations, marinas, resource based recreational uses, convenience commercial, and public uses. New development within this designation is required to comply with the servicing requirements of the Official Plan. The proposed single detached dwelling unit will be located entirely within the 'Inland Lakes and Shorelines' designation and is a replacement of the previous single detached dwelling unit. The proposed dwelling unit complies with policy 3.7 by ensuring the location of adequate private services and maintaining the density provisions of the County Official Plan.

Policy 7.2 of the County Official Plan Colour it Grey) speaks the priorities of restricting development away from the 'Hazard' designation. The single detached dwelling unit is increasing the required distance from the designation by moving development further from the identified 'Hazard Lands' designation.

Comments from the Saugeen Valley Conservation Authority (SVCA) are pending but it is anticipated that a permit from their office will be required.

It is the opinion of planning staff the proposed reduced front yard setback meets the intent and purpose of the official plan.

2. Does the Minor Variance maintain the general intent and purpose of the municipality's comprehensive zoning by-law 37-2006?

The subject lands are zoned A3 (restricted rural) within the municipality's comprehensive zoning by-law 37-2006. Section 10.1 of the zoning by-law outlines the uses permitted within the A3 zone. Single detached dwelling units are permitted within the A3 zone.

The intent of subsection 10.2.3(a) is to ensure adequate sight lines and buffering for development on the subject lands from the street. The front yard setback also ensures that snow removal, road maintenance, and municipal service collection (recycling and refuse) are not impeded by the presence of a structure.

The new single detached dwelling unit will be generally located within the same front yard setback of the previous structure and issues related to the above were not noted in the past. Planning staff are satisfied that the proposal maintains the general intent and purpose of the municipality's comprehensive zoning by-law.



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3. Is the variance minor in nature?

To assess the variance in this regard, it is necessary to review the potential impact of the request on adjacent lands.

Residential land uses are located west and east of the subject lands. The proposed single detached dwelling unit also maintains the general setback of the adjacent lands but does not share the ER (estate residential) zone which permits a front yard setback of 9.0 m. Planning Staff are satisfied that the request for relief from the front yard setback is considered minor in nature as it is consistent with the built form of the adjacent properties in scale and location.

The proposed single detached dwelling unit also provides an additional protection to ensure that development is not within or in close proximity with the NE (natural environment) zone.

It is the opinion of planning staff that the request is minor in nature.

4. Would the minor variance represent an appropriate or desirable use of the land, buildings or structures?

The proposed single detached dwelling unit meets the balance of the requirements under section 10.1 of the zoning by-law and is considered a permitted use. The requested variance to decrease the front yard setback is to increase the available rear yard and maintain further distance from Townsend Lake. The location of the proposed single detached dwelling unit is in close proximity to the limits of the previous single detached dwelling which has now been removed. The requested variance is considered an appropriate and desirable use of the lands and maintains the intent to distance uses from all property boundaries.

Although not one of the four (4) tests of a minor variance, planning staff are required to identify if the application is consistent with the PPS.

The PPS does not regulate the size of buildings or structures. The PPS contains policies related to the protection of endangered or threatened species habitat. Staff concur that the applicant should confirm with MECP that the proposal is consistent with section 2.1.7 of the PPS. However, on the basis that alterations have occurred on the adjacent lands and the subject lands, it is not anticipated that further alteration will represent an issue for the proposed structure. Planning staff are satisfied that the application is consistent with the PPS.

Financial and resource implications

None.

Staffing implications

None.

Consultation

- County of Grey Planning Department
- Saugeen Valley Conservation Authority

Alignment to strategic vision plan

Pillar: Build a better future
Goal: Review the Municipality of West Grey Comprehensive Zoning By-law
Strategy: Take a co-operative approach to development

Attachments

- None.

Next steps

That Committee approve minor variance application A02/2021.

Respectfully submitted:



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