



Committee of adjustment report

Meeting date:	March 15, 2021
Title:	B01.2021 – BNB Insulation Inc. (BRILL, Darryl)
Prepared by:	Lorelie Spencer, Ba.U.R.PI, MCIP, RPP
Reviewed by:	Laura Johnston, CAO

Recommendation

That committee receives report B01.2021 – BNB Insulation Inc. (BRILL, Darryl) and the recommendation that application B01.2021 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;
- payment and receipt of entrance permits for the severed lands; and
- payment of the \$500.00 parkland dedication fee for each parcel created.

Executive summary

The subject lands are municipally identified as 405 Mary Street, Ayton. The lands are legally described as lots 20 and 21, west of Augusta Street in the geographic township of Normanby.

The purpose of the applications is to sever the existing lot to create a separate lot for residential purposes and retain one lot for the existing commercial operation within the secondary settlement area. The effect of the applications will create a total of two (2) lots, including the retained parcel.

Background and discussion

This application was previously heard and determined by the Committee of Adjustment on January 13, 2020 and is referred to as file B16.2019. Conditional approval was granted for the project subject to a number of conditions that were required to be met by January 13, 2021. Unfortunately, not all of the conditions were met which subsequently required the applicant to reapply for consideration to the Committee. Under the Planning Act there is no ability to extend conditions. If they are not fulfilled by the stipulated date, the provisional approval of the application lapses. There is no opportunity or recourse for the applicant to appeal this decision under the Planning Act for the failure to fulfill conditions.



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Since the previous provisional consent was granted, the applicant successfully obtained a zoning by-law amendment (which included the payment of the required fee) and entered into discussions with the Saugeen Valley Conservation Authority (SVCA) related to the required second entrance for the residential parcel. The SVCA has agreed that a slope stability study for the proposed driveway location is not required and an entrance permit has been issued in this regard. The Applicant further had the appropriate reference plan completed in anticipation of registration to the land registry office.

No changes have been made to the original proposal and Planning Staff have included the previous Planning Report considered by committee for reference purposes. The applicant has also provided as part of the resubmission confirmation of payment of municipal taxes and the provision of the parkland dedication fee.

The subject lands are located on the south side of Mary Street and currently contain a commercial establishment. 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 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 an additional lot within the settlement area in this location is considered to be consistent with the policies of the 2020 PPS.



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The lot creation proposed as part of this application would provide intensification in a manner that is considered appropriate. Consideration has been provided to the comments provided by the SVCA and the disturbance / development within the top of bank has been reviewed and is not anticipated.

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 this lot would not cause an adverse impact to the existing community facilities and public services in the area. The lot is intended to be utilized for residential purposes which is consistent with the fabric of the existing community. Based on the location of the subject lands within the secondary settlement area the existing use of the adjacent lands to continue for commercial purposes is considered appropriate. The public services utilized are not anticipated to be under strain with the addition of one lot intended for a single detached dwelling unit 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 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

Following the original application B16.2019 the lands were subsequently rezoned to R1A-412. Exception 412 recognizes the deficient lot frontage of the newly created parcel as 19.0 metres where 30.5 metres is required. This application was reviewed and approved by Council on January 28, 202 and no appeals were received.

Planning Staff have no further concern in this regard.



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Financial and resource implications

None.

Staffing implications

None.

Consultation

- County of Grey Planning and Development Department
- 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

- None

Next steps

On provisional consent approval of application B01.2021, Planning Staff are prepared to stamp the deeds and finalize consent approval with the provision of draft deeds and the subsequent reference plan. The applicant will be able to obtain a building permit provided they maintain the provisions of the R1A zone.

Respectfully submitted:



Lorelie Spencer, Ba.U.R.PI, MCIP, RPP

Manager of Planning and Development