



Committee of adjustment report

Meeting date:	April 19, 2021
Title:	A03.2021 – JOHNSON, Colleen
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston

Recommendation

That Committee of Adjustment receives the report from Planner Spencer, A03.2021 – JOHNSON, Colleen wherein the planner recommends approval of application A03.2021 as the application is considered to maintain the general intent and purpose of the Official Plan, the general intent and purpose of the municipality's zoning by-law, is minor in nature, and a desirable use of the land and buildings.

Executive summary

The subject lands are located at 614466 Hamilton Lane within the Geographic Township of Glenelg in the Municipality of West Grey. The purpose of the application is to vary the provisions of section 6.1.2(c), section 9.2.3(c), section 6.1.3 and section 6.1.4(iii) of the municipality's comprehensive zoning by-law to permit the location of an accessory structure in the front yard, a reduced front yard setback of $\pm 14.33\text{m}$, a maximum building height of $\pm 5.14\text{m}$ and a maximum floor area of $\pm 93.65\text{m}^2$ whereas a 20.0m front yard setback is required, a maximum building height of 5.0m is permitted and a maximum floor area for an accessory structure is limited to 92.9m^2 . The effect of which will permit the construction of an accessory structure on the subject lands within the defined front yard.

Background and discussion

The property is located on an open and maintained municipal roadway. A single detached dwelling unit with private services exists on the subject lands at this time. The lands are zoned A2 (Rural), NE (Natural Environment), and NE2 (Natural Environment 2). By virtue of the natural hazards on the property, the building envelope is limited to the A2 (Rural) zone.

Section 45 of the Planning Act gives the Committee of Adjustment the authority to grant relief from a provision(s) of the Comprehensive Zoning By-law provided such relief passes four tests:

1. Does the Minor Variance maintain the intent and purpose of the Official Plan?

The subject lands are identified as Rural, Hazard and Provincially Significant Wetlands under the County of Grey Official Plan. Policy 5.4 outlines the policies surrounding the rural land use designation. The predominant land uses within this designation include agriculture, aggregate extraction, recreation and forestry. Residential dwelling units and their accessory components are considered a permitted use within this land use designation. Policy 5.4 further states that appropriate rural land uses will be supported in this designation provided that they do not negatively impact the natural environment.



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Policy 7.2 states that hazard lands include floodplains, steep or erosion prone slopes, organic or unstable soils, poorly drained area and lands along the Georgian Bay shoreline. These lands can be impacted by flooding, erosion, and / or dynamic beach hazards or have poor drainage, or any physical condition that is severe enough to pose a risk to an occupant, property damage, or social disruption if developed.

Policy 7.3 speaks to the wetland designation. Development within 30 metres of a provincially significant wetland is generally discouraged within the provision of an environmental impact study.

Positive comments have been received from the County Planning Department in addition to the Saugeen Valley Conservation Authority.

In this case, the development of an accessory structure is completely within the rural land use designation, outside of the hazard and wetland designation which maintains the general intent and purpose of the official plan.

2. Does the Minor Variance maintain the intent and purpose of the Zoning By-law?

The intent of provisions 6.1.2(c) and 9.2.3(c) is to ensure the appropriate placement of accessory structures from the front lot line to ensure safe ingress and egress to the subject lands. In this case, the natural features of the property are being protected by locating the accessory structure outside of the NE and NE2 zone and avoiding site alteration in proximity to these zones. A front yard setback of 20.0m is required in the A2 zone. A request for relief to reduce this front yard setback to $\pm 14.33\text{m}$ has been provided by the applicant. The current single detached dwelling unit has a front yard setback of 16.42m. As demonstrated through the sketch provided with the application, the two structures will be closely aligned in the front yard setback, while still maintaining safe ingress and egress to the property. Planning staff are satisfied that the intent of these two provisions are still being maintained.

The intent of provision 6.1.3 is to ensure that accessory structures remain accessory to the principle use of the subject lands. The maximum height permitted for an accessory structure is 5.0m. The applicant has requested relief from this requirement to permit a height of $\pm 5.14\text{m}$. This will accommodate design aspects of the structure which will maintain curb appeal to the property. Planning staff are satisfied that this request maintains the intent of provision 6.1.3.

Provision 6.14(ii) is to limit the maximum floor area for a structure to 92.9m^2 . In this circumstance, the applicant has requested a floor area of $\pm 93.65\text{m}^2$. The request is to ensure that there is an appropriate area within the structure to store vehicles and recreational vehicles. This will provide the applicant the ability to store items inside the structure as needed and further curb appeal by limiting outside storage as much as possible. Planning staff are satisfied that this request for relief maintains the intent of provision 6.1.4(ii).

The requests for relief, in the opinion of planning staff maintain the intent of the municipality's comprehensive zoning by-law.

3. Is the variance minor in nature?

The ability to determine if a variance is minor in nature is relative to the impact the variance would have on adjacent lands. Development of this site would not impact the adjacent lands



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by impeding sight lines of adjacent properties and further protects the natural features on the subject lands which planning staff consider to be minor in nature.

4. Does the minor variance represent an appropriate or desirable use of land and buildings?

The property is presently zoned A2 (Rural), NE (Natural Environment), and NE2 (Natural Environment 2). The A2 zone permits detached dwelling units and accessory structures.

Based on the natural and significant features on the subject lands the placement of an accessory structure in the front yard is considered appropriate in this circumstance and a desirable use of the land and buildings.

Legal and legislated requirements

None

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: Clear Communication

Goal: Vibrant Community

Strategy: Promote and Market

Attachments

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

Next steps

Should committee approve the application and no appeals are filed during the appeal period, staff will advise the applicant and they will be eligible for a building permit.

Respectfully submitted:



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