



Committee of adjustment report

Meeting date:	April 19, 2021
Title:	A04 – BRODERICK, Daniel and HOGG, Melissa
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That Committee of Adjustment receives the report from Planner Spencer, A04.2021 – BRODERICK, Daniel and HOGG, Melissa wherein the planner recommends approval of application A04.2021 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 purpose of the application is to vary the provisions of section 6.1.2(b), section 6.1.3, and section 6.1.4(ii) to permit an accessory structure $\pm 111.48\text{m}^2$ in size, within the defined front yard, and $\pm 10.5\text{m}$ in height. The effect of which will permit the construction of an accessory structure.

Background and discussion

The subject lands are municipally identified as 100 Highland Drive. The subject lands are legally identified as lot 813, part block 71; RP 16R10158 part 1 in the geographic township of Glenelg.

To assess the merits of the application the four (4) tests of a minor variance must be followed in accordance with the Planning Act R.S.O. 1990, as amended.

1. Does the request maintain the general intent and purpose of the Official Plan?

The property is designated entirely as 'Rural' under the County of Grey Official Plan. Residential dwelling units and accessory structures are generally permitted within the rural designation. Policy 5.4 states that the predominant land uses within the rural land use time are to be agriculture, aggregate extraction, recreation and forestry. The subject lands were previously severed to create a predominant land use type in this location. The lots are



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west of Curley's Lake and are predominantly used for residential purposes. The use of the subject lands for agricultural purposes is limited and planning staff find that the placement of an accessory structure to the residential use is in keeping with the general intent and purpose of the official plan.

2. Does the request maintain the general intent and purpose of the Municipality's Comprehensive Zoning By-law 37-2006?

The subject lands are zoned as ER-298 (Estate Residential with exceptions) and NE (Natural Environment) within the Municipality of West Grey Comprehensive Zoning By-law No. 37-2006. Exception 298 permits the following:

Notwithstanding section 15 of by-law 37-2006, as amended, those lands zoned ER-298 shall be used in accordance with the ER zone provisions excepting however that:

- (1) The minimum lot size shall be 0.45 hectares.*
- (2) Notwithstanding subsection 6.20.2 to the contrary lands within the NE (Natural Environment) zone shall be included in the calculation of lot area for the lands subject to this by-law.*

It should be noted that comments received from the Saugeen Valley Conservation Authority (SVCA) that the NE portion of the property is inaccurate and should be removed as part of the update to the zoning by-law and the applicable schedules. SVCA comments further denote that the presence of significant features exist on lands in proximity to the subject lands.

The intent of provision 6.1.2(b) is to ensure that the principle use of the property remains the residential land use and a consistent streetscape to the same impact. The subject lands are heavily treed and the location of the accessory structure in the requested location is within a portion of previously disturbed and cleared lands. The streetscape in this location is predominantly vegetation. Staff are satisfied that the location of an accessory structure in the front yard is considered in keeping with the general intent and purpose of this provision.

Provision 6.1.4(ii) is intended to ensure that accessory structures do not dominate the principle use of the property and remain secondary. The maximum floor area of accessory structures under this provision is limited to 92.9m². The applicant has requested to increase the floor area of the proposed structure to ±111.48m² for the purposes of providing useable storage area within the loft of the accessory structure. As a result, the applicant has also requested to vary the height provision to ±10.5m in height where a maximum of 5.0m is required within provision 6.1.3. While planning staff understand the intent of the latter provision, the accessory structure will match the height of the single detached



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dwelling unit. A further intent of the above noted provisions is to provide a consistent streetscape of the principle dwelling unit. Based on the presence of significant vegetation on the west portion of the subject lands and along the streetscape, planning staff are satisfied that this a reasonable request. The usability of the accessory structure will also ensure that outside storage is limited and will maintain the streetscape in this location.

It is the opinion of planning staff that the request maintains the general intent and purpose of the zoning by-law.

3. Is the request minor in nature?

To assess the merits of this request the impact of the request is reviewed on the potential impact to adjacent properties. In this case, the subject lands are surrounding by mature vegetation which does not offer sight lines for the adjacent properties in a manner similar to properties within defined settlement areas.

The topography of the site also limits the ability to locate the accessory structure in the rear yard, in addition to the location of the existing septic system. The difference in grade on the subject lands would require alterations and the removal of vegetation which would alter the site further from its natural state.

Provided the vegetation remains in place, planning staff are satisfied that the requests for relief are minor in nature and merit the context of the site.

4. Is the request considered a desirable and appropriate use of the land and buildings?

As previously noted, although the requests for relief seem excessive from a purely written perspective, the particulars of the site do warrant flexibility in this circumstance. The location of the structure within the defined front yard will allow for the perseveration of vegetation and limit the use of fill to accommodate the structure in addition to the ability to relocate the septic system. Planning staff note that all of the requests remain outside of the NE zone which does not permit further development of the site in this manner.

Planning staff are satisfied that the requests are desirable and appropriate for the use of the land and buildings through the preservation of the NE zone and the ability to limit outside storage on the subject lands.

It is the opinion of planning staff that the application meets the four (4) tests of a minor variance.

Legal and legislated requirements

None.

Financial and resource implications



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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: Review of the official plan and zoning by-laws
Strategy: Take a co-operative approach to development

Attachments

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



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Next steps

On approval of application A04.2021 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:



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