Committee of adjustment report

Meeting date:	May 3, 2021
Title:	A06.2021 – PRATT, Inez (PRATT, Robert)
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, A06.2021 – PRATT, Inez wherein the planner recommends approval of application A06.2021 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 403232 Grey Road 4. The lands are legally described as Lot 59, Concession 2, R.Plan 16R 10402, Parts 1 and 3, Durham.

The purpose of the application is to vary the provisions of sections 6.1.3 and 6.1.4(ii) to permit an increased height of 6.1 metres whereas a maximum height of 5.0 metres is permitted and increased maximum floor area of 193.23m² whereas 92.9m² is permitted. The effect of which will permit the construction of an accessory structure on the subject lands.

Background and discussion

The property is located on an open and maintained county road. A single detached dwelling unit with private services exists on the subject lands at this time in addition to a livestock facility. The lands are zoned ER (Estate Residential).

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 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.

The development of an accessory structure on the subject lands is completely within the rural land use 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 6.1.3 and 6.1.4(ii) is to ensure the appropriate placement of accessory to ensure that they do not dominate the principal land use of the property. The subject lands do contain some topographic features which limit location and the ability to meet the definition of the zoning by-law requirements in these circumstances.

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 ±6.1m. 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 92.9m². In this circumstance, the applicant has requested a floor area of ±193.23m². 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. The size of the property in this circumstance does permit the ability for the development to be permitted without creating a streetscape that is not dominated by the principal use. Planning staff are satisfied that the requested variance is minor in this circumstance as it does not impede sight lines for ingress and egress to the property and is not anticipated to dominate the landscape of the subject lands.

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

   The property is presently zoned A2 (Rural. The A2 zone permits detached dwelling units and accessory structures.

   Based on the topography of the subject lands, the request for the increase in height is considered appropriate. The request for the increase in floor area is further considered appropriate as it will limit outside storage associated with the site. The requests are 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: Build a better future
Goal: Invest in business
Strategy: Take a co-operative approach to development

Attachments

1.) Aerial and OP
2.) Aerial and zoning

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:

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