



Committee of adjustment report

Meeting date:	May 17, 2021
Title:	A07.2021 – FARLOW, Josh and Lisa (CANDUE Homes)
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, A07.2021 – FARLOW, Josh and Lisa and wherein the planner recommends approval of application A07.2021 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 and effect of the application is to vary the provisions of section 12.2.4 to permit a reduced side yard setback of $\pm 1.2\text{m}$ whereas 1.8m is required. The effect of which will permit a two-storey addition to an existing single detached dwelling unit.

Background and discussion

The subject lands are municipally identified as 525 Durham Road East in the primary settlement area of Durham. The subject lands are legally identified R. Plan 17R2784, Part 2, the geographic town of Durham in the Municipality of West Grey.

The property is designated as 'Primary Settlement Area' under the County of Grey Official Plan. The application is intended to provide an addition to the existing single detached dwelling unit with a reduced side yard setback.

The property is designated as 'Residential' under the Municipality of West Grey Official Plan.

The lands are zoned R1B (Residential) within the Municipality's comprehensive zoning by-law 37-2006. Single detached residential dwelling units are permitted within the R1B zone.

Legal and legislated requirements

The four (4) tests of a minor variance were reviewed with this application:

1. Is the request considered to be minor in nature?



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The subject lands currently contain a single detached dwelling unit. The application is to permit the construction of a two-storey addition to the existing structure. The zoning by-law requires an interior side yard setback under provision 12.2.4 for structures over one-storey in size to be 1.8 metres. The proposal demonstrates an interior side yard of approximately ± 1.20 metres. The intent of the interior side yard setback is for the provision of sufficient access to the rear yard in addition to the maintenance of privacy to adjacent structures.

The reduced side yard setback still maintains the intent of the provision under the zoning by-law and planning staff have no further concerns in this regard.

Planning staff are satisfied that the request is minor in nature and will not create an adverse impact on the adjacent lands, in light of the use proposed.

2. Is the request desirable for the appropriate use of the land?

Primary settlement areas within the County Official Plan are areas considered suitable for high intensification, targets, public transit services, and have full municipal services.

The County Official Plan states the new construction through intensification should occur in a manner that takes into account the existing built and physical environment and is compatible with surrounding land uses.

In this case, the applicant has requested relief of the side yard setback to construct an addition to the existing single detached dwelling unit which will be two-storeys in height. The intent of this use is considered an acceptable expansion of the existing use and remain in keeping with the character of the existing neighbourhood. Planning staff have no further concerns in this regard.

The Municipality of West Grey Official Plan has designated the subject lands as residential. Policy D2.3.1 states that the predominant use of land within the Residential designation shall be residential dwelling units. The types of dwelling unit permitted shall include low density housing such as detached dwellings, semi-detached dwellings and duplexes, medium density housing such as triplexes, quadraplexes and townhouses and high density housing such as apartments.

Planning staff consider the request to permit the expansion of the existing single detached dwelling unit to maintain the intent and purpose of the local and county official plans.

Planning staff are satisfied that the request is desirable and appropriate for the use of the subject property.

3. Does the request maintain the general intent and purpose of the County of Grey Official Plan?

The intent of the primary settlement area designation in both the County and local Official Plan, as previously described, is to promote suitable land uses, in this case, residential



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uses. These areas are intended to be the focus for growth and development.

The expansion of the single detached dwelling unit through the proposed addition is considered to maintain the general intent and purpose of the County and local official plans.

Planning Staff have no further concerns in this regard.

4. Does the request maintain the general intent and purpose of the Municipality of West Grey Comprehensive Zoning By-law No. 37-2006?

The municipality's comprehensive zoning by-law contains specific provisions to limit the location and density of single detached dwelling units. The general intent and purpose of these provisions is to ensure that surrounding land uses can preserve access to the rear yard and maintain sufficient separation for privacy and accessibility.

Planning staff are satisfied that the expansion of the existing single detached dwelling unit continues to maintain the general intent and purpose of the zoning by-law. The intent of the provision for accessibility and privacy are not anticipated to be impacted by the request.

Of note, the zoning by-law requires a side yard setback of 1.2 metres for structures one-storey in height.

Financial and resource implications

None.

Staffing implications

None.

Consultation

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



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Alignment to strategic vision plan

Pillar: Build a better future
Goal: Invest in business
Strategy: Take a co-operative approach to development

Attachments

- Aerial and Official Plan mapping
- Aerial and zoning mapping
- Application form
- County of Grey Planning and Development Department
- School Board comments

Next steps

On approval of application A07.2021, planning staff will notify of the committee decision. Provided no appeals are received, staff will advise the applicants agent that they can proceed to obtain a building permit.

Respectfully submitted:



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