



Committee of adjustment report

Meeting date:	May 17, 2021
Title:	A09.2021 – MURDOCK, Tim and Dawn
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, A09.2021 – MURDOCK, Tim and Dawn and wherein the planner recommends approval of application A09.2021 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 from 1.8 metres to ± 1.22 metres. The effect of which will reduce the required interior side yard setback to permit the construction of an attached garage to the dwelling unit.

Background and discussion

The subject lands are municipally identified as 363 Lambton Street East in the primary settlement area of Durham. The subject lands are legally identified as 363 Lambton Street East Registered Plan 16R5701, Part 2, Geographic Township of Glenelg.

The property is designated as 'Primary Settlement Area' under the County of Grey Official Plan. The application is intended to provide an attached garage 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. An attached garage is considered a permitted use within the Municipality's zoning by-law.



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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?

The applicant has requested relief from provision 12.2.4 of the Municipality's Comprehensive Zoning By-law from 1.8 metres to ± 1.22 metres. The effect of which will permit the construction of an attached garage to the existing single detached dwelling unit.

The intent of the side yard setback is to provide access to the rear yard of the subject lands and to ensure that adequate separation is provided between the subject lands and adjacent lands for emergency services and private services.

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 attached garage to the existing single detached dwelling unit. The intent of this use will provide the opportunity to reduce the need for outside storage on the subject lands and maintain a property maintenance standard for the surrounding community. 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 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.



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

The expansion of the single detached dwelling unit through the construction of an attached garage is considered an appropriate use under the County and local official plan.

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 location and size of the proposed attached garage maintains the general intent and purpose of the zoning by-law by maintaining a sufficient setback for privacy purposes and access to the rear yard.

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

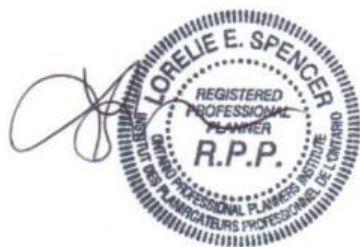
Attachments

- Aerial and OP mapping
- Aerial and Zoning mapping
- Commissioned application form
- School board comments

Next steps

On approval of application A09.2021, planning staff will notify of the committee decision. Provided no appeals are received, staff will advise the applicant's 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