



Committee of adjustment report

Meeting date:	June 14, 2021
Title:	A13.2021 – BARFOOT, Chris
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That committee receives report A13.2021 – BARFOOT, Chris and the recommendation that application A13.2021 be approved.

Executive summary

The purpose and effect of the application is to vary the provisions of sections 6.1.4(ii) and section 15.2.5 of the municipality's comprehensive zoning by-law no. 37-2006 to permit a maximum floor area of an accessory structure of $\pm 120.6 \text{ m}^2$ (1298.13 ft^2) and an exterior side yard setback of $\pm 6.09 \text{ m}$ (19.98 ft.), whereas a maximum floor area of 92.9 m^2 (1000 ft^2) is permitted and an exterior side yard setback of 7.6 m (24.93 ft.) is required. The effect of which will permit the construction of an accessory structure for storage purposes.

Background and discussion

The subject lands are municipally identified as 126 Forest Creek Trail within the Forest Creek subdivision. The lands are legally identified as lot 13, plan 1097 in the geographic township of Bentinck. The parcel is approximately 1.08 acres (0.44 ha.) in size and contain a single detached dwelling unit.

The lands are designated 'rural' under the county official plan and 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 (4) tests.

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

The policies related to the rural designation are outlined under policy 5.4. Predominant



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uses within the rural land use type are intended to be agriculture, aggregate extraction, recreation and forestry. Policy 5.4.1 defines the permitted uses within the rural land use type. Residential uses and accessory uses are permitted within the rural designation. Planning staff are satisfied that the proposed requests maintain the intent and purpose of the official plan.

2. Does the minor variance maintain the intent and purpose of the zoning by-law?

The applicant has requested relief from section 6.1.4(ii) of the comprehensive zoning by-law 37-2006 to permit a maximum floor area for an accessory structure of $\pm 120.6 \text{ m}^2$ (1298.13 ft^2), whereas a maximum floor area of 92.9 m^2 (1000 ft^2) is permitted.

The intent of the total floor area provision, specifically as it relates to accessory structures is to ensure that the main use of the property is the principal use and not accessory structures. In this case, the main use is the single detached dwelling unit.

Planning staff consider the request for the increased total floor area to be minor in nature as it does not contravene the intent of the provisions of the zoning by-law and will remain a secondary use on the property to the principal dwelling unit.

The applicant has also requested relief from section 15.2.5 of the comprehensive zoning by-law to reduce the exterior side yard setback from 7.6 m (24.93 ft.) to $\pm 6.09 \text{ m}$ (19.98 ft.). The intent of the exterior side yard setback is to ensure that appropriate sight lines are maintained for ingress and egress to the property, particularly where daylight triangles for corner lots must be considered.

The subject lands are located on the northwest corner of Pine View Drive and Forest Creek Trail. The single detached dwelling unit that exists on the subject lands obtains access from Forest Creek Trail which is defined as the front yard. A front yard setback of $\pm 12.1 \text{ m}$ (40 feet) is maintained by the existing dwelling unit which is greater than required. The placement of the accessory structure will have separate access on Pine View Drive and located to the rear of the existing dwelling unit. Planning staff are satisfied that a reduced side yard setback of 1.51 m (4.95 ft.) will not create a sight line issue related to the daylight triangle in this location.

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

The ER (estate residential) zone permits single detached dwelling units and accessory structures. The placement of the existing dwelling unit in conjunction with the proposed placement of the accessory structure maintains the location of the septic system and continues to provide privacy for the property's backyard. In addition the request for an increase in size to the accessory structure ensures that the need for outside storage will be reduced and maintain a pleasant streetscape for the neighbourhood.



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Planning staff are satisfied that the proposed requests are desirable and appropriate for the use of the lands.

4. 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. Planning staff note that the use of the lands and the surrounding area is consistently within the ER (estate residential) zone which includes dwelling units and accessory structures. The use of the lands is consistent with the permitted uses of the area.

In addition, the proposed accessory structure is located in a manner that meets the required rear yard setback and maintains an interior side yard setback in excess of what is required.

Planning staff are satisfied that the request is minor in nature as the accessory structure will remain secondary to the principal dwelling unit and will not create issues related to sight lines through the reduction of the exterior side yard setback.

Legal and legislated requirements

None

Financial and resource implications

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: Invest in business

Strategy: Take a co-operative approach to development

Attachments

- Completed application form
- Aerial and official plan mapping
- Aerial and zoning mapping

Next steps

On approval of application A13.2021, 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:



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Manager of Planning and Development