



Committee of adjustment report

Meeting date:	July 5, 2021
Title:	A16.2021 – FREEMAN, Anthony
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, A16.2021 – FREEMAN, Anthony wherein the planner recommends approval of application A16.2021 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 415815 Baseline within the Geographic Township of Glenelg in the Municipality of West Grey. The purpose of the application is to vary the provisions of 9.2(c) to permit a reduced front yard setback of $\pm 7.62\text{m}$ whereas 20.m is required. 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 municipal roadway (Baseline). A single detached dwelling unit with private services exists on the subject lands at this time in addition to one accessory structure. The lands are zoned A2 (Rural) and NE (Natural Environment). By virtue of the natural hazards on the property, the building envelope is limited to the A2 (Rural) zone.

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 and hazard 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.

Policy 7.2 states that hazard lands include floodplains, steep or erosion prone slopes, organic or unstable soils, poorly drained areas and lands along the Georgian Bay shoreline. These lands can be impacted by flooding, erosion, and / or dynamic beach hazards or have poor drainage, or any physical condition that is severe enough to pose a risk to an occupant, property damage, or social disruption if developed.



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In this case, the development of an accessory structure is completely within the rural land use designation and outside of the hazard designation which maintains the general intent and purpose of the official plan. Planning staff further recommend that the removal of trees on the site are minimized as part of this accessory structure.

2. Does the Minor Variance maintain the intent and purpose of the Zoning By-law?

The intent of provision 9.2(c) is to ensure the appropriate placement of accessory structures from the front lot line to ensure safe ingress and egress to the subject lands and further to ensure that they are not the dominant streetscape of the subject lands. In this case, the natural features of the property are being protected by locating the accessory structure outside of the NE zone and avoiding site alteration in proximity to this zone. A front yard setback of 20.0m is required in the A2 zone. A request for relief to reduce this front yard setback to $\pm 7.62\text{m}$ has been provided by the applicant. The current single detached dwelling unit has a front yard setback of $\pm 30.0\text{m}$. As demonstrated through the sketch provided with the application, the structure will be closely aligned in the front yard setback, while still maintaining safe ingress and egress to the property. Planning staff are satisfied that the intent of this provision is still being maintained. Provided minimal tree removal is conducted, the building will be somewhat further screened from the street which maintains the intent of this provision as well.

The request for relief, in the opinion of planning staff maintains 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. Development of this site would not impact the adjacent lands by impeding sight lines of adjacent properties and further protects the natural features on the subject lands which planning staff consider to be minor in nature.

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

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

Based on the natural and significant features on the subject lands the placement of an accessory structure in the front yard is considered appropriate in this circumstance and a desirable use of the land and buildings.

Planning staff are satisfied that the variance requested presents an appropriate and desirable use of the land and buildings.

Legal and legislated requirements

None

Financial and resource implications

None.



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Staffing implications

None.

Consultation

- County of Grey Planning and Development Department
- Saugeen Valley Conservation Authority

Alignment to strategic vision plan

Pillar: Clear Communication

Goal: Vibrant Community

Strategy: Promote and Market

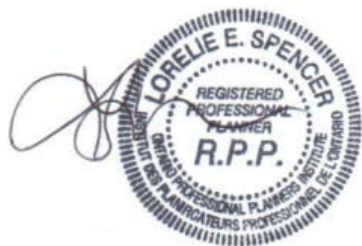
Attachments

- 1.) Application form
- 2.) Aerial and official plan mapping
- 3.) Aerial and zoning by-law mapping
- 4.) County of Grey Planning and Development Department comments
- 5.) Saugeen Valley Conservation Authority comments

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