



Committee of adjustment report

Meeting date:	July 5, 2021
Title:	A12.2021 – KOVACS, Krisztian
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, A12.2021 – KOVACS, Krisztian wherein the planner recommends approval of application A12.2021 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 554644 Bell's Lake Road. The lands are legally described as part lot 16, RP 17R2740; part 2, concession 11 in the geographic township of Glenelg.

The purpose of the application is to vary the provisions of sections 6.1.2(a), 6.1.2(b) and 6.1.4(ii). The effect of which will permit the construction of an accessory structure within the front yard and approximately 111m² in total floor area whereas accessory structures are required to be located in the rear yard and shall not exceed 92.9m² in size.

Background and discussion

The property is located on an open and maintained municipal road (Bell's Lake). A single detached dwelling unit with private services exists on the subject lands at this time. The lands are zoned A2 (rural).

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 designated 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. The accessory structure proposed will be located entirely within the rural designation and well outside of the identified hazard designation.



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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 6.1.2(a), 6.1.2(b) 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.

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 ±111.0m². 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 improve 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 will still ensure that the predominant use of the lands will remain a residential land use which is the intent of provisions 6.1.2(a), 6.1.2(b) and 6.1.4(ii). Planning staff are satisfied that that increase in total floor area and the placement of the accessory structure in the front yard will not dominant the streetscape or create issues relative to ingress and egress on 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) and NE (natural environment) The A2 zone permits detached dwelling units and accessory structures.

The location of the existing septic system on the subject lands does preclude the placement of an accessory structure in accordance with the by-law requirements while also maintaining proximity to the existing single detached dwelling unit on the subject lands.

Planning staff are satisfied that the proposed location is an appropriate and desirable use of the land and buildings on the property and have no further concerns in this regard.

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: Clear Communication

Goal: Vibrant Community

Strategy: Promote and Market

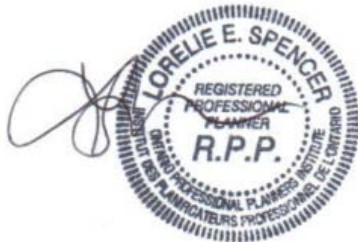
Attachments

- 1.) County of Grey Planning and Development Department comments
- 2.) 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.PI. MCIP, RPP
Manager of Planning and Development