



Council report

Meeting date:	October 18, 2021
Title:	ZA19.2021 – COBBLESTONE DIVERSIONS INC.
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, C.A.O.

Recommendation

That the appropriate bylaw be brought forward to Council consideration to fulfill a condition of provisional consent for file B21.2020.

Executive summary

The applicant received provisional consent from the Committee of Adjustment on August 9, 2021. One of the conditions of consent is the passage of a Zoning By-law Amendment. The amendment will recognize the deficient lot area, front yard setback, rear yard setback, minimum floor area of the existing dwelling unit, and the minimum exterior side yard setback.

Background and discussion

The subject lands are located on the north side of Park Street West between Queen Street South and Garafraxa Street South and are municipally referred to as 496 Garafraxa Street South. The property is legally identified as lot 16, plan 505 in the town of Durham. A single detached dwelling unit currently exists on the subject lands.

The purpose of the application is to change the zone symbol on the subject lands from R2 (residential) to R2 (residential) and R2-437 (residential with exception). The effect of which will implement a condition of consent for file B21.2021 to recognize deficiencies in the retained parcel on the subject lands where the single detached dwelling unit currently exists.

An associated application B20.2021 was also provided provisional approval by the Committee on August 9th, 2021. However, that application was to establish an easement to recognize a driveway encroachment and is not subject to this application.

Exception 437 will specifically state as follows:

- a) A minimum lot area of 333.2m² is permitted;
- b) A minimum front yard setback of 2.7m is permitted;
- c) A minimum rear yard setback of 4.5m is permitted;
- d) A minimum floor area of 65.8m² is permitted; and



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- e) A minimum exterior side yard setback of 0.0m is permitted.

The retained residential lot is approximately 0.02 hectares (0.05 acres) in size. The severed residential lands are approximately 0.06 hectares (0.15 acres) in size. Both sizes are based on the provisional consent approval from the Committee which was accompanied by a draft survey. The severed parcel does not require recognition through the zoning amendment application as it meets the requirements of the R2 zone.

Legal and legislated requirements

To determine the consistency of the application planning staff previously conducted a review of the Provincial Policy Statement (PPS, 2020), the County Official Plan and the Municipality's Comprehensive Zoning By-law as part of the consent process. A summary of the review has been included in this report for council's reference.

1. Provincial Policy Statement, 2020 (2020 PPS)

Part V, Section 1.0 of the 2020 PPS speaks to building healthy and strong communities. In accordance, Section 1.1 of the 2020 PPS speaks to the management and direction of land use to achieve efficient and resilient development and land use patterns. Section 1.1.2 of the 2020 PPS further promotes the efficient use of land within defined settlement areas through the use of intensification and redevelopment.

Section 1.1.3.1 of the 2020 PPS also states that settlement areas shall be the focus of growth and development. The creation of additional lots within the settlement area in this location is considered to be consistent with the policies of the 2020 PPS.

The lot creation provisionally approved as part of application B21.2021 provides intensification with no further consideration to development of the lots at this time. The capability of the subject lands to be serviced by municipal services is further consistent with the PPS.

Section 1.1.3.6 of the 2020 PPS states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and have a compact form, mix of land uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposed lot is adjacent to the existing lot of record and single detached dwelling unit. The lot creation will be serviced by municipal services in a similar manner to the existing lot of record. This is not anticipated to impact the infrastructure in the area provided the lands are utilized for a single detached dwelling unit.

Planning staff are satisfied that the implementation of this zoning by-law to fulfill the evaluated consent file B21.2021 is consistent with the PPS.

2. County of Grey Official Plan (Recolour Grey)

The subject lands are identified as a primary settlement area under the County of Grey Official Plan. Policy 3.5(6) outlines the desire to provide intensification opportunities within primary settlement areas. This policy further defines that new construction through intensification should



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occur in a manner that takes into account the existing built and physical environment. Based on the information provided by the applicant is anticipated that the development of the proposed lot creation will occur in a form similar to the existing lot of record. No indication by the applicant has been provided to indicate an alternative building type. An alternative building type may require a zoning by-law amendment application and as part of the review process, the potential for servicing issues would be reviewed at that time to determine if concerns exist within the existing infrastructure to support the proposal. Planning staff reiterate that the applicant has not indicated that this is proposed at this time. The current provisions of the zoning by-law would be required to apply.

The intent of the newly created parcel is for residential purposes which is also in keeping with policy 3.5.6(c) which promotes the development of underutilized lots within primary settlement areas. On the basis of the availability of services for the proposed lot, planning staff have no concerns in this regard.

Planning staff remain satisfied that the zoning by-law amendment application maintains the general intent and purpose of the Official Plan.

3. Municipality of West Grey Official Plan

The subject lands are designated as 'highway commercial' and 'residential' under the municipal official plan. The provisionally approved lot creation would be contained entirely within the 'residential' designation with the retained lands contained within the 'highway commercial'.

Policy D2 of the official plan speaks to the goals and objectives of the residential land use designation. Policy D2.1.1 states that the goal of the official plan is to provide an ample supply of affordable and desirable residential dwelling types and densities for the present and future residents of Durham and Neustadt. Policy D2.2.4 states that an objective of the plan is to encourage residential development which efficiently utilizes the land, resources, infrastructure and public service facilities.

The provisionally approved lot creation would provide infill development. Policy D2.4.2 states that new residential development shall be serviced with municipal water and sanitary sewer services. Policy D2.4.3 further supports the development with the objective of requiring new residential development through intensification, infilling and expansion.

Policy D5 speaks to the general goal and objectives of the official plan. The portion of the property designated highway commercial contains the retained lot and existing development. Planning staff are satisfied that this application maintains a previously approved use on the subject lands which is not proposed to change at this time.

Planning staff remain satisfied that the proposed development is supported by these policies and will be appropriately implemented through the passage of the zoning by-law amendment.



4. Municipality of West Grey Comprehensive Zoning By-law 37-2006

The subject lands are currently zoned R2 (residential) under the municipality's comprehensive zoning by-law. Single detached dwelling units are permitted within the R2 zone.

As identified through consent application B21.2021 a site-specific zoning amendment was required to recognize deficiencies with the retained lot which contains the existing single detached dwelling unit. The deficiencies are highlighted in the table below:

Table 1: Zoning by-law review

Rear yard, minimum	7.6m	4.5m	7.6m
Lot coverage, maximum	40%	19.7%	21.8%
Floor area, minimum	83.6m ²	65.8m²	103m ²
Exterior side yard, Minimum	7.6m	0.0m	7.6m

The information in red shown on the above table indicate the deficiencies related to the retained lands as a result of the newly created parcel. The zoning by-law will recognize these deficiencies through a site specific amendment. For reference purposes, the exterior side yard and front yard setback deficiencies are not as a result of the proposed lot creation and are identification of existing site conditions. The minimum floor area of the dwelling unit is also a representative of existing site conditions.

Provided the proposed lot creation maintains the provision of the R2 zone and section 6.0 of the zoning by-law as they relate to the development of the proposed lot, planning staff have no further concerns in this regard.

Planning staff are satisfied that the submission and approval of a zoning by-law amendment can be supported to address the table above.

Financial and resource implications

None

Staffing implications

None



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Consultation

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

Alignment to strategic vision plan

Pillar: Build a better future

Goal: Invest in business

Strategy: Review zoning by-laws and West Grey Official Plan

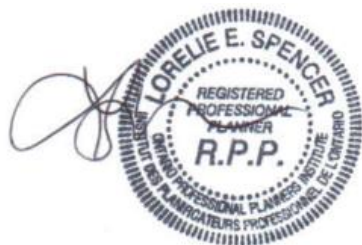
Attachments

- Application form
- Aerial and OP mapping
- Aerial and zoning mapping
- Draft zoning by-law
- Draft schedule
- County of Grey Planning and Development Department comments
- Saugeen Valley Conservation Authority comments
- Hydro One comments

Next steps

That Council consider 1st, 2nd, and 3rd reading of the by-law. Once the by-law has been passed staff will notify of the decision and commence the appeal period. Provided no appeals are received, the applicant will be notified that they have fulfilled a condition of provisional consent.

Respectfully submitted:



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