



## Committee of adjustment report

<b>Meeting date:</b>	January 17, 2022
<b>Title:</b>	B35.2021 and B36.2021 – FOGAL, Douglas (Candue Homes)
<b>Prepared by:</b>	Lorelie Spencer, Ba.U.R.PI, MCIP, RPP
<b>Reviewed by:</b>	Laura Johnston, CAO

### Recommendation

That committee receives Planner Spencer's report B35.2021 and B36.2021– FOGAL, Douglas (Candue Homes) and the recommendation that applications B35.2021 and B36.2021 be provisionally approved, subject to the following conditions:

#### B35.2021:

- Payment of any outstanding municipal taxes (if applicable);
- Payment and receipt of an entrance permit for the newly created parcel;
- Payment of the zoning by-law amendment application fee;
- Approval of the zoning by-law amendment application; and
- Payment of the \$500.00 parkland dedication fee for the newly created parcel.

#### B36.2021:

- Payment of any outstanding municipal taxes (if applicable);
- Payment and receipt of an entrance permit for the newly created parcel;
- Payment of the zoning by-law amendment application fee;
- Approval of the zoning by-law amendment application; and
- Payment of the \$500.00 parkland dedication fee for the newly created parcel.

### Executive summary

The subject lands are municipally identified as 360 Garafraxa Street North, Durham. The lands are legally identified as lot 25, plan 500; registered plan 17R177, parts 3 and 4 within the defined primary settlement area of Durham. The property is physically located on the west side of Garafraxa Street North and extend to Queen Street North. An 11 unit apartment building exists along the frontage of Garafraxa Street north containing a maximum of 14 parking spaces. The westerly portion of the property is zoned C2-148 (highway commercial with an exception) and the easterly portion of the property is zoned R3-149 (residential zone with exception). Exception 148 states that the lands may only be permitted for use as a parking lot. Exception 149 states that the lands may be used for an 11 unit apartment building within the existing structure requiring a maximum of 14 parking spaces.



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Application B35.2021:

The purpose of the application is to sever one (1) 0.13 hectare (0.16 acre) parcel and retain one (1) 0.20 hectare (0.50 acre) parcel. The effect of which will create a new parcel proposed for residential purposes.

Application B36.2021:

The purpose of the application is to sever one (1) 0.06 hectare (0.16 acre) parcel and retain one (1) 0.06 hectare (0.16 acre) parcel. The effect of which will facilitate the construction of a semi-detached dwelling unit. This subject lands are the result of application B35.2021.

If approved, the creation of the lots would create a total of three (3) separate parcels including the retained. The recommended provision related to a zoning by-law amendment to recognize the anticipated development of the property can be addressed in one zoning amendment application which has already been submitted by the applicant.

## Background and discussion

The site is comprised of approximately 0.30 hectares (0.76 hectares) with the existing apartment structure and parking previously described. There are no mapped natural heritage features on the subject lands.

The lands are designated as a 'Primary Settlement Area' under the County of Grey Official Plan. Policy 3.5 of the Official Plan states that primary settlement areas are identified as areas suitable for high intensification targets, public transit services, and have full municipal services. Policy 3.5(3) states that the County Official Plan promotes the development of primary settlement area land use types for a full range of residential, commercial, industrial, recreational, and institutional land uses. These areas are intended under the Official Plan to be the focus of growth within the County.

The subject lands are designated more specifically under the Municipality of West Grey Official Plan as 'residential'.

Planning staff are generally satisfied that the intent and purpose of the County and local OP are maintained with the submission of these applications.

To assess the merits of the consent applications in question the following policies were reviewed in detail.



## 1.0 Provincial Policy Statement, 2020 (2020 PPS)

Part V, Policy 1.0 of the 2020 PPS speaks to building healthy and strong communities. In accordance, Policy 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. Policy 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.

Policy 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 creations proposed as part of these applications would provide intensification with the intent of the construction of a semi-detached dwelling unit. The capability of the subject lands to be serviced by municipal services is further consistent with the PPS.

Policy 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 creation of these lots for the purposes of constructing a semi-detached dwelling unit would not cause an adverse impact to the existing community facilities and public services in the area. The lots will be utilized for residential purposes which remains consistent with the lot fabric of the surrounding area. The lots will be connected to municipal services and are not anticipated to create a strain on the existing municipal system.

Planning staff are satisfied that the applications are consistent with the 2020 PPS.

## 2.0 The 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 occur in a manner that takes into account the existing built and physical environment.

The intent of the newly created parcels 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.

Planning staff are satisfied that the proposed consent applications maintain the general intent and purpose of the Official Plan.



### 3.0 The Municipality of West Grey Official Plan

The subject lands are designated as 'residential' under the Municipality of West Grey Official Plan.

Policy D2.1.1 of the Official plan states that the Municipality shall strive 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 states that the objective of this land use designation is to ensure that an appropriate range of housing types and densities are provided within Durham and Neustadt as well as an appropriate supply of rental housing, in order to meet the projected requirements of current and future residents.

Policy D2.4 of the local Official Plan provides the general policies related to the residential land use designation. In general, a wide variety of housing types are permitted to provide a range of affordable and inclusive housing opportunities.

The policies of D2.4 further require that development within this designation occur on full municipal and water services, be directed to areas of infilling, and provide a range of housing types and opportunities.

Planning staff are satisfied that the proposed applications present an opportunity for the efficient use of municipal services, the placement of additional housing options and the use of underutilized lands within the defined settlement area. The applications maintain the general intent and purpose of the official plan.

### 4.0 The Municipality of West Grey Comprehensive Zoning By-law 37-2006

The subject lands are currently zoned C2-148 and R3-149 under the municipality's zoning by-law. As previously noted the C2-148 limits the use of the land solely for the use of a parking lot and will require a zoning amendment to permit the proposed semi-detached residential use. The R3 zone permits the use of the lands for an apartment building which is not anticipated to require an amendment at this time. The lands subject to the intended construction of the semi-detached dwelling unit will require recognition under the R2 zone to permit the proposed construction. Although only preliminary design details have been provided at this time, it is not anticipated that further exception is required within this new zone to accommodate the proposed development.

Planning Staff are generally satisfied that the proposed consents maintain the general intent and purpose of the municipality's zoning by-law. Detailed design from a site plan proposal will be reviewed in further detail prior to the zoning by-law consideration before



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Council. Should additional exceptions be required they will be reviewed with Council at that time.

## 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: Build a better future

Goal: Invest in business

Strategy: Take a co-operative approach to development

## Attachments

- Aerial and official plan mapping
- Aerial and zoning mapping
- Commissioned application form B35.2021
- Commissioned application form B36.2021
- County of Grey Planning and Development Department comments
- Saugeen Valley Conservation Authority comments

## Next steps

Following provisional approval of this application, staff will notify of the decision and the required appeal period will commence. Provided no appeals are received the applicant will be notified and have twelve (12) months from the date of decision to satisfy all conditions. The applicant will have an additional twelve (12) months from the condition date to provide draft deeds and a survey for approval by the municipality, and have the same registered by their lawyer at the land registry office.



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Respectfully submitted:



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Manager of Planning and Development