



Committee of adjustment report

Meeting date:	September 8, 2020
Title:	A02/20 – GOETZ, Kyle
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That West Grey Committee of Adjustment receives the report A02/20 – GOETZ, Kyle, wherein Planner L. Spencer recommends approval of minor variance application no. A02/20.

Executive summary

The purpose and effect of this application is to vary the requirements of subsection 6.1.4(ii) of the municipality of West Grey comprehensive zoning By-law 37-2006 to increase the maximum permitted gross floor area of an accessory structure from 93 m² to 223 m². The effect of which will permit the construction of an accessory structure on the subject lands.

Background and discussion

The subject property is located just east of the intersection of Bruce Road 10 and Grey 28 on the north side of Grey Road 28. The property is municipally known as 341013 Grey Road 28.

The site is comprised of approximately 0.4 ha. of land. A single detached dwelling unit and two accessory structures are currently located on the subject lands. The applicant has identified that the accessory structure on the northeast corner of the property will be removed. The property was previously altered from a vacant state to accommodate the existing single detached dwelling unit. Although there is potential that significant habitat of threatened or endangered species exist adjacent and possible within the subject lands. However, the subject lands is located outside of the Saugeen Valley Conservation Authority (SVCA) screening area. Permission from SVCA is not required to develop the lands for the purposes of the accessory structure.

An application was submitted by the applicant's agent requesting relief from the requirements of subsection 6.1.4(ii) of the zoning by-law to permit an increased gross floor area of the proposed accessory structure. The applicant's agent has indicated that the accessory structure is proposed for storage purposes.

To determine if the application meets the four (4) tests of a minor variance staff have reviewed the file in addition to comments received from authorities having jurisdiction.



September 8, 2020 (2)

Legal and legislated requirements

Section 45 of the Planning Act gives the Committee of Adjustment the authority to grant relief from the provision(s) of the municipality's zoning by-law provided it meets the four (4) tests of a minor variance.

1. Does the application maintain the intent and purpose of the official plan?

The property is designated as 'agricultural' under the county of grey official plan. Section 5.2.1 of the official plan permits the use of the lands for all types, sizes and intensities of agricultural uses and normal farm practices, agricultural-related uses and on-farm diversified uses.

SVCA staff have noted that although the site is located outside of their regulated area that it is the responsibility of the applicant to contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address the policies of the Provincial Policy Statement (PPS), specifically section 2.1.7.

It is the opinion of planning staff the proposed accessory structure meets the intent and purpose of the official plan.

2. Does the Minor Variance maintain the general intent and purpose of the municipality's comprehensive zoning by-law 37-2006?

The subject lands are zoned A3 (restricted rural) within the municipality's comprehensive zoning by-law 37-2006. Section 10.1 of the zoning by-law outlines the uses permitted within the A3 zone. Accessory structures are a permitted use within this zone provided they are in accordance with section 6.1.4(ii).

The intent of subsection 6.1.4(ii) is to ensure that the accessory structure is not the predominant use of the lands and is compatible with the built form existing on the subject lands.

On the basis that one (1) of the existing accessory structures will be removed and that the accessory structure is appropriately located in the rear yard, planning staff are satisfied that the proposal maintains the general intent and purpose of the municipality's comprehensive zoning by-law.

3. Is the variance minor in nature?

To assess the variance in this regard, it is necessary to review the potential impact of the request on adjacent lands.

A single detached dwelling unit is located west of the subject lands and east of the subject lands. Commercial uses are also located east of the subject lands. The proposed accessory structure will be located in the northeast corner of the subject lands and will meet the required side and rear yard setbacks under the zoning by-law. The



September 8, 2020 (3)

proposed location is approximately 30 metres from the adjacent residential use to the east and is not anticipated to have a negative impact on the adjacent lands to the east.

The accessory structure will be located approximately 25 metres from the commercial lands to the west and is not anticipated to have a negative impact in this regard.

It is the opinion of planning staff that the request is minor in nature.

4. Would the minor variance represent an appropriate or desirable use of the land, buildings or structures?

The accessory structure meets the balance of the requirements under section 6.1 of the zoning by-law and is considered a permitted use. The requested variance to increase the size of the accessory structure is considered an appropriate use of the lands provided one (1) of the existing accessory structures is removed as indicated by the applicant and their agent.

Although not one of the four (4) tests of a minor variance, planning staff are required to identify if the application is consistent with the PPS.

The PPS does not regulate the size of buildings or structures. The PPS contains policies related to the protection of endangered or threatened species habitat. Staff concur that the applicant should confirm with MECP that the proposal is consistent with section 2.1.7 of the PPS. However, on the basis that alterations have occurred on the adjacent lands and the subject lands, it is not anticipated that further alteration will represent an issue for the proposed structure. Planning staff are satisfied that the application is consistent with the PPS.

Planning staff also note that comments were received from the County of Grey Transportation Department. The applicant is advised that only one (1) entrance is permitted to a County Road.

Financial and resource implications

None.

Staffing implications

None.

Consultation

- County of Grey Planning Department
- County of Grey Transportation Department
- Saugeen Valley Conservation Authority



September 8, 2020 (4)

Alignment to strategic vision plan

Pillar: Build a better future
Goal: Invest in business
Strategy: Take a co-operative approach to development

Attachments

- County of Grey Planning Department comments
- County of Grey Transportation Department comments (incl. with planning comments)
- Saugeen Valley Conservation Authority comments

Next steps

That Committee approve minor variance application A02/2020.

Respectfully submitted:



Lorelie Spencer, Ba.U.R.PI. MCIP, RPP
Manager of Planning and Development