



Council report

Meeting date:	January 17, 2022
Title:	ZA26.2021- McNABB, Randy and McNABB, Vicki
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, C.A.O.

Recommendation

That council receive Planner Spencer's report and considers 1st, 2nd, and 3rd reading of the bylaw at a subsequent council meeting.

Executive summary

The applicant received provisional consent from the Committee of Adjustment on December 6th, 2021. One of the conditions of consent is the passage of a Zoning By-law Amendment. The amendment will recognize the deficient front yard setback and rear yard setback of the existing dwelling unit while also implementing a holding provision on the retained parcel to address future land use feasibility for residential purposes.

The subject lands are municipally known as 221 Bruce Street South, Durham. The property is legally identified as plan 500 E/S; Pt. 6 and 7 within the primary settlement area of Durham. The lands are physically located on the east side Bruce Street South and south of Sadler Street West. The property is designated as being within a 'primary settlement area' under the County of Grey Official Plan and as 'Downtown Commercial and Residential' within the Municipality of West Grey Official Plan. A single detached dwelling unit and dry storage facility currently exist on the subject lands. The existing single detached dwelling unit and the dry storage facility currently have separate entrances along Bruce Street South. Planning Staff are aware that the Public Works Department has been on-site and verified that these entrances are sufficient for the current land use at this time.

This file is related to a provisionally approved consent application. The purpose of application B32.2021 was to sever one (1) 0.04 ha. (0.10 acre) parcel and retain one (1) 0.145 ha. (0.40 acre) parcel. The effect of which provisionally severed the existing single detached dwelling unit from the balance of the lands. Application ZA26.2021 will implement a condition of consent by rezoning the subject lands.

The purpose of file ZA26.2021 is to change the zone symbol on the subject lands from FD (future development) and FL (floodline) to R2-445 (residential with exception), FL (floodline) and FD-h (future development with a holding provision). The effect of which will recognize the deficient interior side yard setback and rear yard setback of the existing detached dwelling unit



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on the newly created parcel. The holding provision shall be in place until a feasibility study is provided to the satisfaction of the County, Municipality and the Conservation Authority to demonstrate that a change to residential land use is feasible on the subject lands. Further studies may be required as a result of the feasibility component and the extent of the development proposed at the time.

The provisional consent approval approved the creation of an approximately 0.04 ha. (0.10 acre) residential parcel and the retention of a parcel approximately 0.15 hectares (0.37 acre) in size which contains the dry storage facility.

Notice of no appeals related to the consent application was provided on January 4th, 2021.

In order to finalize the provisional consent the applicant is required to address the conditions of decision no later than one year from the date of decision (December 6th, 2022). Five conditions were provided as part of the provisional approval which included the following:

- 1) Payment of any outstanding municipal taxes, if applicable;
- 2) Payment of the Parkland Dedication Fee for the newly created parcel;
- 3) Payment of the entrance permit application fee;
- 4) Payment of the zoning by-law amendment application fee; and
- 5) Passage of a zoning by-law amendment.

If approved, this application will fulfill conditions 4 and 5.

Background and discussion

The merits of this application were previously assessed against the policies of the 2020 Provincial Policy Statement (PPS), the County of Grey Official Plan, and the Municipality's zoning by-law 37-2006. The evaluation of the consent application provided to the Committee of Adjustment has been included below for Council's reference.

1.0 2020 Provincial Policy Statement

The 2020 PPS requires that all planning considerations are consistent with the policies of the PPS.

The subject lands are designated as primary settlement area within the County of Grey Official Plan and 'residential' under the Municipality of West Grey Official Plan. Policy 1.1.1 of the 2020 PPS speaks to the promotion of efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. Policy 1.1.3.2 speaks to the focus of growth and development within settlement areas. Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses. Policy 1.1.3.4 further states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or



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mitigating risks to public health and safety.

Planning staff remain confident that the separation of the existing built forms on the subject lands through this application is consistent with the policies of the 2020 PPS while also providing a variety of land uses.

2.0 County of Grey Official Plan (Recolour Grey)

The subject lands are designated as a primary settlement area in the County Official Plan. The existing uses on the subject lands are not anticipated to change and no information related to a potential change in land use has been provided by the applicant.

Policy 3.5 speaks to primary settlement areas. These areas have been identified as suitable areas for high intensification targets and have full municipal services
Policy 3.5 speaks to primary settlement areas. These areas have been identified as suitable areas for high intensification targets and have full municipal services.

Although the built form is not proposed for change the legal description of the property will change through the creation of a new lot line. Policy 3.5(6) states that intensification opportunities are strongly encouraged within primary settlement areas. This does not represent an intensification at this point in time.

Based on the existing land uses and built form, planning staff remain generally satisfied that the proposed lot line maintains the general intent and purpose of the County official plan.

3.0 Municipality of West Grey Official Plan

The subject lands are designated 'residential' with an identified regulated area under the municipal official plan. Comments from the conservation authority have been requested for further clarification of the regulated area requirements.

Policy C2 of the municipal official plan states that an overall objective is for the promotion of Durham and Neustadt as focal points for appropriate forms of urban development. This policy further supports the promotion of development through infilling and intensification of existing developed or partially developed areas of Durham and Neustadt.

Although there is no proposed change in the built form on the subject lands, the proposed lot line creation is considered to maintain the general intent and purpose of the municipal official plan. Planning staff continue to have no concerns in this regard.

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

The subject lands are zoned FD (future development) and FL (floodline) under the municipality's zoning by-law. An application to change the zoning on the subject lands has been provided by the applicant which rezones the property R2-445 (residential with exception), FL (floodline) and FD-h (future development with a holding provision). The exception will



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address deficient setbacks. The holding provision shall be in place until a feasibility study is provided to the satisfaction of the County, Municipality and the Conservation Authority to demonstrate that a change to residential land use is feasible on the subject lands.

The structures on the subject lands exist under current conditions and the creation of the lot line requires recognition of the setbacks. There is no change in the use of the property beyond the establishment of the lot line at this time.

Planning staff remain satisfied that this will address the appropriate use of the lands.

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
- Hydro One

Further comments are not anticipated as a result of this application.

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

- Aerial and official plan mapping
- Aerial and zoning mapping
- Executed application form
- Draft zoning by-law
- Draft schedule

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

Next steps

Following this meeting, at a subsequent meeting of Council provided that the bylaw receive 1st, 2nd, and 3rd reading a notice of decision will be issued. Following the appeal period and provided no appeals have been received, planning staff will notify the applicant and advise that two of the conditions of provisional consent have been fulfilled.

Respectfully submitted:



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Manager of Planning and Development