



## Committee of adjustment report

<b>Meeting date:</b>	May 16, 2022
<b>Title:</b>	A06.2022 – RISK, Ruthanne and RISK, David
<b>Prepared by:</b>	Lorelie Spencer, Manager of Planning and Development
<b>Reviewed by:</b>	Laura Johnston, CAO

### Recommendation

That Committee of Adjustment receives the report from Planner Spencer, A06.2022 – RISK, Ruthanne and RISK, David wherein the planner recommends approval of application A06.2022 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 444603 Concession 8 within the geographic Township of Glenelg. The purpose of the application is to vary the provisions of sections 6.1.2(b)9.2.3(c) to permit the construction of an accessory structure within the defined front yard and to permit a reduced front yard setback of approximately 9.1 metres. The effect of which will permit the placement of an accessory structure on the subject lands.

### Background and discussion

The property is located west of the intersection of Hamilton Lane and Concession 8. The property currently contains a single detached dwelling unit and pool. The property is approximately 0.48 ha (1.2 acres) in size and contains some mature vegetation in the form of trees.

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 identified as rural under the County of Official Plan. Section 5.4.1 defines the permitted uses within the rural designation. Residential dwelling units and accessory structures are permitted within this land use designation.

The property is an existing undersized lot of record. New lot creation requires a minimum lot size of 0.8 ha. (2.0 acres)

The proposed development on the subject lands is proposed on an existing lot of record. In this capacity, the proposal generally conforms to the policies of the Official Plan.



May 16, 2022 (2)

2. Does the Minor Variance maintain the intent and purpose of the Zoning By-law?

The intent of provision 6.1.2(b) is to limit the placement of any accessory structure or building within the front yard so the overall streetscape of the surrounding neighbourhood maintains that the residential dwelling unit as the predominant view of the property. The applicant has provided a site plan indicating the intended placement of the accessory structure. Planning staff are satisfied that the location of the accessory structure still maintains the general intent and purpose of this provision as the dwelling unit will continue to be the dominant visual component of the streetscape.

Provision 9.2.3(c) requires a front yard setback for structures accessory to dwelling units of 20.0 (66 feet). The intent of this provision is to ensure safe access for maintenance purposes and provide privacy between adjacent lands. Based on the placement of the existing dwelling unit, the location of existing private services and vegetation limit the placement of the accessory structure in accordance with the zoning requirements. The request for relief to permit a front yard setback for the proposed accessory structure is considered appropriate as it will still maintain the general intent and purpose of this provision.

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. Development of this site would not impact the adjacent lands as the property is located on an existing lot of record. Of note, minimum distance separation (MDS) calculations are not required to be conducted on an existing lot of record but the applicant should be advised that this area will be subject to noise and activities that are considered typical farming practices.

Planning staff consider the application minor in nature as a result.

4. Does the minor variance represent an appropriate or desirable use of land and buildings?

The property is presently zoned entirely A2 (rural) within the municipality's comprehensive zoning by-law. As previously noted, accessory residential uses are permitted within the A2 zone. The request to locate the new structure on the subject land on the scale and location noted on the site plan is considered a desirable use of land and the future buildings.

Based on review of the above, planning staff 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: Review the official plan and zoning by-law

Strategy: Take a cooperative approach to development

## Attachments

- 1.) Aerial and official plan mapping
- 2.) Aerial and zoning map
- 3.) Commissioned application form
- 4.) County of Grey Planning and Development Department comments

## Next steps

If approved, planning staff will provide notice of decision. Provided no appeals are received, the applicant will be advised that they can pursue their building permit.

Respectfully submitted:



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