



Committee of adjustment report

Meeting date:	June 6, 2022
Title:	A08.2022 – WELTZ, Chad and WELTZ, Becky
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That Committee of Adjustment receives the report from Planner Spencer, A08.2022 – WELTZ, Chad and WELTZ, Becky wherein the planner recommends approval of application A08.2022 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 is considered a desirable use of the land and buildings.

Executive summary

The subject lands are municipally identified as 133 Marshall Heights, south of the Town of Durham. The property is legally identified as lot 34; plan 16M29 in the geographic township of Glenelg. The purpose of the application is to vary the provisions of sections 6.1.4(ii) and 6.1.3 to permit a total floor area of 118 m² (1,270 ft²) whereas 92.9 m² (1,000 ft²) is permitted and a total height of 5.48 metres whereas 5.0 metres is permitted. The effect of which will permit the construction of an accessory structure. A single detached dwelling unit is also proposed for the subject lands and permit applications have been provided for both structures.

Background and discussion

The property is located on the east of Highway 6 on the south side of Marshall Heights. The property is currently vacant and the application is intended to facilitate the development of the subject lands. The property is approximately 0.56 hectares (1.38 acres) in size. The property has previously been cleared and limited vegetation exists on the subject lands at this time. The property is located within the Marshall Heights Subdivision.

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 within schedule 'A' of 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. Appendix 'B' of the County Plan further identifies a swath of significant woodlands through the midpoint of the property.



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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.

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

The intent of provision 6.1.4(ii) is to ensure the overall streetscape is maintained with the principal use of the property (single detached dwelling) is predominant. The applicant has provided a site plan indicating the intended placement of the dwelling unit relative to the proposed accessory structure. Based on the site plan provided, the accessory structure will maintain a front yard setback of approximately 55.0 metres (180.0 feet) and the single detached dwelling unit will maintain a front yard setback of approximately 25.0 metres (82.0 feet). In addition, Planning staff are satisfied that the accessory structure is located in the rear yard as required by the zoning by-law.

Despite the request to increase the total floor area to approximately 118.0 m² (1,270.0 ft²), the location of the structure in the side yard ensures that it will not dominate the streetscape. The use of the accessory structure is personal storage which will enhance the streetscape by avoiding the need for outside storage. Planning staff are satisfied that the intent of provision 6.1.4(ii) is maintained.

The intent of provision 6.1.3 is aligned with the intent to ensure that the single detached dwelling unit is the predominant streetscape on the subject lands. With the location of the accessory structure within the rear yard, planning staff consider the request to maintain the intent of provision 6.1.3.

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.

Outside storage on the subject lands will be minimized which planning staff consider to be appropriate. Although an increase in height of 0.48m (1.6 feet) has been requested, planning staff appreciate that it will facilitate the storage component maintaining the streetscape intended under provision 6.1.3.

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 R1A (residential) within the municipality's comprehensive zoning by-law. Residential dwelling units and accessory structures are permitted within the R1A 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

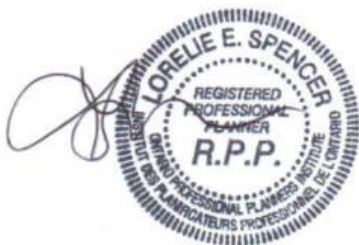
Attachments

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

Respectfully submitted:



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