



# Agenda

**Municipality of West Grey  
Committee of Adjustment Meeting  
Monday, July 30<sup>th</sup>, 2018, 1:00 p.m.,  
West Grey Municipal Office**

Items of Business:

1. Disclosure of Pecuniary Interest
  
2. Public Meetings
  - 1:05 p.m. – Minor Variance Application A05/18 – Plan 507, Lot 13 (482 Albert Street South), former Town of Durham (Patricia & Bev McNabb) (attachment)
  
3. Other - None
  
4. Next Meeting – August 13, 2018, 1:00 p.m., West Grey Municipal Office
  
5. Adjournment



Municipality of West Grey Committee  
Of Adjustment  
Notice of Application for Minor Variance  
The Planning Act, RSO 1990, as amended

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**Take Notice** that the Municipality of West Grey Committee of Adjustment has appointed **July 30<sup>th</sup>, 2018**, at **1:05 p.m.**, for the purpose of a public hearing into this matter. The Hearing will be held at the Council Chambers in the West Grey Municipal Office, 402813 Grey Rd. 4, R.R. #2, Durham, Ontario.

Minor Variance – s. 45 (1)       Permission – s. 45 (2)

**Application for Minor Variance – File No.: A05/18**

**Name of Owner: McNABB, Patricia & Bev**

**Address of Applicant: 482 Albert St. S., Box 1471, Durham, ON., N0G 1R0**

**Purpose and Effect of the Application: To seek relief from subsection 6.21 of West Grey Comprehensive Zoning Bylaw Number 37-2006, as amended, to permit the construction of a new 11.9 sq.m. accessory residential structure (shed).**

**Municipality: Municipality of West Grey (former Town of Durham)**

**Plan 507, Lot 13 (482 Albert Street South), Property Roll No. 4205 260 005 09300 0000**

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Property owners within 60 metres of the subject land are hereby notified of the above application for minor variance.

If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed minor variance does not make **written submissions** to: Committee of Adjustment, before it grants or refuses the minor variance, the Local Planning Appeal Tribunal may dismiss the appeal.

A certified copy of the decision, with a notice of the last day for appealing to the Local Planning Appeal Tribunal will be sent no later than ten days from the decision being made, to the applicant, and any individual who appeared in person at the public hearing and who requested the secretary-treasurer a written request for notification of the decision.

Additional information regarding the application is available for public inspection from Monday to Friday 8:30 A.M. to 4:30 P.M. at the Municipality of West Grey Municipal Office.

When requesting information please quote File No. **A05/18**

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**Dated this 4<sup>th</sup> day of July, 2018.**

**Mark Turner, ACST, Secretary-Treasurer  
Committee of Adjustment**

**Municipality of West Grey  
402813 Grey Road #4, R.R. #2,  
Durham, Ontario, N0G 1R0  
PHONE: 519-369-2200  
1-800-538-9647  
FAX: 519-369-5962  
EMAIL: mturner@westgrey.com**



Notes

This map is a user generated static output from an internet mapping site and is for reference only.  
Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Printed: July 3, 2018

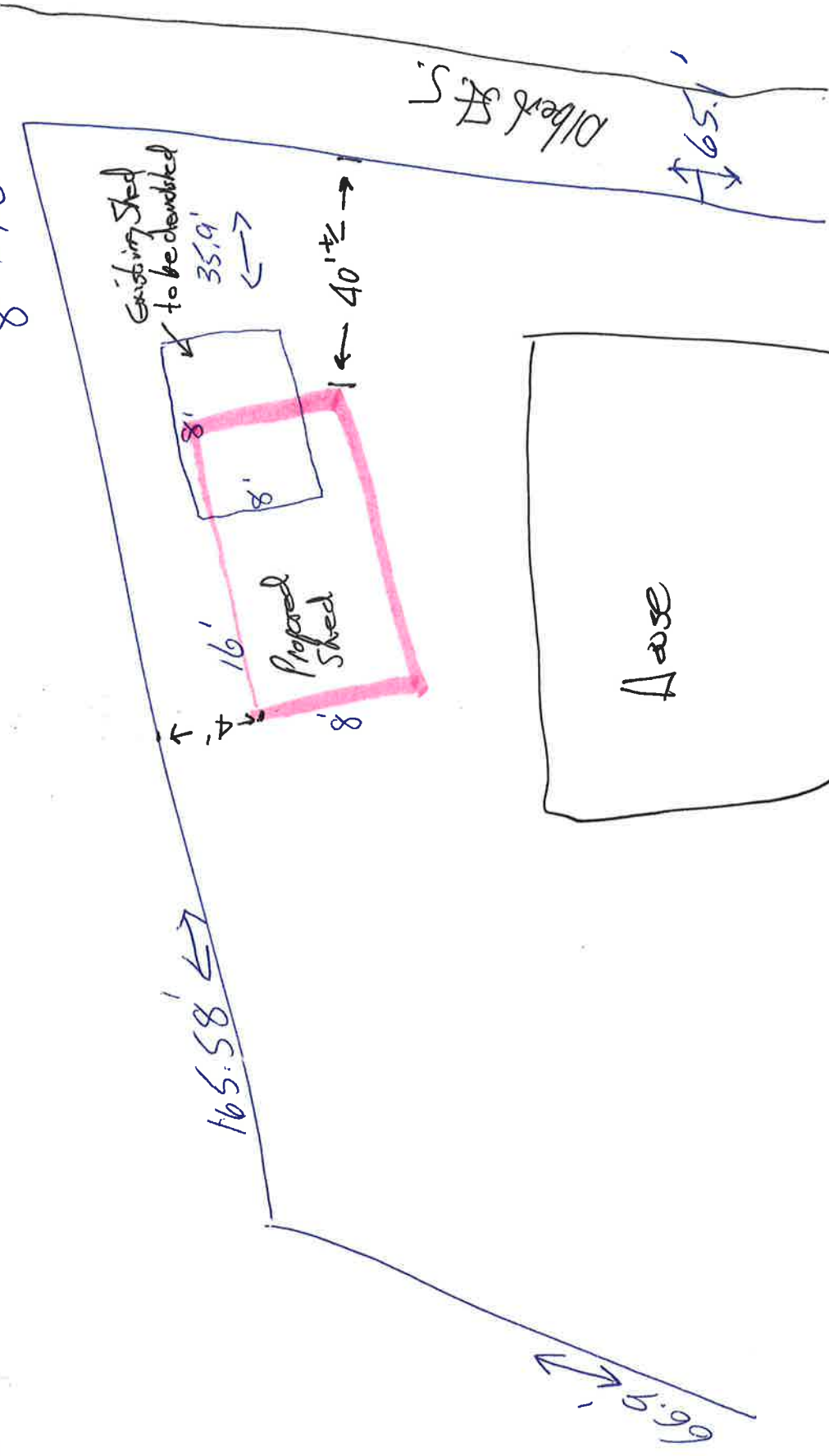


WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© County of Grey

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**PROPOSED**

8' x 16'



N ↑



**Planning Report**  
**for the Municipality of West Grey**  
**Planning Advisory Committee**

Date: July 30, 2018

File No: A05/18

Owner: Patricia and Bev McNabb

Legal Description: Lot 13, w/s Albert Street

Address: 428 Albert Street South, Durham

**Purpose of Application:**

The subject property is zoned 'C2' (Highway Commercial) but is used for residential purposes. The existing detached dwelling is not a permitted use in the 'C2' zone but legally predates the Zoning By-law and is therefore considered a "legal non-conforming use".

The owner wishes to remove an old shed on the site and replace it with a larger (8' x 16') shed. This is considered to be an expansion of a legal non-conforming use and therefore requires permission from the Committee of Adjustment.

**Subject Lands:**

The subject lands are located in the southeast quadrant of Durham, along the west side of Albert Street.

Situated on the site is a detached dwelling and an 8' x 8' shed.

**Adjacent Lands:**

The subject property is located within an area that is represented by a mixture of commercial, industrial and residential uses, including:

- manufacturing operation to the northeast;
- commercial to the east;
- residential dwelling to the south;
- apartments further south;
- library to the west;
- library parking lot to the north.

**Official Plan Conformity:**

The subject lands are designated 'Highway Commercial' on Schedule A to the West Grey Official Plan. The predominant use of land within the 'Highway Commercial' designation are those uses which are not compatible with the compact nature of the downtown areas due to space and parking demands, and include automotive uses, restaurants, motels, garden centres, building supplies, home improvement stores, retail stores and grocery stores. Detached dwellings are not permitted within this land use designation.

As noted earlier in this Report, the existing residential use of the site qualifies as legal non-conforming. The Official Plan states the following with regard to such uses:

- F3.2 As a general rule, legal non-conforming uses should cease to exist in the long run, and alterations, expansions and changes in use which did not meet the requirements of the Zoning By-law should be discouraged.*
- F3.3 In special circumstances, however, it may be desirable to permit the extension or enlargement of a legal conforming use in order to avoid unnecessary hardship. In other circumstances, it may be desirable to allow for a change of use of the land, building or structure if the intended use is more compatible with the uses permitted by the Zoning By-law than the legal non-conforming use, or if the intended use was previously permitted on the subject lands by the Zoning By-law. In such situations, the Committee of Adjustment may consider granting permission for an expansion or change of use, as per Section 45(2) of the Planning Act (R.S.O. 1990).*
- F3.4 In considering an application of expansion or change of use pertaining to legal non-conforming uses, the Committee of Adjustment shall take into consideration the following:*
- F3.4.1 The proposed expansion or change in use shall not make the non-conforming nature of the property worse.*
- F3.4.2 The proposed expansion or change of use shall be in an appropriate proportion to the size of the existing use.*



- F3.4.3 *The proposed expansion or change of use shall have minimal impact on the surrounding built environment in terms of projected levels of noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation.*
- F3.4.4 *The proposed expansion of change of use shall include the protection of surrounding uses through the provision of landscaping, buffering or screening, appropriate setbacks for buildings and structures, or other measures which improve compatibility with the surrounding area.*
- F3.4.5 *The traffic and parking conditions shall not be adversely affected by the proposed expansion or change of use.*

With regard to these policies, it is important to note that the intent of this application is to replace an existing shed with another shed. Approving the application would presumably have little impact on the long-term use of the site, be it for residential or commercial purposes. At the same time, allowing for the replacement of the existing accessory building should have no impact on the short term or long term uses of the other properties in the neighbourhood which, as mentioned, comprise of commercial, residential and industrial types. No negative impact should result from the shed being replaced.

**Provincial Policy Statement:**

Allowing for the existing shed to be replaced with a larger shed would not be inconsistent with the Provincial Policy Statement.

**Discussion and Recommendation:**

The proposed enlargement to the existing legal non-conforming use has merit and should be given favourable consideration.

Please note that this Report was prepared before all of the agency comments had been received and prior to the Public Meeting. It is possible that comments received after the writing of this Planning Report could warrant a reconsideration of the aforementioned recommendation.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Ron Davidson', written in a cursive style.

Ron Davidson, BES, RPP, MCIP





## Planning and Development

595 9<sup>th</sup> Avenue East, Owen Sound Ontario N4K 3E3  
519-372-0219 / 1-800-567-GREY / Fax: 519-376-7970

July 17, 2018

Mark Turner, ACST  
Secretary-Treasurer, Committee of Adjustment  
Municipality of West Grey  
402813 Grey Road #4, R.R. #2  
Durham, Ontario, N0G 1R0  
\*Sent Via E-mail-

**RE: Minor Variance Application A05/18  
Plan 507, Lot 13 (482 Albert Street South)  
Municipality of West Grey (geographic Town of Durham)  
Applicant/Owner: Patricia and William McNabb**

Dear Mr. Turner,

This correspondence is in response to the above-noted minor variance application. We have an opportunity to review the application in relation to the *Planning Act*, Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose of the subject application is to seek relief from subsection 6.21 of West Grey Comprehensive Zoning Bylaw Number 37-2006, as amended, to permit the construction of a new 11.9 square metre accessory residential structure (shed).

Schedule A of the OP designates the subject property as 'Primary Settlement Area'. Section 2.6.3(3) of the OP states;

*"This Official Plan shall promote the development of the Primary Settlement Areas designation for a full range of residential, commercial, industrial, recreational, and institutional land uses."*

The subject application is accessory to a residential use in a commercial zone. The County Plan generally defers to detailed municipal planning documents for development within Primary Settlement Areas.

The subject application is considered an extension of a legal non-conforming use. Section 6.8 of the County Plan contains policies on non-conforming uses. Subsection 1 of this section notes that uses which do not conform to this Plan will normally cease to exist in the long term. It is worth noting that the use does generally conform to the County Plan, but does not conform to the existing C2 zoning on the property.

Subsection 3 gives criteria (see below) for the Committee of Adjustment's consideration in assessing an application to enlarge or extend a non-conforming use.

- a) *"The proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation created by the existence of the use;*
- b) *The proposed extension or enlargement shall be reasonable relative to the size of the existing use;*
- c) *The characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting and traffic generating capacity. No amendment to the Zoning By-law shall be made if one or more such nuisance factors will be created or increased;*
- d) *Neighbouring conforming uses shall be protected by the imposition of any appropriate site plan control measures;*
- e) *The servicing policies of Section 5.3 can be met and the development proposed observes compliance with the Ontario Building Code."*

The proposed shed will be replacing an existing shed, and would appear to have little impact on the property or surrounding commercial zones, as they relate to the above criteria.

The subject lands are also within 500 metres of a mapped abandoned landfill site on Appendix A to the County Plan. In the County's 2015 Historic Landfill Study it was determined that this site was 'cleared – proven not to exist'; therefore no further study is needed in this regard.

Transportation Services has reviewed the above noted file and has no objections. It shall have no impact to Grey Roads.

The subject property is within close proximity to a propane facility. The installation of this shed would not appear to be a more sensitive land use than the existing house in this regard. However, the owner of this propane facility should be given the opportunity to comment on this application if so desired.

County Planning staff have no further concerns with the above noted application.

The County requests notice of any decision rendered with respect to this application.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,



Scott Taylor, MCIP, RPP

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July 17, 2018

Senior Planner  
519-372-0219 extension 1238  
[scott.taylor@grey.ca](mailto:scott.taylor@grey.ca)

Cc Ron Davidson, Municipality of West Grey (by email only)



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0  
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY ([mturner@westgrey.com](mailto:mturner@westgrey.com))

July 24, 2018

Municipality of West Grey  
Committee of Adjustment  
402813 Grey Road 4  
RR # 2  
Durham, ON  
N0G 1R0

ATTENTION: Mark Turner, Secretary-Treasurer

Dear Mr. Turner,

RE: Application for Minor Variance A05/18  
482 Albert Street S  
Lot 13, Plan 507  
Roll No. 420526000509300  
Geographic Town of Durham  
Municipality of West Grey

(McNabb)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed this application in accordance with the SVCA's mandate, the SVCA Environmental Planning and Regulations Policies Manual, Approved May 16, 2017, as well as the Memorandum of Agreement between the Authority and the Municipality of West Grey relating to Plan Review. The purpose of the application is to seek relief from subsection 6.21 of West Grey Comprehensive Zoning Bylaw Number 37-2006, as amended, to permit the construction of a new 11.9 square metre accessory residential structure (shed). SVCA staff conducted a site inspection of the property on July 20, 2018. The application is acceptable to SVCA staff, and we offer the following comments.

#### **Natural Hazards**

In the opinion of SVCA staff, the negative impacts to natural hazards as a result of this proposal will be negligible.

#### **Natural Heritage**

In the opinion of SVCA staff, the significant natural heritage features affecting the subject property include Fish Habitat and potentially the Habitat of Endangered Species and Threatened Species.



#### **Watershed Member Municipalities**

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

### Fish Habitat

An unnamed tributary of Camp Creek is located on the adjacent lands of the property and is considered fish habitat by SVCA staff. Section 2.1.8 of the Provincial Policy Statement (PPS 2014) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands of fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological functions. SVCA staff is of the opinion that the negative impacts to the lands adjacent to fish habitat as a result of this proposal will be negligible, and we are not recommending the preparation of an Environmental Impact Study (EIS).

### Significant Habitat of Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located on and adjacent to the property. Section 2.1.7 of the Provincial Policy Statement (PPS 2014) indicates that development and site alteration shall not be permitted in habitat of endangered species or threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNRF) for information on how to address this policy. MNRF inquiries in Grey County can be directed to Jody Scheifley, Management Biologist, phone: 519-371-8471, email: [jody.scheifley@ontario.ca](mailto:jody.scheifley@ontario.ca).

### **SVCA Regulation**

The northeast portion of the property is subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the Conservation Authorities Act R.S.O. 1990, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse.

### "Development" and Alteration

Subsection 28(25) of the Conservation Authorities Act defines "development" as:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind,*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,*
- c) *site grading, or*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting, or interference in any way with the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

Municipality of West Grey  
A05/18 (McNabb)  
July 24, 2018  
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To determine where the SVCA's area of interest is located associated with our Regulation on the subject property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

For this particular property, the Approximate Screening Area includes the tributary of Camp Creek located on the adjacent lands, plus a 30 metre offset distance.

#### Permission for Development

If development or alteration including construction, reconstruction, conversion grading, filling or excavation is proposed within the Approximate Screening Area on the property, the SVCA should be contacted, as permission from the SVCA may be required.

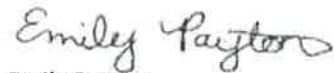
A permit, subject to conditions will be required from the SVCA for the proposed shed. The Applicant should contact our office to initiate our Regulatory review process.

#### **Conclusion**

All of the plan review functions listed in the Agreement have been assessed with respect to this application and is acceptable to SVCA staff.

We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,



Emily Payton  
Environmental Planning Technician  
Saugeen Conservation

EP/

cc: Patricia and Bev McNabb, Owner (via email)  
John Bell, Authority Member, SVCA (via email)  
Kevin Eccles, Authority Member, SVCA (via email)

## Mark Turner

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**From:** Chris Hachey <hsmasstrcc@bmts.com>  
**Sent:** Wednesday, July 04, 2018 9:18 AM  
**To:** mturner@westgrey.com  
**Subject:** Request for Comments - West Grey (Patricia and Bev McNabb) - Proposed Minor Variance

Your File: A05/18  
Our File: West Grey Municipality

Mr Turner,

The Historic Saugeen Metis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed development, land re-designation, zoning, land severance, Official plan and/or Zoning By-law Amendments.

Thank you for the opportunity to review this matter.

Regards,

Chris Hachey

Assistant Coordinator, Lands, Resources and Consultation

Historic Saugeen Métis  
204 High Street  
Southampton, Ontario, N0H 2L0  
Telephone: (519) 483-4000  
Fax: (519) 483-4002  
Email: [hsmasstrcc@bmts.com](mailto:hsmasstrcc@bmts.com)

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