

**Municipality of West Grey
Committee of Adjustment
Minutes of July 30th, 2018 at 1:00 p.m.**

The Committee of Adjustment met at the Council Chambers with the following members in attendance:

Members Present: John A. Bell (Chair), Kevin Eccles, Bev Cutting, Rebecca Hergert, Doug Hutchinson, Rob Thompson
Members Absent: Carol Lawrence
Also Present: Mark Turner, Secretary/Treasurer

1. Disclosure of Pecuniary Interest - None
2. Public Meetings
 - 1) Minor Variance Application A05/18 – Plan 507, Lot 13 (482 Albert Street South), former Town of Durham (Patricia & Bev McNabb)

File	Applicant	Decision
A05/18	Patricia & Bev McNabb	GRANTED

Attendance: Patricia McNabb

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the minor variance 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 sq.m. (128 sq.ft.) accessory residential structure (shed).

Written comments were received from the Grey County Planning & Development Department, Municipal Planner, Saugeen Valley Conservation Authority, and Historic Saugeen Metis.

The Historic Saugeen Metis indicated in an email dated July 4, 2018 that they have no objection or opposition to the proposed application.

The Grey County Planning & Development Department indicated in a letter dated July 17, 2018 that 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. The proposed shed will be replacing an existing shed, and would appear to have little impact on the property or surrounding commercial zones. Transportation Services has reviewed the above noted file and has no objections. It shall have no impact to Grey Roads.

The GCPD letter further notes that 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 Saugeen Valley Conservation Authority indicated in a letter dated July 24, 2018 that 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 inquires in Grey County can be directed to Jody Scheifley, Management Biologist, phone: 519-371-8471, email: jody.scheifley@ontario.ca.

The SVCA letter further noted that 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.

The SVCA letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to this application and is acceptable to SVCA staff.

The Municipal Planner indicated in his Planning Report dated July 30, 2018 that 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. the proposed enlargement to the existing legal non-conforming use has merit and should be given favourable consideration.

Patricia McNabb spoke in favour of the proposed minor variance. Patricia McNabb mentioned she recently paid a fee to the SVCA, and questioned why did she also paid at fee at the time of submission of the zoning by-law amendment application. The Clerk noted the West Grey fee collected was the fee collected on behalf of the SVCA for their comments respecting the zoning by-law amendment, and the fee recently paid by Mrs. McNabb is for the SVCA Permit for work in the SVCA regulated area.

COA 26/18 Moved by: Rebecca Hergert Seconded by: Kevin Eccles

Resolved that, Minor Variance Application A05/18 be approved, as the Committee is satisfied that the variance maintains the intent and purpose of the Grey County

Official Plan, and Municipality of West Grey Comprehensive Zoning By-law Number 37-2006, as amended; is minor in nature; and represents an appropriate or desirable use of the lands and buildings.

Committee Members: Attending members present. All yea. Carried.

3. Other - None

4. Next Meeting – August 13, 2018, 1:00 p.m., West Grey Municipal Office

On motion of Rebecca Hergert and Doug Hutchinson, the Committee adjourned at 1:13 p.m.

(Signed)
John A. Bell, Chair

(Signed)
Mark Turner, Clerk