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**Municipality of West Grey
Committee of Adjustment
Minutes of July 31st, 2017 at 11:45 a.m.**

Draft

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

Members Present: Kevin Eccles (Acting Chair), Bev Cutting, Rebecca Hergert, Doug Hutchinson, Carol Lawrence, Robert Thompson

Members Absent: John A. Bell

Also Present: Mark Turner, Secretary/Treasurer; Ron Davidson, Municipal Planner

1. Disclosure of Pecuniary Interest - None
2. Public Meetings
 - 1) Minor Variance Application A08/17 – Concession 1, Pt Div 3, Lot 31, RP16R9945, Parts 2-4 (152 Harry Bye Blvd.), former Township of Normanby (MARMO Properties Inc.)

File	Applicant	Decision
A08/17	MARMO Properties Inc. (Former Township of Normanby)	GRANTED

ATTENDANCE: Andrew Halliday

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 the M1-237 (Industrial Exception Zone) to reduce the minimum front yard setback requirement from 15 metres to 7.5 metres to permit an addition to an existing space extensive commercial building

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

The Historic Saugeen Metis indicated in an email dated July 19, 2017 that they have no objection or opposition to the proposed development.

The County of Wellington indicated in an email dated July 26, 2017 that they have no comments/concerns respecting the minor variance application.

The Grey County Planning & Development Department indicated in a letter dated July 24, 2017 that Schedule A of the OP designates the subject property as 'Space Extensive Commercial'. Policy 2.10(3) outlines a number of development criteria within this designation. Some that may be of particular interest are: (a) The use must be dry in nature. A dry use is one which could exist without the necessity of a municipal piped water and municipal sewage system to accommodate it, and is one where only waste water discharges are from employee washrooms. All uses shall meet the requirements of the appropriate approval authority with respect to the water taking, waste water discharge, solid waste disposal, and all emissions to the atmosphere including noise and vibration; (b) An adequate and potable supply of water shall be available and it shall be the responsibility of the applicant to provide a report on the adequacy of the water supply; (c) Soils shall be suitable to support an individual sewage system, subject to the approval of the appropriate authority; (d) Adequate drainage and outlets must be provided for stormwater run-off. Approval of drainage provisions will be required from the appropriate approval authority; (f) Entrances will be limited in number and typically only one entrance will be allowed and continuous access across the lot frontage is discouraged. Common or shared entrances, rather than separate entrances for each establishment are strongly encouraged and applicants for new development who propose individual entrances are required to justify why common entrances could not be used; (g) Buildings containing space extensive commercial uses shall be so designed and any lighting or signs so arranged as to blend in with and be compatible with surrounding uses; (h) Adequate buffering shall be maintained between commercial uses and any residential, open space, recreational or institutional use.

The Grey County Planning & Development Department concluded that provided there is adequate access to potable water, waste water is from employees only, traffic access is discouraged along the lot frontage, and the proposed development is compatible with surrounding uses, County planning staff have no concerns with the subject application.

The Saugeen Valley Conservation Authority indicated in a letter dated July 26, 2017 that in the opinion of SVCA staff, the current NE Zone and Hazard Lands designation do not accurately represent site conditions. Given the information available at this time, it is the understanding of SVCA staff that there are no natural hazards affecting the westerly half of the subject property. SVCA staff recommends that the NE Zone and Hazard Lands designation be updated at the next opportunity. The Significant Natural Heritage features affecting the subject property are fish habitat, and the potential habitat of threatened or endangered species. It is the opinion of SVCA staff that the adjacent lands to fish habitat on the subject property will not be negatively impacted by this particular proposal and that an EIS regarding fish habitat is not warranted at this time.

The SVCA letter also notes that it has come to the attention of SVCA staff that the habitat of threatened or endangered wildlife species may be located in the area of the proposed development. 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 or threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the threatened and endangered 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.

The SVCA letter concludes that the proposed addition to the existing commercial building, and proposed new parking area, appear to be located outside of the SVCA's area of interest on the subject property. As such, a permit from this office is not required for this particular proposal. However, should the proposal change, or should any aspect of the proposed development encroach into the SVCA's area of interest, our office should be contacted as further review and approval may be required. If development or alteration including construction, reconstruction, conversion, grading, filling or excavation is proposed in or near the area of interest on the subject property in the future, the SVCA should be contacted as permission may be required. Provided the natural heritage policies mentioned above are appropriately addressed, then this proposed minor variance will be acceptable to SVCA staff. All of the plan review functions listed in the Agreement have been assessed with respect to this proposal

The Municipal Planner indicated in his Planning Report dated July 31, 2017 that the Minor Variance has merit and should be given favourable consideration. The Official Plan requires development within the 'Space Extensive Commercial' designation to be subject to a Site Plan Control Agreement. The Site Plan should address, among other things, stormwater management.

The Municipal Planner noted that typically in the M1 Zone, a 7.5 metre front yard setback requirement is sufficient, however, a 15 metre front yard setback requirement was established as part of the M1-237 Exception Zone.

Andrew Halliday, on behalf of MARMO Properties Inc., spoke in favour of the proposed minor variance.

The Committee did not require Site Plan Control.

COA 28/17 Moved by: Carol Lawrence Seconded by: Rebecca Hergert

Resolved that, Minor Variance Application A08/17 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.

4. Other

The Clerk provided a GIS map indicating where Kyle Kuepfer is proposing to relocate the garden suite (mobile home) presently on his property. The proposed new location is south of his house, only approximately 34 metres from the road and visible from the road. Mr. Kuepfer had provided to the Clerk and Municipal Planner various reasons why he prefers this location.

The Committee indicated it cannot support the proposed location, and indicated support would only be considered if it is clustered just west or east of the barn, and behind the house. The Clerk will inform Mr. Kuepfer of the comments from the Committee.

5. Next Meeting – September 11, 2017, 1:00 p.m.

On motion of Rebecca Hergert, the Committee adjourned at 12:14 p.m.

Kevin Eccles, Acting Chair

Mark Turner, Clerk