

Draft

**Municipality of West Grey
Committee of Adjustment
Minutes of July 9th, 2018 at 1:00 p.m.**

Draft

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

Members Present: John A. Bell (Chair), Kevin Eccles, Rebecca Hergert, Doug Hutchinson, Rob Thompson
Members Absent: Bev Cutting, Carol Lawrence
Also Present: Mark Turner, Secretary/Treasurer; Ron Davidson, Municipal Planner; Stephanie Lacey-Avon, Planner, Grey County Planning & Development Department

1. Disclosure of Pecuniary Interest - None
2. Approval of Minutes – June 5, 2018

COA 21/18 Moved by: Rebecca Hergert Seconded by: Doug Hutchinson

That, the Municipality of West Grey Committee of Adjustment hereby adopts the minutes of June 5, 2018, as printed.

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

3. Public Meetings
 - 1) Severance Application B04/2018 – Plan 500, Park Pt Lot 7, George N/S (240 Bruce Street North) former Town of Durham (579575 Ontario Ltd. – Don Tremble)

File	Applicant	Decision
B04/2018	579575 Ontario Ltd. (Don Tremble) - owner	GRANTED

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the severance application is to sever a residential lot and retain a residential lot.

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

The Historic Saugeen Metis indicated in an email dated June 7, 2018 that they have no objection or opposition to the proposed severance application.

The Grey County Planning & Development Department indicated in a letter dated July 5, 2018 that County Transportation Services has reviewed the above noted file and has no objections to the severance or zoning by-law amendment applications. The second entrance shall require an Entrance Permit and two exemptions for a Class 2 Road from the Director of Transportation Services to be requested at the time of application. The first exemption is for lacking the separation of 150 metres between entrances. The second exemption is for exceeding the number of six entrances on the same side of the road for one kilometre. Provided an entrance permit is obtained from County Transportation Services, County planning staff have no further concerns with the application.

The Planning Report dated July 5, 2018 by Stephanie Lacey-Avon, Grey County Planner, Grey County Planning & Development Department that County Transportation Services has reviewed the subject application and provide the following comments: The second entrance shall require an Entrance Permit and two exemptions for a Class 2 Road from the Director of Transportation Services to be requested at the time of application. The first exemption is for lacking the separation of 150 metres between entrances. The second exemption is for exceeding the number of six entrances on the same side of the road for one kilometre. Provided the subject lands will continue to be serviced with Municipal services, the proposed severance and zoning by-law amendment will conform to the County's Official Plan and will be consistent with the Provincial Policy Statement. Approval for these two applications should be considered.

The Saugeen Valley Conservation Authority indicated in a letter dated June 28, 2018 that in the opinion of SVCA staff, the significant natural heritage features affecting the subject property include Fish Habitat and the potential Habitat of Endangered Species and Threatened Species. 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 they are not recommending the preparation of an Environmental Impact Study.

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 (MNR) for information on how to address this policy. MNR inquiries in Grey County can be directed to Jody Scheifley, Management Biologist, phone: 519-371-8471, email: jody.scheifley@ontario.ca.

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

COA 22/18 Moved by: Doug Hutchinson Seconded by: Rob Thompson

Resolved that, Severance Application B04/2018 be approved, subject to the conditions of the Municipality and Agencies.

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

2) Severance Application B05/2018 – Concession 1 EGR, Pt Div 2, Lot 27, Plan 504, RP16R5753, Parts 1 & 2 (298 Elm Street), former Town of Durham (Kent Charlton)

File	Applicant	Decision
B05/2018	Kent Charlton - owner	GRANTED

Attendance: Kent Charlton

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the severance application is to sever a highway commercial lot and retain a highway commercial exception lot.

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

The Historic Saugeen Metis indicated in an email dated June 11 2018 that they have no objection or opposition to the proposed severance application.

Union Gas Limited indicated in an email dated June 12, 2018 that Union Gas Limited has service lines running within the area which may or may not be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, please ensure that an application for gas service is submitted through the Union Gas on line application tool 'Get Connected'.

The Grey County Planning & Development Department indicated in a letter dated June 25, 2018 that the subject property is within a Primary Settlement Area and the veterinary clinic use already exists in closer proximity to the pit, than the proposed new lot. The new lot is proposed to be a mini storage facility. Given the nature of this use, and the fact that the existing veterinary clinic is already closer to the pit, County staff perceives that there is not a high potential for increased land use conflicts as a result of this severance and rezoning, provided it remain Highway Commercial or mini-storage in nature. Ensuring that the use of this development is to be commercial in nature, and not for personal storage, County staff have no further concerns in this regard. Transportation Services has reviewed the above noted files and has no objections to the applications.

The Municipal Planner indicated in his Planning Report dated July 9, 2018 the proposed severance conforms to the West Grey Official Plan and Comprehensive Zoning By-law, and is consistent with the Provincial Policy Statement. As such, the severance should be approved.

The Saugeen Valley Conservation Authority indicated in a letter dated June 29, 2018 that it has come to the attention of SVCA staff that the habitat of threatened 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 species and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNR) for information on how to address this policy. MNR inquires in Grey County can be directed to Jody Scheifley, Management Biologist, phone: 519-371-8471, email: jody.scheifley@ontario.ca.

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

Kent Charlton spoke in favour of the proposed severance. Mr. Charlton indicated Chris Hopkins of Highway 4 Storage is looking to purchase the property for a mini-storage facility.

The Committee of Adjustment asked if any fencing is being proposed. Mr. Charlton indicated it is up to the new owner, however, the abutting existing mini-storage facility doesn't have a fence.

COA 23/18 Moved by: Rob Thompson Seconded by: Kevin Eccles

Resolved that, Severance Application B05/2018 be approved, subject to the conditions of the Municipality and Agencies.

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

The Committee of Adjustment temporarily adjourned at 1:29 p.m., and reconvened at 3:50 p.m., after the conclusion of the West Grey Committee of the Whole (Planning) meeting.

3) Minor Variance Application A03/18 – Part Lot 25, Concession 9, RP17R2453, Parts 1 & 2, former Township of Bentinck (Robert Hastie)

File	Applicant	Decision
A03/18	Rob Hastie	GRANTED

Attendance: Rob Hastie

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 6.1.4 ii) of West Grey Comprehensive Zoning Bylaw Number 37-2006, as amended, to increase the maximum size of an accessory building or structure from 92.9 square metres (1,000 square feet) to 148.6 square metres (1,600 square feet), to facilitate a proposed accessory building (shed) for personal use.

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 June 19, 2018 that they have no objection or opposition to the proposed application.

The Grey County Planning & Development Department indicated in a letter dated July 3, 2018 that this development is on lands adjacent to 'Significant Woodlands'. County staff recommend comments be received from the Saugeen Valley Conservation Authority in regards to the requirement of an Environmental Impact Study. Provided that comments are received from the Saugeen Valley Conservation Authority, County staff have no further concerns.

The Saugeen Valley Conservation Authority indicated in a letter dated July 3, 2018, 2018 that it has come to the attention of SVCA staff that habitat of endangered or threatened 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 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. Be advised that SVCA staff is not able to speak to provincial and federal requirements as they relate to Section 2.1.7 of the PPS, and that the above SVCA staff opinion that an EIS is not required at this time does not take into account the Habitat of Endangered Species and Threatened Species that may be on or near the subject property.

The SVCA letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to this proposal. Provided the Natural Heritage policies mentioned above are appropriately addressed by the Applicant, then this proposed minor variance application will be acceptable to SVCA staff.

The Municipal Planner indicated in his Planning Report dated July 9, 2018 that the proposal appears to pass the four tests of a Minor Variance listed in The Planning Act. The Minor Variance has merit, and should be given favourable consideration.

Robert Hastie spoke in favour of the proposed minor variance application.

COA 24/18 Moved by: Kevin Eccles Seconded by: Rebecca Hergert

Resolved that, Minor Variance Application A03/18 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.

4) Minor Variance Application A04/18 – Part Lot 5, Concession 12, RP17R109, Part 15, former Township of Glenelg (David & Colleen Vandenberg)

File	Applicant	Decision
A04/18	David & Colleen Vanderberg	GRANTED

Attendance: David & Colleen Vandenberg

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 15.2.4 of West Grey Comprehensive Zoning Bylaw Number 37-2006, as amended, to reduce the minimum east interior side yard setback requirement from 6 metres to 5 metres, and to reduce the minimum west interior side yard setback requirement from 6 metres to 1.8 metres, to facilitate construction of a detached dwelling.

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 June 22, 2018 that they have no objection or opposition to the proposed application.

The Grey County Planning & Development Department indicated in a letter dated June 25, 2018 that provided the development can be serviced appropriately, as per section 5.3 of the County Plan, County staff have no further concerns regarding this application.

The Saugeen Valley Conservation Authority indicated in a letter dated June 29, 2018 that it has come to the attention of SVCA staff that the habitat of threatened 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 species and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered species 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.

Permission from the SVCA pursuant to Ontario Regulation 169/06, as amended, is not required for the construction of the proposed detached dwelling. SVCA staff is waiting for confirmation from the landowner regarding the sewage disposal system. SVCA Permit No. 18-118 has recently been issued to the landowner for the construction of a storage shed on the property. If other development or alteration, including construction, reconstruction, conversion, grading, filling or excavation is proposed within the Approximate Regulation Screening Area, the SVCA should be contacted as permission may be required.

The SVCA letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to this proposal. Provided the Natural Heritage policies mentioned above are appropriately addressed by the Applicant, then this proposed minor variance application will be acceptable to SVCA staff.

The Municipal Planner indicated in his Planning Report dated July 9, 2018 that the proposal appears to pass the four tests of a Minor Variance listed in The Planning Act. The Minor Variance has merit, and should be given favourable consideration.

Jamie & Andrea Rutherford submitted an email dated July 5, 2018, noting as owners of the property on the east side of the property in question (474813), they have some concerns and questions, including possible impacts on the potable well on their property as their well is located is located 20 feet from the property line; concern that with any digging on the same ground line as our potable well, that there will a significant disruption to the ground water as the higher and closer the proposed dwelling is to the property line (that the minor variance request brings), one can only assume the risk to safe and potable well water greatly increases; in the proposed minor variance, there is no mention (or rendering) of the type, number of storeys of the building and number of eastward facing windows of the proposed dwelling; concerns with the lack of clarity and details for the proposed dwelling will not fit with the current size, scale and style of the other current dwelling's in the vicinity; in the proposed minor variance, there is no illustration of where the proposed dwelling's well, septic system or grey water/waste water management will be located, this is obviously a concern given where our property's well is situated and if the proposed dwelling's run off will affect the health of the lake; in the proposed minor variance, it is not clearly indicated in the measurements whether the roof line will hit the proposed 16'6" (on the east side) or if this will in fact be a solid building wall.

The Rutherford's email further stated it is important to note that the current staked out measurements on the property in question are not correct and do not match what is illustrated in the proposal - this could cause confusion in planning out exactly where the dwelling in question should/would be situated. We are hoping that you can provide some answers and additional clarity to the points we have noted above. At present, the Rutherford's indicated they do not support this petition for a minor variance.

The Municipal Planner noted in page 3 of his Planning Report that the subject property and the property are zoned Estate Residential, however, the other properties in the vicinity are zoned A3. The ER Zone requires a 6 metre minimum side yard setback, however, the A3 Zone only requires a minimum side yard setback of 3 metres, and if this was the case, a minor variance would not have been required.

The Committee of Adjustment asked Mr. Vanderberg what septic system is being proposed. Mr. Vandenberg indicated he will install whatever is recommended by the septic installer and meets the Building Code.

Colleen Vandenberg spoke in favour of the proposed minor variance.

The Committee of Adjustment asked if the Rutherfords' have a dug well or drilled well? Mr. Vandenberg indicated it is a drilled well. The Committee of Adjustment questioned where the drilled well is on the Rutherford property. Mr. Vanderberg estimated it is – approximately 15' from their property line, and their drilled well will be further away. The Municipal Planner noted the reduction in the interior side yards is not the issue, but the location of the septic system and well that will be determined by the well installer and Building Department as proposed by a licensed septic installer.

COA 25/18 Moved by: Kevin Eccles Seconded by: Rob Thompson

Resolved that, Minor Variance Application A04/18 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.

4. Other - None

5. Next Meeting – July 30, 2018, 1:30 p.m., West Grey Municipal Office

On motion of Kevin Eccles and Doug Hutchinson, the Committee adjourned at 3:50 p.m.

John A. Bell, Chair

Mark Turner, Clerk