

Draft

**Municipality of West Grey
Committee of Adjustment
Minutes of June 5th, 2017 at 1:05 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, Bev Cutting, Rebecca Hergert, Doug Hutchinson, Carol Lawrence, Robert Thompson

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

1. Disclosure of Pecuniary Interest - None
2. Approval of Minutes – May 8, 2017

COA 21/17 Moved by: Doug Hutchinson Seconded by: Rob Thompson

That, the Municipality of West Grey Committee of Adjustment hereby adopts the minutes of May 8, 2017, as printed.

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

4. Public Meetings

- 1) Severance Application B05/2017 – Plan 500, Park Pt Lot 12 & 13 (655 Saddler Street East), former Town of Durham (1872992 Ontario Ltd.)

File	Applicant	Decision
B05/2017 1872992 Ontario Ltd.		GRANTED
	(Former Town of Durham)	

ATTENDANCE: Don Tremble

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the severance application is to sever an existing lot currently zoned R1B (Residential Zone) and M1 (Industrial Zone), with the proposed severed lot to be rezoned R1B (Residential Zone) and the proposed retained lot to remain zoned R1B (Residential Zone).

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

The Historic Saugeen Metis indicated in an email dated May 10, 2017 that they have no objection or opposition to the proposed severance.

Union Gas indicated by email dated May 19, 2017 that Union Gas does have 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 the severance would be at the cost of the property owner.

The Grey County Planning & Development Department indicated in a letter dated May 17, 2017 that County planning staff recommend placement of a visual buffer between the proposed residential site on the severed parcel and the adjacent warehouse. Grey County long term care staff have no concerns with the subject applications. Provided adequate servicing can be met, County planning staff have no concerns with the subject applications.

The Saugeen Valley Conservation Authority indicated in a letter dated May 31, 2017 that it has come to the attention of SVCA staff that habitat of threatened or endangered 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 threatened and endangered 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. Provided the natural heritage policies referenced above are appropriately addressed, then this application will be acceptable to SVCA staff.

The Municipal Planner indicated in his Planning Report dated June 5, 2017 that the proposal to sever the property into two equal parcels and build a detached dwelling on the vacant, retained parcel is supported by the 'Residential' designation and consent policies of the West Grey Official Plan. The development would also be consistent with the PPS. As such, the severance has merit and should be approved.

Don Tremble spoke in favour of the proposed severance, noting it was a severed parcel at one time, however, it was inadvertently merged into one deeded lot. Mr. Tremble indicated there currently is a buffer from the warehouse.

COA 22/17 Moved by: Carol Lawrence Seconded by: Bev Cutting

Resolved that, Severance Application B05/2017 be approved, subject to the conditions of the Municipality and Agencies.

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

- 1) Minor Variance Application A05/17 – Plan 813, Lot 22 & Pt Blk 71, former Township of Glenelg (Tracy & Tom O’Neill)

File	Applicant	Decision
A05/17	Tracy & Tom O’Neill (Former Township of Glenelg)	GRANTED

ATTENDANCE: Tom & Tracy O’Neill, Chris Wren, Lisa Guenther-Wren

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 Sub-section 6.1.4 ii) of West Grey Comprehensive Zoning Bylaw Number 37-2006, as amended, to increase the permitted maximum square footage requirement for a proposed accessory structure (storage/workshop) from 1,000 square feet to 1,800 square feet, for the subject property, and to reduce the required distance for the accessory structure from the unopened road allowance abutting to the west of the subject property from 15’ to 3.7’.

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

The Historic Saugeen Metis indicated by email dated May 12, 2017 that they have no objection or opposition to the proposed minor variance.

The Grey County Planning & Development Department indicated in a letter dated May 25, 2017 that Appendix B of the County OP identifies 'Significant Woodlands' on the majority of the subject property. Through reviewing satellite imagery of the subject property, it seems as though a large portion of the Significant Woodlands were removed. Under normal circumstances, we would normally request an EIS. But because it appears the future development area has already been cleared, an EIS may not be required. These comments should not prejudice any other agency from requesting one. County planning staff recommend comments are received from the local Conservation Authority regarding the hazardous feature and significant woodlands.

The Grey County Planning & Development Department letter further indicated that Schedule B of the County OP designates a portion of the subject property as an 'Aggregate Resource Area'. In this case, since zoning is in place for residential use, the conflict already exists. County planning staff have no further concerns with the above noted policy. Provided positive comments are received from the local Conservation Authority, County planning staff have no concerns with the subject application.

The Saugeen Valley Conservation Authority indicated in a letter dated May 25, 2017 that while significant woodlands are located on the majority of the property, the SVCA does not anticipate impacts on these features associated with the proposal as a development area for a single detached dwelling and related uses is already allowed on the subject lands. It has come to the attention of the SVCA that 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 species 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. SVCA staff concluded in the letter that they are of the opinion that this application for minor variance appears to comply with policies referred to in the agreement.

The Municipal Planner indicated in his Planning Report dated June 5, 2017 that the proposed variance appears to maintain the intent and purpose of the Official Plan. The Municipal Planner indicated in his opinion that the minor variance does not maintain the intent and purpose of the Zoning By-law as the proposed building is 80% larger than what is currently permitted by the Zoning By-law and will likely have a larger ground floor area than the dwelling that is also to be erected on the site. In terms of the minor variance being minor in nature, the Municipal Planner indicated it is doubtful that the building is to be located on the site where it can't be seen by the neighbours to the south or east, due to the topography of the property and the tree cover it's doubtful that the neighbours will be impacted. In terms of the minor variance representing an appropriate or desirable use of the land and buildings, although there is a concern that a building of this size is too large for a residential property, on this particular parcel, the proposed building in the proposed location may be acceptable.

The Municipal Planner concluded in his letter that this proposal raises general concerns about large accessory buildings on residential lots; and, in this particular case, the size of the accessory building is significantly larger than what is currently permitted in West Grey. The proposal does not appear to

maintain the intent and purpose of the Zoning By-law. On the subject property, it would seem that the accessory building will be well hidden from public view; however, there is a concern about the precedent that may be set if the variance is granted. The Committee should be advised that there have been other recent inquiries in West Grey regarding this same issue. The variance cannot be supported. On a related note, it has been brought to the attention of West Grey staff since the circulation of the Minor Variance application that the proposed building is too close to the unopened municipal road allowance located adjacent to the property's rear lot line. If the variance for the size of the building is looked upon favourably by the Committee, then this new issue also need be addressed. It is currently not part of the Minor Variance application.

Tom O'Neill spoke in favour of the proposed minor variance, and noted if the proposed shop is moved to the east, away from the unopened road allowance, it would result in cutting down a hill and removing a number of trees. Mr. O'Neill noted the unopened road allowance is underwater, and also noted he has an interest in purchasing the unopened road allowance.

The Committee of Adjustment questioned if the proposed accessory building is going to be used as a home business. Mr. O'Neill indicated it will only be for their own personal use.

Chris Wren & Lisa Guenther-Wren own property abutting to the west of the O'Neill property, and noted they have no objections to the proposed accessory structure.

COA 23/17 Moved by: Rob Thompson Seconded by: Doug Hutchinson

Whereas, there is a requirement to amend minor variance application A05/17, to recognize the deficient setback from the unopened road allowance;
And whereas, in the opinion of the West Grey Committee of Adjustment, the amendment is minor in nature, and therefore does not require another public meeting;
Now therefore be it resolved that, Minor Variance Application A05/17 be approved, as amended, 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 10, 2017, 1:00 p.m.

On motion of Bev Cutting, the Committee adjourned at 1:43 p.m.

John A. Bell, Chair

Mark Turner, Clerk