REPORT

TO: Committee of Adjustment
FROM: Michael Benner
DATE: October 8, 2019
REPORT: PL.19.90
SUBJECT: A14.2019 Joanna and Dominic Mochrie

RECOMMENDATION:
THAT Minor Variance application A14.2019 by Joanna and Dominic Mochrie be approved.

BACKGROUND AND ANALYSIS:

Location:
239 Point Road
Being: LT 53 RCP 840 ARTEMESIA; GREY HIGHLANDS

Registered Owner: Joanna Kathleen Hogan and Dominic Charles William Mochrie
Agent: Bill Gostick

Grey Highlands Official Plan: Inland Lakes and Shoreline
Grey Highlands Zoning By-law: Residential Shoreline (RS-267) and Hazard (H)

Purpose and Effect:
The proposed variance seeks relief from the Municipality of Grey Highlands Zoning By-law 2004-50 in order to permit the construction of a detached garage. The applicant has requested relief from Section 7.4.2 (Residential Shoreline Zone Provisions) of the By-law as follows:

• Subsection (c) Maximum Lot Coverage of 6% for accessory structure whereas the By-law requires 5%;

OPERATIONAL CONSIDERATIONS:

1.0 Background.
The subject lands are located on the east side of Point Road backing on to Lake Eugenia. The proposal involves the construction of a detached garage on the subject property. The applicant has applied for a minor variance to the zoning bylaw to increase the lot coverage for accessory structures from 5% to 6% as the existing lot is undersized.

2.0 Analysis
To assess the merits of this application the four (4) tests of a minor variance were reviewed in relation to the proposed development. The four (4) tests are as follows:

- Is the request minor in nature?
- Is the request desirable for the appropriate development or use of the land, building or structure?
- Is the request maintaining the general intent and purpose of the Zoning By-law?
- Is the request maintaining the general intent and purpose of the Official Plan?

2.1 Is the request minor in nature?
The assessment of an application in this regard, should consider the impact of the proposal on that of the adjacent properties, and the compatibility of the proposal with the surrounding land use of the area. The proposed variance seeks relief from the Municipality of Grey Highlands Zoning By-law 2004-50 in order to construct the detached garage (an accessory structure). It is not expected that the use would impact adjacent properties or cause a land use compatibility issue. Therefore, the request is considered to be minor in nature.

2.2 Is the request desirable for the appropriate development or use of the land, building or structure?
The lands are within the Inland Lakes and Shoreline designation. The permitted uses include single detached dwellings and accessory structures. As such the development is an appropriate use for the subject property.

2.3 Is the request maintaining the general intent and purpose of the Zoning By-law(s)?
The proposal maintains the general intent and purpose of the Zoning By-law as the by-law permits accessory structures. The applicant has requested relief from the maximum lot coverage provisions for accessory structures as the existing lot at 0.18 hectares is quite small and provides little area for a detached garage without increasing the maximum lot coverage for accessory structures.

2.4 Is the request maintaining the general intent and purpose of the Official Plan?
The lands are within the Inland Lakes and Shoreline designation within the Grey Highlands Official Plan. The variance is not expected to affect Official Plan policies. The intent of the Official Plan is to permit residential uses in this area. Planning Staff would consider the request to maintain the general intent and purpose of the Official Plan.

3.0 Comments Received (Summary)
Comments were provided from the following authorities having jurisdiction over the subject lands:

County of Grey Planning and Development Services: Comments dated September 27, 2019.

Provided that positive comments are received from the Conservation Authority regarding the natural heritage and hazard features, County planning staff have no further concerns with the subject application.


Though the proposed development is within 120 metres of the fish habitat the nature of the development is consistent with the surrounding area. Our office generally has no objections to the subject proposal as it is not anticipated to further negatively impact the O. Reg. 151/06 area, natural hazard and/or significant natural heritage features. However, the GSCA notes that based on the rough submitted site plan the proposed development is located along the north western property line and under a hydro line. The proposed development must conform to the associated development setback requirements.

A permit from the GSCA will be required for the proposed works.

The Municipality of Grey Highlands Transportation and Environmental Services Department. September 25, 2019.

Stormwater Management Controls are to be incorporated into the garage design. Site drainage plans will be required to be submitted with the building permit showing no drainage to neighbouring properties. Updated drawings showing the location of the existing driveway are requested.

4.0 Conclusion

When reviewing the merits of this application Planning Staff found that the application adequately met all four tests of a minor variance. Planning staff are recommending that the application be approved.

Appendices:

Appendix 1 MGH Location Map
Appendix 2 Aerial Map
Appendix 3 Zoning Map
Appendix 4 Agency/Dept Comments
Appendix 5 Notice and Sketches
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.
September 27th, 2019

Michael Benner, Director of Building and Planning Services
Municipality of Grey Highlands
206 Toronto Street South, Unit One P.O Box 409
Markdale, Ontario
N0C 1H0
*Sent via E-mail

RE: Minor Variance Application A14.2019
239 Point Road
Municipality of Grey Highlands
Applicant/Owner: Joanna Hogan and Dominic Mochrie

Dear Mr. Benner,

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

The purpose and effect of minor variance application A14.2019: The proposed variance seeks relief from the Municipality of Grey Highlands Zoning By-law 2004-50 in order to permit the construction of a detached garage. The applicant has requested relief from Section 7.4.2 (Residential Shoreline Zone Provisions) of the By-law as follows:

• Subsection (c) Maximum Lot Coverage of 6% for accessory structure whereas the By-law requires 5%;

Schedule A of the OP designates the subject lands as ‘Inland Lakes and Shoreline’. Section 3.7 of Recolour Grey states,

3) Permitted uses in the Inland Lakes and Shoreline areas must be limited to low-density residential dwellings, bed and breakfast establishments, home occupations, marinas, resource based recreational uses, convenience commercial, and public uses. Any new development will need to address the requirements of the servicing section of this plan, Section 8.9.
The subject application meets the above noted policy. County planning staff have no concerns.

Schedule A of Recolour Grey also indicates the subject property is adjacent to ‘Hazard Lands’. Section 7.2 states,

2) Permitted uses in the *Hazard Lands land use type* are forestry and uses connected with the conservation of water, soil, wildlife and other natural resources. Other uses also permitted are agriculture, passive public parks, public utilities and *resource based recreational uses*. The aforementioned uses will only be permitted where site conditions are suitable and where the relevant hazard impacts have been reviewed.

County planning staff recommend receiving comments from the Conservation Authority regarding the above noted natural heritage features.

Provided that positive comments are received from the Conservation Authority regarding the hazard lands, County planning staff have no further concerns with the subject 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,

Hiba Hussain
Planner
(519) 372-0219 ext. 1233
hiba.hussain@grey.ca
www.grey.ca
September 27, 2019

Michael Benner, Director of Planning and Development
206 Toronto St South, Unit 1
Box 409
Markdale ON
N0C 1H0

Dear Mr. Benner:

RE: Minor Variance Application A14/2019
Applicant: Dominic Cathlyn Mochrie
Part Lot 30, Concession 11; 239 Point Road; Roll Number: 420818000929400
Municipality of Grey Highlands, formerly Artemesia Township
Our File: P19382

The Grey Sauble Conservation Authority (GSCA) has reviewed this application in accordance with our mandate and policies for natural hazards, for natural heritage issues as per the Memorandum of Agreement with the Municipality of Grey Highlands and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

Subject Proposal
The subject proposal is to allow an increase in the maximum out building footprint size from 5% to 5.6%.

Site Description
The property is located on the east side of Point Road approximately 240 metres south of Stanley Drive in the Municipality of Grey Highlands, formerly Artemesia Township. The property features manicured lawn and some coniferous tree cover primarily scots pine in the south western corner of the lot and a cedar hedge along the north western property line.

GSCA Regulations
Based on the parcel data available to our office, the property appears to be currently outside the regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. The regulated area includes Lake Eugenia and a 30-metre inland allowance.
Provincial Policy Statement (2014)
3.1 Natural Hazards
The GSCA did not identify any natural hazards on the subject property.

2.1 Natural Heritage
The GSCA identified fish habitat as a natural heritage feature on the subject property. The following policy under the Provincial Policy Statement (2014) are relevant.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

Based on the submitted site plan no development is proposed within fish habitat.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The Grey County Official Plan considers a 120 metre adjacent lands setback from fish habitat for development proposals. The proposed development is within 120 metres from the fish habitat feature.

Recommendations
Though the proposed development is within 120 metres of the fish habitat the nature of the development is consistent with the surrounding area. Our office generally has no objections to the subject proposal as it is not anticipated to further negatively impact the O. Reg. 151/06 area, natural hazard and/or significant natural heritage features. However, the GSCA notes that based on the rough submitted site plan the proposed development is located along the north western property line and under a hydro line. The proposed development must conform to the associated development setback requirements.

We request a notice of decision in this matter to be provided to our office and any notices of appeal.

If any questions should arise, please contact our office.

Regards,

Lauren McGregor
Planning Technician
Application for Minor Variance (A14/2019)
Lot Part Lot 30, Concession 11, Grey Highlands (Artemesia Township)
September 27, 2019
GSCA File No. P19382

enclosure

cc Ms. Cathy Little, GSCA Director, Municipality of Grey Highlands
Planning & Building Department, Municipality of Grey Highlands
Planning Department, Grey County
Planning Application Comments

Department: Transportation and Environmental Services
Date: September 25, 2019
File No: A14.2019 Hogan/Mochrie
Property Owner: Joanna Hogan and Dominic Mochrie
Roll Number: 420818000929400

Comments:
The Transportation and Environmental Services Department has the following comments as it relates to the Minor Variance Development Application.

1. The proposed percentage increase for lot coverage should be confirmed as being either 5.6% or 6%. There is a discrepancy with responses on the application and schedule A.
2. Stormwater management controls to be incorporated within this proposed development. Provide drainage information to confirm that the increased lot coverage and increased stormwater generated will not negatively impact the neighbouring properties.
3. The lot plan received is not satisfactory. Please update with the appropriate information as required/identified within the Development Application form. Specifically, show the location of the existing driveway and where it connects to Point Road.

Name: Herb Lemon
Title: Director, Transportation & Environmental Services
NOTICE OF PUBLIC MEETING

COMMITTEE OF ADJUSTMENT
Application for Minor Variance A14.2019

Tuesday, October 8, 2019 at 5:00 p.m.
Municipality of Grey Highlands
206 Toronto St. S, Unit 1, Markdale, ON

Registered Owner: Joanna Kathleen Hogan and Dominic Charles William Mochrie
Agent: Bill Gostick
Legal description: LT 53 RCP 840 ARTEMESIA; GREY HIGHLANDS
Civic Address: 239 Point Road
Parcel Frontage: 26m Depth: 79m Area: 0.18 ha
Having access on: Point Road
Assessment roll number: 42 08 180 009 29400

The purpose and effect of minor variance application A14.2019: The proposed variance seeks relief from the Municipality of Grey Highlands Zoning By-law 2004-50 in order to permit the construction of a detached garage. The applicant has requested relief from Section 7.4.2 (Residential Shoreline Zone Provisions) of the By-law as follows:
• Subsection (c) Maximum Lot Coverage of 6% for accessory structure whereas the By-law requires 5%;

A sketch of the proposed variance is attached.

Why did I receive this notice? Property owners within 120 metres of the subject land are notified of an application for severance.

Where do I submit my comments? Please submit written comments to the Secretary-Treasurer, Committee of Adjustment

By mail or in person:
50 Lorne Street
PO Box 409
Markdale, ON N0C 1H0
Fax: 226-909-0662
Email: planning@greyhighlands.ca

Written comments are requested by October 7, 2019 so that they may be read at the public meeting for the benefit of everyone in attendance.

Questions? Want more information? Ask the Planning Department.
Visit: 50 Lorne Street, Markdale, ON during regular office hours 8:30am to 4:30pm
Phone: 519-986-1216 x193 Email: planning@greyhighlands.ca Website: www.greyhighlands.ca
LOT PLAN
239 PLANTTS POINT ROAD, FLESHERTON ON, NOC 1EO
REG COMP PLAN 840 LOT 53
ROLL # 4208 180 00929400.0000

LOT depth from survey marker to water: 380 feet

House depth: 39 feet
House width: 32 feet

Well: 16 feet from house

North (approx.)