REPORT

TO: Committee of Adjustment
FROM: Michael Benner
DATE: October 8, 2019
REPORT: PL.19.89
SUBJECT: A13.2019 Scott and Summer Campbell

RECOMMENDATION:
THAT Minor Variance application A13.2019 by Scott and Summer Campbell be approved.

BACKGROUND AND ANALYSIS:

Location:
132 Peters Crescent
Being: LT 13 RCP 836 ARTEMESIA; PT BLK 1 PL 850 ARTEMESIA PT 13, 17R3580, S/T GS134511, S/T THE EASEMENT CREATED ON PLAN 850; GREY HIGHLANDS

Owners: Scott and Summer Campbell
Agent: James Campbell, Rockside Campbell Design Inc.

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 Bylaw 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 (d) Minimum Front Yard setback of 5.2 meters whereas the By-law requires 10 meters.
OPERATIONAL CONSIDERATIONS:

1.0 Background

The subject lands are located on the west side of Peters Crescent north of the 8th Concession. 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 recognize a reduced front yard setback. The applicant also applied for a Lift of Hold given the close proximity to the Lake Eugenia Provincially Significant Wetland. This Lift of Hold was granted by Council at their October 2nd meeting.

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 front yard setback provisions of the bylaw as an existing septic system, and its related setbacks, is already located in the front yard. This limits the space available for a detached garage without further decreasing the front yard setback as proposed.

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:


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.


As the proposed development is consistent with the existing land use and restricted to the previously disturbed portions of the subject property the GSCA 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.

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. Changes to the existing entrance will require an entrance permit.

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

Approved By:        Status:
Karen Mills, Director of Finance/Treasurer/Interim CAO  None
September 19th, 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 A13.2019 and Zoning By-law Amendment Z38-2019
132 Peters Crescent
Municipality of Grey Highlands
Applicant/Owner: Scott Campbell and Sumer Campbell

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 A13.2019 is to seek relief from the Municipality of Grey Highlands Zoning Bylaw 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 (d) Minimum Front Yard setback of 5.2 meters whereas the By-law requires 10 meters.

The purpose of the Zoning By-law Amendment Z38-2019 is to amend the Municipality of Grey Highlands Comprehensive Zoning By-law 2004-50 to remove the holding provision from a portion of the subject lands to permit a detached garage (accessory structure) on the subject lands.

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 ‘Provincially Significant Wetlands’. Section 7.3.1 states,

2) No development or site alteration may occur within the adjacent lands of the Provincially Significant Wetlands and Significant Coastal Wetlands land use type unless it has been demonstrated through an environmental impact study, as per Section 7.11 of this Plan, that there will be no negative impacts on the natural features or their ecological functions.

Development or site alteration within the adjacent lands of the Provincially Significant Wetlands and Significant Coastal Wetlands land use type will require a permit from the appropriate conservation authority.

Further, Schedule A also indicates that there are ‘Hazard Lands’ on the subject property. 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.

Appendix B also indicates that there are ‘Areas of Natural and Scientific Interest (ANSIs)’ on the subject property. Section 7.6 states,

1) No development or site alteration may occur within Areas of Natural and Scientific Interest or their adjacent lands unless it has been demonstrated through an environmental impact study that there will be no negative impacts on the natural features or their ecological functions. The adjacent lands are defined in Section 9.18 of this Plan.

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

Grey County: Colour It Your Way
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.

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 19, 2019

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

Dear Mr. Benner:

RE:  Zoning Application Z38.2019  
Minor Variance Application A13.2019  
Scott and Summer Campbell  
Part Lot 34, Concession 9; 132 PETERS CRES; Roll Number: 420818000718200  
Municipality of Grey Highlands, formerly Artemesia Township  
Our File:  P19379

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 with regards to the following two applications:

1. Zoning Application Z38/2019 is to remove the holding symbol on the subject property to permit the construction of a single storey garage.

2. Minor Variance Application A13/2019 to permit relief from the front yard setback and 5% maximum lot coverage for accessory buildings

Site Description

The subject property is located on the west side of Peters Crescent approximately 320 metres north of 8th Concession Road in the Municipality of Grey Highlands, formerly Artemesia Township. The majority of the property is manicured lawn with a steeper slope starting at the top of the house.
down to the shoreline of Lake Eugenia. An unauthorized deck is present on the north side of the house supported by cedar posts and large landscaping stones.

**GSCA Regulations**
A portion of the subject property is regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. The regulated area is associated with the 120 metre area of interreference

Under this regulation a permit is required from this office prior to the construction, reconstruction, erection or placing of a building or structure of any kind; any change to a building or structure that would have the effect of altering the use or potential use of the building or structures, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure; site grading; or, the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere, if occurring within the regulated area. Also, a permit is required for interference with a wetland, and/or the straightening, changing, diverting or in any way interfering with an existing channel of a river, lake, creek stream or watercourse.

A permit for the proposed garage will be required. We note, the permit should also include details regarding the existing deck that appears to have been recently installed on the north side of the residence.

**Provincial Policy Statement (2014)**

3.1 **Natural Hazards**
The GSCA identified flooding and erosion as natural hazard features associated with the shoreline of Lake Eugenia. The following policies under the Provincial Policy Statement (2014) are relevant.

3.1.1 b) *Development shall generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards*

Based on the submitted site plan no development is proposed within the hazard area.

2.1 **Natural Heritage**
The GSCA identified natural heritage features associated with the Provincially Significant Lake Eugenia Wetland Complex (PSW), significant woodland and fish habitat. The following policies under the Provincial Policy Statement (2014) are relevant.

2.1.4 a) *Development and site alteration shall not be permitted in significant wetlands in Ecoregions 5E, 6E and 7E1*
Based on the site plan no development is proposed within the PSW.

2.1.5 b) Development and site alteration shall not be permitted in significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Based on the significant woodland mapping provided through the Grey County Official Plan, a portion along the shoreline is mapped as significant woodland. The proposed development is not within the significant woodland feature.

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

The shoreline of Lake Eugenia provides excellent potential fish spawning habitat; however, 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 2.1.4, 2.1.5, and 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 PSW, significant woodlands and fish habitat from the proposed development. The proposed works will be entirely within the setback area.

**Recommendations**

As the proposed development is consistent with the existing land use and restricted to the previously disturbed portions of the subject property 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.

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

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

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: A13.2019 Campbell
Property Owner: Scott and Summer Campbell
Roll Number: 420818000718200

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

1. Stormwater management controls to be incorporated within the site plan.
2. Provide a site drainage plan or clearly show the proposed drainage design on the plans submitted. Drainage from this proposed construction should not be directed onto neighbouring properties.
3. It does not appear the existing driveway is being modified within the information received. If this is not the case or the property owner decides to upgrade the driveway to an asphalt surface, a new entrance permit with the Municipality of Grey Highlands will have to be executed.

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

COMMITTEE OF ADJUSTMENT
Application for Minor Variance
A13.2019

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

Registered Owner: Scott Campbell and Sumer Campbell
Agent: James Campbell, Rockside Campbell Design Inc.
Legal description: LT 13 RCP 836 ARTEMESIA; PT BLK 1 PL 850 ARTEMESIA PT 13, 17R3580, 5/T GS134511, 5/T THE EASEMENT CREATED ON PLAN 850; GREY HIGHLANDS
Civic Address: 132 Peters Crescent
Parcel Frontage: 30.5m Depth: 63m Area: .019ha
Having access on: Peters Crescent
Assessment roll number: 42 08 180 007 18200

The purpose and effect of minor variance application A13.2019: 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 (d) Minimum Front Yard setback of 5.2 meters whereas the By-law requires 10 meters.
A sketch of the proposed severance 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 8, 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