



From: Liam Murphy, Planner

Date: September 30, 2021

Re: Minor Variance - A-2021-052 (Cory & Heather Cuyler)

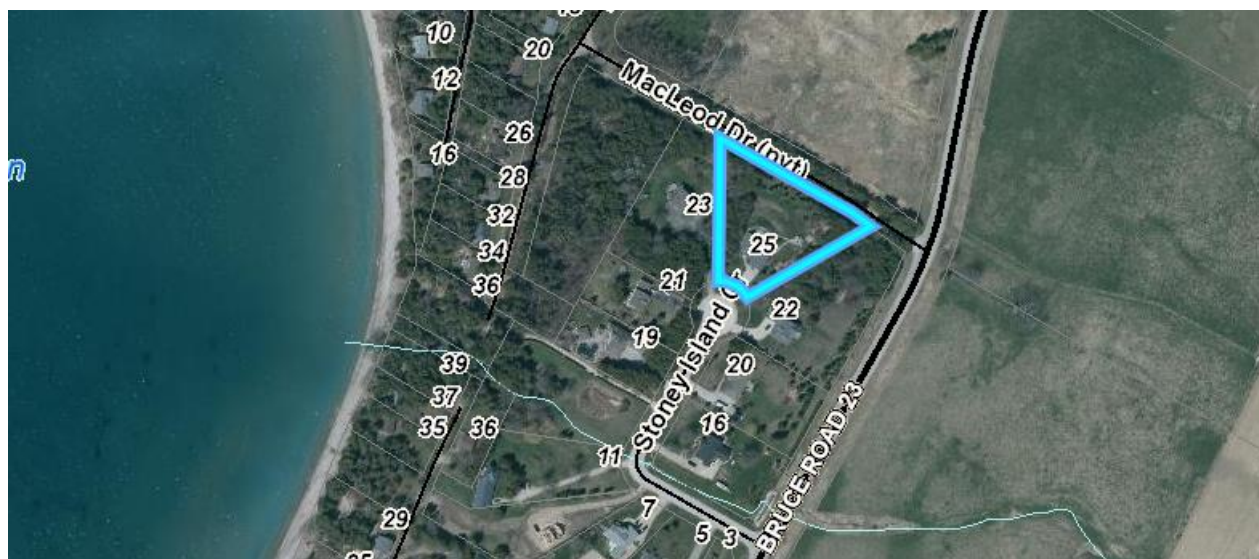
Subject to a review of submissions arising from the public meeting:

That Committee approve Minor Variance A-2021-052 as attached subject to the conditions on the decision sheet.

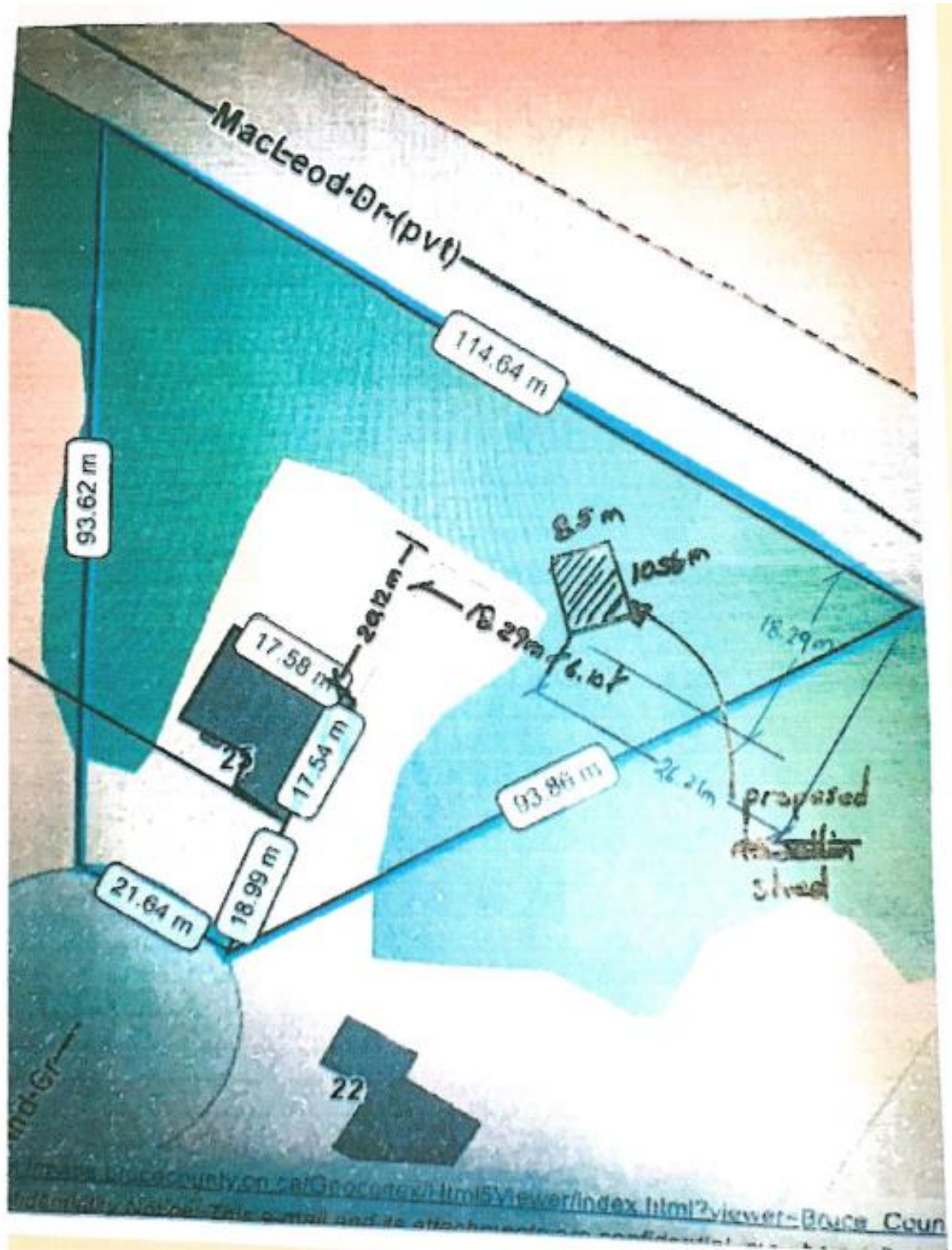
Summary:

The subject land contains an existing residential dwelling with the civic address 25 Stoney Island Cr. The application proposes to increase the building height for an accessory structure from 4.5 metres to 5.34 metres. If approved, the proposed amendment would facilitate the construction of a detached garage that is 17 ft. 6 in. (5.34 metres) in height from midpoint of eaves to peak. The proposed garage includes a parking area at grade and an upper loft level for storage/leisure.

Airphoto



Site Plan



Proposed Accessory Garage



Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments and planning policy sections.

Four Tests of a Minor Variance

Section 45 (1) of the Planning Act provides for the granting of minor relief from the provisions of the Zoning By-law by the Committee of Adjustment. Relief may only be granted if the variance passes four tests ("Four Tests of a Minor Variance"). The Committee must be satisfied that the application has satisfied all four tests to approve the Minor Variance.

Does the variance maintain the intent and purpose of the Official Plan?

The property is designated Shoreline Development in the Municipalities Official Plan. The objectives of the Shoreline Development designation are to ensure orderly, compatible, and

attractive design that protects the shoreline. Permanent residential developments within the Shoreline Development designation are to be connected, or are planned to be connected to, appropriate municipal services. Permitted uses within the Shoreline Development area include permanent residential dwellings.

The proposed detached garage will be accessory to an existing permanent residential dwelling in the Shoreline Development designation. The existing residential dwelling is serviced by municipal water services but is on private sewer systems as municipal sewer systems are not available in the area. The proposed accessory garage is located to the northeast of the property, whereas the existing septic sewer system is located to the southwest of the property.

The proposed detached garage is accessory to a permitted use in the Shoreline Development designation and maintains the orderly, compatible and attractive character of the area. The proposed detached garage is not anticipated to impact private sewer systems on the property. Therefore, the application maintains the intent and purpose of the Official Plan.

[Does the variance maintain the intent and purpose of the Zoning By-law?](#)

The property is zoned Residential One (R1). Permitted uses in the R1 zone include single-detached residential dwellings. The Zoning By-law outlines several provisions for the R1 zone to maintain orderly development within this zone, including setbacks, minimum frontage, minimum lot area, maximum lot area coverage, parking requirements and building height. The Zoning By-law includes provisions relating to accessory buildings or structures in Residential Zones. Accessory structures are permitted in interior side yards or rear yards up to a maximum height of 4.5 metres.

The proposed detached garage is located to the rear of the property and is proposed to be 17 ft. 6 in. (5.34 metres) from midpoint of eaves to peak and therefore exceeds the maximum accessory building height of 4.5 metres. The proposed accessory garage maintains all other zoning provisions for accessory structures. Notwithstanding the relief being sought, the variance maintains the intent and purpose of the zoning By-law.

[Is the application desirable for the appropriate development of the land, building or structure?](#)

The proposed detached garage is appropriate for the lands and is compatible with the residential nature of the property and surrounding area. The proposed detached garage is compatible with other accessory structures in the surrounding neighbourhood, including those located at 19 Stoney Island Crescent. The accessory structure is located in the northeast area of the property and is relatively screened from the surrounding area by existing trees and vegetation. The proposed increase in accessory dwelling height will permit the development of an accessory garage, which is a permitted accessory use in the R1 zone. The accessory structure maintains all other accessory structure provisions in the R1 zone.

The variance will permit an appropriate form of development for the use of the land.

Is the application minor in nature?

Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. The proposed increase in accessory structure height is required to accommodate the proposed garage design and upper loft level with storage/leisure space. The lot is a large pie-shaped lot at the end of a cul-de-sac with agricultural land to the rear of the property. The proposed increased in accessory structure height is negligible to other neighbouring properties to the south, west and east. The maximum permitted building height of the principle building in the R1 zone is 10.5 metres and permits a building with a minimum interior side yard setback of 2.4 metres from the property line. The proposed detached garage is setback greater than 2.4 metres from the interior property line and is 5.16 metres less than the maximum allowable principle building height in the R1 zone.

The increased accessory structure height is considered minor as the structure achieves all other required zoning provisions for accessory structures for the R1 Zone; maintains the orderly, compatible, and attractive design of the area; and is well screened from surrounding residential dwellings by existing trees and vegetation.

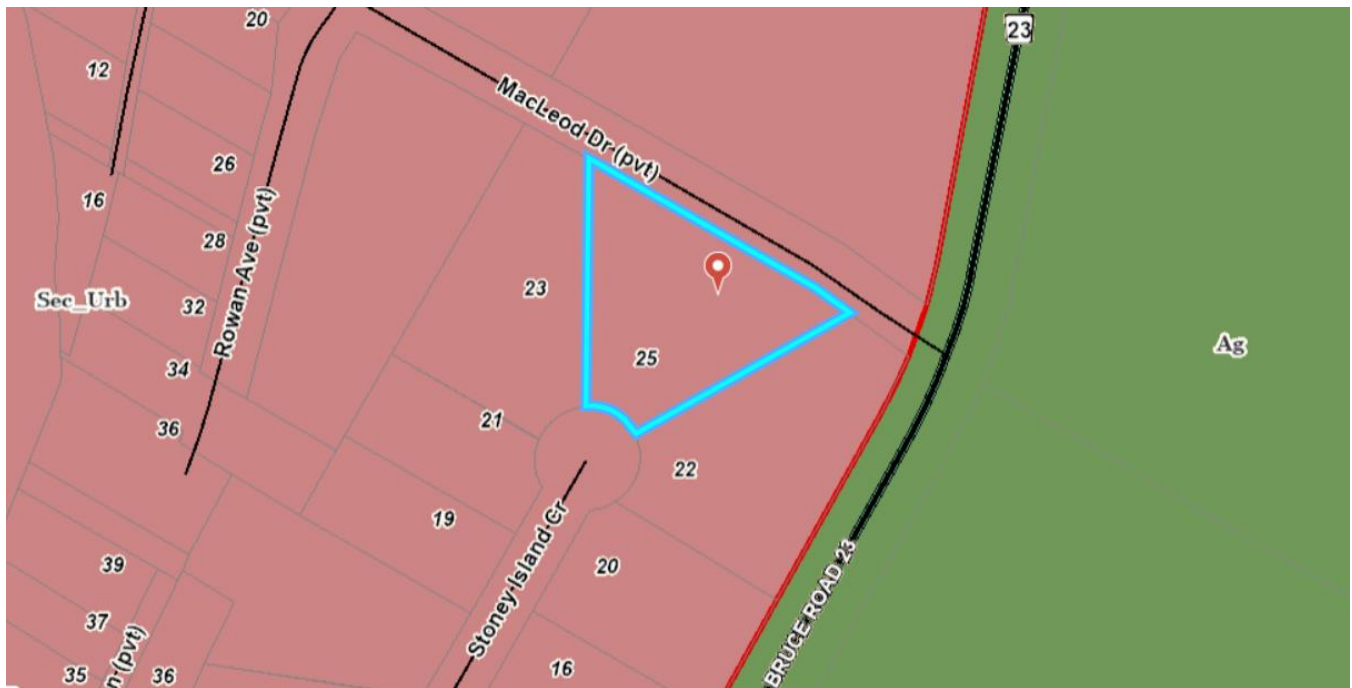
Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal (OLT).

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Comments
- Public Notice

County Official Plan Map (Designated Secondary Urban)



Local Official Plan Map (Shoreline Development)



Local Zoning Map (Zoned Residential One 'R1')



Agency Comments

Municipality: No objections.

Bruce County Transportation Services: No comments or objections.

RMO: No objections.

Saugeen Valley Conservation Authority: SVCA staff find the application acceptable. No objections.