



PLANNING EVALUATION REPORT

Meeting Date: July 17, 2017
Submitted by: Christie Kent, RPP, Planner
Subject: **Application for Minor Variance A03-2017
Part of Lot 10, Concession 1, S.E.R. and Part Road Allowance
(Geographic Township of Adelaide)
2125 Egremont Drive
Owners: Alan & Catherin Aitken**

BACKGROUND

The purpose of Application for Minor Variance A03-2017 is to seek relief from the Township of Adelaide Metcalfe Comprehensive Zoning By-law No. 34-2007 as it relates to the minimum internal side yard required for a single detached dwelling and the permitted location of accessory buildings on the property.

The applicants are requesting that relief be granted with respect to the above provisions in order to permit the construction of a replacement single detached dwelling on the subject property. The new single detached dwelling is proposed to setback further from the front property line than an existing accessory agricultural building.

The subject property is approximately 41.7 ha (103 ac) in size and located on the south side of Egremont Drive (County Road 22), lying just east of Morse Road within the geographic Township of Adelaide, Township of Adelaide Metcalfe.

Surrounding land uses are prominently agricultural. The Village of Adelaide is located to the east of the subject property.

Key Map 1 illustrates the full extent of the subject property and surrounding land uses.

Key Map 2 illustrates the approximate location of the proposed single detached dwelling.

The applicants have provided a supplementary letter for the Committee's consideration. It is attached to this report.

Policy and Regulatory Context

The subject lands are designated 'Agricultural Areas' on Schedule 'A-1' of the Township's Official Plan.

The subject lands are zoned 'General Agriculture (A) Zone' and 'Environmental Protection (EP) Zone' within the Township's Zoning By-law. Permitted uses within 'A' zone include a single detached dwelling, agriculture and accessory uses. The regulations of the 'A' zone require an internal side yard of 15 m (49.2 ft).

Section 5.1.2 of the Zoning By-law restricts the location of accessory buildings to only being permitted within a required rear yard or a required side yard.



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ANALYSIS

Section 45 of the Planning Act allows a municipality to grant a minor variance to a zoning by-law based on four tests, as follows:

Are the variances considered minor in nature?

It is the opinion of planning staff that the requested variance to permit a reduced minimum internal side yard of 4.6 m (15 ft) can be considered minor in nature. The Zoning By-law requires a minimum internal side yard of 15 m (49 ft). The interpretation of what is minor is not necessarily based on the extent to which the Zoning By-law is varied, but rather, the impact and effect of the proposed variance. Planning staff do not anticipate negative impacts to adjacent agricultural lands.

Planning staff are also of the opinion that recognizing the location of the existing accessory agricultural building in the front yard can be considered minor in nature. The applicants have indicated that the proposed location of the new single detached dwelling will maintain sufficient space to access the drive shed and will allow a portion of the existing driveway to be used to access the new dwelling.

Are the variances desirable for the appropriate use of the land?

The surrounding land uses are predominantly agricultural with on-farm single detached dwellings. The applicants have advised that the proposed single detached dwelling will replace the existing single detached dwelling on this farm. The applicants have further advised that the requested relief to the provisions of the Zoning By-law will allow the new dwelling to be built in a more desirable location that is setback further from Egremont Drive. Planning staff are of the opinion that a replacement single detached dwelling is an appropriate use of the land.

Do the variances maintain the general intent and purpose of the official plan?

The subject lands are designated as an agricultural area, where the primary use of land shall be farming. The applicants have advised that the existing single detached dwelling is to be removed and the underlying lands returned to agricultural production. Planning staff note that the proposed location of the new single detached dwelling would remove approximately 0.3 ha (0.74 ac) of land from agricultural production, however approximately 0.2 ha (0.49 ac) would be returned once the existing dwelling is removed. It is the opinion of planning staff that the requested relief does not compromise the agricultural use of the subject lands.

Do the variances maintain the general intent and purpose of the zoning by-law?

The intent of the internal side yard setback regulation is to ensure adequate separation between dwellings and structures and abutting lands in order to limit potential negative impacts on neighbouring uses. Planning staff note that the adjacent lands are largely vacant agricultural land in crop production. The nearest neighbouring dwelling is located at 2163 Egremont Drive and is setback approximately 95 m (312 ft) from the shared interior lot line. It is the opinion of planning staff that the requested relief will not negatively impact neighbouring agricultural or rural residential land uses.

The intent of the location requirement for accessory buildings which prohibits such buildings from locating in the front yard is to ensure appropriate screening and to provide sufficient separation between the buildings and the street line. Planning staff note that the existing accessory



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agricultural building is sufficiently setback from the front lot line and the visibility of the building from the road is minimized by the presence of mature vegetation.

Planning staff note that in addition to the requested relief outlined above, the submitted application also requested relief from the Section 5.17 of the Zoning By-law as it pertains to Minimum Distance Separation (MDS I) setback requirements for the new single detached dwelling. The Township's Chief Building Official has indicated that MDS I calculations are not required for this application.

Planning staff is satisfied that the application meets the four tests of the Planning Act required in order to grant a minor variance.

Consultation

The application was circulated to the prescribed agencies, as well as surrounding property owners.

The Township's Chief Building Official indicated no concerns with the minor variance application.

The Township's Drainage Superintendent indicated no concerns with the minor variance application.

The Ausable Bayfield Conservation Authority indicated no concerns with the requested variances.

The County Engineer indicated no comments with respect to the requested variances.

At the time of writing this report, no comments or concerns have been received from the public regarding the proposal.

RECOMMENDATION

THAT Application for Minor Variance A03-2017, filed by Alan and Catherin Aitken, to permit a minimum interior side yard of 4.6 m (15 ft) and to recognize the location of an existing agricultural accessory structure in the front yard of the subject property, be **GRANTED**.

Corporation Of Adelaide Metcalfe,

Please consider this application to build an accessible home on our property at 21 25 Egremont Drive, Strathroy, On. Our current home no longer meets our needs due to narrow doorways and flights of stairs that are a safety hazard to someone with mobility issues. Our plan is to build an accessible home that is all on one floor with wide doorways, no barrier showers and with a garage large enough to accommodate a ramp when required. This site will provide the square footage required. The previous building site on this property won't accommodate this plan and will be returned to agricultural use. We plan to use the existing driveway and well.

Thank you for your consideration of this matter,

Alan and Cathy Aitken