



GRAND VALLEY

Council Planning Report

To: Mayor Soloman & Council
From: Mark H. Kluge, MCIP, RPP, Town Planner
Date: November 12, 2024
Report No.: PLN2024-083
Subject: Decision Proposed Zoning By-Law Amendment Z05-2024 – 25 McIntyre Lane

Recommendation:

THAT Report Decision Proposed Zoning By-law Amendment Z05-2024, 25 McIntyre Lane, File No. PLN2024-083, dated November 12, 2024, be received;

AND FURTHER THAT the application from the property owners of 25 McIntyre, for a Zoning By-law Amendment, to amend the current minimum requirements for setbacks from the rear and interior side yards for accessory structures from 1.5 m to 0.6m, as required in Zoning By-law 2009-10, as amended, for the lands municipally know as 25 McIntyre Lane, Roll 110879, as generally shown in **Appendix 2: DRAFT Zoning By-law**, be approved and the necessary By-law be adopted;

AND FURTHER THAT Council directs staff to note in roll file 110879 that the Town does not have liability for keeping the Rear Yard Catch Basin outlet clear on the subject property.

Key Points:

The following are key points for consideration with respect to this report:

- The proposed site-specific minor Zoning By-Law Amendment is to reduce the required rear yard setbacks for accessory structures.
- No objections were received from the public opposing this application.
- Thirteen letters of support were received from surrounding neighbours.

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- By approving this application, the coverage on the lot will be 48% whereas the maximum allowed is 50%, and any additional structures will require an additional Zoning Amendment.

Background

Location:

The subject property is located on **25 McIntyre Lane**, in the **URBAN** area of Grand Valley. The subject lands contain a single detached dwelling, pergola, shed and outdoor fireplace, see **Appendix 1: Location Map**.

Site Characteristics:

Municipal/Emergency Address	25 McIntyre Lane
Roll Numbers	110879
Legal Description	Lot 79 Plan 7M-67
Current Use	Residential
Site Area	402.6 m ²
Official Plan	<i>Urban Residential</i>
Current Zoning	Village Residential Exception Eight (RV-8)
Proposed Zoning	Site Specific Village Residential Exception Eighteen (RV-18)

Surrounding Land Uses:

NORTH	Residential
SOUTH	Residential
EAST	Residential
WEST	Residential

History:

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The zoning application was received as a result of a complaint received by the Town and By-Law Enforcement investigation. The Town's Municipal By-law Enforcement Officer advised Planning of the following:

- Written Complaint Received - August 9, 2024.
- By-law Enforcement attended the Property with Mark Mconnell, Dufferin County Building Code Enforcement Inspector on August 26, 2024.
 - Shed – Under size for needing building permit.
 - Pergola – Oversized, Building Permit needed as per Dufferin County Building Department.
 - Fireplace = 50 inches (1.27 m) from rear property line
 - Shed = 23 inches (0.5842 m) from rear property line
 - Pergola = 50 Inches (1.27 m) from interior east side property line

The minimum required setback from the rear and interior side yards for accessory structures is 1.5 m; therefore, zoning relief is required.

Proposed Development:

On September 10, 2024, Paulo and Amanda FARIAS, the Owners, submitted a Zoning By-law Amendment application to decrease the required rear and side yard setbacks for accessory buildings and structures. The Application was deemed complete on September 10, 2024. All submission materials can be viewed on the Town's website under Current and Approved Applications – **25 McIntyre Lane File Z05-2024**, via this link:

<https://www.townofgrandvalley.ca/business-development/building-planning-and-development/current-and-approved-applications/>

Current Planning Context

Provincial Policy Statement 2024 (PPS 2024):

All new development within the province must conform to Provincial Policy Statement 2024 (PPS 2024).

This minor zoning by-law amendment is site specific to permit reduced side and rear yard setbacks to accommodate existing accessory buildings and structures. The proposal does not involve any major policy considerations. Therefore, in Planning's opinion the proposed zoning amendment is not in conflict with, conforms to, and is consistent with the PPS 2024.

Dufferin County Official Plan:

The subject lands are designated **Primary Settlement Areas** in the Dufferin County Official Plan - Schedule B - Community Settlement Structure and Land Use.

Grand Valley Official Plan:

The subject lands are designated **Urban Residential** in the Town's Official Plan. This designation permits single detached dwellings and accessory buildings and structures. The proposed zoning amendment conforms to the Town's Official Plan.

Grand Valley Zoning By-law 2009-10:

The subject lands are zoned **Village Residential Exception Eight (RV-8)**. A Zoning By-law Amendment is required to rezone the lands to a new site-specific **Village Residential Exception Eighteen (RV-18) Zone** to address the reduced setbacks, see **Appendix 2: Draft Zoning By-law**.

Public Meeting and Consultation:

Notice of the Public Meeting, held on October 8, 2024, was provided pursuant to the *Planning Act* on September 16, 2024, via e-mail, mailout and signage. At the Public Meeting Council passed Resolution Number 2024-10-10:

BE IT RESOLVED THAT Report No. PLN12024-066, dated October 8, 2024 be received;

AND FURTHER THAT the public has until Friday October 12, 2024, to provide comments to Planning on Application Z05-2024;

AND FURTHER THAT all agency and public comments be referred to Planning and considered in a future Recommendation Report to Council meeting;

AND FURTHER THAT the decision on Application Z05-2024 be deferred.

Eight residents including the Property Owners/Applicants attended the October 8, 2024, Public Meeting. Those residents who spoke at the meeting were all in favour of the application. There were no objections raised at the Public Meeting. Thirteen letters of support were also received by Planning see **Appendix 3: Letters of Support**.

Planning can only assume that the one objection to the application was the individual who submitted the original complaint to By-law Enforcement. However, all complaints are strictly confidential.

Town and Agency Consultation:

The applications were circulated for technical review on September 16, 2024.

Comments from Town Engineering (Burnside) have been received;

There is a weeping tile shown, presumably this connects to the RYCB. Generally okay with the connection to the RYCB as long as the Town does not have any liability for keeping the outlet clear.

I noticed the zoning amendment is for setbacks. Has the maximum coverage been checked? It looks like it will be exceeded.

- House (163.95 m² per grading plan)
- Shed (12' x 9') = 10.03 m²
- Gazebo (15'6" x 16') = 23.04 m²
- Total Area: 402.6 m²

This puts the coverage at 48.9% without consideration to the patio that looks to be there as the entire backyard looks hard surfaced.

The maximum coverage for this zone is 50%, meaning any additional structures or additions will require another Zoning Amendment.

The Grand Valley Fire Chief provided the following comment regarding the outdoor fireplace:

From: Justin Foreman <jforeman@gvdfd.com>
Sent: August 27, 2024 9:03 AM
To: Brad Haines <bhaines@townofgrandvalley.ca>
Subject: RE: 25 McIntyre Lane

Good morning, Brad,

I have no issues with the fireplace from a fire standpoint. If the Town and the by-laws support, it.

Regards,



Justin Foreman

Fire Chief

Grand Valley & District Fire Department

T. 519-928-3460 | C. 519-278-6328 | F. 519-928-2456

Email: jforeman@gvdfd.com

2 Watson Rd. Grand Valley, ON L9W 6N9

www.gvdfd.com

No other technical comments were received.

Planning Analysis

Town Staff conducted a site visit of the property on September 23, 2024.

The Owner has submitted a Zoning By-law Amendment Application to permit reduced side and rear yard setbacks to accommodate an existing gazebo, shed and outdoor fireplace. The gazebo was built without a permit; however, a permit has been applied for since the Zoning Application was submitted and is under review by County Building.

The required setback for accessory structures from the rear and side yards is 1.5m. The site plan provided with the application, as shown on **Appendix 4: Site Plans**, shows setbacks anywhere from 24 inches (.60m) to 70 inches (1.7m). Planning conducted another site visit on October 28, 2024, and measured the setback of each structure, the closest being .60m; therefore, the minimum setback for all existing accessory buildings or structures in the proposed Zoning By-law is set at .60m.

In Planning's opinion, the request is minor given the existing situation and Planning did not receive any objections to this application, only letters of support. The application conforms to Provincial Policy, and the Town's Official Plan and can be supported.

Attachments:

Appendix 1: Location Map
Appendix 2: Draft Zoning By-law
Appendix 3: Letters of Support
Appendix 4: Site Plans

Report Submitted by

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Report Approved by

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