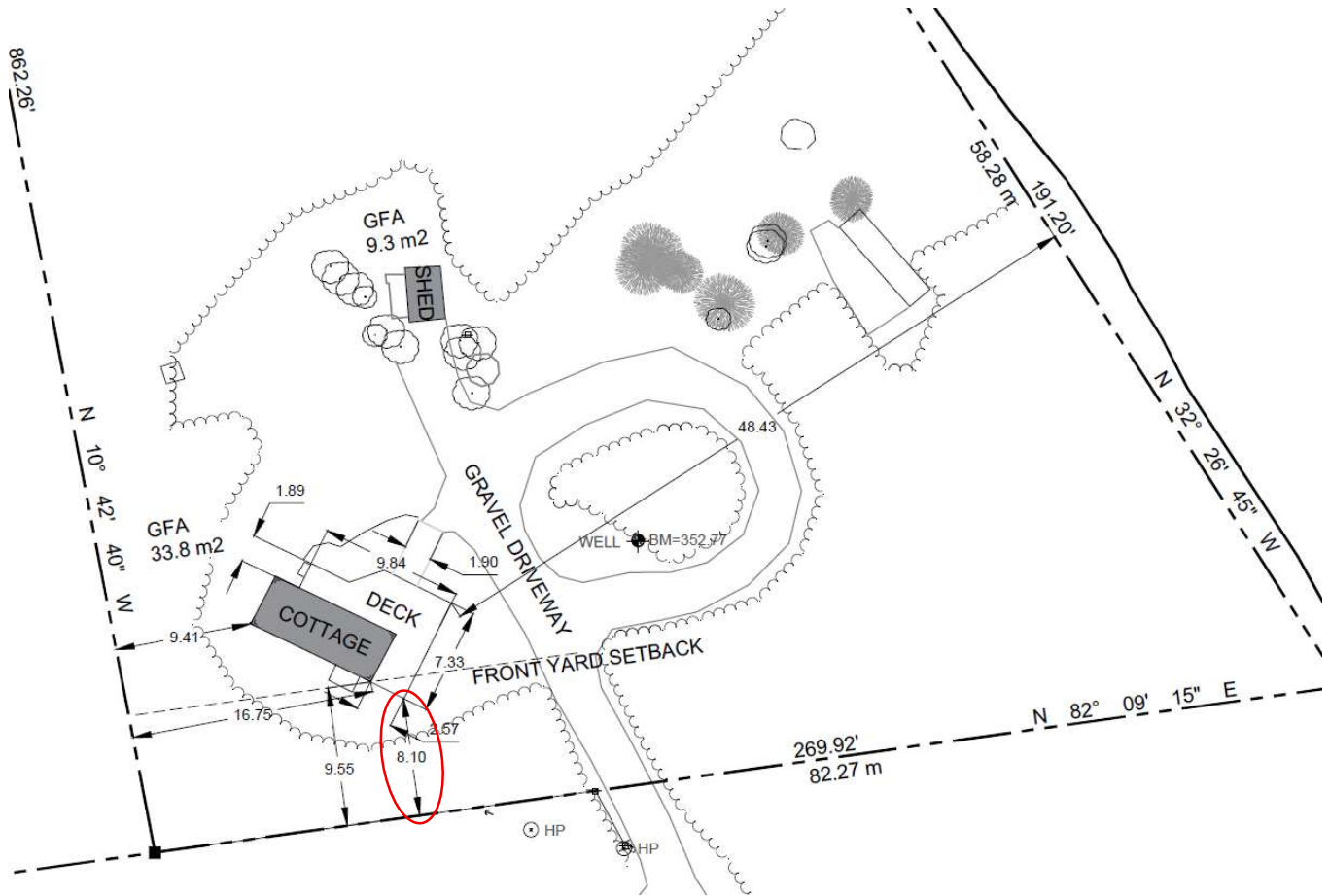


442811 12th Sideroad West Grey, Planning Memo

In support of Deck Minor Variance



Attn: Matt Rapke, Planner

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2024



1. PURPOSE

- 1.1. This Planning Memo is being prepared to support the reduction in setback for a constructed deck on a legal non-conforming lot.
- 1.2. The primary dwelling on site is a 3-Season Cabin, currently considered Legal non-complying as the footprint and front yard setback do not comply with the current Zoning Bylaw.

2. SITE DESCRIPTION

- 2.1. The subject property is an irregular, 1.23Ha parcel of land, approximately ~262m deep with ~82m of frontage onto 12 Sideroad in the municipality of West Grey, and approximately 300m of frontage onto McCormick Lake.
- 2.2. The property is residential in nature, with a seasonal waterfront cottage located near the road. The driveway leads to an accessory shed structure ~35m into the property. The front section of the property between the house and the water is cleared and landscaped; the remainder of the property, including the front yard between the house and the road, is heavily wooded.



[Figure 1] – Aerial photo of subject lands, identifying concession fabric.

- 2.3. The property is surrounded by:
 - 2.3.1. McCormick Lake to the East;
 - 2.3.2. A collection of subdivided waterfront lots to the South and Southeast;
 - 2.3.3. Rural lands to the Southwest and West; and
 - 2.3.4. Wooded areas to the Northwest and North.

3. CURRENT & PROPOSED USES

- 3.1. The property is Currently used as a 3-season cabin and is intended to continue to be used for the same purpose.

4. PERTINENT PLANNING POLICY FRAMEWORKS

4.1. Planning Act and PPS

4.1.1. The proposal has been reviewed for consistency with the Act and Provincial Policy Statement 2024 and has been confirmed as being consistent with both noted frameworks.

4.2. Local & County Official Plan

4.2.1. The lands are designated Rural & Hazard in *Recolour Grey, Grey County Official Plan (Consolidated 2025)*. The *Official Plan of the Municipality of West Grey* applies to the settlement areas of Durham and Neustadt as shown on Schedules 'A' and 'B' to the Plan. As the subject lands sit outside of the areas identified on Schedules 'A' and 'B' of the plan, the LOP does not apply.

4.2.2. It is our opinion that the deck does not contravene any aspect of the Official Plans.

4.3. Conservation Authorities

4.3.1. The subject lands are partially regulated by the *Saugeen Valley Conservation Authority*.

4.3.2. Although the lands are subject to SVCA review, it is unlikely that the deck poses or is subject to any concerns related to the lake given the setback and change in elevation.

The application will need to be circulated to SVCA for review and a development permit may be needed; however, no concerns are anticipated that would interfere with this application.



[Figure 2] - Zoning overlay with SVCA
Regulated areas in beige hatch.

5. ZONING RATIONALE

5.1. The property is zoned A2 (Rural) and NE (Natural Environment).

5.2. According to *By-law Number 37-2006 (Consolidated April 1, 2017)*, the Rural Zone allows for detached residential dwellings. **Section 9.3** of the bylaw speaks to the specific provisions for Reduced Lot Regulations applied to non-farm sized lots of record, as noted below:

<u>Parcel</u>	<u>A2 Provisions</u> <u>(A.p. Section 9.3 Reduced</u> <u>Lot Regulations)</u>	<u>Provided</u>	<u>Compliance</u>
Min Lot Area (m²)	0.8Ha	1.23Ha	Complies
Min Frontage(m)	30.5m	82m	Complies
Min GFA (m²)	102.2	33.8	LNC (Existed prior to May 15, 2006)
Front Yard(m)	18.3m	9.5m	
Rear Yard (m)	7.5m	Met	Complies
Int Yard (m)	3m	9.4m	Complies
Ext Yard (m)	7.5m	48m (to shore)	Complies
Max Coverage (%)	20%	Met	Complies
Allowable Encroachment	3m	1.4m	As per 6.36 b) i)
Accessory Structures	Permitted	Permitted	Complies

[Figure 3] – Compliance with Provisions of Section 9.3

- 5.2.1. The original structure on site was built at some point in the 20th century. The structure was rebuilt in 2021 on a similar footprint after a fire required the demolition of the original home (as permitted by **Sections 6.21 and 6.22**). This structure was Permitted by Building Department of West Grey and final occupancy inspection occurred in 2026.
- 5.2.2. The deck that was also reconstructed however, was not subject to the permit and a separate permit submission was made to bring the deck into compliance in 2025/26. The front yard setback encroachment for the deck was noted at that time.
- 5.2.3. **Section 6.36 b)i) – Yard Encroachments**, says that “[uncovered decks may project into required front yards by no more than 3m]”.
- 5.2.3.1. The constructed deck only extends beyond the face of the main structure, into the yard by ~1.4m.
- 5.2.4. **Section 6.22 - Legal Non-Compliance** says that “Nothing in this By-law shall prevent a non-complying use, building or structure from being enlarged, extended (either vertically or horizontally), reconstructed, repaired or renovated provided that the enlargement, extension, reconstruction, repair or renovation does not further reduce the compliance of the use, building or structure with any provision of this By-law.”
- 5.2.4.1. Due to the location of the existing structure on site, this allowable encroachment does in fact further exacerbate the non-compliance.
- 5.2.4.2. The application of these provisions together is therefore quite nuanced but may require relief from the following provision, depending on staff interpretation:
 - 5.2.4.2.1. *Whereas the Bylaw requires a front yard setback of 18.3m, for a legally existing lot of record, a yard encroachment is allowed as permitted by **Section 6.36** so long as a minimum front yard setback of 6.5m is maintained to all buildings and porches.*
- 5.2.4.3. If this variance is determined to be required by staff, the additional non-compliances for the primary structure’s front yard setback and minimum area can be recognized at the same time.

THE FOUR TESTS

- 5.3. In Ontario, a minor variance must satisfy four specific tests under Section 45(1) of the Planning Act to be approved by the Committee of Adjustment:

I. Does the Minor Variance maintain the intent and purpose of the Official Plan?

The proposed application supports a permitted use (residential) under the Official Plans on a legal lot of record and complies with the policies of the plan.

II. Does the Minor Variance maintain the intent and purpose of the Zoning By-law?

The reduced setback respects the existing structure and the intent of the yard encroachment provisions while supporting the broader intent of the policies in the Zoning Bylaw, including appropriate sizing and orientation of non-farm parcels.

III. Is the Minor Variance minor in nature?

The setback reduction recognizes the existing house location while allowing for a reasonable and logical expansion of a porch within the maximum allowable encroachment from the face of the structure. The request is minor in nature and makes the best use of time and the available planning resources.

IV. Would the Minor Variance represent an appropriate or desirable use of the land and buildings?

The request is beneficial to the existing land use and cannot be construed as creating any sort of nuisance. The request is appropriate and desirable both in terms of the intended use and the local context.

September 16, 2026



6. PLANNING OPINION

The proposal demonstrates conformity with the Official Plan, the intent of the Zoning Bylaw and the goals of the Rural area while demonstrating compatibility with the adjacent land uses. It is our opinion that the application represents good land use planning and should receive Consent via Committee of Adjustment.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Blake Tonic', is written over a large, faint, light gray watermark of the PlanForge logo.

S. Blake Tonic
President & Head of Development
PlanForge Project Solutions



