



Grey
County

Report PDR-CW-02-22
Committee of the Whole
December 9, 2021

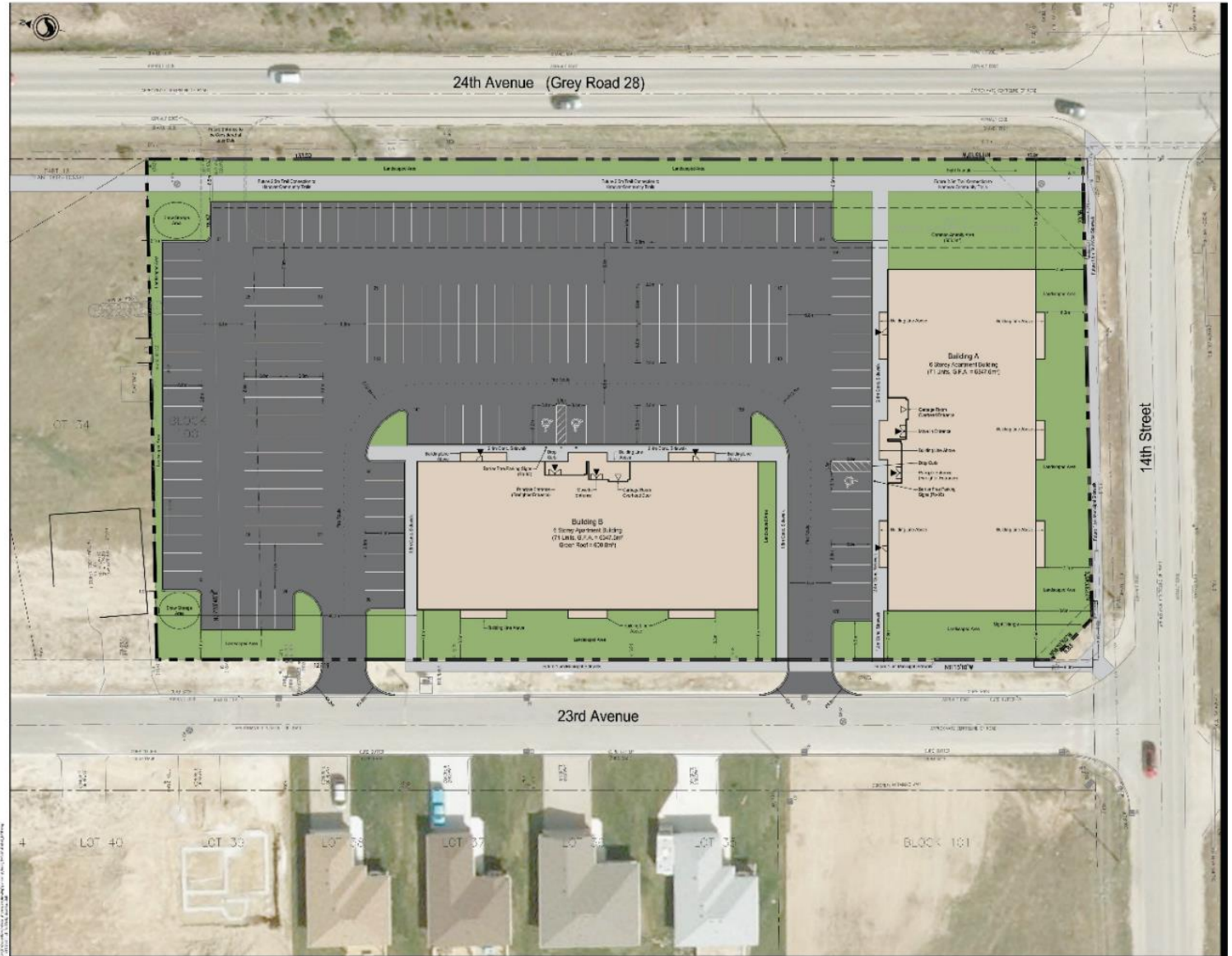
Minor Variance A3-21
651 23rd Avenue
Part of Lot 10, Concession 1 NDR,
geographic Township of Bentinck
now in the Town of Hanover

Subject Lands



Proposed Conceptual Site Plan

(Conceptual
Site Plan
Courtesy of
Stantec)



Minor Variance A3-21

- The lands are approximately 1.01 hectares in size and are framed by three existing streets, 23rd Avenue, 14th Street, and Grey Road 28 (24th Avenue).
- The proposed development will include two six-storey apartment buildings, each containing 71 units.
- Minor variance application A3-21 proposes to vary the height, density, and parking provisions in the Town's Zoning By-law.
- A future site plan application will also be required for this development.
- The lands are designated as 'Primary Settlement Area' and 'Hazard Lands' in the County Official Plan and designated as 'Large Format Commercial' and 'Hazard' in the Hanover Official Plan.

Minor Variance A3-21

- There were some concerns by neighbours about this development and the potential entrance onto Grey Road 28 sought to alleviate some of the traffic concerns.
- Hanover's Committee of Adjustment granted the minor variance subject to a number of conditions.
- County staff have concern with condition (g) as follows:
 - “that the Owner enter an agreement with the Town for a future entrance be provided on 24th Avenue when the need arises due to traffic flow exceeding acceptable levels of service”*
- County staff have no concern with the principle of the development and are supportive of new rental housing.

Planning Analysis – County Plan

County Official Plan policies do not support a new entrance to this development off Grey Road 28. Sections 8.3.2(9) and (10) state:

“(9) New access to County roads that are classified as County Arterial or County Collector roads will be discouraged where development sites have suitable access to a County local road or a municipal local road in order to preserve the key function of the County road in the complete transportation system...

(10) New development that requires access to a County Arterial, County Collector or County Local Road as identified on Appendix D will be considered subject to:

- b) No appropriate access is available from a County local road or a municipal local road;”*

Planning Analysis – Town Plan

Town Official Plan policies do not support a new entrance to this development off Grey Road 28. Section E3.1.1(a) states:

- ii. “It is the intent of this Official Plan to limit access to/from properties along Arterial roads. All proposals for new development along Arterial Roads must consider the impact of the proposed use on the functioning of the Arterial road. Shared access points may be required.*
- iii. Where the County of Grey is the approval authority for access onto an Arterial Road, the County may grant or refuse access. All development along a County Road shall be in accordance with the County’s policies and standards. The County shall be involved in the review of Site Plan Control Agreements involving access onto a County Road.*
- iv. Where development or redevelopment is proposed for a property having frontage on both an Arterial Road and either a Collector or Local Road, access shall be gained from the Collector or Local Road.”*

County Appeals Process

- The last date for appeals was December 6, 2021.
- In accordance with the County's Appeal Policy and Procedure a 'placeholder appeal' was submitted.
- Should Council decide not to proceed with the appeal, County staff will withdraw the appeal.
- Staff are recommending Option 1, to move forward with the appeal with respect to condition (g) of the decision.
- Staff are hopeful that a settlement could be reached with the Town and the developer to avoid the need for an Ontario Land Tribunal hearing.

Recommendation

1. That Report PDR-CW-02-22 regarding an overview of Town of Hanover minor variance application A3-21 on lands described as Part of Lot 10, Concession 1 North of the Durham Road, in the geographic Township of Bentinck, Town of Hanover, municipally known as 651 23rd Avenue, be received for information; and

(Choose either option 1 or options 2(a) or 2(b))

Option 1

2. That staff be directed to pursue the appeal of minor variance A3-21 to the Ontario Land Tribunal with respect to condition (g) of the decision regarding an entrance onto Grey Road 28.

Option 2(a)

3. That staff be directed to withdraw the appeal of minor variance A3-21 to the Ontario Land Tribunal; and
4. That should minor variance A3-21 get appealed by another party, that staff be directed to seek party status at the Ontario Land Tribunal proceeding as it pertains to defending the County's interest with respect to Grey Road 28.

Option 2(b)

5. That staff be directed to withdraw the appeal of minor variance A3-21 to the Ontario Land Tribunal and seek no further status at any potential Ontario Land Tribunal proceeding with respect to this file.