



RON DAVIDSON
LAND USE PLANNING CONSULTANT INC.

March 10, 2025

Municipality of West Grey
402813 Grey Road 4
RR 2
Durham, ON
N0G 1R0

Attention: David Smith
Manager of Planning

Dear David:

**Re: Planning Justification Report
Minor Variance Application
Part Lots 94 to 97, Concession 1 SWTSR, Geographic Township of
Glenelg
Municipality of West Grey
Owner: David Chapman's Ice Cream Limited**

In support of the Minor Variance application filed on behalf of Chapman's Ice Cream (formally known as David Chapman's Ice Cream Limited) regarding the above-noted property, I offer the following:

Proposal:

Chapman's Ice Cream proposes to expand its existing ice cream manufacturing operation in Markdale by constructing a 16,257.5 square metre addition onto one of the existing buildings.

The existing building is located within the Municipality of Grey Highlands. The addition would extend across the municipal boundary onto lands in the Municipality of West Grey.

This building enlargement requires a Minor Variance to the 'M1' zone provisions of the West Grey Comprehensive Zoning By-law in order to:

1. reduce the 'minimum side yard' requirement from 3.0 metres to 0 metres;

2. reduce the minimum parking requirement from 181 spaces to 97 spaces; and,
3. increase the 'maximum building height' requirement from 12 metres to 16 metres.

Minor Variance Tests:

When dealing with Minor Variances, the Committee of Adjustment must be satisfied that the request passes all four tests for Minor Variances set out in The Planning Act. In this regard, please consider the following:

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

Schedule A of the County of Grey Official Plan designates the portion of the subject property located within West Grey as 'Primary Settlement Area'. No local Official Plan applies to these lands.

A variety of urban type land uses are permitted within this land use designation, including industrial activities.

The Official Plan does not contain policies pertaining to the finer details of development such as minimum yard, maximum lot coverage, and minimum parking requirements. Regulations of this nature are found in the Comprehensive Zoning By-law.

Based on the foregoing, the proposed variance will maintain the intent and purpose of the Official Plan.

2. Does the variance maintain the intent and purpose of the Zoning By-law?

The purpose of the 'minimum side yard' requirement is to ensure that buildings on a property do not create an overcrowding effect on the subject property and/or adjacent lands, and to also ensure that sufficient area is provided along a lot line to allow for the maintenance of the building without trespassing onto the neighbour's property.

The purpose of the minimum parking requirement is to ensure that adequate onsite parking can be provided.

In this regard, it is important to note that a Minor Variance would not be required for either of these two provisions if the Grey Highlands portion of the Chapman's site was also located within the Municipality of West Grey. First of all, this side lot line would not actually be considered a property boundary, and development could extend up to and beyond this particular line. Even under this current arrangement, it is questionable whether this lot line setback is required since this so-called "lot line" is technically only a municipal boundary and not an actual property boundary. Despite being located within two municipalities, the subject property is simply one large parcel of land that could only be conveyed to another party as a whole property. For this reason, any concerns regarding a 0-metre setback are moot. Secondly, the parking requirement would be satisfied if the parking spaces located on the Grey Highlands portion of the property were factored into the equation.

With the regard to the request to the 'maximum building height requirement', please consider the following: The purpose of this requirement is to ensure that buildings do not have a dominating effect on the adjacent lands. Given the location of the building on the property and its proximity to other neighbouring lands, it is doubtful that the increased building height would create an imposition on the neighbours. It should be noted that the additional building height is only necessary to allow for rooftop mechanical equipment.

Based on the above, the required variance should not undermine the intent and purpose of these zoning provisions.

3. Is the variance minor in nature?

This test has traditionally been interpreted as meaning "what impact will the variance have on the neighbours?"

In this case, Chapman's Ice Cream is its own neighbour and will obviously benefit from the variance because it would facilitate the expansion onto their own neighbouring lands.

No other neighbours should be impacted.

4. Is the variance requested desirable for the appropriate and orderly development and use of the lands and buildings?

Two of the three variances requested are only necessary to address a

technicality caused by the municipal boundary traversing the middle of the subject property. The third variance, which increases the building height provision, will allow for a more efficient use of the subject lands.

The variances are desirable for the appropriate and orderly use of the lands and expanding building.

Provincial Planning Statement:

The Provincial Planning Statement (PPS) directs urban type development to designated settlements of the County, such as Markdale. The PPS encourages development to be connected to municipal water and sanitary sewage disposal where such services are available. The proposed expansion will be serviced with full municipal services.

Furthermore, the PPS promotes employment land development and economic development. Chapman's Ice Cream is one of the largest employers in Grey County, and the expansion to its facility is clearly supported by this provincial directive.

The proposed variances are consistent with the PPS.

Conclusion / Recommendation:

The proposed variance has strong planning merit and should be given favourable consideration.

Respectfully submitted,



Ron Davidson, BES, RPP, MCIP

c.c. Joe Jacobs (Chapman's Ice Cream)
Abdullah Passha (Municipality of West Grey)
John Slocombe (GEI Consultants)