

Township of Southgate
Administration Office
185667 Grey Road 9, RR 1
Dundalk, ON N0C 1B0



Phone: 519-923-2110
Toll Free: 1-888-560-6607
Fax: 519-923-9262
Web: www.southgate.ca

Staff Report PL2020-053

Title of Report: PL2020-053-A2-20 Wil-Mar Inc.
Department: Clerks
Branch: Planning Services
Committee Date: September 23, 2020

Recommendation:

Be it resolved that the Committee of Adjustment receive Staff Report PL2020-053 for information; and

That the minor variance be approved.

Property Location: 146045 Southgate Road 14



Application Brief:

The subject lands noted above are legally described as Con 11 S Pt lot 23 in the geographic Township of Proton. The purpose of the variance request is to permit the enlargement of an existing barn. The proposal requires relief from Section 6.2(e) and the Minimum Distance Separation (MDS), of the by-law which requires a setback of 9m from a side lot line.

Background:

The By-law prohibits any enlargement of use that is considered a legal non complying use. In this case the existing barn is only 5.2m from the edge of property. To obtain a building permit to enlarge the existing barn, a variance to the by-law provisions are required. Applications for a variance to the Zoning By-law must be consistent with the Provincial Policy Statement and satisfy Section 45 (1) of the Planning Act.

Provincial Policy Statement (PPS)

The PPS provides guidance for comprehensive planning decisions at the Provincial, County and local levels but does not address specific development provisions at the local level. The intent of the PPS as it applies to the Township of Southgate is to encourage growth and development that is suitable to the area. The proposed minor variance will not increase the already deficient setback. It is proposed that the barn enlargement be no closer than 5.2m which is the existing setback. The PPS does not speak directly to variances and decks for residential uses. As long as the barn is a permitted use and does not worsen the zoning compliance or create a safety hazard or is constructed in a Hazard area, it can be broadly interpreted that the proposed variance is consistent with the Provincial Policy Statement. The details of the use are further refined in the by-law which will be examined further in this report.

Minor Variance

For a successful variance, the following four tests of Section 45(1) of the Planning Act must all be satisfied:

1. The variance must be minor in nature

Currently the by-law requires a minimum setback of 15m for an agricultural building and 9m for the MDS setback from the side lot line. The existing barn is only 5.2m from the lot line at present. The Enlargement proposed will not be any closer to the side lot line then the existing barn. In this regard the proposal is minor in nature as the conflict already exists. The reduction of the Side yard setback for MDS is also minor as it is only a distance of 3.8m being requested. This is especially minor when the situation is looked at from the surrounding land use. The lands to the east that would be most affected are primarily wetlands for 150m from the side

lot line. It is not anticipated the reduction of 3.3m from the side lot line will have any impact on the neighbour from an MDS perspective.

The proposal meets this test and can be considered minor in nature.

2. It must be desirable for the appropriate development or use of the land, building or structure

The subject lands are considered to be an agricultural lot and agricultural uses are permitted on the subject lands. In this regard the proposal is both desirable and appropriate. The minor reduction of a side yard setback will have no impact on the development potential or desirability of the neighbouring property to the east.

The proposal meets this test.

3. It must maintain the general intent and purpose of the Official Plan

The intent of the Official Plan is to promote and protect agriculture and to control development and distances between sensitive land uses. MDS and by-law setbacks are a way of controlling distances from neighbouring sensitive land uses. The lot to the east is also a farm lot however there is approximately 150m of EP lands adjacent to the eastern property line

The proposal maintains the intent of the Official Plan.

4. It must maintain the general intent and purpose of the zoning by-law

The intent of a setback is to limit the impacts of a structure or development on a neighbouring property and to "space out" development. On a farm sized property such as this, there is little need to space out. The loss of approximately 10m from the side yard setback and 3.8m for the MDS setback is negligible when compared to the 150m of undevelopable Hazard lands directly to the east on the abutting property.

Furthermore the proposed barn expansion will not worsen the existing setback deficiency. The current barn is 5.2m from the side lot line and the extension will be no closer to the side lot line. The proposal again meets the intent of the bylaw by maintaining or exceeding the existing setback.

The requested variance meets the general intent and purpose of the zoning by-law.

Comments from Agencies and the Public

Building Department No concerns or objections with the application.

The County of Grey planning staff indicate that provided positive comments are received from the local conservation authority and further options are considered to resituate the proposed barn expansion, County planning staff have no concerns with the subject application.

The Historic Saugeen Metis have no objection to the proposed development.

Township Public Works indicate a safe entrance access can be provided, the road is a load restricted road.

Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed severance.

No comments were received from the public as of the writing of this report.

SUMMARY

This application to vary Section 6.2(e) of the Comprehensive Zoning Bylaw and the MDS setback relief of 3.8m to permit an addition to a barn **passes** the four tests of a minor variance as required by the Planning Act.

Planning staff therefore recommend the variance to the by-law be approved, if no negative comments are received from the public.

Respectfully Submitted,

Municipal Planner: *Original Signed By*
Clinton Stredwick, BES, MCIP, RPP



CAO Approval: *Original Signed By*
Dave Milliner, CAO

Attachments:

1. Drawing 1
2. Drawing 2