

Staff Report PL2021-033

Title of Report: PL2021-033 - A2-21 DeSousa and Duarte

Department: Planning Department

Committee Date: April 28, 2021

Application: Minor Variance Application A2-21 – DeSousa and Duarte

Location: Con 4 Pt Lot 4, RP16R5368 Pt 1 (Geographic Township of Proton) in the Township of Southgate. Also described as 085074 Grey Road 14.

Recommendation:

Be it resolved that the Committee approve Minor Variance Application A2-21 subject to the following conditions:

1. That a fence or tree screening be placed next to the northerly container to screen it from the road and from the easterly lot line; and
2. That the side yard set back is reduced to 3.9m; and
3. That all outstanding taxes, fees and charges are paid, if any.

Subject Property 085074 Grey Road 14



Application Brief

The purpose of the variance is to vary the definition of home occupation to allow for the storage of merchandise in two 8 ft X 20ft shipping containers on the property and to vary section 5.1(e)(ii) allowing for a reduction of the 7m interior yard setback to 3.9m. All other provisions of the bylaw shall apply.

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 is to permit two small shipping/storage containers to be located on the property at a reduced setback of 3.9m to the east property line. The purpose for the shipping containers is to store merchandise that is bought and then later resold online. There will be no display of merchandise outside. The adjacent property to the East is zoned C2 commercial and would be compatible with this type of use.

The use will not require the extension or enlargement of any service levels within the Village Community of Cedarville.

The use is also within a designated village community within the Township of Southgate Official Plan where non agricultural uses such as this would generally be directed. Based on this broad interpretation the proposed variance is generally consistent with the Provincial Policy Statement as it is supportive of directing growth to settlement areas and having compatible land uses.

Minor Variance

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

1. The variance must be minor in nature.

The property is 1 acre in size with approximately 140 ft of frontage along Grey Road 14. There is currently a residence and small 25ft X 36ft storage shed structure on the property. The proposal would add two 8 X 20 shipping containers, one at each end of the storage shed for the storage space of this business. The total storage area that would be utilized is 320 ft². The storage of goods within a container that are later sold online is a relatively benign use and the impact of two small shipping containers with proper screening is minor in nature.

It is the opinion of staff that the proposal is minor in nature and meets this test.

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

The addition of two small accessory structures on a large one acre property to support a small home based business is desirable and compatible with the surrounding area. The immediate neighbour to the East has a C2 Commercial Zone which is compatible with simple storage of merchandise. With the addition of a screening fence or trees the proposal should have very little impact on neighbouring properties.

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

The subject lands are designated 'Village Community' within the Township Official plan and Secondary Settlement Area within the County of Grey Official Plan. The intent of this designation is to allow for a variety of non Agricultural and rural land uses including low density residential and home and rural occupations.

One of the key development policies for the Village Community is that it must be able to be serviced by rural service levels and the stormwater runoff can be addressed. The proposal will not require any need to extend roads or water or septic systems. The drainage for the proposed use can be accommodated on site as the lot is large enough to accommodate the increased lot area of 320ft².

Factors such as MDS are not a consideration within settlement areas.

The addition of two storage containers for a home occupation is permitted and appropriate for the lot provided there is some screening in the form of a fence or tree planting to screen the containers from the road.

The proposal is consistent with the intent of the Official Plan and meets this test.

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

The subject lands are zoned 'R5' within the Township of Southgate Zoning By-law No. 19-2002, as amended. The R5 zone permits Home occupations and uses accessory to a residential use.

The Bylaw section 5.1 e (ii) requires that accessory structures over 14m² to have a setback of 7m. This is to reduce their impact on neighbouring properties.

With the neighbouring property being commercial and the use of a fence or tree planting it is anticipated that the proposal will have a minimal visual impact on the Commercial property to the east. The reasoning for the setback reduction is to allow the containers to be placed next to the existing shed so that at least one container is partially screened from view reducing the "massing" affect of the containers.

The intent of the zoning by-law is to limit the impacts of a home occupation on the neighbouring properties and specifically the proximity of large structures to the property line of other residential or sensitive uses. With the addition of a fence or trees for screening the proposal meets this intent. All other provisions of the by-law

will be maintained. Based on the above, in my opinion the proposed variance, with the addition of some screening, would maintain the general purpose and intent of the Zoning By-law to reduce visual impacts on neighbouring and sensitive properties.

Comments from Public and Agencies

The Saugeen Valley Conservation Authority have indicated the application is acceptable. The subject property does not contain any natural hazard features or other environmental features of interest to SVCA. As such, it is the opinion of SVCA staff that the application is consistent with the Natural Hazard and Natural Heritage Policies of the PPS 2020, and the Grey County Official Plan, and the Township of Southgate Official Plan. Additionally, the property is not subject to Ontario Regulation 169/06, or to the policies of SVCA at this time, and as such, permission (permit) from the SVCA is not required for development on the property.

The County of Grey The subject lands are designated 'secondary settlement area'. As per 3.6(2), home/rural occupations are a permitted use. County staff recommend the proponent consider planting trees around the storage facilities, to buffer the subject use from the surrounding lands. County Transportation Services have no concerns.

Historic Saugeen Metis have no concern with this application.

The Building Department has no concerns and indicates a building permit is required.

Summary

This application is to vary the definition of a home occupation and side yard setback for an accessory structure of the Comprehensive Zoning By-law . The comments from the County of Grey recommending planting of trees for a screen have been taken into consideration with the recommendations. The application passes the four tests required by the Planning Act and it is therefore recommended that the minor variance application be approved with the condition that a fence or tree screening be placed next to the northerly container to screen it from the road and from the easterly lot line.

Respectfully submitted,

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

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

- Attachment #1 – Drawing provided by applicant