

Staff Report PL2021-037 - A4-21 Jesse Martin

Title of Report: PL2021-037 - A4-21 Jesse Martin
Department: Planning Department
Date: April 28, 2021
Application: Minor Variance Application A4-21 – Jesse Martin
Location: Con 13 Lot 18 (Geographic Township of Proton) in the Township of Southgate (see the key map below). Also described as 185673 Grey Road 9.

Recommendation:

Be it resolved that the Committee approve Minor Variance Application A4-21 to vary the Minimum Distance Separation formula requirement for the proposed horse barn from 168m to 159m.

Subject Property 185673 Grey Road 9



Application Brief

The applicant is requesting a variance to reduce the MDS requirement for a proposed barn from 168m to 159m. That is a reduction of 9m to the MDS requirement in the Zoning By-law. 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 applicant would like to construct a horse barn on the property however the Township building is considered to be a sensitive land use and therefore it applies a double factor for MDS purposes. It is possible to meet the MDS requirement on the adjacent parcel however it will require significant amounts of fill to be brought in to accommodate the distance. There is a large hill between the Township office and the proposed barn as well as the fact that the barn will be east of the Township office and (down wind) of the general westerly winds. For these reasons, the applicants would like to vary the MDS to the Township building to reduce the amount of fill required for the horse barn.

The PPS generally says that MDS shall be met however the province also allows in certain cases, for MDS to be varied. I believe there is sufficient merit in the proposal to suggest that it meets the general intent of MDS to minimize odours to sensitive lands uses and therefore is consistent with the PPS.

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 reduce of an MDS setback by 9m is considered to be minor in nature in the rural area.

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 construction of an barn for horses for transportation is both desirable and necessary for the owners of this lot. Barns are a permitted use within the general rural area are appropriate in this case. It is staff's opinion that the proposal is desirable and appropriate development for the area. The proposal meets this test.

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

The subject lands are designated 'as Rural and Hazard Lands' within the Township Official plan which permits Barn provided that they can meet MDS guidelines. The MDS guidelines do allow for variances provided there is reasonable justification.

The lot is constrained to the East by a hazard area and so must build the barn on more of a slop. The existing barn that was there was not salvageable or appropriate for the proposed horse and buggy barn. The house on the subject lands is at the very top of the knoll on the property which then drops sharply toward the Township building. Because the barn will be located east of the Township office with a large knoll separating the two uses it is suggested that the construction of the barn to allow for 4 or 5 horses is an acceptable variance to the MDS requirement. The actual reduction is proposed to be 9m.

Based on the above 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 'A1' and EP within the Township of Southgate Zoning By-law No. 19-2002, as amended. The zoning bylaw requires that MDS be met and therefore in order to issue a permit for the barn that is closer than the requirement a variance must be granted.

The intent of MDS is to limit odour complaints with respect to livestock facilities. A barn is classified as a Livestock facility even if it only holds a few horses for transportation purposes. I believe however that the mitigating circumstances of being to the east and therefore down wind of the general westerly winds, and the large knoll/hill between the barn and the Township office, are sufficient to warrant the reduction in the MDS requirement by 9m. Staff are of the opinion that the proposed variance meets the intent of the zoning bylaw and passes this test.

Comments from Public and Agencies

The County of Grey has no concerns.

Historic Saugeen Metis have no concern with this application.

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

The SVCA indicate that the proposed minor variance is acceptable to SVCA staff.

Enbridge gas indicate that does have service lines running within the area which may or may not be affected by the proposed Site Plan. Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

Summary

The comments received to date support the proposal and the application passes the four tests required by the Planning Act. Provided that there are no negative comments received from members of the public it is recommended that the minor variance application be approved to vary the Minimum Distance Separation formulae requirement for the proposed horse barn from 168m to 159m.

Respectfully submitted,

Dept Approval: **Original Signed By**

Clinton Stredwick, BES MCIP RPP
Township Planner

CAO Approval: **Original Signed By**

Dave Milliner, CAO

Attachments:

1. Site Plan Drawing