



Staff Report PL2021-098

Title of Report: PL2021-098-A8-21- Gerald and Brenda Martin
Department: Clerks
Branch: Planning Services
Committee Date: November 24, 2021

Recommendation:

Be it resolved that the Committee of Adjustment receive Staff Report PL2021-098 for information; and

That the Minor Variance be approved with the following conditions:

1. **That** a survey be provided if required by the CBO; and
2. **That** all outstanding taxes, fees, and charges are paid, if any.

Property Location:

Legally known as Con 7 Pt Lot 13 RP 17R3410 Part 1 (Geographic Township of Egremont) in the Township of Southgate (see the key map below). Also described as 084104 Southgate Road 8.



Application Brief

The variance is to permit an attached garage (principle structure) to be located closer to the interior side lot line. The proposal requires relief from Section 6.1(e),

of the by-law which requires a principle structure to be 15m from the interior side lot line. The accessory structure is proposed to be located 9m from the interior side lot line. All other provisions of the by-law shall apply.

The owner of the subject lands wishes to construct an attached garage closer to the side lot line. The owner is requesting the variance to allow them to construct 9m from the side lot line.

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 a reduction of a side yard setback from 7m to 3m. The proposed accessory structure is on a large rural lot which is in keeping with other rural properties. The proposed variance is consistent with the Provincial Policy Statement.

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.

In rural areas where development is often hundreds of meters from other structures or even lot lines the reduction from 15m to 9m can be considered 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 construction of an attached garage structure is common, appropriate and desirable for a rural residential lot. The reduction of the setback from 15m to 9m to the side lot line will not negatively impact the neighbouring property or look out of place from the Road.

The proposal meets this test.

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

The subject lands are designated 'as Prime Agricultural area' within the Township Official plan which permits the construction of an attached garage structure such as this.

The Official Plan generally requires that drainage be addressed so that it is not directed toward a neighbouring property. 9m is sufficient space to ensure that drainage is handled appropriately based on the Chief Building Official's opinion.

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' within the Township of Southgate Zoning By-law No. 19-2002, as amended. Within the A1 an attached garage has the same setbacks as the principle structure, which in this case is 15m from the side lot line. The intent of a side yard setback is to prevent a shadowing and massing affect on a neighbouring property. Given the size of the garage and the forested area adjacent to the side lot line, shadowing on neighbouring agricultural lands will not be a concern. In this case the building is still setback 9m (29.5ft) from the property line which helps alleviate any shadowing that may affect neighbouring crops.

In my opinion the proposal meets the intent of the bylaw and passes this test.

Comments from Public and Agencies

Township Public works department indicates that it is a gravel rural road standard and that a road widening is not required.

The County of Grey indicate that the proposed garage addition appears to be located outside of the mapped Hazard Lands but may be within the adjacent lands of a Stream and Significant Woodlands. It is recommended that further comments are received from the local Conservation Authority.

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

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.

Respectfully Submitted,

Municipal Planner:

Original Signed By

Clinton Stredwick, BES, MCIP, RPP



Dept. Head: *Original Signed By*
Lindsey Green, Clerk

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

Attachments:

1. Drawings of Proposal