

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 PL2022-017

Title of Report: PL2022-017-A1-22-2617577 Ontario Inc -
Krishnapillai
Department: Clerks
Branch: Planning Services
Committee Date: March 23, 2022

Recommendation:

Be it resolved that the Committee of Adjustment receive Staff Report PL2022-017 for information; and

That the Minor Variance be approved to provide relief from the parking and loading provisions of the comprehensive zoning by-law.

Property Location:

Legally known as Plan 480 BLK E Lot 3 (Geographic village of Dundalk) in the Township of Southgate (see the key map below). Also described as 60 Main St E.



Application Brief

Approval of this application would provide relief from the by-law to permit a take out restaurant to establish on main street. The relief will specifically reduce the required 20 spaces of parking and one loading space down to zero. It is proposed that the restaurant would utilize on street parking as well as the municipal lot.

The minor variance is to vary the parking provisions of section 5.7 and 5.14 to allow for a commercial take out restaurant.

Comments received

Public Works indicate that the area is in Well head protection area "B" – Applicable to dense non-aqueous phase liquid (DNAPL's) products managed by education and outreach programs. The road is County of Grey Jurisdiction.

The Grand River Conservation Authority has no objection to the approval of the application.

County of Grey indicate that Transportation Services have no concerns provide the Town can accommodate overflow parking needs. Loading and unloading of goods and services must not interfere with traffic flows along the County Road. Staff acknowledge there may be an opportunity to utilize municipal parking near the credit union.

Policy Context

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 parking requirement from 20 to zero. The proposed use is in keeping with other downtown commercial uses. 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.

The reduction of 20 to zero parking spaces may seem like a large number however there are a few extenuating circumstances. The by-law does not differentiate between a regular sit down restaurant and a take away restaurant which would require much less parking. There is some available on street parking on main street and in the municipal lot behind the building which with a takeaway business would only be utilized for a short period of time. For the above reasons 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 establishment of a take away restaurant is both desirable and appropriate for the downtown commercial area. Additional eating establishments in Dundalk would be a welcome change to the village of Dundalk.

The proposal meets this test.

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

The subject lands are designated 'as Downtown Commercial area' within the Township Official plan which permits a restaurant use.

The Official Plan generally permits the use of on street parking and municipal lots where it is feasible and where it does not create an over crowding situation. The Official Plan specifically states the following:

"4.2.3 Parking

On-site parking requirements for the downtown commercial area may be satisfied through municipal or privately owned parking areas located in close proximity to the use. The Municipality may accept cash-in-lieu where the parking can be reasonably accommodated off site."

This policy gives the Township discretion to allow business the use of municipal or private parking areas as well as accept cash in lieu of parking to help refurbish other sites within the down town for other municipal parking. It would be up to the committee to decide if cash in lieu of parking is necessary.

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 'C2' Commercial within the Township of Southgate Zoning By-law No. 19-2002, as amended. Within the C2 a change of use must not

increase the parking requirement for the site. The previous use for the structure was a massage therapist which required 6 parking spaces. Any new use must require 6 or less spaces in the zoning by-law to be permitted as is. In this case because the use would require 20 spaces it requires a minor variance.

With a variance required the questions then becomes is there room for the additional parking on street and in nearby parking lots. In staff's opinion as stated previously the bylaw does not differentiate between a sit down restaurant and a take away restaurant which would require significant less parking. Based on the is staff believe that the proposal still maintains the intent of the by-law by utilizing on street parking and municipal parking. Again cash in lieu of parking could be considered as some point as well in the future if these types of uses are to continue and parking becomes less plentiful.

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

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



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

Attachments: