

Township of Southgate
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Staff Report PL2022-054

Title of Report: PL2022-054-A5-22-Martarp Inc.
Department: Planning
Committee Date: July 27, 2022

Recommendation:

Be it resolved that the Committee of Adjustment receive Staff Report PL2022-054 for information; and

That the application for minor variance of a front yard setback of 20m for an agricultural building be approved.

Property Location:

Legally described as Con 13 N Pt of Lots 28 and 29. Municipally known as 192489 Southgate Sideroad 19 (Geographic Township of Proton) in the Township of Southgate (see the key map below).



Application Brief

Approval of this application would provide relief from the by-law to permit the shed addition to the agricultural building closer to the front lot line. The relief will specifically reduce the front yard setback for an agricultural structure from 40m to 20m.

Background

The applicants have submitted an application and it has been deemed complete and has been circulated for comment. The application and comments can be found here.

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notice.aspx#A5-22-Martarp-Inc-Onias-Martin->

Comments received

The application was circulated and the comments received are as follows:

Public Works indicate the road is a rural gravel standard and no improvements are required.

The Historic Saugeen Metis have no objections to the proposal.

The County of Grey indicate that provided positive comments are received by SVCA and Southgate Roads staff, the County has no further concerns.

The SVCA find the application acceptable to SVCA staff.

No Comments from the public have been received as of writing this report.

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 front yard setback requirement.

The proposed use is in keeping with other land 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 front yard setback from 40m to 20m, which is a reduction of 20m may be considered minor for the following reasons:

-The existing building does not comply with the current zoning provisions and is 32m from the front lot line and is considered a legal non complying structure.

-The addition to the barn is for the purposes of a shed for storage and not intended to be for live stock use.

-It is on a large agricultural lot and it still meets the minimum setback for other primary and accessory uses not related to agriculture.

For the above reasons it is my opinion that the minor variance is minor in nature.

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

The addition of shed to barn in the rural area is an appropriate use of land. The proposal meets this test.

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

The subject lands are designated as 'agricultural' and 'Hazard lands' within the Township Official plan which permits both agricultural and accessory uses such as a shed. The placement such as setbacks is left to the Zoning by-law. The use would still comply with MDS requirements.

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 Agriculture (A1), Agricultural Exception (A1-344) and Environmental Protection (EP). The exception is for an on farm diversified use shop. The proposed minor variance has nothing to do with the existing on farm diversified use.

The setback required is 40m for a front yard setback for an agricultural use. It is 20m for all other uses. Because the addition is attached to an agricultural building it is considered to be part of the agricultural use. The reason for the increased setback for agricultural buildings from the front lot line is primarily related to

livestock and manure storage facilities. These uses tend to have an odour and can affect where other buildings and dwellings are situated on adjacent lots. As a result, a greater setback is required. In this case the proposed addition is not for an agricultural use that would create any MDS issues or odour issues. For this reason the proposal can be considered to meet the general intent of the zoning by-law.

Summary

The comments received to date support the proposal and the application passes the four tests required by the Planning Act. Based on the above it is recommended that the application be approved.

Respectfully Submitted,

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



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

Attachments: