

Township of Southgate
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Staff Report PL2022-060

Title of Report: PL2022-060-A6-22-DeFrederico
Department: Clerks
Branch: Planning Services
Committee Date: August 24, 2022

Recommendation:

Be it resolved that the Committee of Adjustment receive Staff Report PL2022-060 for information; and

That the Minor Variance be granted to provide relief from the parking provisions of the comprehensive zoning by-law to permit one accessory apartment only.

Property Location:

Legally known as Plan 480 BLK J, Pt Lot 6 RP17R2918 Pt 1 (Geographic village of Dundalk) in the Township of Southgate (see the key map below). Also described as 121 Main St W.



Application Brief

Approval of this application would provide relief from the by-law to permit an accessory unit in the one half of the semi detached unit. The relief will specifically reduce the required 3 spaces of parking to two. The residence currently requires a minimum of two spaces and the accessory apartment requires one. The layout of the property does not allow for a parking space to be created without encroaching on the neighbouring lands.

The minor variance is to vary the parking provisions of section 5.7 to allow for one accessory apartment.

Comments received

Public Works indicate that the Road is Grey County Jurisdiction. 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 Grand River Conservation Authority indicate the subject property does not contain features regulated by the GRCA and as such we will not be providing comment.

County of Grey indicate that Transportation Services indicate that an entrance permit is required and that only one entrance is permitted per lot of record. County Planning Staff have no further concerns.

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 3 to 2. The proposed use is in keeping with other downtown commercial uses, which includes all forms of residential development. 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 3 to 2 parking spaces is considered minor in nature. The accessory unit because of its location downtown may not require a parking space as most locations are walkable for the occupant. Also the owner may split the parking and share the two available spots between the primary and accessory units. 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 accessory unit is both desirable and appropriate for the downtown commercial area. It provides needed housing and the reduction of parking spaces does not require additional snow removal space.

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 all forms of residential development.

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 permitted uses the use of municipal or private parking areas as well as accept cash in lieu of parking to help refurbish other sites within the downtown 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 'R2' Residential Type Two within the Township of Southgate Zoning By-law No. 19-2002, as amended. Within the R2 zone an accessory apartment is a permitted use however it must comply with the parking regulations of the Bylaw. In this case one additional space is required which can not

be accommodated because of the lot layout and therefore a minor variance. There is still sufficient room for each unit to have one parking space and because of its location within the downtown the need for a car is considerably less.

For the above reasons in staffs 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: