



## **Staff Report PL2022-021**

**Title of Report:** PL2023-021-A1-23-Maynard Bearinger  
**Department:** Planning  
**Branch:** Planning Services  
**Committee Date:** April 26, 2023

**Recommendation:**

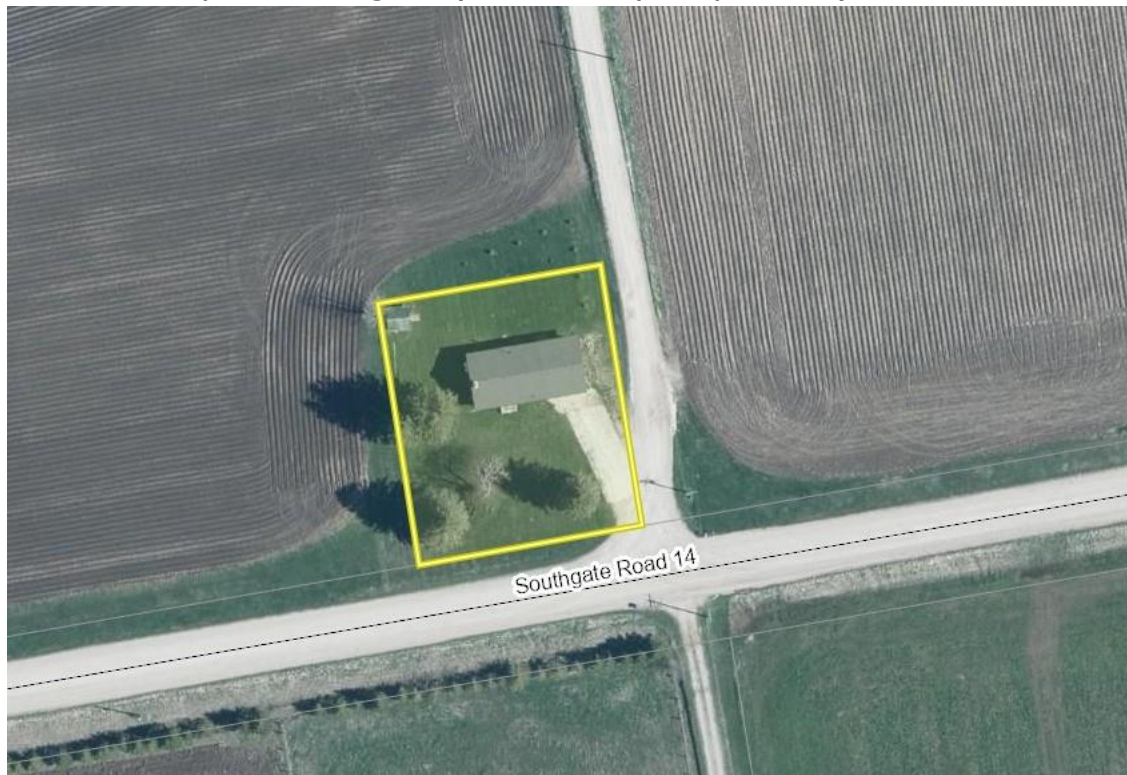
**Be it resolved that** the Committee of Adjustment receive Staff Report PL2022-021 for information; and

**That** the application for minor variance of an interior side yard setback of 2.43m (8ft) be approved subject to the following condition.

**That** a residential entrance permit is obtained from the Township.

**Property Location:**

Known as 143769 Southgate Road 14 (Geographic Township of Egremont) 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 an attached garage to be located closer to the side lot line. The current setback requirement is 5m (16.3ft). The proposal will reduce this setback to 2.43m (8ft) to relocate the garage and entrance to the house to the opposite side of the lot. This will reduce potential conflicts with the shared laneway entrance.

## **Background**

The applicants have submitted their 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#A1-23-Maynard-Bearing>

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

## **Comments received**

Public Works indicate a safe access can be provided, the road is a Rural gravel standard and a residential entrance permit is required.

The Saugeen Conservation Authority has no concern with the proposed minor variance.

The Historic Saugeen Metis have no objections to the proposal.

County of Grey indicate that they have no concerns.

No Comments from the public have been received.

## **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 interior side yard setback requirement. The proposed use is in keeping with other residential 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 interior side yard setback from 5m to 2.43m, which is a reduction of 2.57m may be considered minor in terms of the actual number value. The lots existing size and the existing location of the house leave little option to construct the garage in a different location on the lot and so a variance is required. For this reason 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 a garage to an existing residence 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 'Rural' within the Township Official plan which permits a residential use.

The Official Plan generally permits residential, and accessory uses within the Rural area designation.

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 however, the size of the lot reverts the zoning to the R6 zone provisions within the Township of Southgate Zoning By-law No. 19-2002, as amended. The setback required in the R6 zone is 5m for an interior side yard setback in the R6 zone. The main purpose of the Side yard setback is to insure that there is sufficient amenity space and separation from neighbouring uses. Given that this is a rural area and the adjacent lot is a farm sized parcel there is no concerns with the proximity to the adjacent lot line for an attached garage. With the addition there will still be a significant front yard and rear yard that can be utilized as amenity space. The reduction in setback still allows for access to the interior side yard and provides amenity space elsewhere on the lot. It therefore, meets the intent of the bylaw.

**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  
Dina Lundy, CAO

**Attachments:**