



## Staff Report PL2023-025

**Title of Report:** PL2023-025-A2-23-Peter Enns  
**Department:** Planning  
**Branch:** Planning Services  
**Committee Date:** May 24, 2023

**Recommendation:**

**Be it resolved that** the Committee of Adjustment receive Staff Report PL2022-025 for information; and

**That** the application for minor variance of an interior side yard setback of 0.4572m (1.5ft) be approved, and;

**That** an Engineered Grading and Drainage Plan is prepared to the satisfaction of the Township Building Department.

**Property Location:**

41 Glenelg St, Village of Dundalk, in the Township of Southgate



## **Application Brief**

Approval of this application would provide relief from Section 9.2(f) of the by-law to permit an addition to the existing residence. The setback requirement is 1.5m (4.92ft). The proposed setback is 0.4572m (1.5ft). This represents a reduction of 1.04m (3.41ft). This reduction is the minimum that would be considered in this instance so that the roof overhang and eaves trough do not project across the property line into the rail trail lands. (see attachment 1)

## **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#A2-23-Peter-Enns>

The application was circulated, and the comments received are summarized below.

## **Comments received**

Public Works indicate a safe access can be provided. The property is located in Well Head Protection Area "D" - Applicable to Dense Non- Aqueous Phase Liquid (DNAPL's) products are managed by education and outreach programs.

The Grand River Conservation Authority has no features of concern and therefore have not provided comments.

The Historic Saugeen Metis have not objections to the proposal.

The Building Department indicate that an Engineered grading and drainage plan will be required.

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 an interior side yard setback. 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 1.5m to 0.4572m (1.5ft), which is a reduction of 1.04m (3.41ft) 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 an addition on a different location on the lot and so a variance is required. The variance does not allow any portion of the overhang from the eaves to encroach upon the County Rail Trail lands. 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 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 'Neighbourhood Area' within the Township Official plan which permits a residential use.

The Official Plan generally permits residential, and accessory uses within the Neighbourhood Area designation provided they can be sufficiently serviced. An engineered grading and drainage plan has been requested by the Building department to ensure the proposal does not drain toward the rail trail.

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 Residential Type 2 within the Township of Southgate Zoning By-law No. 19-2002, as amended. The setback required in the R2 zone is 1.5 for an interior side yard setback. The main purpose of the Side yard setback is to insure that there is sufficient amenity space and separation from neighbouring uses. Given that the property abuts Open Space to the rear and the County recreational rail trail it is staffs opinion that there is sufficient amenity space nearby. Additional amenity space is not necessary in this particular case. With the addition there will still be a significant front yard and rear yard that can be utilized as amenity space as well. 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 with conditions.

Respectfully Submitted,

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



**CAO Approval:** Original Signed By  
Dina Lundy, CAO

**Attachments:**

- 1. Updated drawings