



Staff Report PL2023-045

Title of Report: PL2023-045-A4-23-Runyon

Department: Planning

Branch: Planning Services

Committee Date: September 27, 2023

Recommendation

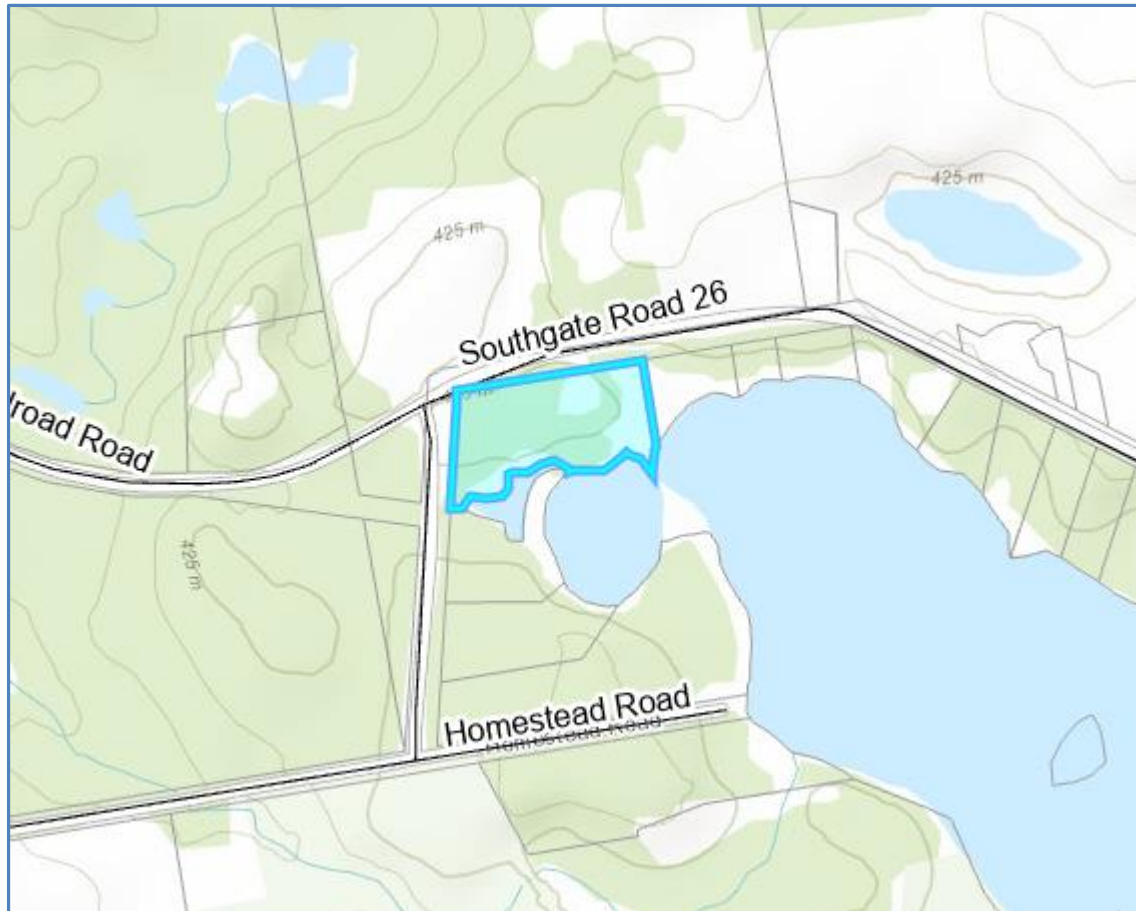
Be it resolved that the Committee of Adjustment receive Staff Report PL2023-045 for information; and

That the Township of Southgate Committee of Adjustment hereby approves Minor Variance Application A4-23 (Runyon) for the construction of a detached garage and subject to the following conditions:

- 1. That the owner provide a property tax certificate or, correspondence from Township Financial Services, indicating that all property taxes have been paid up-to-date with respect to the property that is subject to this Decision;*
- 2. That this Decision applies only to the 'proposed garage' as indicated on Schedule 'A' attached to and forming part of this Decision. Any other variances that may appear on the Schedule that are not listed in the written decision are NOT authorized;*
- 3. That this Decision expires three years from the date of decision if building permits have not been issued for the development;*
- 4. That the owner prepare and submit prior to the issuance of a building permit, an erosion and sediment control plan (the 'ESC Plan'), to the sole satisfaction and approval of the Township AND that said ESC Plan upon approval be installed prior to the issuance of a building permit and that said ESC Plan be maintained throughout the duration of any construction on the property.*

Location Map

263574 Southgate Road 26 (EGREMONT CON 22 PT LOT 3 RP;16R7113 PART 1)



Proposal

Approval of this application would provide relief from the By-law to permit a detached garage to be located in the Front Yard. See Schedule 'A' attached.

The property is classified as a 'corner lot' due to the 90 degree curvature of Southgate Road 26. The By-law states that for a corner lot the Front Lot Line would be the shorter of the two road frontages; in this case the western parcel line is considered to be the Front Lot Line. The Front Lot line then creates the Front Yard.

Section 5.1(d) Garages of the Zoning By-law does not permit a detached garage to be located in the Front Yard only in an Interior Side Yard or Rear Yard of a property.

Background

Grey County Official Plan: Inland Lakes and Shoreline
 Hazard
 Significant Woodlands (on property)
 Other Wetland (on property)

Southgate Official Plan: Inland Lakes (Wilder Lake)
 Hazard
 Significant Woodlands (on property)
 Other Wetland (on property)

Southgate Zoning By-law: 'R5 – Residential Type Five'
 'EP – Environmental Protection'

The background information for consent file A4-23 can be viewed at the following link:

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notice.aspx#A4-23-Victoria-Lawrence-Runyon-and-Edward-Runyon-Lloyd>

Comments

Agencies

Public Works – No concerns.

Saugeen Conservation – The applicants have consulted directly with Saugeen Conservation. E-mail from SC dated August 9, 2023 stated that the "SVCA comments and site plan dated November 4, 2016 ... are still applicable for the property. A SVCA permit will not be required for the proposal. SVCA encourage you

to maintain erosion/sediment control around the south side of the excavated area to ensure excavated material does not flow into the Wilder Lake.”

County of Grey - County Planning staff have reviewed the subject application and have no concerns. County Planning staff would note that the subject property is in a Highly Vulnerable Aquifer and recommend that low impact development occur.

Public Comments

No Comments from the public have been received.

Policy Review

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.

While the PPS does not speak specifically to minor variances as proposed in this application the PPS would classify the area/property as 'Rural Lands'. Within Rural lands residential development that is locally appropriate would be permitted. This would extend to the inclusion of accessory uses such as a detached garage.

The PPS also speak to the protection of natural heritage resources and to prohibiting development within natural hazard areas. This is discussed further under the County and Southgate Official Plan review below.

In my opinion the proposed variance is consistent with the Provincial Policy Statement.

Minor Variance Tests

When considering this application, the Committee must consider the four tests as outlined in Section 45(1) of the Ontario Planning Act. This Section of the Report will review the review the four tests.

1. Maintain the general intent and purpose of the Official Plan(s).

County of Grey Official Plan

The subject lands are designated as 'Inland Lake/Shoreline' and 'Hazard' within the County Official Plan.

The County Official Plan generally permits residential, and accessory uses within the Inland Lake designation but there are also multiple Constraints on the property including Other Wetland and Significant Woodlands.

The proposed garage will be located on the 'Inland Lake' portion of the property.

The following County Official Plan policies have been identified:

7.3.2 Other Wetlands

1) No development or site alterations are permitted within Other Wetlands or their adjacent lands, shown on Appendix B, or as identified by conservation authorities, unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

7.4 Significant Woodlands

1) No development or site alteration may occur within Significant Woodlands or their adjacent lands unless it has been demonstrated through an environmental impact study, as per Section 7.11 of this Plan, that there will be no negative impacts on the natural features or their ecological functions. Adjacent lands are defined in Section 7 and 9.18 of this Plan.

7.11.3 When an Environmental Impact Study is Not Required

The County may allow for the waiving of the requirement for the preparation of an environmental impact study when one or more of the following applies:

- a) A development is subject to a duplicate or similar environmental assessment process;*
- b) A development is minor in nature; or*

c) The site conditions for a development are such that the preparation of an environmental impact study would serve no useful purpose for the protection of significant environmental features.

The County comments received did not note the requirement for an EIS. It is my opinion that the development, the proposed detached garage, is minor in nature therefore negating the need for an EIS.

In my opinion the proposal is consistent with the intent of the County of Grey Official Plan.

Southgate Official Plan.

The subject lands are designated as 'Inland Lake' within the Township Official plan which permits a residential use and accessory uses.

The property also has the following Constraints:

- Significant Woodlands
- Other Wetlands

Section 6.8(2) Other Wetlands of the Southgate Official Plan states that:

No development or site alterations are permitted within Other Wetlands or their adjacent lands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological function or as permitted by legislation, regulation or other applicable policy.

The Township Other Wetland Constraint map differs from the County mapping; the Southgate mapping includes more wetland on the property than the County. The Southgate Other Wetland map indicates that the existing dwelling on the property is built within the Other Wetland itself. This is obviously erroneous. The County OP mapping appears far more accurate than the Southgate OP mapping. In my opinion the proposed garage would not be located in an area classified as Other Wetland and would also be outside of the 30m Adjacent Lands to the Other Wetland.

The proposed garage would be located within the area classified as Significant Woodlands on the property (see Attachment 'A' Southgate Official Plan Constraints).

Section 6.2(3) Significant Woodlands of the Southgate Official Plan states that:

No development or site alteration may occur within Significant Woodlands or their adjacent lands unless it has been demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural features or their ecological function.

Section 6.12(2) Environmental Impact Studies of the Southgate Official Plan further states that:

In some circumstances the Township may waive the requirement for an Environmental Impact Study after consulting with the relevant Conservation Authority, the County where applicable, and possibly other government agencies.

Neither Saugeen Conservation nor the County have noted the need for an EIS for this proposed development. It is my opinion that the Township waive the requirement for the EIS as the proposed development is limited in size, limited in use, and will not have a measurable negative impact on the ecological function of the Significant Woodland on the property.

In my opinion the proposal is consistent with the intent of the Southgate Official Plan.

2. Maintain the general intent and purpose of the Zoning By-law.

The subject lands are zoned 'R5' within the Township of Southgate Zoning By-law No. 19-2002, as amended. The R5 zone does permit Accessory Uses such as a detached garage.

Section 5.1(d) Garages establishes the provisions/regulations for Garages including that they can only be located in an Interior Side Yard or Rear Yard.

The intent of the Zoning By-law is to have detached garages located behind the principal dwelling [in the Rear Yard] **or** no closer to a road/the Front Lot Line than the principal dwelling itself.

In this case the proposed detached garage will be located closer to the roadway than the principal dwelling but it will be well shielded from view from the road due to the wooded area between the garage and the roadway.

Given that this is generally a rural area with large lot sizes there is no concern with the proposed location of the detached garage. There will still be a significant Front Yard and Exterior Side Yard and sufficient setback from the Township road.

In my opinion the proposal maintains the intent and purpose of the Zoning By-law.

3. Be desirable for the appropriate development or use of the land, building or structure.

This test refers to the appropriateness of a development given the existing conditions of a property, and if it is keeping with the interest of the community and general public.

The addition of a garage to the property is an appropriate use of land.

In my opinion the proposal is desirable for the appropriate development or use of the land, building or structure.

4. Be minor in nature.

This test refers to the overall development proposal, and if it is considered minor in nature. This test is not merely to be a numerical determination, and minor can be evaluated through the determination of whether the proposed development would have a 'minor' impact on the environment, the enjoyment and use of neighbouring properties or impacts on the functioning of government or other utility/ essential services.

The proposed location of the detached garage in the Front Yard is minor in nature for the reasons outlined throughout the report and because it will not have an impact on the environment, the enjoyment and use of neighbouring properties as screening is being included in the development, or impact the functioning of government or other utility/ essential services.

In my opinion the proposal is minor in nature.

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,

Original Signed By

Municipal Planner: _____
David Smith, RPP. MCIP

Original Signed By

CAO Review: _____
Dina Lundy, CAO

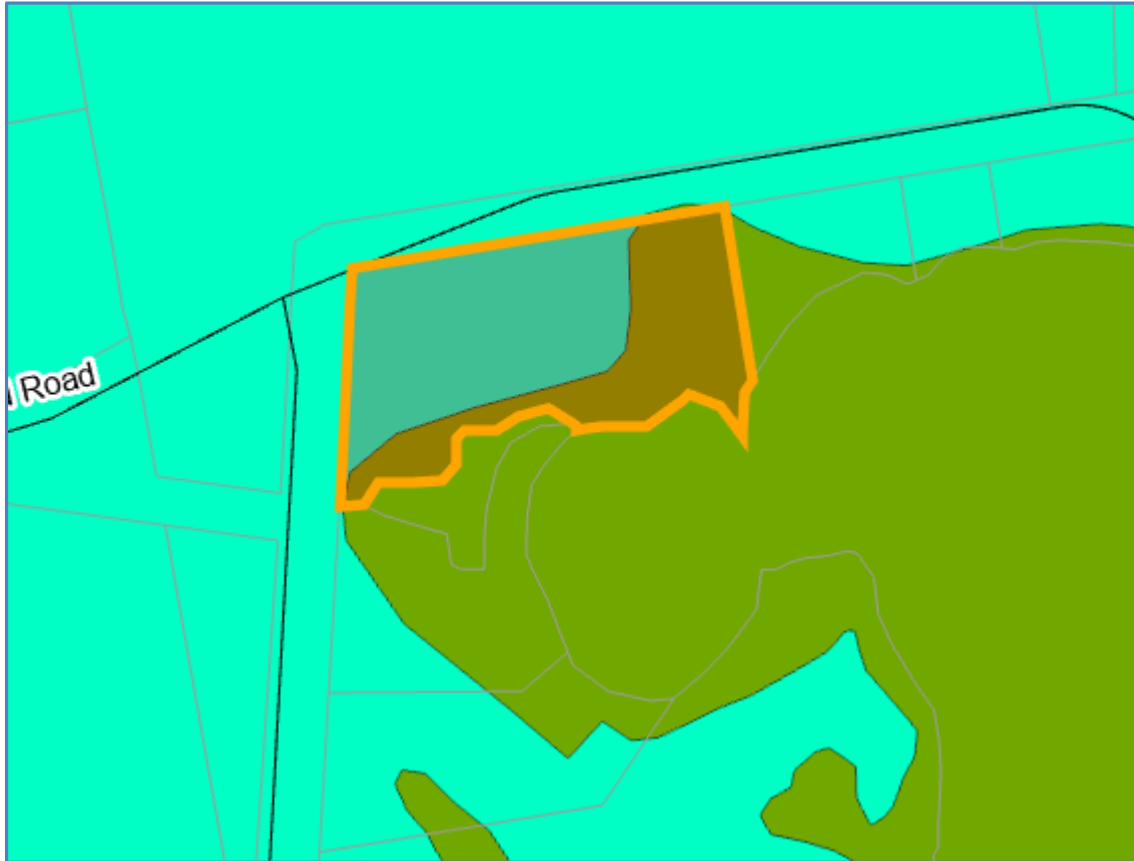
Attachments:

Schedule 'A'	Proposed Garage Location/Area
Appendix 'A'	County of Grey Official Plan County of Grey Constraints Southgate Official Plan Southgate Official Plan Constraints Township Zoning County GIS Air Photo

Schedule 'A' Proposed Garage Location/Area

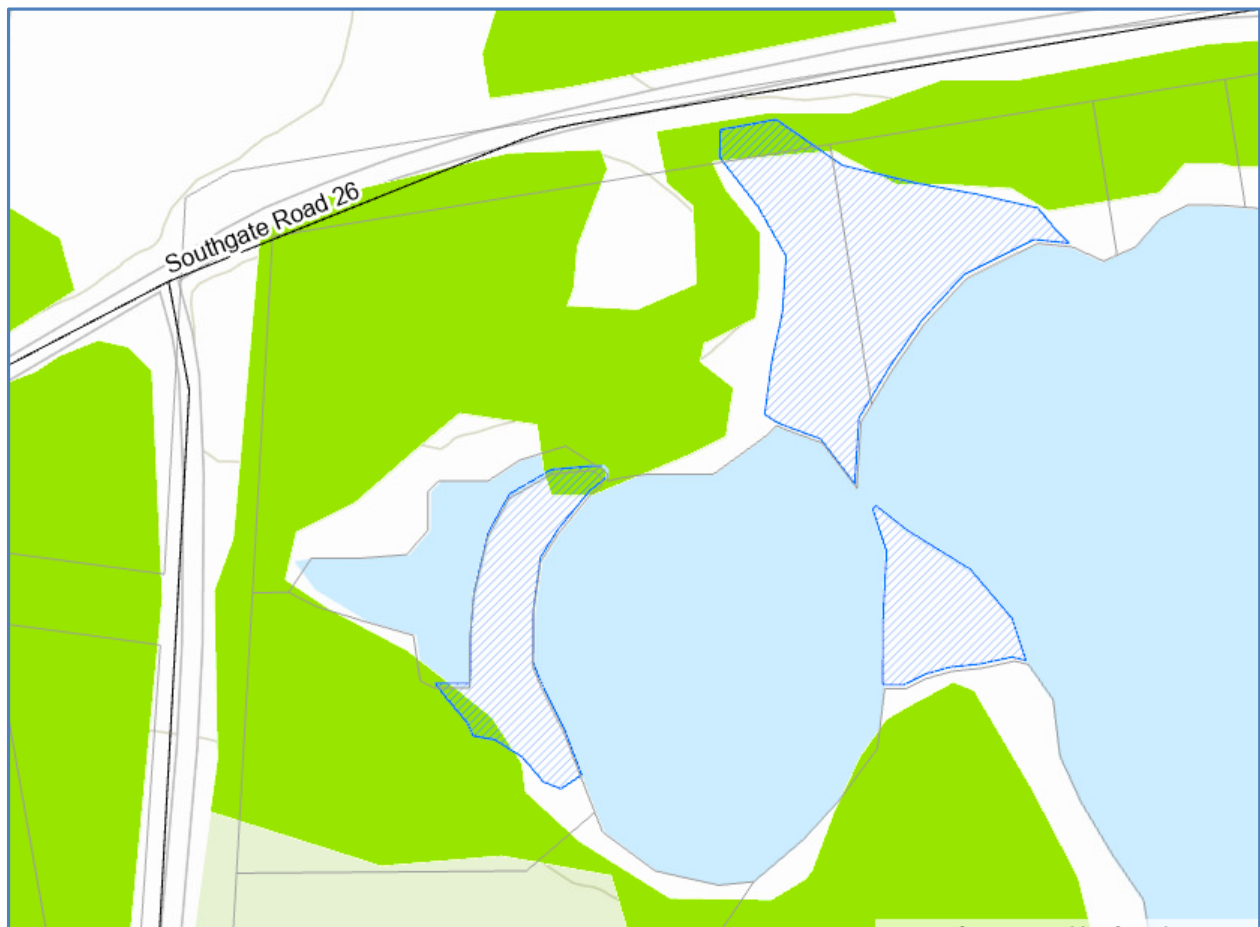


Appendix 'A'

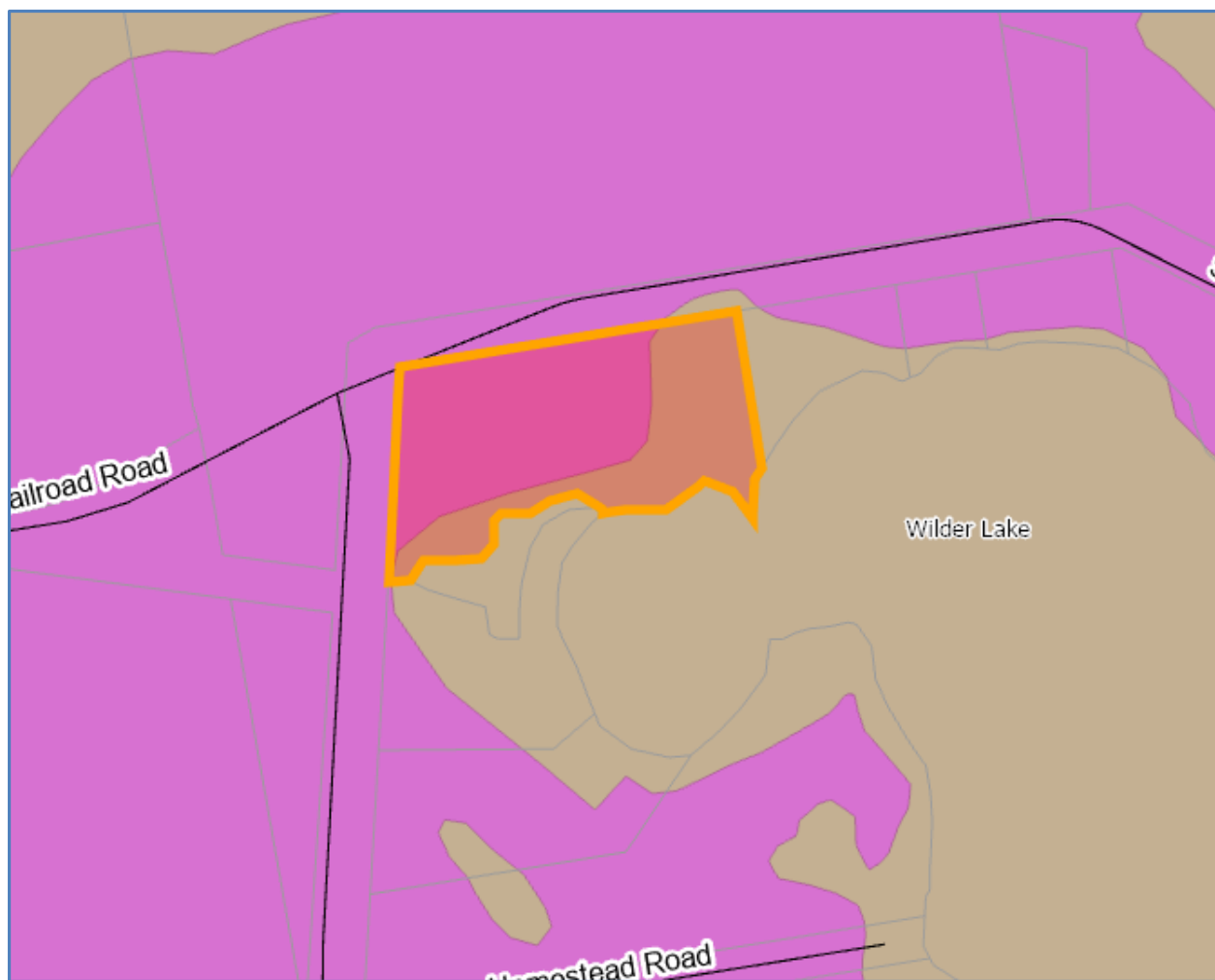


Grey County Official Plan (Inland Lake & Shoreline and Hazard)

Note: This is a GIS view. The map has an additional 'color' that is an error.

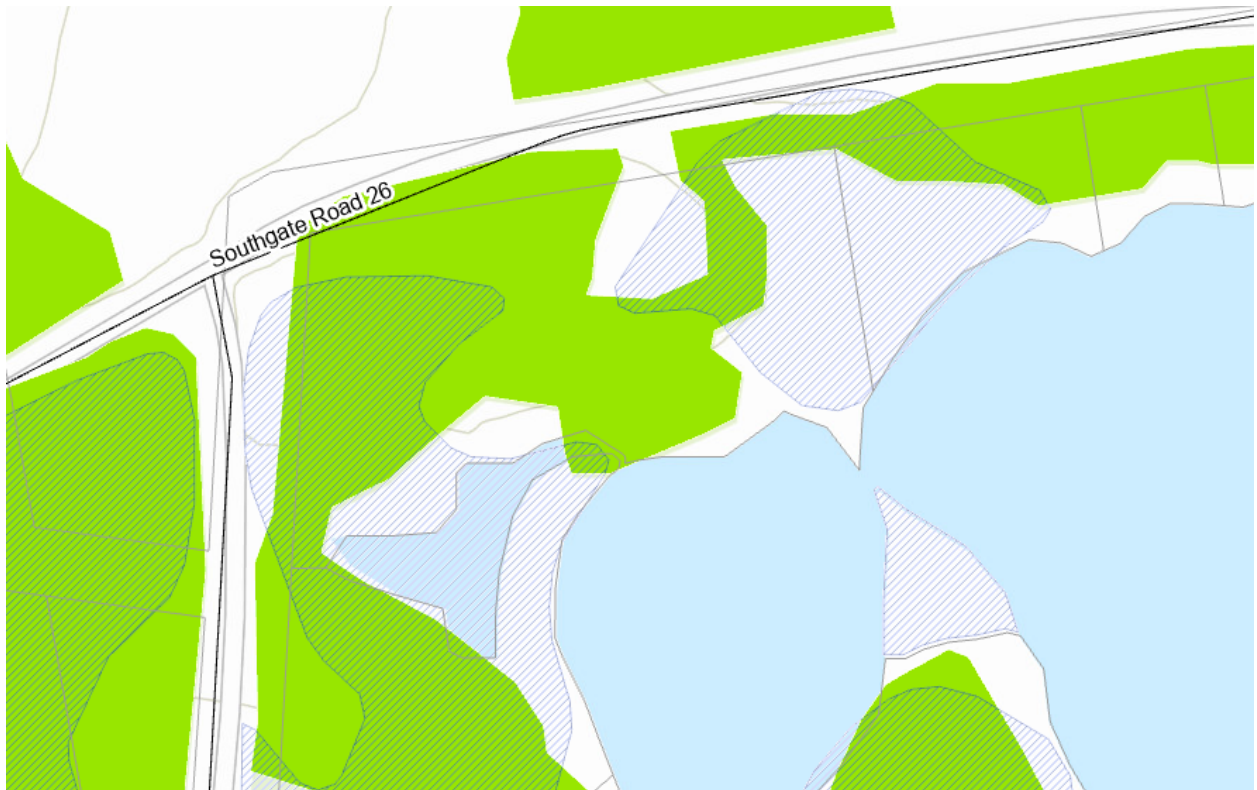


County Official Plan – Constraints (Significant Woodland, Other Wetland)

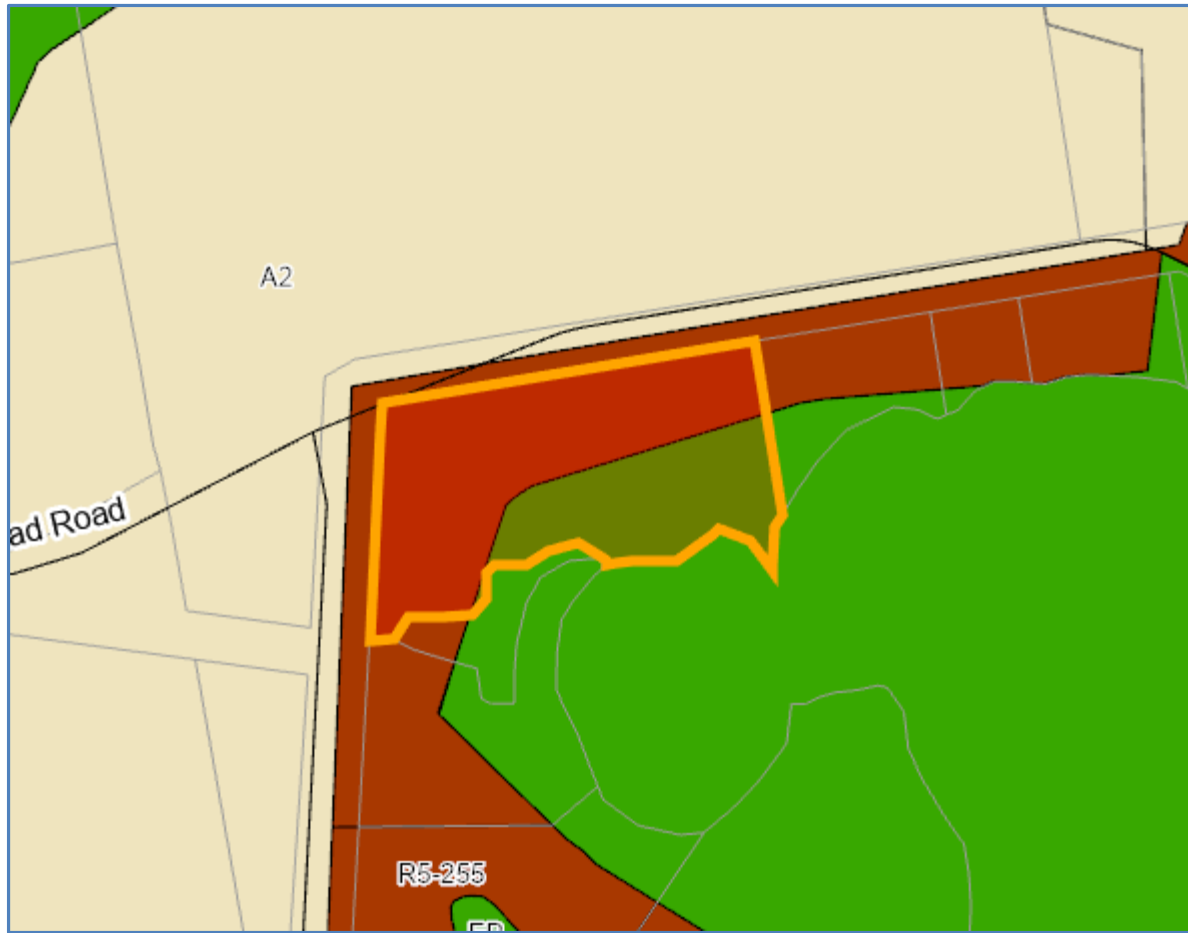


Southgate Official Plan (Inland Lake and Hazard)

Note: This is a GIS view. The map has an additional 'color' that is an error.



Southgate Official Plan -Constraints (Significant Woodland, Other Wetland)



Township Zoning By-law (R5, EP)



County GIS Air Photo