



<b>Report To:</b>	Committee of Adjustment
<b>Meeting Date:</b>	2024-09-25
<b>Report Number:</b>	PL2024-084
<b>Title:</b>	Application Minor Variance, A9-24 For Jamie and John Allen, Cedar Lane, Plan 815 Lot 4
<b>Open/Closed Session:</b>	Open Session
<b>Prepared By:</b>	Bill White, MCIP, RPP, Triton Engineering Senior Planning Consultant
<b>Approved By:</b>	Kenneth Melanson, MCIP, RPP, Senior Manager of Development & Community Services

**Executive Summary:**

The subject site is the last vacant lot at the end of the Cedar Lane cul-de-sac south of Wilder Lake Road. The applicant seeks three minor variances to establish a building envelope on-site as follows:

1. Reduce required front yard from 7.5 metres to 2.1 metres (staff support this variance with conditions as it meets the tests for a minor variance in the Official Plan).
2. Reduce north side yard from 3 metres to 1.8 metres (staff support this variance with conditions as it meets the tests for a minor variance in the Official Plan).
3. Allow a covered porch to project 1.8 metres into the 2.1 metres front yard within 0.3 metres of the front lot line arc of the Cedar Lane right-of-way (staff do not support this variance as it does not meet two of the tests in the Official Plan including not maintaining the intent and purpose of the Zoning By-law and not desirable for the appropriate development of the site).

Details of the analysis of the proposed variance requests is detailed in this report.

**Recommendation:**

**Be it resolved that Committee of Adjustment:**

- 1) Receive as information Staff Report PL2024-084 regarding minor variance A9-24 by Jamie and John Allen for Cedar Lane, Plan 815 Lot 4; and
- 2) Approve two of the three minor variances requested on the required front yard and north side yard only subject to the following conditions:
  - a. That no porch projection be permitted into any part of the front yard established by the 2.1 metre setback from the front property line established by arc of the Cedar Lane road allowance.
  - b. That the attached garage for the home is setback a minimum 0.5 metres from the front building face of the proposed home established by the 2.1 metre front yard and that a minimum south side yard of 3.0 metres be maintained with room for one parking space beside the proposed home.
  - c. That a permit from the Saugeen Valley Conservation Authority be obtained if needed.
- 3) Deny the third minor variance requested on maximum covered porch projection into a required front yard.

### **Reasons for Recommendation:**

Staff only supports two of the three minor variances requested, one on front yard and one on north side yard. These two variances meet the minor variance tests in the Township Official Plan, *are consistent with* the Provincial Policy Statement (PPS 2020) and *have regard* to provisions of Section 45 of the [Planning Act](#). Recommended conditions of approval of the two variances are:

1. No porch or any other building or structure can project into the front yard as approved.
2. An attached garage is built on the south side of the proposed main home at least 0.5 metres back from the front building face with a 3 metre minimum south side setback allowing room for one parking space south of the proposed home.
3. Any applicable permit is obtained from the Saugeen Valley Conservation Authority.

A third variance requested to permit a covered porch to project 1.8 metres into the 2.1 metre front yard does not meet the minor variance tests in the Township Official Plan. The covered porch is too close to the Cedar Lane right-of-way creating a safety hazard such that the intent and purpose of the Zoning By-law is not maintained, and the third variance is not desirable for the appropriate development of the lands.

### **Proposal:**

The applicants propose a building envelope on a vacant lot on the Cedar Lane cul-de-sac with a 2.1 metre front yard to the main home (7.5 metres required) with a covered porch projecting 1.8 metres into front yard (1.0 metre maximum permitted), and a 1.8 metre north side yard (3 metres required). A two-vehicle attached garage would be built on the south side of the home with the front of the garage set back 0.5 metres from the front building wall and 3 metres from the south lot line. A parking space is proposed south of the garage (see Site Plan – Attachment 1).

A proposed deck at the back of the home would have support posts 1.5 metres from the proposed septic system, which is to be located just outside the screening area – determined by the applicant’s Planning Consultant and the Saugeen Valley Conservation Authority. There is a watercourse estimated to be 47.8 metres from the back of the proposed home.

Because the home is on the east curve of the Cedar Lane right-of-way (cul-de-sac), the porch projection would be within 0.5 metres of the Cedar Lane property line where the smallest front yard setback is proposed. According to the [Planning Justification Report](#) submitted with the application, the proposed building envelope would meet all remaining requirements of the Residential 5 Type Zone.

### **Background/Site Context:**

The subject lands are irregularly shaped, vacant with about 27 metres curved frontage on the Cedar Lane right-of-way (cul-de-sac), over 57 metres depth and about 0.3 hectares lot area. The highest elevation of the lot is at Cedar Lane with the property sloping gradually from the front lot line along its depth to a watercourse at the back of the parcel. About half the lot is tree covered. The subject lands and approximate building envelope are shown on Attachment 2 (Aerial Photo).

Saugeen Valley Conservation Authority mapping identified the entire subject lot, and existing homes to the north and south, as being within of the Authority’s screening area.

Cedar Lane runs south from Wilder Lake Road. Homes on the west side of Cedar Lane back on to Highway 6. Most homes on the Lane are large single detached dwellings on estate sized parcels

with private water and septage service. There are three existing homes south of the Cedar Lane cul-de-sac with a total of five existing driveways to the street.

**Application Review – Planning Act – Provincial Interest**

Provincial interest in of the [Ontario Planning Act](#) is promoted by:

- Section 2(h) orderly development of safe and healthy communities,
- Section 2(p) appropriate growth and development, and
- Section 2(r) promotes well-designed built form that encourages a sense of place and provides high quality, safe, accessible attractive public spaces.

[Section 45](#) empowers the Committee to grant minor variances. The application *has regard to* requirements of the [Ontario Planning Act](#).

**Application Review – Provincial Policy Statement (PPS 2020):**

Planning Authority decisions must be consistent with the [Provincial Policy Statement 2020](#). Section 1.1.3.1 supports Settlement Areas as the focus of growth and development, including rural settlements and Section 1.7.1 (e) promotes well-designed built form.

**Application Review – County of Grey Official Plan:**

The lands are designated Secondary Settlement and Hazard Land in Schedule A Map 2 of the Grey County Official Plan. Secondary Settlement Areas allow a limited range of residential uses and other community facilities. Intensification in Secondary Settlement Areas is permitted if the private services can be accommodated with no adverse impacts. Areas designated Hazard are generally protected from growth due to floodplains steep slopes woodlands and other natural hazards.

**Application Review – Southgate Township Official Plan:**

The subject lands are designated Village Community and Hazard Land by [Schedule A Map 2](#) in [Township Official Plan](#). In the Village Community designation residential uses are permitted provided individual on-site services can be accommodated with no adverse impacts on the environment. Section 7.3 allows for a variance to zoning provisions where its “not reasonably possible” to develop the lands “without creating undue hardship” subject to the four questions being evaluated by the Committee of Adjustment under Section 45(1) of the Planning Act. The application amended to remove the variance on front porch projection *maintains the intent and purpose* of the [Township Official Plan](#).

**Application Review – Southgate Zoning By-law:**

Schedule 1 of the [Zoning By-law Maps](#) places the subject lands in a Residential Type 5 Zone (R5) and an Environmental Protection (EP) Zone under the [Township Zoning By-law](#). The applicants have requested variances on front yard, north side yard, and porch projection into the front yard. Yard and front projection requirements in a Zoning By-law establish the general form of development acceptable in the area. Due to environmental restrictions on the back of the lot, variances on front and side yard to establish a building envelope closer to Cedar Lane away from sloping and wooded areas could maintain the intent and purpose of the Zoning By-law.

Section 5.1 (h) allows unenclosed porches and steps below 2 metres in grade to encroach into a front yard to permit access to a front door. Normally a 1 metre projection still maintains at least a 6-metre minimum front yard. In this case only 0.5 metres would be provided to the closest part of the Cedar Lane cul-de-sac, very close to the travelled portion of the road. The variance on front yard projection does not maintain the intent and purpose of the Zoning By-law.

**Agency Circulation and Public Comments:**

The following comments were received after circulating the notice of hearing for the application:

Comments from:	Comments received:
<a href="#">Saugeen Valley Conservation Authority (SVCA) (September 11, 2024)</a>	Hazard Lands and Environmental Protection Zone could be revised, to best reflect site conditions, to coincide with SVCA Hazard Land/recommend EP zone for the property.
<a href="#">Township Public Works Department (September 5, 2024)</a>	Road drainage concern to be included in lot drainage and grading plan and entrance permit application is required.
General Public Comments	None received as of report writing

**Conclusion:**

Proposed variances on front yard and north side yard to establish a building envelope on-site allows a home to be built in the existing subdivision away from the sloping and tree covered parts at the back of the site. The north side yard being reduced allows for an attached garage and additional parking space to be provided south of the home while still meeting the required south side yard. Additional parking south of the home will help ensure vehicles are not parked partially overhanging the reduced front yard.

Allowing a porch to project into the front yard to 0.5 metres right at the turning radius of the travelled road could impact road maintenance, particularly winter snow storage. The back deck could be made smaller and/or the attached garage re-configured to increase the front yard setback from Cedar Lane. Due to the very close projection of the proposed porch to the front street line, the minor variance on porch projection does not maintain the intent and purpose of the Zoning By-law and is not desirable for the appropriate development of the lands.

With conditions preventing any building or structure within the front yard established from the 2.1 metre setback from arc of the Cedar Lane right-of-way, the proposed variances on front yard and north side yard could be considered minor, desirable for the appropriate development of the lands, and will maintain the intent and purpose of the Official Plan and Zoning By-law.

**Link to Township of Southgate Strategic Plan:**

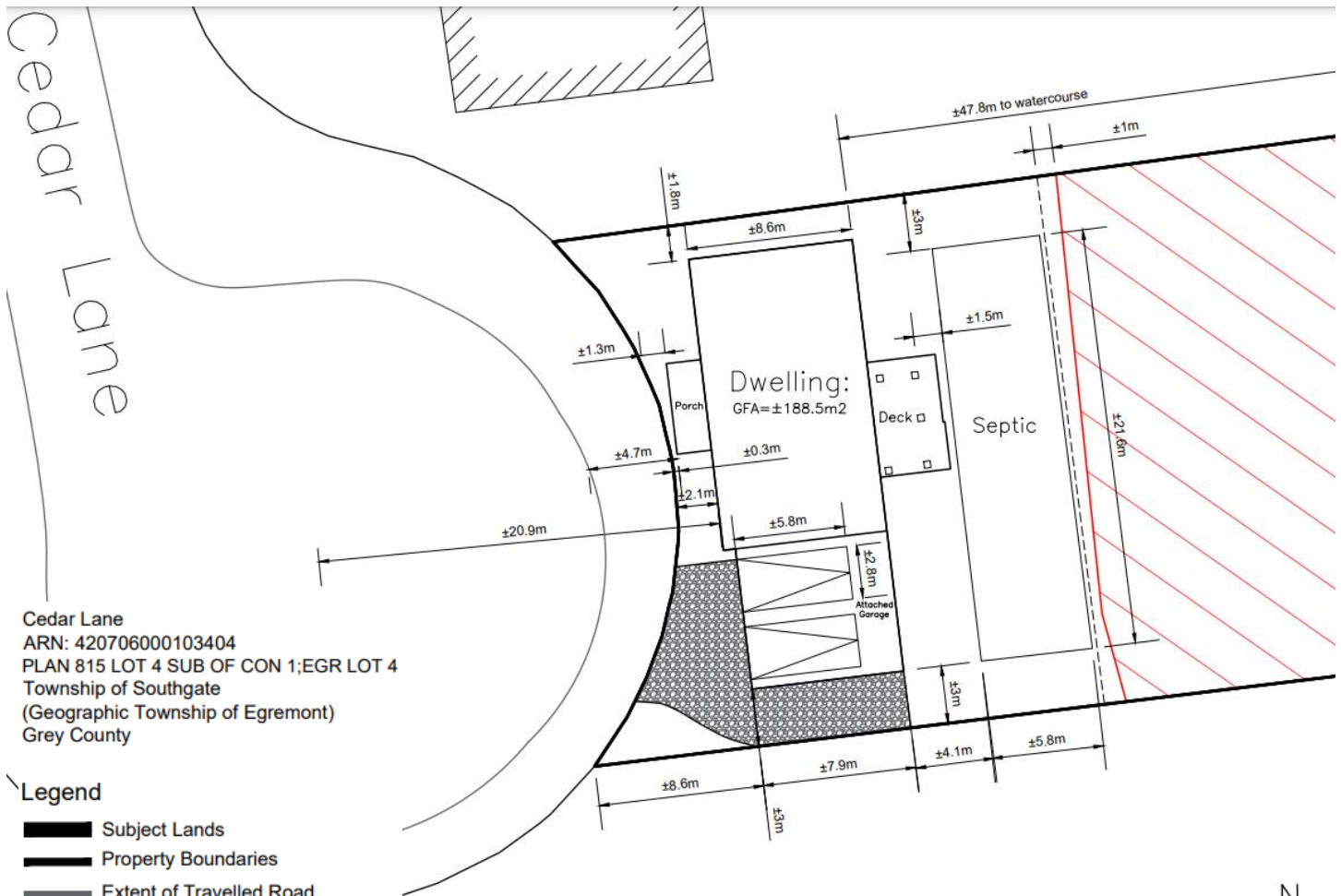
Goal 7 of the [Southgate Strategic Plan](#) supports improved access to housing and streamlined approval procedures (action 7C).

**Attachment(s):**

Attachment 1 – Site Plan

Attachment 2 – Aerial Photo of Subject Lands and Street View

# Attachment 1 – Site Plan



Cedar Lane  
 ARN: 420706000103404  
 PLAN 815 LOT 4 SUB OF CON 1;EGR LOT 4  
 Township of Southgate  
 (Geographic Township of Egremont)  
 Grey County

### Legend

- Subject Lands
- Property Boundaries
- Extent of Travelled Road
- Existing Dwellings
- Parking Space
- Gravel Driveway
- Floodplain Limit
- Silt Fence
- Deck Pier/Footing



\* measurements are approximate



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File: <b>x</b>	Project Name: <b>Sylvest</b>

**Attachment 2 – Aerial Photo of Subject Lands**



**2011 Street View**

