



Report To:	Committee of Adjustment
Meeting Date:	2024-11-27
Report Number:	PL2024-100
Title:	Application, A12-24 Peter Salinovic & others, Unopened Sideroad 29 North of Southgate Road 24, Concession 18 Lot 26 to 27
Open/Closed Session:	Open Session
Prepared By:	Victoria Mance, Junior Planner
Reviewed By:	Bill White, MCIP, RPP, Triton Engineering Senior Planning Consultant
Approved By:	Kenneth Melanson, MCIP, RPP, Senior Manager of Development & Community Services

Executive Summary:

The applicant seeks permission under Section 45(2) of the Planning Act to use a cabin and associated structures built 28 years ago for outdoor recreation, family gatherings and personal hunting. The permission is needed to recognize the existing use and to complete any improvements needed to comply with the Building Code and other applicable law. Under Section 45(2) of the Ontario Planning Act, the Committee of Adjustment has the authority to consider applications to change existing non-conforming uses and to interpret zoning provisions when defined in general terms.

The site has been used for outdoor recreation, and family gatherings, hunting by family and friends since the late 1990's when a cabin and accessory structures were built on-site before the current Zoning By-law 19-2002, as amended was adopted. The parcel is accessed by about one kilometre of unopened Sideroad 19 road allowance north of Southgate Road 24, and has some agricultural land, forested areas and wetlands on-site. The permission requested under the Act would allow continued use of the 66 square metre cabin and associative accessory structures despite the lack of frontage on an improved street.

Recommendation:

Be it resolved that Staff Report PL2024-100 for File A12/24 by Peter Salinovic & others for permission under Section 45(2) of the Planning Act use of an existing cabin and accessory structures on unopened section of Sideroad 19 north of Southgate Road 26 be received for information; and

That File A12-24 be approved to subject to the following conditions:

1. The existing 66 square metre cabin and shed be the only buildings permitted for outdoor recreation use including limited personal hunting, that the buildings be improved to comply with the Ontario Building Code and other applicable law, and no new buildings or structures be permitted except in accordance with applicable zoning, codes and by-laws;
2. Any existing structures not located on subject lands be removed;
3. That private water and sewage arrangements be made for the existing cabin to be used for outdoor recreation in compliance with the Building Code; and

4. Arrangements for use of the unopened Sideroad 19 road allowance as access to the existing cabin and accessory structure be made to the satisfaction of Township Public Works which may include an agreement outlining private maintenance responsibilities, liabilities and seasonal use of the unopened road allowance.

Reasons for Recommendation:

The proposal complies with policy in Section 7.4 of the Township Official Plan regarding non-conforming uses including:

- The use and improvements do not make the non-conforming nature worse.
- The use is appropriate in proportion to the size of the existing use.
- Impact on the surrounding built environment is minimal in terms of noise, vibration, fumes, smoke, dust, odours, lighting, traffic generation and parking.

Conditions are recommended to limit cabin use and accessory structure to the current building size, upgrades are made to comply with the Building Code, private sewage and water arrangements are made, and an access agreement is made acceptable to Township Public Works.

Proposal:

The applicants seek permission under Section 45(2) of the Planning Act to use a cabin and associated structures built 28 years ago for outdoor recreation, family gatherings and personal hunting (see **Attachment 1**). Permission is needed to recognize the existing non-conforming use and to complete improvements to comply with the Building Code and other applicable law. The hunting cabin and shed on-site have been in use since the late 1990's before the current Zoning By-law 19-2002, as amended was adopted. To bring the site into compliance and permit the current use on the subject lands, planning relief is required for a non-conforming use in compliance with the Planning Act and Section 7.4 of the Official Plan.

Background/Site Context:

The subject lands have an area of 82.8 hectares, are rectangular in shape, and contain wetlands, tree cover and cleared farmland (see **Attachment 2 and 3**). On the south part of the site a 66 square metre hunting cabin located +-6 metres from the northern lot line and a shed located +-16.3 metres west of the cabin. The property is fronts on the unopened Southgate Sideroad 19 road allowance which is over one kilometre of seasonal road, north of Southgate Road 24.

The Township Planning Department has been assisting the Building Department dealing with several by-law enforcement issues on site. Recently, the Planning Department facilitated a meeting with the multiple owners of the site to suggest a process to address the use on-site that has existing for at least 28 years.

Saugeen Valley Conservation Authority mapping identified that most of the property is within the Approximate Screening Area and includes part of the Proton Station Provincially Significant Wetland/Swamp.

Surrounding lands are agricultural in use and smaller in size with single detached dwelling within a farm cluster, barring a lot located directly west which is similar in size and does not have road frontage or access.

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\(2\)](#) empowers the Committee to consider non-conforming uses and interpret zoning described in general terms. The application *has regard to* requirements of the Ontario Planning Act.

Application Review - Provincial Policy Statement (PPS 2024):

[Provincial Planning Statement 2024](#) provisions applicable to the application include the following:

- Section 2.5-1 (a) heathy rural areas encouraged that building upon rural character and leveraging rural amenities and assets.
- Section 2.6-1 (b) permitted uses in rural areas include resource-based recreational uses.
- Section 2.6-2 development that can be sustained by rural service levels should be promoted.

The application is *consistent with* the [PPS 2024](#).

Application Review - County of Grey Official Plan:

The site is designated Rural, Hazard Lands, and Provincially Significant Wetland in Schedule A Map 2 of the Grey County Official Plan. The following sections were considered:

- 5.4.1 (2) for the Rural designation permits Resource based recreational uses.
- 7.2 Hazard Lands prohibit development except for conservation and preservation
- 7.3.1 Provincially Significant Wetlands prohibit site alteration unless identified in an Environmental Impact Study

Comments from the Saugeen Valley Conservation Authority confirmed that the existing structures on-site are not within the Approximate Screening Area and do not require review or permit. No comments were received from Grey County at the time of writing this report. Existing structures on the subject lands are located outside of the land designated Hazard Lands and Provincially Significant Wetlands on-site and *maintains the intent and purpose of* the County Official Plan.

Application Review - Southgate Township Official Plan:

[Schedule A](#) in the [Township Official Plan](#) designates the applicant's lands Rural, Hazard Lands, and Wetland. The Rural designation allows uses in the Agricultural designation and limited non-farm residential uses. The existing structures are not located within land designated Hazard Land or Wetland. Section 7.4(3) of the Official Plan the Committee of Adjustment shall consider the following when considering a proposed expansion or change in on-conforming use:

- shall not make the non-conforming nature worse.
- is proportionate to the size of the existing use.
- has minimal impact on the surrounding built environment in terms of projected levels of noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation.
- protect surrounding uses through landscaping, buffering or screening, appropriate setbacks for buildings and structures, or other measures to land use improve compatibility
- traffic and parking conditions shall not be adversely affected.

The Committee may place conditions on the approval of the continued use of the subject lands (as per Section 7.4(4)). The application *maintains the intent and purpose of* the [Township Official Plan](#).

[Schedule 6](#) of the [Township Zoning By-law](#) places the subject lands in Agricultural-1 (A1), Environmental Protection (EP), and Wetland (W) Zones. The A-1 zone permits agricultural uses, a single detached dwelling, a vacation farm and other uses. The existing non-conforming buildings are within the A-1 area and do not encroach in the EP or Wetland Zones.

Section 5.4(b) states “no person shall erect any building or structure, or use any lot in a Zone, unless the lot upon which building or structure is to be erected, fronts upon or has direct access to an improved public street”. Access is provided to the subject lands over one kilometre of unopened Sideroad 10 south to the nearest improved Street Southgate Road 16.

Section 5.20 contains provisions regarding non-conforming use including allowing restoration to a safe condition, interior alteration, and reconstruction of damaged buildings. A change in use or expansion is not permitted under Section 5.20(g) without permission under Section 45(3) of the Planning Act.

The Saugeen Valley Conservation Authority indicated that the existing structures are not located within the Approximate Screen Area and do not require review or permit. The existing structures are currently located outside of the Environmental Protection and Wetland areas. The building are non-conforming relative to the setback from the Wetland Zone required under 5.25 of the Zoning By-law.

Conditions are proposed to prevent expansion of the non-conforming use on-site and require their upgrade to a safe condition.

Application Circulation and Public Comments:

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

Comments from:	Comments received:
Saugeen Valley Conservation Authority (November 8, 2024)	Most of the site is within the Approximate Screening Area associated with the SVCA’s Prohibited Activities, Exemptions and Permits Regulation. The Approximate Screening Area includes part of the Proton Station Provincially Significant Wetland/Swamp. The existing buildings are not within the SVCA Approximate Screening Area so review/permit from the SVCA is not required.
Aaron Detlor (November 8, 2024)	Reached out to Staff and advised that they were opposed to the application and stated concerns with lack of information provided regarding the location and use of the site. Staff followed up with clarification regarding the location and purpose of the application.
Township Building Department (November 18, 2024)	Requires a change of use permit. Current buildings are agricultural, if intended to occupy they will need to be brought up to Ontario Building Code as a cottage or a single-family dwelling.
Township Public Works Department, Township Fire Department, Grey County, Historic Saugeen Metis, and General Public Comments	No comments were received at the time of report writing.

Conclusion:

As the use on-site was established before the current Zoning By-law 19-2002, as amended was adopted, permission under Section 45(2) of the Planning Act is required to allow the non-conforming hunting camp building and shed to be brought into compliance with the Township Zoning By-law. Legal use of the upgraded buildings and property can continue, but conditions are recommended to address access to the subject lands on the unopened road allowance, and proper private water and sanitary facilities. Existing structures will be upgraded to meet the Ontario Building Code.

Section 5.4(b) requires frontage “or direct access to” an improved public street. To legalize the use the Township could require over one kilometre of Sideroad 19 to be opened to a municipal standard and maintenance assumed by the municipality. The cost of the upgrade would be assessed against all the landowners that may use the upgraded roadway.

Sideroad 19 is a seasonal farm access that provides limited access to the subject lands. If the non-conforming use on the subject lands was expanded to include a full-time residence, rather than a seasonal recreational cabin, concern would arise with the standard of the sideroad and emergency access to the site. In the case of an isolated seasonal recreational use, an agreement could be considered to restrict activity within the existing buildings on the subject lands and specify private maintenance and liability for the unopened road allowance.

Link to Township of Southgate Strategic Plan:

12.G Provide efficient and effective building and by-law services by enhancing the reporting and follow-up system for by-infractions

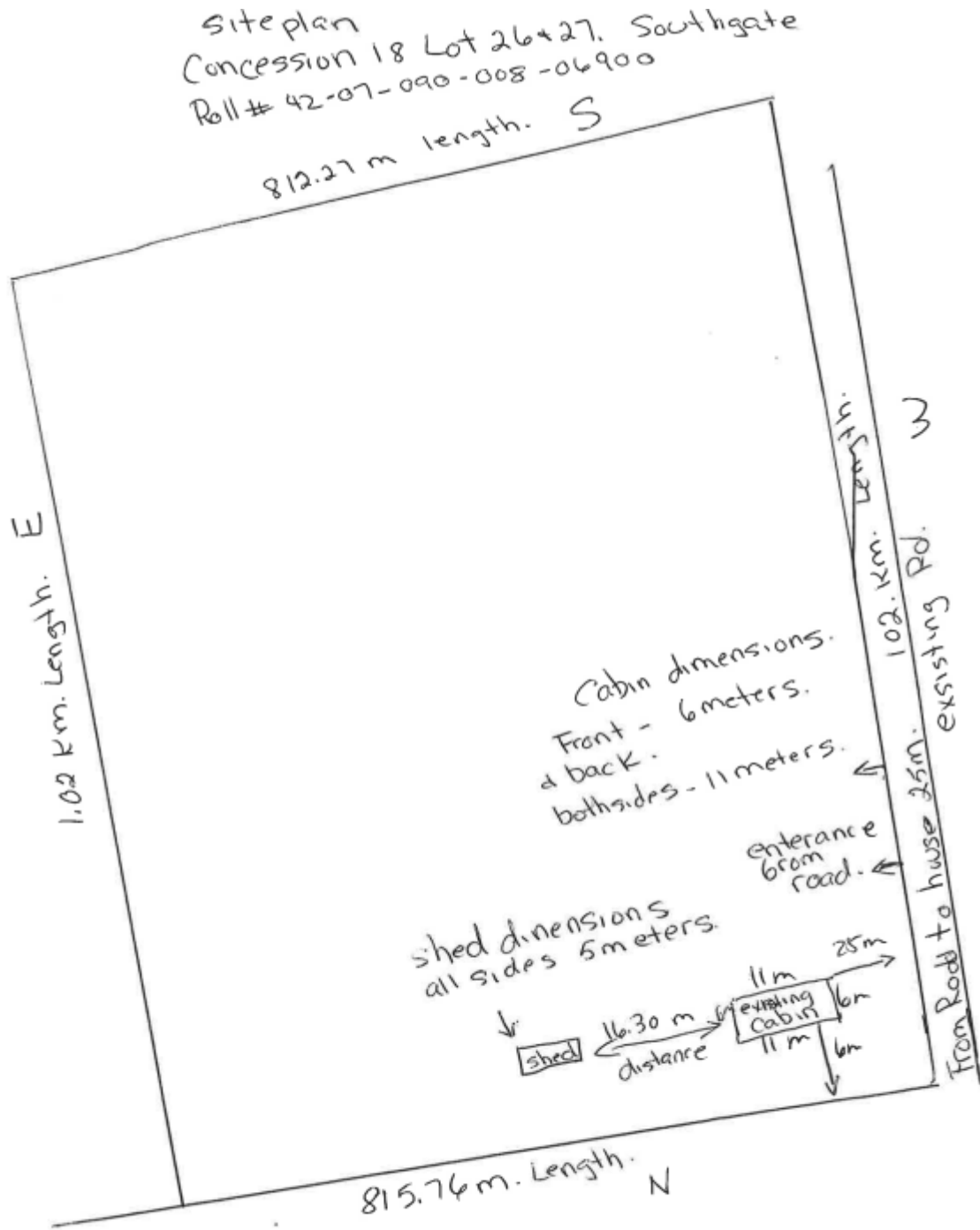
Attachment(s):

Attachment 1 – Site Plan

Attachment 2 – Aerial Photo of Subject Lands

Attachment 3 – Detail Aerial Photo of Subject Lands and Street View

Attachment 1 – Site Plan



Attachment 2 Aerial Photos of Subject Lands



Attachment 3 – Detail Aerial Photo of Subject Lands and Street View



Google Street View Unopened Road Allowance Sideroad 19 - Shown From Southgate Road 24

