

**Township of Southgate**  
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## **Staff Report PL2019-065**

**Title of Report:** PL2019-065-A2-19- Misty Meadows Market  
**Department:** Clerks  
**Branch:** Planning Services  
**Council Date:** October 23, 2019

**Recommendation:**

**Be it resolved that** the Committee of Adjustment receive Staff Report PL2019-065 for information; and

**That** the Minor Variance be approved.

**Property Location:** Concession 4 Pt lot 29 RP 16R10869 Parts 1,3 and 4 geographic Township of Egremont, Township of Southgate.



### **APPLICATION BRIEF**

The purpose of the minor variance for the above noted lands is to provide relief from section 33.377(c) which provides for a maximum building size of 915m<sup>2</sup>. The Approval of this application will permit the existing covered loading dock to be enclosed which would increase the building size by 96m<sup>2</sup>.

### Comments from Public and Agencies

The SVCA has reviewed the minor variance request and has no concerns with application and finds the proposal to be acceptable to the SVCA.

The County of Grey indicated that provided the County Transportation Services requirements are addressed, County planning staff have no further concerns with the subject application.

The Township Building Department indicates that they have no concerns. The amendment to the building will not change the site footprint or the Ontario Building Code requirements which have been met by previous permit.

The Historic Saugeen Metis have no objection to the proposed development. Township Public Works have no concerns. Highway 89 is MTO jurisdiction and Grey County Road 14 is Grey County jurisdiction.

Hydro One has no comments or concerns at this time.

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 enclosing of an existing loading is adjacent to a settlement area in a rural area. In the Rural it is not uncommon for structures to be enclosed to keep located in the front yard when they are related to agriculture. Unfortunately,

The PPS does not prohibit accessory structures in a rural area or residential uses. It can therefore be broadly interpreted that the proposed variance is consistent with the Provincial Policy Statement as it does not specifically deal with variances to the by-law.

### **Minor Variance Test**

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 Misty Meadows market building and covered dock are existing. The addition of permanent walls to the dock area will not increase the overall footprint of the use. It is common for loading docks to be enclosed for security and weather reasons. In staff's opinion the additional of walls to the already roofed dock is minor in nature.

2. It must be desirable for the appropriate development or use of the land, building or structure

The use of the subject lands is a market garden which includes the loading dock. The use of the land and structure will not change. It will simply be enclosed to protect deliveries from the elements better as well as for security reasons for storing the product unloaded off of trucks.

The application is considered appropriate development on the subject lands.

3. It must maintain the general intent and purpose of the Official Plan  
As per the County of Grey Comments above, the New County Official Plan permits this type of development and the proposed minor variance conforms to the County Official Plan.

The Township official Plan was amended with amendment No 17 in 2017. The amendment indicates that the maximum building size shall not exceed 915m<sup>2</sup> and shall be considered a small scale commercial use. From a technical point of view, it is clear that the building can not be enlarged any further as it is already at its limit. However, the intent of this policy was to limit any expansion of the use on the subject property. From this perspective the Dock will still be used as a loading dock, it will simply be enclosed from the elements.

So while it may not technically meet the letter of the Official Plan amendment it meets the intent of the amendment by not enlarging the use and keeping the footprint of the use the same.

It is staff's opinion that the proposal meets the intent of the Township Official Plan Amendment.

4. It must maintain the general intent and purpose of the zoning by-law  
The subject lands are zoned 'C2-377' in the Township of Southgate Zoning By-law. This amendment like the Official Plan indicates that the maximum building size is to be 915m<sup>2</sup>. As with the Official Plan this was to limit the expansion of the use. To enclose an existing loading dock from the elements will not change the use but rather improve its function. It is therefore staff's opinion that the use is not expanding and therefore the proposed minor expansion to the building area meets the intent of the zoning by-law.

## **SUMMARY**

This application to vary Section 33.377 (c) of the Comprehensive Zoning By-law to permit an existing loading dock to be enclosed and therefore be counted in the building size is minor in nature. The addition of 96m<sup>2</sup> does not change the intended use of the Dock and therefore in staff's opinion the proposed minor variance passes

the four tests of a minor variance as required by the *Planning Act*. It is therefore recommended that the minor variance be approved.

Respectfully Submitted,

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



**Dept. Head:** Original Signed By  
Joanne Hyde, Clerk

**CAO Approval:** Original Signed By  
Dave Milliner, CAO

**Attachments:**

1. Sketch of requested variance