

Township of Southgate
Administration Office
185667 Grey Road 9, RR 1
Dundalk, ON N0C 1B0



Phone: 519-923-2110
Toll Free: 1-888-560-6607
Fax: 519-923-9262
Web: www.southgate.ca

Staff Report PL2020-007

Title of Report: PL2020-007-A1-20 - Greenwood
Department: Clerks
Branch: Planning Services
Council Date: February 26, 2020

Recommendation:

Be it resolved that the Committee of Adjustment receive Staff Report PL2020-007 for information; and

That the Minor Variance be approved.

Property Location: Concession 9 S Pt lot 34 geographic Township of Proton, Township of Southgate. Further described as 126491 Southgate road 12.



1. APPLICATION BRIEF

The purpose of the minor variance for the above noted lands is to provide relief from Section 5.1 (e) and 5.4(d)(i) of the Comprehensive Zoning By-law which requires an accessory structure to be located in a rear or side yard.

The applicants have recently experienced a house fire and rather than rebuild in the same location they wish to convert the old house to a storage building and build a new residence in a new location. There are a number of hydro easements which prevent them from locating where they would like in order to comply with the by-law.

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 location of the house will create a situation where the accessory structures will then be in the front yard. The lot is a large 50 acre property that is not within a settlement area and is considered a rural area. In the Rural it is not uncommon for structures to be located in the front yard when they are related to agriculture. Unfortunately, they are unable to comply with the provisions of the by-law without relocating all the hydro easements on their property.

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

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 subject lands are approximately 50 acres (20 ha) in lot area with 400m +/- of frontage along Southgate Road 12 in the former Proton Township.

The property is currently developed with a House which was destroyed by fire and proposed to be used as storage space, a workshop. The purpose of the

variance request is to allow the principle residence to be located such that the existing structures will now be entirely in the front yard. The former residence is to remain and be converted to a storage building. From the road on this size of property it will not look out of place for the residence to be setback further then the non agricultural buildings. The former residence will still look like a residence and it is not uncommon for additional residences to be located on a farm property for farm labour etc.

While this is an irregular request in my opinion, the proposal can be considered minor in nature. The proposal meets this test

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

There is no proposed change I use of the subject lands. It is proposed to be used for residential purposes. The construction of a residential dwelling on a property is an appropriate use and is considered a desirable accessory use.

The construction of a residence further back then the accessory structures will have a minimal impact on the streetscape and character of the area. The application is considered appropriate development on the subject lands.

3. It must maintain the general intent and purpose of the Official Plan
The subject lands are designated 'Agriculture' and 'Hazard' within the Township Official plan and within the County of Grey Official Plan. The intent of this designation is allow for a variety of agricultural uses including limited single detached dwellings.

The proposal would not negatively affect the future development of the property. The Official Plan does not speak to the location of primary or accessory structures which is addressed in the Township Zoning By-law. Therefore, the proposal on the subject lands is appropriate and meets the intent and purpose of the County of Grey and Township Official Plans.

4. It must maintain the general intent and purpose of the zoning by-law
The subject lands are zoned 'A1' Agricultural and "EP" Environmental Protection in the Township of Southgate Zoning By-lay No. 19-2002, as amended. The A1 zone permits a single detached dwelling on a lot, a home occupation, a bed and breakfast, and uses, buildings and structures

accessory to a permitted residential use. Based on the site sketch provided, size of the lot, and comments received, It would be difficult to locate the new residential structure so that it complied with the Zoning by-law without the need to re route hydro poles and easements on the property. It is possible to meet the by-law from a technical point of view however in doing so, the residence would have to be placed a considerable distance away from the cluster of buildings which is not a desirable option for orderly development and the preservation of Farm land.

The intent of the provision is to protect the streetscape so that the general character of the neighbourhood can be maintained. The impact on the street scape will be minimal, given the size of the lot and the nature to have secondary structures within the building cluster on rural farms. Therefore in my opinion it still meets the intent of the by-law to preserve the street scape.

Based on the above, in my opinion the proposed variance would maintain the general purpose and intent of the Zoning By-law.

Comments from Public and Agencies

Building Department No concerns or objections with the application. Development will require applicable permits before construction.

The County of Grey planning staff have no concerns with the subject application.

The Historic Saugeen Metis have no objection to the proposed development.

Township Public Works indicate a safe access can be provided, the road is a rural hardtop and the area is not within a wellhead protection area. Public works have no concerns with the application.

The Saugeen Valley Conservation Authority indicate that the proposed application is acceptable.

2. SUMMARY

This application to vary Section 5.1 (e) and 5.4(d)(i) of the Comprehensive Zoning By-law to permit the erection of a principal residence so that it makes the accessory structures located in the front yard **passes** the four tests of a minor variance as required by the *Planning Act*.

The planning department therefore recommends the variance to the by-law be approved, if no negative comments are received from the public.

Respectfully Submitted,

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



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

Attachments: