



**Township of Southgate
Committee of Adjustment Agenda**

March 23, 2022

9:00 AM

Electronic Participation

	Pages
1. Electronic Access Information	
If you wish to listen to the Committee of Adjustment Hearing electronically please wait until the start time of the meeting, then dial in with your phone using the following information: Phone Number: 1 (647) 497-9373 Access Code: 442 - 563 - 645 #	
2. Call to Order	
3. Confirmation of Agenda	
Be it resolved that the Committee confirm the agenda as presented.	
4. Declaration of Pecuniary Interest	
5. Adoption of Minutes	3 - 6
Be it resolved that the Committee approve the minutes from the February 23, 2022 Committee of Adjustment meeting as presented.	
6. Hearing	
6.1. A1-22 - 2617577 Ontario Inc, Plan 480 BLK E Lot 3, Geographic Village of Dundalk	
6.1.1. Application and Notice of Public Hearing	7 - 13
6.1.2. Comments Received from Agencies and the Public	14 - 16
6.1.3. Applicant or Agent	
6.1.4. Committee Member Questions	
6.1.5. Comments and Planning Report	17 - 20

6.1.6. Members of the Public to Speak

6.1.7. Further Questions from the Committee

6.1.8. Approval or Refusal

Be it resolved that the Committee receive Staff Report PL2022-017 for information; and

That the Minor Variance be approved to provide relief from the parking and loading provisions of the comprehensive zoning by-law.

7. Adjournment

Be it resolved that the Committee adjourn the meeting at [TIME].



Township of Southgate
Minutes of Committee of Adjustment

February 23, 2022
9:00 AM
Electronic Participation

Members Present: Member Barbara Dobreen
Member John Woodbury
Member Brian Milne
Member Michael Sherson
Member Jim Frew
Member Martin Shipston

Members Absent: Member Jason Rice

Staff Present: Clinton Stredwick, Planner
Lindsey Green, Clerk
Holly Malynyk, Recording Secretary

1. Electronic Access Information

Committee recordings will be available on the Township of Southgate [YouTube Channel](#) following the meeting.

2. Call to Order

Secretary Holly Malynyk called the meeting to order at 9:00AM.

3. Appointment of Chair

Moved By Member Milne

Seconded By Member Sherson

Be it resolved that the Committee appoint Member John Woodbury to be the Chair of the Committee of Adjustment for the 2022 term.

Carried

4. Appointment of Vice Chair

Moved By Member Milne

Seconded By Member Shipston

Be it resolved that the Committee appoint Member Michael Sherson to be the Vice Chair of the Committee of Adjustment for the 2022 term.

Carried

5. Confirmation of Agenda

Moved By Member Dobreen

Seconded By Member Shipston

Be it resolved that the Committee confirm the agenda as presented.

Carried

6. Declaration of Pecuniary Interest

No one declared a pecuniary interest related to any item on the agenda.

7. Adoption of Minutes

Moved By Member Milne

Seconded By Member Shipston

Be it resolved that the Committee approve the minutes from the November 24, 2021 Committee of Adjustment meeting as presented.

Carried

8. OACA 2022 Annual Conference

Moved By Member Milne

Seconded By Member Shipston

Be it resolved that the Committee of Adjustment approve Member Frew, Member Sherson and Member Dobreen to attend the 2022 Annual OACA Conference.

Member Frew joined the meeting at 9:10AM.

9. Hearing

9.1 B15-21- Murray Calder, Con 3, Pt Lot 43 RP16R11535 Part 1, Geographic Township of Egremont

9.1.1 Application and Notice of Public Hearing

The Purpose is to sever a small 0.65acre lot and add it to the abutting corner lot that is only 0.35acres. The addition will allow for the construction of a small barn for maximum of 2 horses for transportation purposes. The severed lot will have frontage on Grey Road 109 and will require access for the proposed barn. The retained lot will have frontage on Grey Road 109 and Southgate Road 12 and still be approximately 20 acres in size.

The Effect would be to enlarge the small corner lot to 1 acre in size to allow for the small horse barn to be constructed. The retained lot will continue to be used for agriculture.

9.1.2 Comments Received from Agencies and the Public

Planner Clinton Stredwick reviewed comments received from Bell Mobility, Historic Saugeen Metis, Township of Southgate Public Works, County of Grey and the Saugeen Valley Conservation Authority. There were no comments received from members of the public.

9.1.3 Applicant or Agent

The Applicant was present and spoke about the proposed severance.

9.1.4 Committee Member Questions

Members asked questions and staff provided responses.

9.1.5 Comments and Planning Report

Planning Stredwick reviewed his planning report and explained the intent of the proposal.

9.1.6 Members of the Public to Speak

No members of the public were present to speak in support or opposition to the application.

9.1.7 Further Questions from the Committee

Members asked further questions and staff provided responses.

9.1.8 Approval or Refusal

Moved By Member Dobreen

Seconded By Member Milne

Be it resolved that the Committee of Adjustment receive Staff Report PL2022-012 for information; and

That the severance be deferred with the following conditions:

1. **That** the application is deferred pending comments from the conservation Authority, and confirmation that with the requested road widening and 75ft setback from the centerline of the road that the applicant will still have enough land to build the barn and meet the required setbacks.

Carried

10. Adjournment

Moved By Member Milne

Seconded By Member Sherson

Be it resolved that the Committee adjourn the meeting at 9:46PM.

Carried

Chair John Woodbury

Secretary-Treasurer Holly Malynyk



**Township of Southgate
Committee of Adjustment
Application for Minor Variance**

Instructions:

This is an application under Section 45 of the Planning Act, 1990, R.S.O. c.P. 13 as amended, for relief, as described in this application, from Zoning By-law 19-2002 (as amended).

- Please check all applicable boxes and answer all applicable questions
- Failure to provide adequate, correct information may result in your application being refused
- All measurements must be in metric units. (Imperial Units will not be accepted)
- Additional information may be attached if necessary
- Incomplete applications will be returned
- The Township reserves the right to ask for more information or clarification pertaining to this application at a later time
- Applications are not accepted without the required fees \$1267 (\$976 application plus \$111 sign fee and if required, \$180 SVCA fee) in cash or by cheque made payable to the Corporation of the Township of Southgate.

For office use only:

File No. A-1-22.

Pre-Consult Date:

Date received: Feb 10/22

Accepted by: _____

Roll #42 07 _____

Conservation Authority Fee

Required: _____

Official Plan: _____

Property's Zone: _____

Other Information: _____

It is strongly advised that any potential applicant pre-consult with the Planning Department prior to submitting any planning application. This could save you money and avoid delays in processing. Staff are available to provide some assistance in completing this application and will help ensure the application is filled out completely.

The Approval Authority is the Township of Southgate Committee of Adjustment

Required Fees:

Application Fee	\$ 976.00 due with submitted application
Public Notice Sign Fee	\$ 111.00
Conservation Authority Fees	
Saugeen Valley CA	\$190.00
Grand River CA	Contact directly for details

Note on fees:

The application fees were adopted and approved under the Township of Southgate's fees and charges By-law.

All required application fees shall be paid in cash or by cheque made payable to the Township of Southgate at the time of submission of the application.

Please review the required Conservation Authority fees prior to submitting your application. Saugeen Valley Conservation Authority requires their fee to be submitted to the Township of Southgate along with this application. Make this payment out to the Saugeen Valley Conservation Authority.

In the event that all fees are not paid in full at the time of submission, the application shall be deemed incomplete.



1. Name of Owner/Applicant (circle one) * Vathanamohan Krishnapillai
Address 60 Main St East Dundalk Ont (261 7577 Ont inc.)
Postal Code N0C 1B0 Telephone Number [REDACTED]

*See Note 1

2. Name of Agent* _____
Address N/A
Postal Code _____ Telephone Number _____

** See Note 2

3. Nature and extent of relief applied for: Parking

4. Why is it not possible to comply with the provisions of the by-law?
Need more space

5. Legal description of subject land (registered plan number and lot number or other legal description, and, where applicable, street and street number):

PLAN 480 BLKE LOT 3
60 Main St East Dundalk

6. Dimensions of land affected in metric units:

Frontage: 29.00 Area: _____
Depth: _____ Width of Street: _____

7. Particulars of all buildings and structures on or proposed for the subject land (specify, in metric units) the ground floor area, gross floor area, number of storeys, width, length, height, etc.):

Existing: 2 story, 4000 sq ft

Proposed: N/A

8. Location of all buildings and structures on or proposed for the subject land (specify distance from side, rear and front lot lines):

Existing: 0

Proposed: N/A

9. Date of acquisition of subject land: March 2018

10. Date of construction of all buildings and structures on subject land:

UNKNOWN

11. Existing uses of the subject property:

rental space, massage therapy

12. Existing uses of the abutting properties:

North: N/A East: office space

South: N/A West: flower shop

13. Length of time the existing uses of the subject property have continued:

4 years

14. Water is provided to the subject land by a:

- ☒ publicly owned and operated piped water system
☐ privately owned and operated individual or communal well
☐ lake or other water body or other means (please explain)

15. Sewage disposal is provided to the subject land by a:

- ☒ publicly owned and operated sanitary sewage system
☐ privately owned and operated individual or communal well
☐ privy or other means (please explain)

16. Storm drainage is provided by (check applicable):

Sewers: ☒ Ditches ☐ Swales: ☐

Other means (please explain) _____

17. Present Official Plan designation on the subject lands: _____

18. Present Zoning By-law provisions applying to the land: C2-444

19. Has the subject land ever been the subject of an application for minor variance (under Section 45 or its predecessor of the Planning Act)

Yes ☐ No ☐

If the answer is yes, describe briefly (i.e. date of application, file number, nature of relief, etc.)

20. Is the subject property the subject of a current application for a plan of subdivision or consent under Section 51 or 53 of the Planning Act?

Yes ☐ No ☒

Sketch Instructions:

Each copy of this application must be accompanied by a sketch or survey showing the following:

- (i) The boundaries and dimensions of the subject land.
- (ii) The location, size and type of all existing and proposed buildings and structures on the subject land, indication the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- (iii) The current uses and location of all existing buildings and/or structures on the adjacent lands. (indicate the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines).
- (iv) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- (v) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- (vi) If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- (vii) The location and nature of any easement affecting the subject land.

21. Owners authorization and declaration:

Authorization for agent

I/we _____
(print name or names)

authorize _____
(print name of agent)

to act as our agent(s) for the purpose of this application.

(Signature of Owner) (date)

(Signature of Owner) (date)

22. Owners authorization for access:

I/we VATHANAMOHAN KRISHNAPILLAI
(print name or names)

hereby permit Township staff and its representatives to enter upon the premises during regular business hours for the purpose of performing inspections of the subject

[REDACTED] 9th Feb, 2022
(Signature of Owner) (date)

(Signature of Owner) (date)

23. Affidavit or sworn declaration :

Note: This Affidavit must be signed in the presence of a Commissioner of Oaths.

I/ (We) K Vathnamohan Krishnapillai
Name of Owner(s) or Authorized Agent or Applicant

of the Township of Southgate in the County of Grey
city/town/municipality county/region

Solemnly declare that all statements contained in this application and all the information provided is true, and I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

Declared before me at the:

Township of Southgate in the County of Grey
city/town/municipality county/region

This 9 day of February, 2022



Signatures of Owner

Feb 9 2022

Date

Signatures of Owner

Date



Signature of Commissioner

Feb 9 2022

Date

Holly Malnyk, a Commissioner, etc.,
Province of Ontario, for The Corporation of
the Township of Southgate.



**THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE
COMMITTEE OF ADJUSTMENT**

**NOTICE OF APPLICATION AND PUBLIC HEARING
FOR MINOR VARIANCE FILE # A1/22**

PROPERTY LOCATION: legally known as Plan 480 BLK E Lot 3 (Geographic Village of Dundalk) in the Township of Southgate (see the key map below). Also described as 60 Main St E.

TAKE NOTICE that the Committee of Adjustment of the Township of Southgate has designated:

March 23, 2022 at 9:00 AM

for the purpose of holding an **electronic hearing**, to hear the application for a Minor Variance:

File # A1-22

Electronic Access Information:

Please join the meeting from your computer, tablet or smartphone

<https://global.gotomeeting.com/join/442563645>

You can also dial in using your phone. Canada: +1 (647) 497-9373 Access Code: 442-563-645 #

NOTE: If you wish to speak at the meeting, please register in advance by contacting the Secretary-Treasurer, Holly Malynyk using the below information. The meeting will be recorded and uploaded to the Township YouTube Channel:

<https://www.youtube.com/user/SouthgateTownship>

Purpose: The variance is to vary the parking provisions of section 5.7 and 5.14 to allow for a commercial take out restaurant. The restaurant would have no parking spaces provided and would utilize on street and the municipal parking lot.

Approval of this application would provide relief from the by-law to permit the take out restaurant to establish on mainstreet. The relief will specifically reduce the required 20 spaces of parking and one loading space down to zero. The restaurant would utilize on street parking as well as the municipal lot.

No other related Planning Applications have been received for this property.

You are entitled to attend the hearing virtually at this time or to be represented by an agent to express your views on the merits of this application. You may also forward a letter with your views to the Committee. If you do not attend the hearing or send correspondence regarding this file, the Committee will proceed in your absence and you are not entitled to any further notice of the proceedings. **Please note that all submissions will become part of the public record in their entirety and may be posted to Southgate's website.**

A copy of the Notice of Decision will be sent to the applicant and each person who appeared or was represented by an agent at the hearing **and** who has filed a written request for notice of the decision.

ADDITIONAL INFORMATION regarding this application is available for public viewing during office hours at the address below or on the Township Website at: <https://www.southgate.ca/en/municipal-services/planning-applications-public-notices.aspx#A1-22-Vathanomohan-Krishnapillai-2617577-Ont-Inc>

Township of Southgate
185667 Grey Rd. 9,
Dundalk, ON N0C 1B0
(519) 923-2110 ext. 231
Toll Free: 1-888-560-6607

DATED AT THE TOWNSHIP OF
SOUTHGATE
THIS 1st DAY OF March 2022
Holly Malynyk
Secretary-Treasurer
Committee of Adjustment

N

Subject Lands



From: [Andrew Herreman](#)
To: [Holly Malynyk](#)
Subject: GRCA Comments - A1-22 - 60 Main Street East
Date: March 4, 2022 8:10:39 AM

Good morning Holly,

GRCA has no objection to the approval of application A1-22. The subject property does not contain any watercourses, floodplains, shorelines, wetlands, valley slopes or other environmental features of interest to GRCA. The property is not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Sincerely,

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

400 Clyde Road, PO Box 729
Cambridge, ON N1R 5W6
Office: 519-621-2763 ext. 2228
Toll-free: 1-866-900-4722

Email: aherreman@grandriver.ca
www.grandriver.ca | [Connect with us on social media](#)

Township of Southgate

185667 Grey County Road 9,
Dundalk, ON N0C 1B0

Jim Ellis,

Public Works Manager / Risk Management Official

jellis@southgate.ca



Phone: 519-923-2110 ext. 250

Toll Free: 1-888-560-6607

Fax: 519-923-9262

Cell: 519-378-3777

Public Works Department

Date: March 3, 2022

File No.: A1-22

Can a safe access be provided? Yes ☒ No ☐

Road Drainage Concern: None

Road Standard: Grey County jurisdiction

Road Widening Necessary? Yes ☐ No ☒

Entrance Requirements: None

Load Restricted Road: Yes ☐ No ☒

Comments: _____

Risk Management Office

Property is located in a Well Head Protection Area:

- ☐ WHPA "A"
- ☒ WHPA "B"
- ☐ WHPA "C"
- ☐ WHPA "D"
- ☐ Not Applicable

Comments: _____

Well Head Protection Area "B" - Applicable to Dense Non- Aqueous Phase Liquid (DNAPL's) products managed by education and outreach programs.

Signed: _____

Jim Ellis, Public Works Manager / Risk Management Official

From: planning@grey.ca
To: [Planning Southgate](#); [Lindsey Green](#); [Holly Malynyk](#)
Subject: County comments for A1-22 261757 Ont Inc
Date: March 10, 2022 2:48:47 PM

County comments for A1-22 261757 Ont Inc

Hello Mr. Stredwick,

County staff have had the opportunity to review Minor Variance application A1-22 261757 Ont Inc - Vathanamohan Krishnapillai.

Grey County Transportation Services have no concerns provided the Town can accommodate overflow parking needs. Loading and unloading of goods and services must not interfere with traffic flows along the County Road.

Staff would also acknowledge there may be an opportunity to utilize some parking space at the Credit Union, located to the west of the subject lands (should that partnership and agreement be established).

There are no concerns from the County's forestry & trails and housing departments.

Please note, a paper copy will not be provided unless requested.

Let us know if you have any questions.

Best regards,

Stephanie Lacey-Avon

Planning & Development, Grey County, Owen Sound ON

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 PL2022-017

Title of Report: PL2022-017-A1-22-2617577 Ontario Inc -
Krishnapillai
Department: Clerks
Branch: Planning Services
Committee Date: March 23, 2022

Recommendation:

Be it resolved that the Committee of Adjustment receive Staff Report PL2022-017 for information; and

That the Minor Variance be approved to provide relief from the parking and loading provisions of the comprehensive zoning by-law.

Property Location:

Legally known as Plan 480 BLK E Lot 3 (Geographic village of Dundalk) in the Township of Southgate (see the key map below). Also described as 60 Main St E.



Application Brief

Approval of this application would provide relief from the by-law to permit a take out restaurant to establish on main street. The relief will specifically reduce the required 20 spaces of parking and one loading space down to zero. It is proposed that the restaurant would utilize on street parking as well as the municipal lot.

The minor variance is to vary the parking provisions of section 5.7 and 5.14 to allow for a commercial take out restaurant.

Comments received

Public Works indicate that the area is in Well head protection area "B" – Applicable to dense non-aqueous phase liquid (DNAPL's) products managed by education and outreach programs. The road is County of Grey Jurisdiction.

The Grand River Conservation Authority has no objection to the approval of the application.

County of Grey indicate that Transportation Services have no concerns provide the Town can accommodate overflow parking needs. Loading and unloading of goods and services must not interfere with traffic flows along the County Road. Staff acknowledge there may be an opportunity to utilize municipal parking near the credit union.

Policy Context

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 minor variance is to permit a reduction of a parking requirement from 20 to zero. The proposed use is in keeping with other downtown commercial uses. The proposed variance is consistent with the Provincial Policy Statement.

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 reduction of 20 to zero parking spaces may seem like a large number however there are a few extenuating circumstances. The by-law does not differentiate between a regular sit down restaurant and a take away restaurant which would require much less parking. There is some available on street parking on main street and in the municipal lot behind the building which with a takeaway business would only be utilized for a short period of time. For the above reasons it is the opinion of staff that the proposal is minor in nature and meets this test.

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

The establishment of a take away restaurant is both desirable and appropriate for the downtown commercial area. Additional eating establishments in Dundalk would be a welcome change to the village of Dundalk.

The proposal meets this test.

3. It must maintain the general intent and purpose of the Official Plan.

The subject lands are designated 'as Downtown Commercial area' within the Township Official plan which permits a restaurant use.

The Official Plan generally permits the use of on street parking and municipal lots where it is feasible and where it does not create an over crowding situation. The Official Plan specifically states the following:

"4.2.3 Parking

On-site parking requirements for the downtown commercial area may be satisfied through municipal or privately owned parking areas located in close proximity to the use. The Municipality may accept cash-in-lieu where the parking can be reasonably accommodated off site."

This policy gives the Township discretion to allow business the use of municipal or private parking areas as well as accept cash in lieu of parking to help refurbish other sites within the down town for other municipal parking. It would be up to the committee to decide if cash in lieu of parking is necessary.

The proposal is consistent with the intent of the Official Plan and meets this test.

4. It must maintain the general intent and purpose of the zoning by-law.

The subject lands are zoned 'C2' Commercial within the Township of Southgate Zoning By-law No. 19-2002, as amended. Within the C2 a change of use must not

increase the parking requirement for the site. The previous use for the structure was a massage therapist which required 6 parking spaces. Any new use must require 6 or less spaces in the zoning by-law to be permitted as is. In this case because the use would require 20 spaces it requires a minor variance.

With a variance required the questions then becomes is there room for the additional parking on street and in nearby parking lots.

In staff's opinion as stated previously the bylaw does not differentiate between a sit down restaurant and a take away restaurant which would require significant less parking. Based on the is staff believe that the proposal still maintains the intent of the by-law by utilizing on street parking and municipal parking. Again cash in lieu of parking could be considered as some point as well in the future if these types of uses are to continue and parking becomes less plentiful.

In my opinion the proposal meets the intent of the bylaw and passes this test.

Summary

The comments received to date support the proposal and the application passes the four tests required by the Planning Act. Provided that there are no negative comments received from members of the public it is recommended that the minor variance application be approved.

Respectfully Submitted,

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



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

Attachments: