



# Planning and Development

595 9<sup>th</sup> Avenue East, Owen Sound Ontario N4K 3E3

September 15, 2021

Ms. Lindsey Green, Clerk  
Township of Southgate  
185667 Grey County Road 9  
Dundalk, ON, N0C 1B0  
\*Sent via E-mail

**RE: ZBA Application C18-21 Barlari  
Con 15 W Pt Lot 23, Geographic Township of Egremont  
Civic Address: 184508 Grey Road 9  
Applicant/Owner: Margaret & Luis Barlari**

Dear Ms. Green,

This correspondence is in response to the above noted applications. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The Purpose of the proposed zoning by-law amendment is to consider a Temporary zoning bylaw amendment application, for a period of up to 20 years, to recognise the existing residence as a garden suite and allow for the building of a new residence on the same lot and occupied on a year-round basis. The Effect of the proposed zoning by-law amendment would be to change the zoning symbol on a portion of the property from Agricultural (A1) to Agricultural exception (A1-XXX) to allow for a garden suite on the property.

The circulated site plan proposes a new single-residential dwelling 30 m from the existing cottage and appears to propose a new septic system. The existing cottage and proposed new dwelling would be accessed via an existing 600+ m driveway, from Grey Road 9.

Schedule A of Recolour Grey designates the subject property as 'Agricultural,' 'Hazard Lands' and 'Provincially Significant Wetlands.' A substantial portion of the subject lands fall within the Saugeen Valley Conservation Authority (SVCA) screening area. Comments from SVCA have been reviewed prior to completing these comments.

Section 4.2.6 of the County's Official Plan outlines key policies relating to Garden Suites:

Garden Suites are portable, self-contained dwellings without a basement. As defined by the Planning Act, a garden suite is a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. They must generally be located within or in proximity to the farm buildings and/or main residence on a property. Servicing is typically connected to the principal residence services, of which, sufficient capacity to service the garden suite must exist.

One of the key features of this definition would be the “portable” nature of a Garden Suite. In this case, given that the existing cottage has been in existence for upwards of 70 years, County Staff would question whether the existing cottage would meet this definition. Instead, County staff would raise the question of whether this cottage would better meet the criteria for an “Additional Residential Unit,” as defined by the Planning Act. Section 16 (3) of the Planning Act states:

An official plan shall contain policies that authorize the use of additional residential units by authorizing,

the use of two residential units in a detached house, semi-detached house or rowhouse;  
and

the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.

Staff would recommend that this proposal could be considered an additional residential unit “in a building or structure ancillary to a detached house.” It should be noted that the County’s OP policies also speak to permitting “second units” within ancillary structures and the County is currently in the process of undertaking a housekeeping update to align our OP policies with recent changes to the Planning Act. While staff recognize that some municipalities have not recently undertaken a review of their respective Zoning By-Laws, the County would encourage municipalities to incorporate new ARU policies into any upcoming OP and Zoning By-Law update processes.

Development within Hazard Lands and Provincially Significant Wetlands (PSW) is discouraged and generally not permitted. According to the County’s available mapping, the existing cottage would appear to be partially within the Hazard Lands and fully within lands adjacent to the Provincially Significant Wetlands. However, SVCA comments have indicated that the existing cottage is outside of the Hazard Lands, but is on lands adjacent to the Provincially Significant Wetlands. The proposed primary dwelling is proposed to be located within the PSW, but outside of the Hazard Lands. Generally, the County tends to defer decisions pertaining to development around or within Hazard Lands and PSW’s to the relevant conservation authority. In this case, given that the proposed development is further from the mapped Hazard and PSW lands than the existing cottage; within an existing cleared area; and in close proximity to the existing cottage, SVCA has suggested that an EIS would not be required for the proposal. Provided that SVCA is satisfied that the proposed development envelope for the new dwelling would not have negative implications on the PSW or other natural heritage features, County staff have no further concerns.

Schedule C identifies an ‘NHS Linkage’ across the property, while Appendix B of the County’s OP identifies ‘Significant Woodlands,’ streams and ‘other wetlands.’

NHS *Linkages* are naturally occurring passages that permit the movement of species through ecological corridors between sensitive areas. The proposal appears to be outside of the mapped *Linkage* and County staff have no concerns.

The County’s OP likewise directs development outside of Significant Woodlands, Other Wetlands and their respective adjacent lands of 120 m and 30 m. In this case, the proposal appears to be outside of the adjacent lands of the streams and other wetlands, but is within lands adjacent to the Significant Woodlands. As comments have been received from the SVCA to suggest that an EIS would not be

required for development of the primary dwelling in the proposed location, County staff have no further concerns.

Minimum Distance Formulae is generally applied to new residential development in rural area. Section 5.2.1 (4) states:

Where a new dwelling is permitted, Provincial Minimum distance separation formulae is applied to the new house. If there is no building area available which meets MDS I setbacks, then the house will be as far from the neighbouring livestock facility or manure storage facility as possible.

The County would recommend that MDS be applied to the proposed dwelling. It is noted that 2015 mapping imagery does not indicate any barns in the immediate vicinity.

Provided MDS can be met and SVCA is generally satisfied with the proposed building location of the new primary dwelling, the County has no further concerns. The County would generally encourage member municipalities to consider permitting Additional Residential Units as permanent dwellings, through updates to Official Plan and Zoning By-Laws when feasible.

The County requests notice of any decision rendered with respect to this application.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'R. Hillyer', with a long horizontal flourish extending to the right.

Becky Hillyer  
Planner  
(519) 372-0219 ext. 1233  
[becky.hillyer@grey.ca](mailto:becky.hillyer@grey.ca)