



Planning Report

To: Municipality of Brockton Committee of Adjustment

From: Julie Steeper, Planner

Date: June 8, 2021

Re: Application for Minor Variance - A-2021-034 (Eidt)

Recommendation:

Subject to a review of submissions arising from the public meeting:

That Committee approve Minor Variance A-2021-034 as attached subject to the conditions on the decision sheet.

Summary:

The purpose of the application is to sever a +/-57.94 sq. m parcel of vacant land from 5 Scott Street and add it to an adjacent parcel at 120 Yonge Street South. The giving parcel is an existing undersized commercial lot and the receiving property is an adjacent residential property. Both properties are owned by the applicant and the intent is to adjust the boundary to align with the existing residential property more appropriately. The minor variance is required to address the lot size of the retained parcel. The effect of the application would facilitate a lot line adjustment to both 120 Yonge Street South and 5 Scott Street in the Municipality of Brockton.

The property is located in the Town of Walkerton and is south of Durham Street, and west of Jackson Street South. The property is east of Yonge Street South. The property is surrounded by residential and commercial uses.

This aerial map displays a residential neighborhood with property boundaries and lot numbers. A blue polygon highlights a large lot (120) and an adjacent lot (5). Lot 5 is further outlined in red. The map shows streets including Yonge St, Scott St, and Peter St. Other lot numbers visible are 105, 109, 113, 119, 125, 140, and 21.

[illegible]

Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), and planning policy sections.

Four Tests of a Minor Variance

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

Does the variance maintain the intent and purpose of the Official Plans?

The Bruce County Official Plan designates the property Primary Urban Communities. The Walkerton Community Official Plan designates the lands Residential and Commercial. The Bruce County Official Plan policies allow for lot adjustments for legal or technical reasons. These shall be limited to easements, correction of deeds, quit claims and minor boundary adjustments. These cannot result in the creation of a new lot.

There is no definition of what is considered a 'minor boundary adjustment'. This needs to be considered based on the context of the lot and the application. In this instance, both the giving and receiving properties are within the Settlement Area of the Bruce County Official Plan. These areas are not significantly impacted by the proposed lot adjustment. The application does maintain the intent and purpose of the Official Plans.

Does the variance maintain the intent and purpose of the Zoning By-law?

The subject lands are zoned Central Business District (C1) and the Zoning By-law identifies the minimum lot area as 456 sq. m. The minimum lot size helps to ensure that the sizes of lots are similar and conform to area. The site is an existing undersized lot that is 357.12 sq. m. in size. There are varying lot sizes and uses within the area. There are lots in this area that are similar in nature to the proposed lot size. The variance does maintain the intent and purpose of the zoning by-law.

Is the application desirable for the appropriate development of the land, building or structure?

Over time, it can be expected that a property owner will grow add to or divide their property which allows them to maximize the benefit, value and use of their property. The proposed boundary adjustment pertains to the rear of the property and would not affect the existing use or buildings on the property. The variance also facilitates a boundary adjustment that is similar in nature to the surrounding neighbourhood by regularizing the property boundaries of the residential lot. The variance does represent an appropriate form of development for the use of the land.

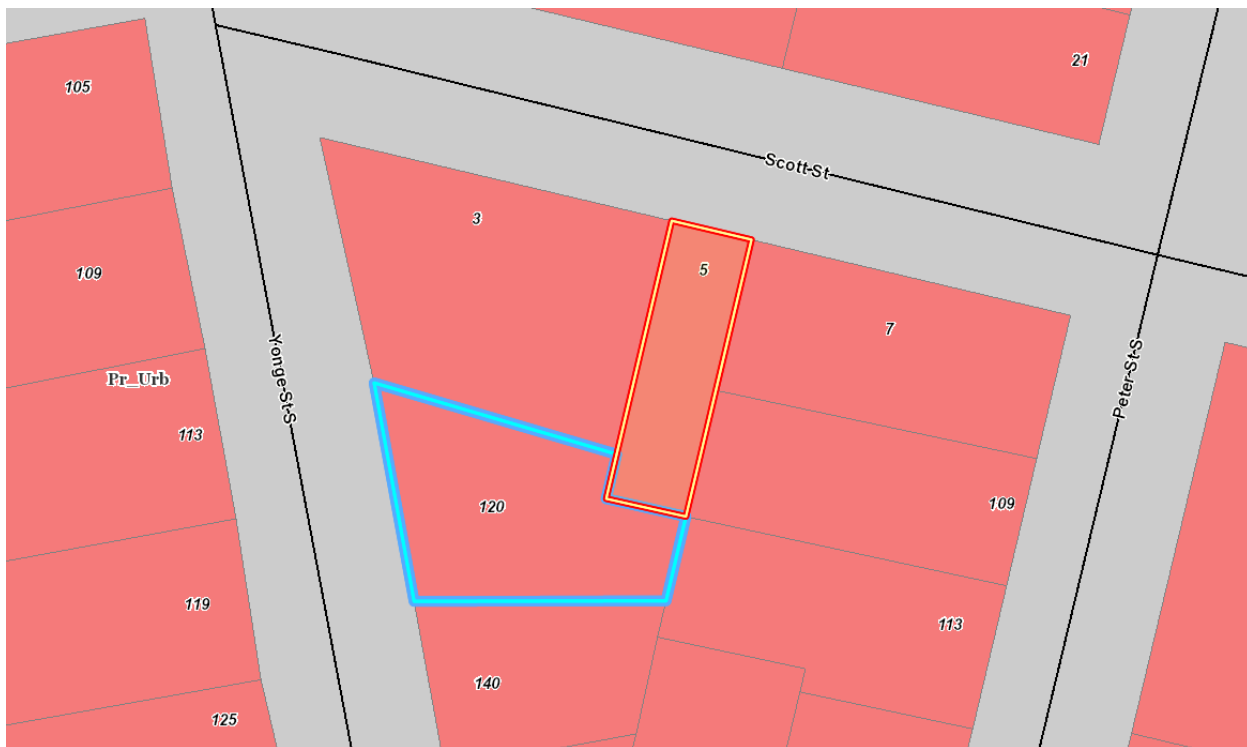
Is the application minor in nature?

Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. It is not expected that permitting the variance will have any impact on the character of the area or impact the ability of adjacent property owners to use their property for permitted uses. The proposed lot size is in keeping with other similar lots in the neighbourhood. The variance is considered minor.

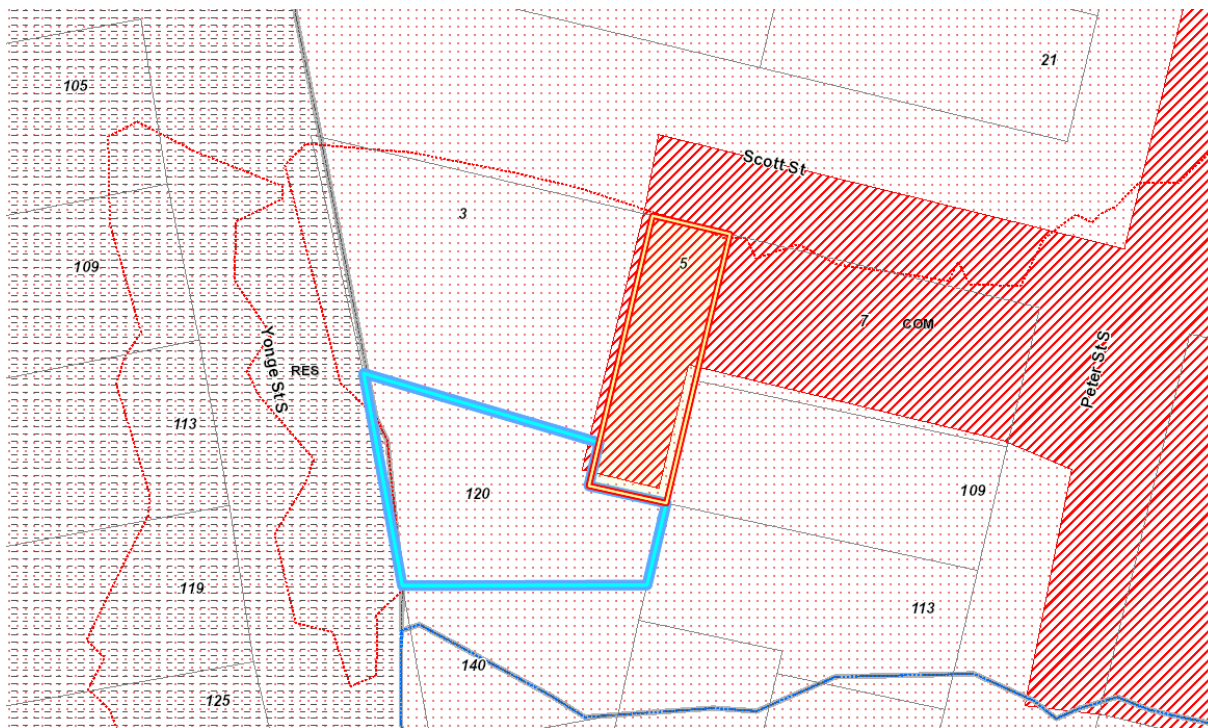
Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Notice

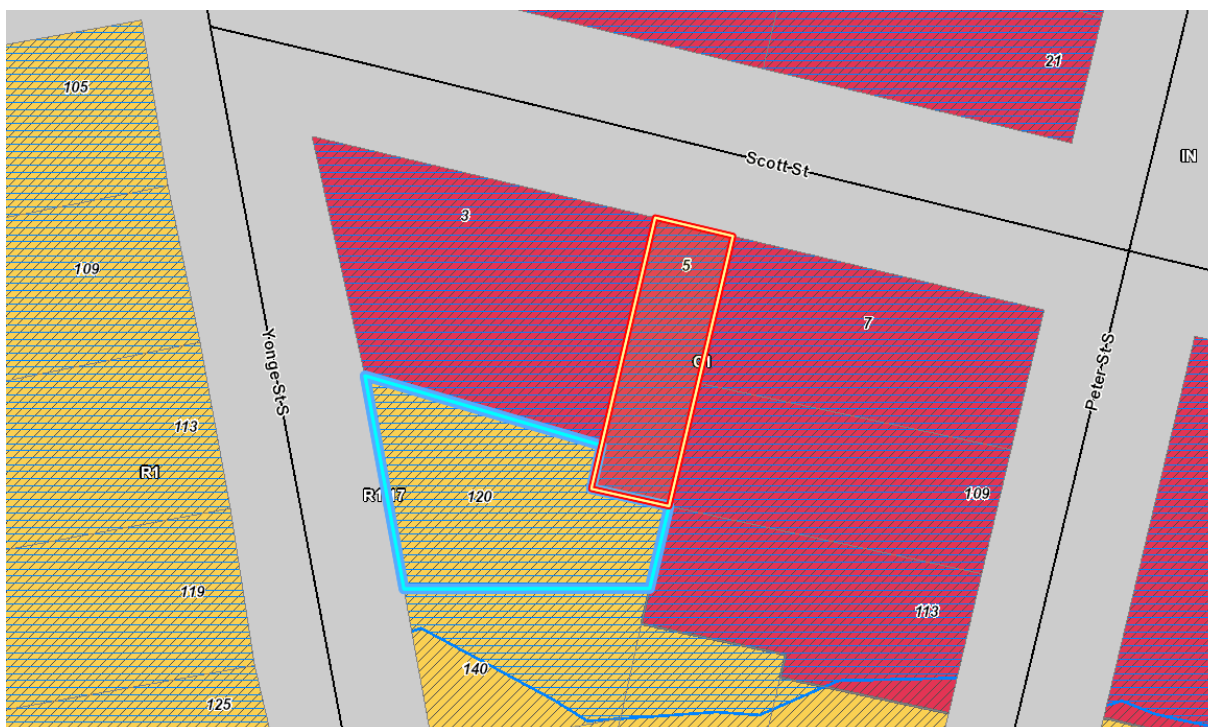
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Commercial & Residential)



Local Zoning Map (Zoned Central Business District (C1))



Agency Comments

Municipality of Brockton: No comments.

Historic Saugeen Metis: No concerns.

Saugeen Valley Conservation Authority: No concerns (attached in full).



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SENT ELECTRONICALLY ONLY jsteeper@brucecounty.on.ca and bcplwa@brucecounty.on.ca

June 1, 2021

County of Bruce Planning Department
30 Park Street
Walkerton, Ontario
N0G 2V0

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Proposed Consent to Sever Land B-2021-014 and Minor Variance A-2021-034 (Eidt)
5 Scott Street - Part Lot 61 Plan 7, Part 1 Plan 3R9965, Roll No.: 410436000417000; and
120 Yonge Street S – Part Lots 61 to 63 Plan 7, Part lot A Plan 162, Part 2 Plan 3R4199, Roll No.:
410436000416800
Geographic Town of Walkerton
Municipality of Brockton

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose of the applications is to sever a +/-57.94 sq. m parcel of vacant land from 5 Scott Street and add it to an adjacent parcel at 120 Young Street South. The minor variance is required to address the lot size of the retained parcel. The effect of the application would facilitate a lot line adjustment.

Recommendation

The proposed applications are acceptable to SVCA staff.



Watershed Member Municipalities
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the applications through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the applications through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, natural heritage, and water resources as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the properties.

Natural Hazards:

Based on engineered floodplain mapping, titled Walkerton Floodplain Mapping, prepared May 4, 2009, for the community of Walkerton, the entirety of both properties are located within the Hurricane Hazel Flood Event Standard (HHFES) floodplain of the Main Saugeen River.

Provincial Policy Statement – Section 3.1

Section 3.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and c) hazardous sites. Section 3.1.6 and 3.1.7 further state that where the two-zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to conditions. The community of Walkerton is a two-zone floodplain policy area. Generally, the flood fringe is the floodplain area located between the 100-year floodline and the HHFES floodline. It is the opinion of SVCA staff that Section 3.1. of the PPS, 2020 has been addressed, based on the proposal, as no new buildings and structures are proposed as part of the application.

County of Bruce OP and Community of Walkerton OP Policies

Section 5.8 of the County of Bruce OP and the Section 3.7 of the Community of Walkerton OP generally direct development to be located outside of Hazardous Land and Environmental Protection areas. Schedule A of the Community of Walkerton OP includes a Flood Constraint Area of the Saugeen River over the entirety of the property. The Flood Constraint Area allows for limited conditional development. It is the opinion of SVCA staff that the application appears to be consistent with the policies of the Bruce County OP; and the Municipality of Brockton OP.

Natural Heritage:

It is the opinion of SVCA staff that, in accordance with Section 2.1 of the PPS, 2020, there are no significant natural heritage features affecting the properties.

Statutory Comments

SVCA staff has reviewed the applications as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines,

watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The entirety of the properties are within the SVCA Regulated Area associated with Ontario Regulation 169/06. As such, development and/or site alteration on the properties requires the permission from SVCA, prior to carrying out the work.

“Development” as defined under the *Conservation Authorities Act* means:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*
- c) *site grading; or,*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And;

“Alteration” as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

SVCA Permission for Development or Alteration

Development or alteration including construction, reconstruction, conversion, grading, filling or excavation, proposed on the properties will require permission (SVCA Permit) prior to those works commencing. Based on the application submitted, no new buildings or structures are proposed for the properties at this time. Therefore, an SVCA permit is not required as part of the applications.

Summary

SVCA staff has reviewed the applications in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The applications are acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

County of Bruce Planning and Development

Proposed Consent to Sever Land B-2021-014 and Minor Variance A-2021-034 (Eidt)

June 1, 2021

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Please inform this office of any decision made by the Municipality of Brockton and/or the County of Bruce with regard to the applications. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle

Environmental Planning Technician

Saugeen Conservation

MO/

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)
Dan Gieruszak, Authority Member, SVCA (via email)



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



May 11, 2021

File Number: A-2021-034

Public Hearing Notice

**You're invited to participate in an Online Public Hearing
Tuesday, June 8, 2021 at 6:30 pm**

As a result of the COVID-19 Pandemic, the Municipality of Brockton council meetings are being held in electronic format. For information on how to participate in the public hearing, please refer to the following page or visit the municipal website at:

<https://www.brockton.ca/en/our-services/Current-Council-Meeting-Agenda.aspx>.

Please contact the Municipality of Brockton at fhamilton@brockton.ca or 519 881 2223 ext 124 if you have any questions regarding how to participate in the meeting.

A change is proposed in your neighbourhood: The purpose of the application is to sever a +/-57.94 sq. m parcel of vacant land from 5 Scott Street and add it to an adjacent parcel at 120 Young Street South. The minor variance is required to address the lot size of the retained parcel. The effect of the application would facilitate a lot line adjustment. The related Consent file is B-2021-014.



5 SCOTT ST - PLAN 7
PT LOT 61 RP 3R9965;
PART 1; and
120 YONGE ST S
PLAN 7 PT LOTS 61 TO
63 PLAN;162 PT LOT A RP
3R4199 PART;2 (Walkerton)
Municipality of Brockton
Roll Numbers:
410436000417000 and
410436000416800

COVID-19 Notice: Bruce County Planning offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

Learn more

You can view more information about the application at <https://brucecounty.on.ca/living/land-use>. Our staff would be pleased to connect with you by email (bcplwa@brucecounty.on.ca) or phone (226-909-5515). Once our offices re-open, information about the application will be available in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Julie Steeper

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda.

1. Please contact us by email bcplwa@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.
2. You can participate in the public hearing.

To participate in the Public Hearing

Click the link below to join the webinar:

<https://us02web.zoom.us/j/81517019280?pwd=MERpSGJuTlo0dUNzV2xaQzNjbFhoQT09>
Passcode: 123583

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

Canada: +1 204 272 7920 or +1 438 809 7799 or +1 587 328 1099 or +1 647 374 4685 or +1 647 558 0588 or +1 778 907 2071

Webinar ID: 815 1701 9280

Passcode: 123583

International numbers available: <https://us02web.zoom.us/j/kdn3Op09Sz>

Stay in the loop

If you'd like to be notified of the decision of the Committee of Adjustment on the proposed application(s), you must make a written request to the Bruce County Planning Department on behalf of the Secretary-Treasurer for the Committee of Adjustment.

Know your rights

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting

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out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the Local Planning Appeal Tribunal Act, 2017 as payable on an appeal from a committee of adjustment to the Tribunal, in accordance with Section 45(12) of the Planning Act

For more information please visit the Local Planning Appeal Tribunal website at <https://olt.gov.on.ca/tribunals/lpat/about-lpat/>.

Site plan



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