



Planning Report

To: Municipality of Brockton Committee of Adjustment

From: Coreena Smith, Senior Development Planner

Date: July 13, 2021

Re: Application for Minor Variance - A-2021-048 (Schneider)

Recommendation:

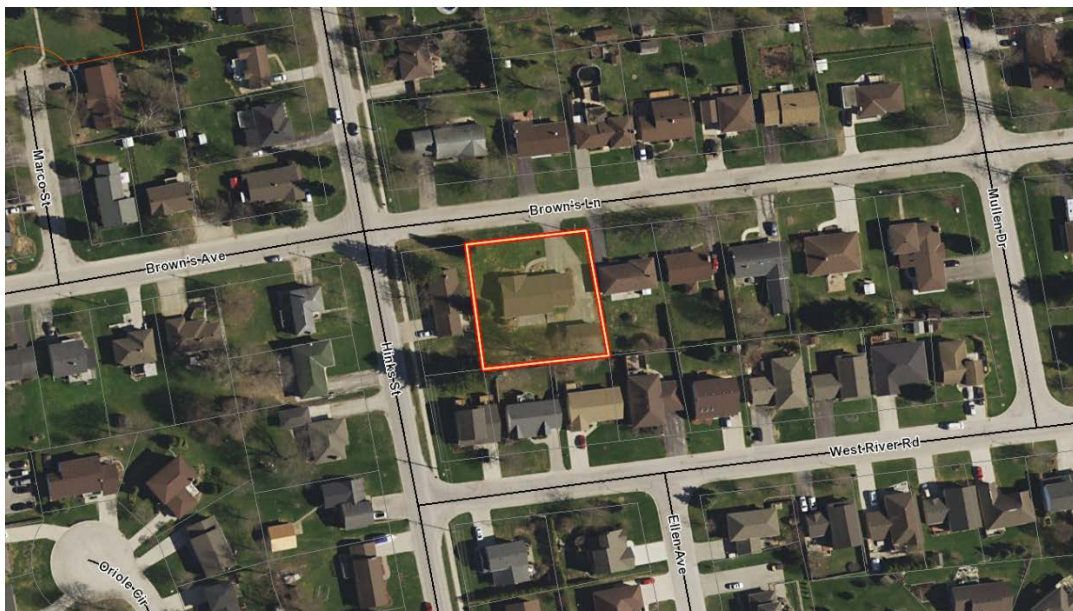
Subject to a review of submissions arising from the public meeting:

That Committee approve Minor Variance A-2021-048 as attached subject to the conditions on the decision sheet.

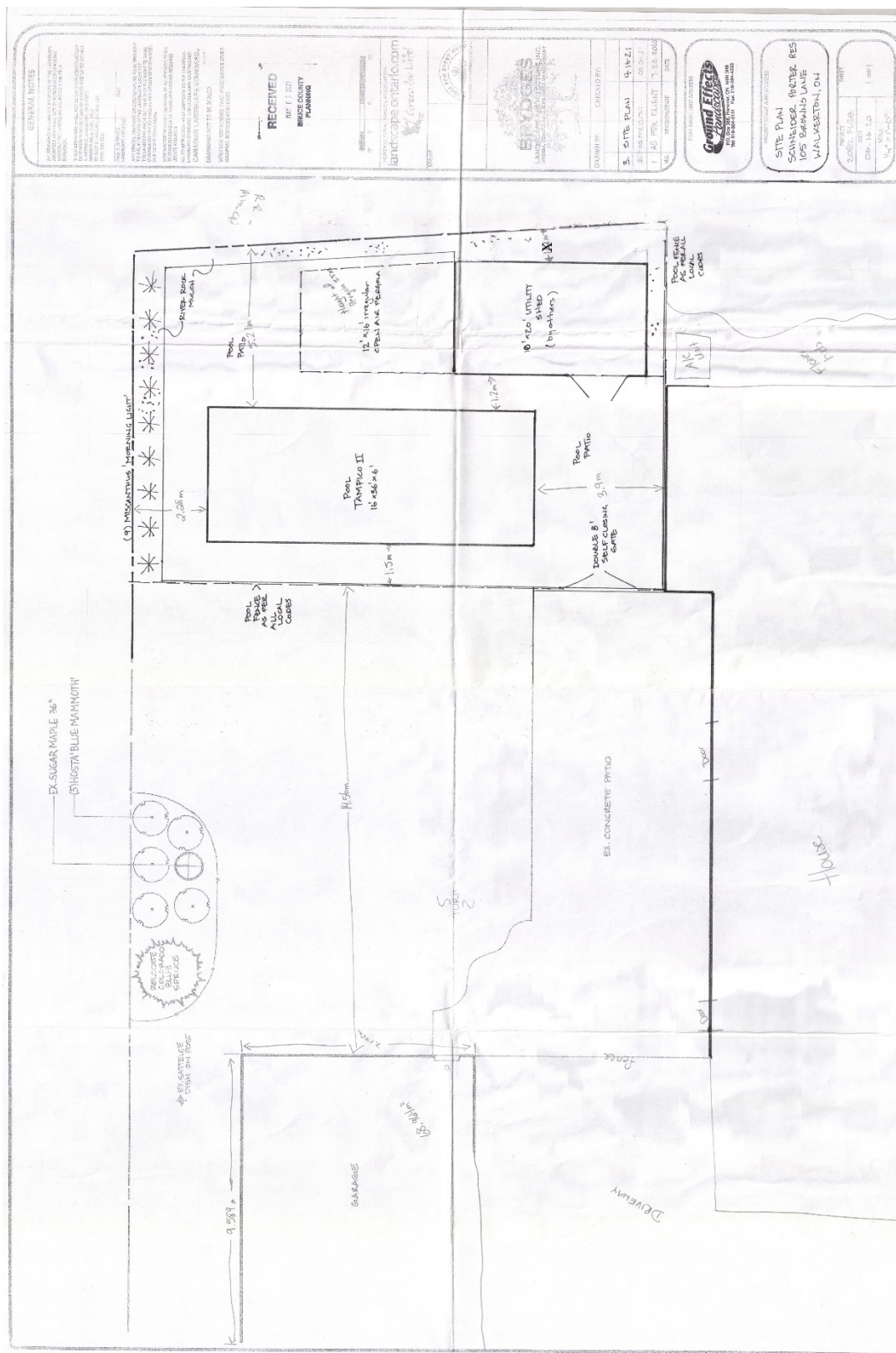
Summary:

The purpose of the application is to allow relief from the maximum site coverage for accessory buildings and structures at 105 Brown's Lane, in the Municipality of Brockton. The proposed site coverage is 10%, whereas the maximum site coverage permitted in the Zoning By-law is 5%. The applicant is requesting to exceed the maximum lot coverage by 5%. If approved, the application would facilitate the installation of an inground pool, shed and pergola.

Airphoto



Site Plan



[illegible]

Nicole Schneider

File number A-2021-048

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. The proposed inground pool, shed and pergola are accessory to the existing residential use and permitted within the residential designations of both the County and local Official Plans. 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 Residential: Low Density Single (R1). The by-law identifies a maximum lot coverage of 5% for all accessory buildings or structures. Lot coverage as a percentile allows for a balance between lot size and the size permitted for structures (i.e., a larger lot can permit a larger building; smaller lot, smaller building) rather than setting a maximum size. Lot coverage is aimed at ensuring there is enough permeable surfaces on the lot for proper drainage, space for amenities and green space.

In this instance, the applicant is proposing to increase the total lot coverage of all accessory buildings or structures from 5% to 10%. There is an existing detached garage on the property which occupies a portion of the lot. The owner is proposing to install an inground pool, shed and pergola in the rear yard. The front and rear yards on this property are large and there will be enough permeable surfaces maintained to allow for drainage, amenity space and green landscaping. The variance maintains the intent and purpose of the zoning bylaw.

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 and replace, add to, or build new structures on their property which allow them to maximize the benefit, value and use of their property. The variance will enable the property owner to build accessory structures that meets their needs and desires for a well-designed amenity space. The variance will not impede the function of the lot. The variance represents an appropriate form of development for the use of the land.

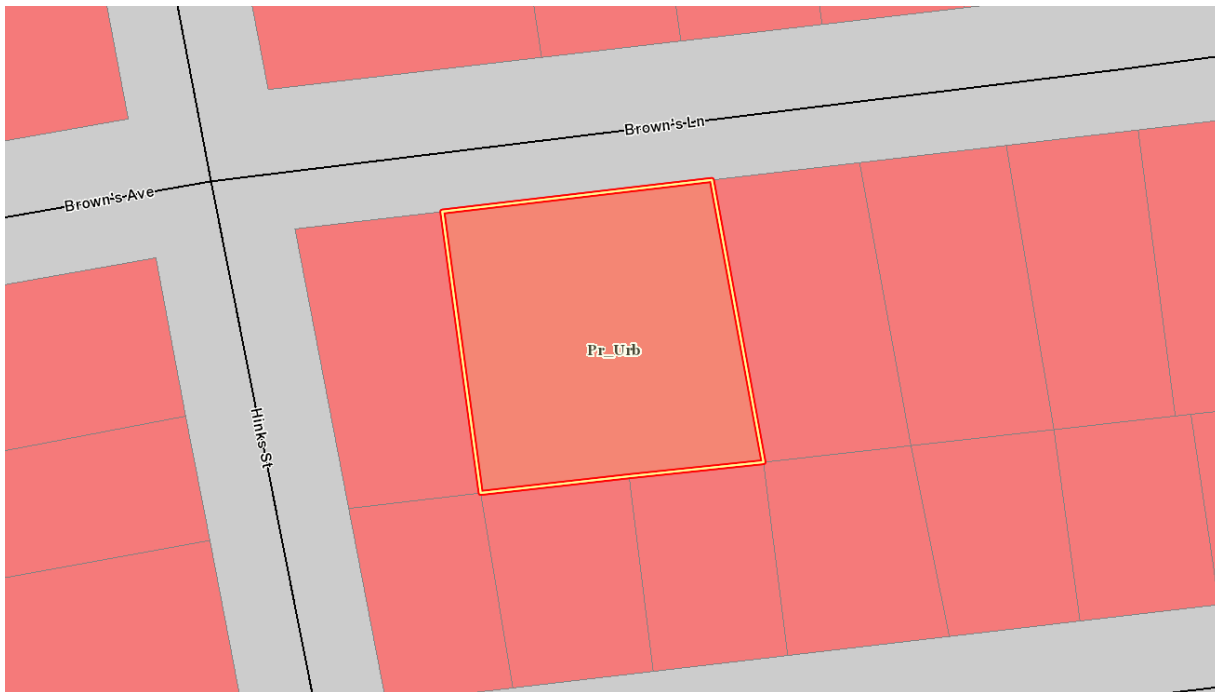
Is the application minor in nature?

The meaning of 'minor' is not based on a specific number, where a difference of a number determines whether the development is acceptable. 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 owner will maintain adequate permeable open space on the site and will provide the required setbacks between the proposed structures and their neighbours' properties. Therefore, the variance is considered minor.

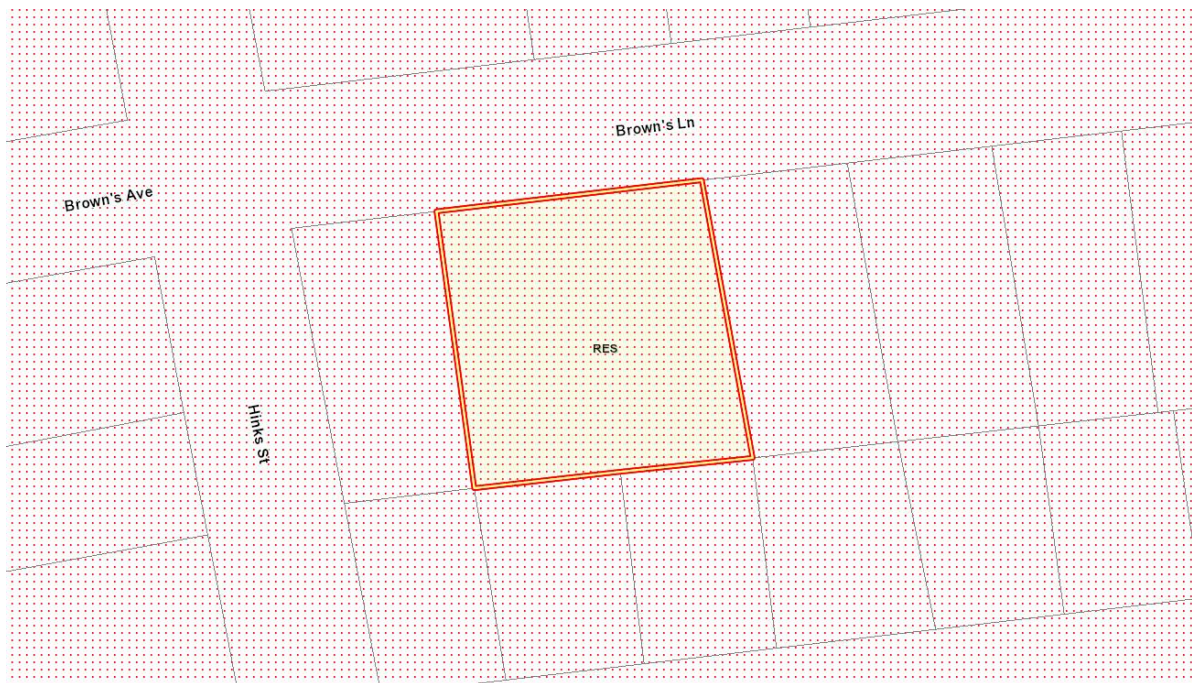
Appendices

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

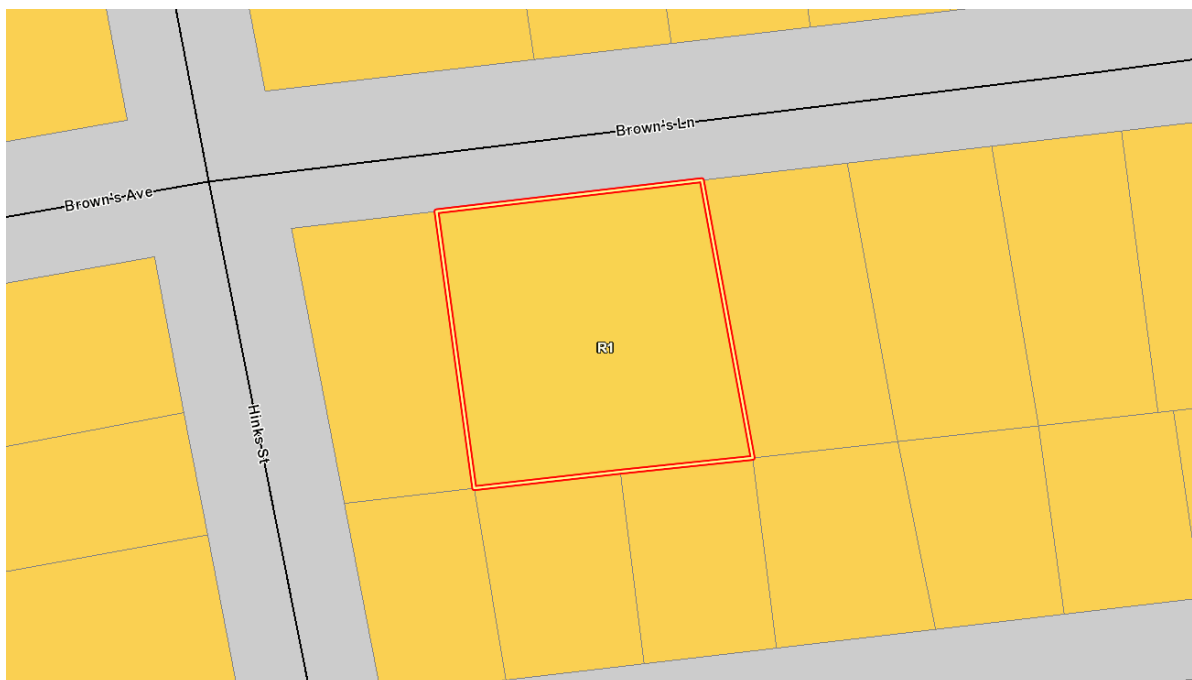
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Residential)



Local Zoning Map (Zoned R1 - Residential: Low Density Single)



Agency Comments

Municipality of Brockton: No comment.

Saugen Valley Conservation Authority: No concerns (full letter attached).



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY: CJSmith@brucecounty.on.ca and bcplwa@brucecounty.on.ca

July 1, 2021

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

ATTENTION: Coreena Smith, Planner

Dear Ms. Smith,

RE: Proposed Minor Variance A-2021-048 (Schneider)
105 Brown's Lane
Park Part Lot 5 Plan 271
Roll No.: 410436000220100
Geographic Town of Walkerton
Municipality of Brockton

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application 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 application is to allow relief from the maximum site coverage for accessory buildings and structures. The proposed site coverage is 10%, whereas the maximum site coverage permitted in the Zoning By-law is 5%. The applicant is requesting to exceed the maximum lot coverage by 5%. If approved, the application would facilitate the installation of an inground pool, shed and pergola.

Recommendation

SVCA staff find the application acceptable. The subject property does not contain any natural hazard features or other environmental features of interest to SVCA or as per our MOA with the County of Bruce. As such, it is the opinion of SVCA staff that the application is consistent with the Natural Hazard and Natural Heritage Policies of the PPS, 2020 and the Municipality of Brockton Official Plan.



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

County of Bruce Planning & Development Department
Proposed Minor Variance A-2021-048 (Schneider)
July 1, 2021
Page 2 of 2

Additionally, the property is not within the SVCA Regulated Area, and is not subject to Ontario Regulation 169/06, or to the policies of SVCA at this time, and as such, permission from the SVCA is not required for development on the property.

Please inform this office of any decision made by the planning approval authority with regards to the application. We respectfully request to receive a copy of the decision and notice 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



June 15, 2021

File Number: A-2021-048

Public Hearing Notice

**You're invited to participate in an Online Public Hearing
Tuesday, July 13, 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 allow relief from the maximum site coverage for accessory buildings and structures. The proposed site coverage is 10%, whereas the maximum site coverage permitted in the Zoning By-law is 5%. The applicant is requesting to exceed the maximum lot coverage by 5%. If approved, the application would facilitate the installation of an inground pool, shed and pergola.



105 BROWN'S LN – PLAN 271 PARK PT LOT 5 (Walkerton)
Municipality of Brockton, Roll Number 410436000220100

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: Coreena Smith

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/86447685476?pwd=bG92eDR3WklzMllhK3AwTHp1ZzhsUT09>

Passcode: 461581

Or Telephone:

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

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

Webinar ID: 864 4768 5476

Passcode: 461581

International numbers available: <https://us02web.zoom.us/j/kdhprjbA2l>

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.

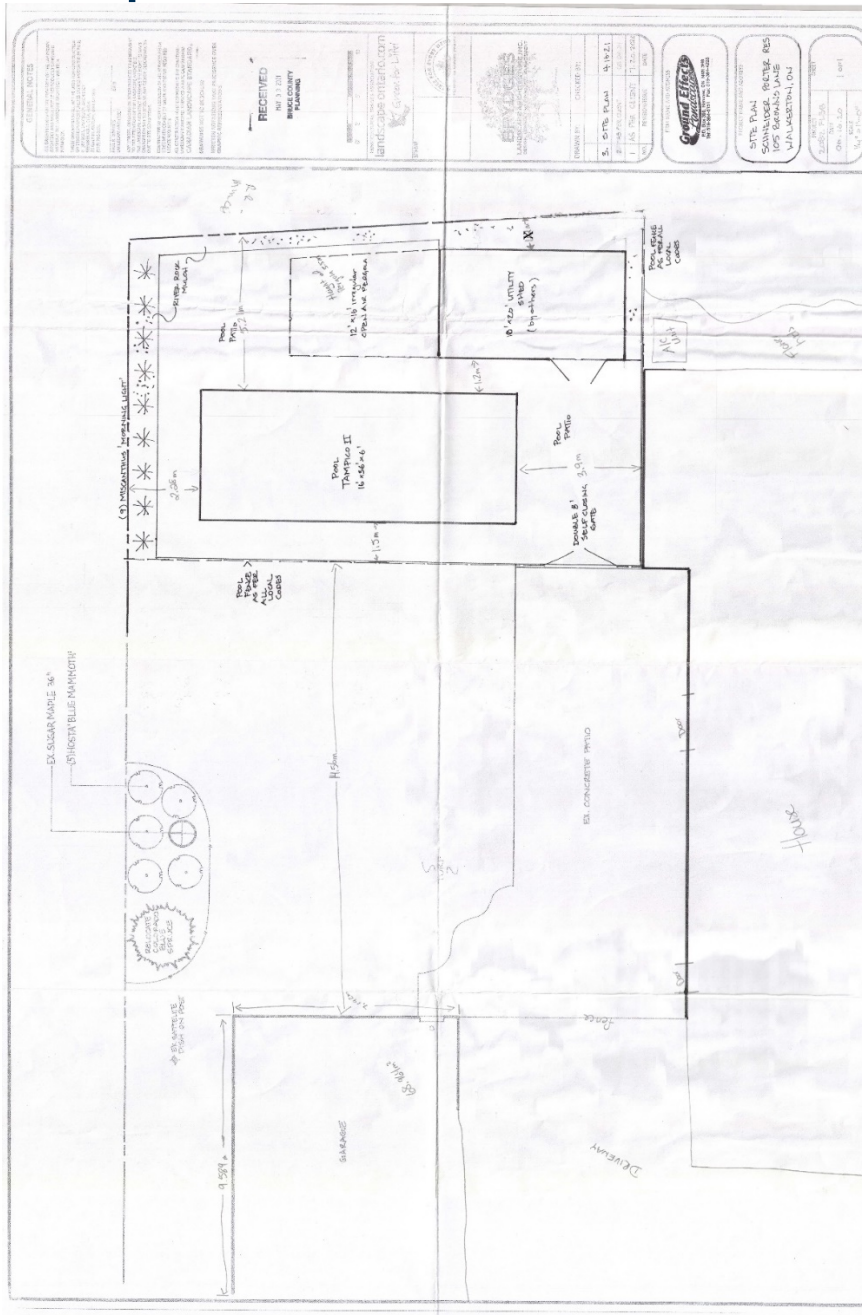
Know your rights

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 out the objection to the decision and the reasons in support of the objection accompanied by

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For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan



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