



Municipality of Brockton Planning Report

Application: Zoning By-Law Amendment
File Number: A-72-18.34 (Kennedy)
Date: February 12, 2019

To: Mayor and Council Members, Municipality of Brockton
From: John Ghent, Planner for the Municipality of Brockton
Subject: Minor Variance application by D Kennedy File: A-72-18.34

Recommendation:

Subject to the review of objections and submissions arising from the Public Hearing, the Planning Department recommends that the Committee of Adjustment Approve the Minor Variance Application A-72-18.34 for the following reasons:

1. The application maintains the general intent and purpose of the Bruce County Official Plan;
 2. The application maintains the intent of the zoning by-law;
 3. The requested variance represents appropriate development of the land;
 4. The requested variance is minor.
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Reasons for and Nature of the Application:

The object of the planning application is to create a new lot that would be used to for an aircraft hangar. Two existing properties are involved, and various pieces will be severed and added to create the new lot. There are two related application processes that have been submitted:

- two 'consent to sever applications' to create a new lot and
- a minor variance application to deal with variations to the zone regulations.

The purpose of the minor variance application is to permit a reduction in the minimum side yards that would result from the approval of the severance application from the existing two lots. The applicant is a pilot and seeks to create the lot to construct a hangar.

Location:

The subject lands are legally described as Part Lots 64 & 65, Concession 2 NDR, being Part 2, RP 3R-5337; AND Part Lots 64 & 65, Concession 2 NDR, being Part 1 3R-5728, geographic Township of Brant.

Only one of the properties has a municipal address - 24 Saugeen Airport Road.

Site Description:

The two lots involve a total land area of 1.0 ha with frontage of 125.6 m on Saugeen Airport Road. The northerly property is vacant of buildings and the southerly parcel has a hangar constructed on it. The lands are within 150 m of the runway.



Proposal:

Consent applications (File B-119-18.34 and B-120-18.34):

- the new lot would be approximately 2472 m² in area (30.5 x 64.5)
- the retained land, northerly property, would end up with an area of 3031.5 m² (42 x 64.5)
- the retained land, southerly parcel, would end up with an area of 4056 m² (54.8 x 87.5).

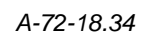
Minor Variance application:

The lands are currently zone 'Airport - Special (AP-1)'. The Zone Provisions require a minimum lot frontage of 30 m and a minimum building setback from all lot lines of 30 m.

The Minor Variance proposal is:

- for the southerly property at 24 Saugeen Airport Rd, to recognize the yards that result from the creation of the new lot;
- for the two northerly lots (proposed new lot and retained lands), to permit the following yards:
 - i) front yard, minimum: 18 m
 - ii) rear Yard, minimum: 15 m
 - iii) side yard, minimum: 3 m on one side and 7.5 m on the other side
 - iv) separation between buildings, minimum: 18.5 m

LOT FABRICATION ONCE
SEVERANCES ARE
COMPLETED AS SHOWN



Summary:

Under Section 3(5) of the *Planning Act*, the Municipality “shall be consistent with” matters of provincial interest as set out in the **Provincial Policy Statements (PPS)**. The PPS seeks to protect the long-term operation and economic role of airports and protecting airports from incompatible uses (1.6.9.1 and 1.6.9.2).

Under the **Bruce County Official Plan**, the subject lands are designated ‘Agricultural Area’. Relevant policies of the Official Plan are outlined as follows:

- Encourage the continued existence and development of public and private airports, which serve the County (4.6.1 iii);
- County Council supports the planning, design and operation of a fully integrated County transportation network composed of Provincial highways, County roads, local roads, scenic roads, railways, recreational trails, airports and harbours. (4.6.2.1);
- County Council will encourage the continued improvement of municipality owned licensed airports or airstrips in the County while recognizing the need to minimize interference with the natural and Community environment. Zoning By-Laws and Local Official Plans shall incorporate regulations concerning land uses, height restrictions and buffer areas surrounding local airports. (4.6.6.1);
- County Council will encourage the continued expansion of airports to support economic development. (4.6.6.4).

The proposed development is consistent with the PPS and is encouraged in the Official Plan.

The **Brockton Zoning By-law** zones the subject lands ‘Airport - Special (AP-1)’ with ‘Saugeen Airport Overlay’. Uses permitted in this zone include airport hangers.

Zone provisions relating to this zone are as follows:

Zone Provision	Zone Standard	Proposal
Lot area	not applicable	n/a
Lot Frontage minimum	30 m	complies
24 Saugeen Airport Rd	30 m	<ul style="list-style-type: none">• South, east and west yards - existing condition• North yard - 18 m
vacant lands: Building setbacks from all lot lines, minimum	30 m	<ul style="list-style-type: none">• front yard, minimum: 18 m• rear Yard, minimum: 15 m• side yard, minimum: 3 m on one side and 7.5 m on the other side• separation between buildings, minimum: 18.5 m

Agency Circulation:

Brockton - no comment

Historic Saugeen Metis - no objections or concerns

SVCA - the project is acceptable

Hydro One - no comments or concerns

Grey Sauble Conservation Risk Management Office

From the information noted in the application for a new building on this property, it has been determined that **neither section 57 (Prohibited Activities) nor section 58 (Regulated Activities)** applies on the above-noted property, pursuant to the *Clean Water Act, 2006*. Consequently, **no policies apply to the activities identified in the application**, under the approved Source Protection Plan for the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region (effective July 1, 2016). However, it is important to note that this property is located within the Wellhead Protection Area C for the Hanover Drinking Water System, whereby the storage of fuel greater than 2,500 litres, or certain chemicals (e.g. degreasers, wood strippers, etc.) in quantities greater than 25 litres would require a Risk Management Plan.

Public Comments:

The public have been notified of the Public Meeting scheduled for February 12, 2019. At the time of preparation of this report, no comments had been received from the Public.

Planning Comment

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 satisfies the four tests. If the Committee is not satisfied on all four tests, then the minor variance cannot be approved. The application has been assessed against the four tests.

1. Does the variance maintain the intent and purpose of the Bruce County Official Plan?

The Bruce County Official Plan designates the land 'Agricultural Area'. Under the relevant policies, the airport use is both protected and encouraged.

The proposal for a use that complements the airport function maintains the intent and purpose with the Official Plan.

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

The land is zoned 'Airport - Special (AP-1)'. The zoning permits the proposed hanger use. The proposed reduction in the building setbacks will not affect the functionality of the lots.

Staff are satisfied that the proposal maintains the intent and purpose of the Zoning By-law.

3. Is the variance requested desirable for the appropriate and orderly development and use of the lands and buildings?

The purpose of the proposal is to introduce a use on the new lot that is directly related to the airport operation.

Staff are satisfied that the proposal is desirable development for the area.

4. Is the variance minor in nature?

The meaning of 'minor' is not based on a specific number, where a difference of a number determines whether or not the development is acceptable. It is more appropriate to base this test on the impact on the surrounding area.

The proposed reduction building setbacks will have minimal adverse impact on the airport operation and will have minimal adverse impact on the general area.

Conclusion:

Planning Staff is of the opinion that the application satisfies the four tests, constitutes good land use planning, and should be approved.


Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. Ghent', with a stylized flourish at the end.

John Ghent, RPP
Planner - Municipality of Brockton
County of Bruce, Planning & Economic Development

Appendix 1 - Context

Development Proposal	The purpose of the Minor Variance Application is to facilitate the creation of a new lot; to recognize the boundaries of the proposed severed lot and the proposed retained lot; to adjust the side yard provisions; and to adjust the minimum lot area requirements.	
Related File(s)	B-119-18.34 and B-120-18.34	
Owner	Brantland Ltd. <u>AND</u> Merle Brubacher	
Applicant	David Kennedy	
Legal Description	Part Lots 64 & 65, Concession 2 NDR, being Part 2, RP 3R-5337; <u>AND</u> Part Lots 64 & 65, Concession 2 NDR, being Part 1 3R-5728, geographic Township of Brant	
Municipal Address	24 Saugeen Airport Rd <u>AND</u> a second property with No Civic Address	
Lot Dimensions	<u>Entire Lot</u>	
	Property at 24 Saugeen Airport Rd	Property with No Civic Address
Frontage	+/- 72.79 m (238.81 ft)	+/- 52.79 m (173.20 ft)
Depth	+/- 60.96 m (200.00 ft)	+/- 64.53 m (211.71 ft)
Area	+/- 0.45 ha (1.11 ac)	+/- 0.55 ha (1.36 ac)
Lot Dimensions	Lands to be Severed	
Frontage	+/- 18.98 m (62.27 ft)	+/- 30.48 m (100.00 ft)
Depth	+/- 19.0 m (62.36 ft)	+/- 64.53 m (211.71 ft)
Area	+/- 0.04 ha (0.11 ac)	+/- 0.25 ha (0.61 ac)
Lot Dimensions	Lands to be Retained	
Frontage	+/- 54.79 m (179.76 ft)	+/- 42.0 m (137.80 ft)
Depth	+/- 87.50 m (287.10 ft)	+/- 64.53 m (211.71 ft)
Area	+/- 0.41 ha (1.00 ac)	+/- 0.30 ha (0.75 ac)
Uses Existing	Vacant	
Uses Proposed	Aircraft Hanger	
Structures Existing	Aircraft Hanger on 24 Saugeen Airport Rd	
Structures Proposed	Aircraft Hangers (2)	
Servicing Existing	Municipal Water	
Servicing Proposed	None	
Access	Saugeen Airport Road, a year-round municipal road	
County Official Plan	Agricultural Area	
Zoning By-law	'Airport - Special (AP-1)' with 'Saugeen Airport Overlay' - Municipality of Brockton By-law 2013-026	

Minor Variance	The application requests a Minor Variance to permit a reduced Minimum Lot Area to 0.5 acres for the proposed severed and proposed retained parcels, and to permit a reduction in the Minimum Interior Side Yard setback from the required 30 m to 5 m.
Surrounding Land Uses	Airport Overflow Parking to the North and South, Aircraft Hangers to the North, South, East and West
Subject Lands	

Appendix 2

Provincial Policy Statement 2014

Does it Apply?	Policy Area
	1.0 Building Strong Communities
	1.1 Managing and Directing Land Use
	1.1.3 Settlement Areas
x	1.1.4 Rural Areas in Municipalities
x	1.1.5 Rural Lands in Municipalities
	1.16 Territory Without Municipal Organization
	1.2 Coordination
	1.2.6 Land Use Compatibility
	1.3 Employment
	1.3.2 Employment Areas
	1.4 Housing
	1.5 Public Spaces, Recreation, Parks, Trails and Open Space
x	1.6 Infrastructure and Public Service Facilities
	1.6.6 Sewage, Water and Stormwater
x	1.6.7 Transportation Systems
	1.6.8 Transportation and Infrastructure Corridors
x	1.6.9 Airports, Rail and Marine Facilities
	1.6.10 Waste Management
	1.6.11 Energy Supply
x	1.7 Long-Term Economic Prosperity
	1.8 Energy Conservation, Air Quality and Climate Change
	2.0 Wise Use and Management of Resources
	2.1 Natural Heritage
	2.2 Water
x	2.3 Agriculture
x	2.3.3 Permitted Uses
x	2.3.4 Lot Creation and Lot Adjustments
	2.3.5 Removal of Land from Prime Agricultural Areas
	2.3.6 Non-Agricultural Uses in Prime Agricultural Areas
	2.4 Minerals and Petroleum
	2.4.2 Protection of Long-Term Resource Supply
	2.4.3 Rehabilitation
	2.4.4 Extraction in Prime Agricultural Areas
	2.5 Mineral Aggregate Resources
	2.5.2 Protection of Long-Term Resource Supply
	2.5.3 Rehabilitation
	2.5.4 Extraction in Prime Agricultural Areas
	2.5.5 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants
	2.6 Cultural Heritage and Archaeology
	3.0 Protecting Public Health and Safety
	3.1 Natural Hazards
	3.2 Human-made Hazards

Appendix 4 - Air Photo



Appendix 4 - Official Plan



Appendix 5 - Current Zoning



**Committee Of Adjustment For the
Corporation Of the Municipality of Brockton
Decision Sheet**

Application Number. A-72-18.34
Date of Hearing: February 12, 2019
Owner: Brantland Ltd. AND Merle Brubacher
Applicant: David Kennedy
Legal Description: Part Lots 64 & 65, Concession 2 NDR, being Part 2, RP 3R-5337; AND Part
Lots 64 & 65, Concession 2 NDR, being Part 1 3R-5728, geographic
Township of Brant
Municipal Address: 24 Saugeen Airport Rd and a vacant property

In the matter of Section 45(1) of The Planning Act R.S.O 1990, the Municipality of Brockton
Comprehensive Zoning By-law 2013-26, and an application for **minor variance**.

The application requests the following variances:

- For the property at 24 Saugeen Airport Rd, to recognize the existing development conditions and the permit a northerly side yard of 18 m.
- For the property at CON 2 NDR PART LOTS 64 & 65; RP 3R5728 PART 1, to reduce the zone provisions relating to building setback from 30 m to the following:
 - i) Front yard, minimum: 18 m;
 - ii) Rear yard, minimum: 15 m;
 - iii) Side yard, one side, minimum: 3 m;
 - iv) Side yard, one side, minimum: 7.5 m
 - v) separation between buildings, minimum: 18.5

The application is hereby () refused or (x) **granted**.

Reasons:

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law.
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.

WE, the undersigned, concur in the decision and reasons given for the decision of the Committee of Adjustment for The Corporation of The Municipality of Brockton made on the ____ day of ____, 2019.

	Present	Absent
_____ (Chris Peabody)	Chairman and Committee Member()	()
_____ (Dan Gieruszak)	Committee Member	() ()
_____ (Steve Adams)	Committee Member	() ()

<hr/>	Committee Member	()	()
(Kym Hutcheon)			
<hr/>	Committee Member	()	()
(James Lang)			
<hr/>	Committee Member	()	()
(Dean Leifso)			
<hr/>	Committee Member	()	()
(Chris Oberle)			

***** **Certification of Committee's Decision** *****

I, _____ being the Secretary-Treasurer of the Committee of Adjustment for the Corporation of the Municipality of Brockton, certify that this is a true copy of the Committee's Decision dated ____ Day of _____, 2019.

Secretary-Treasurer

Date

***** **Notice OF Last Day Of Appeal** *****

Notice is hereby given that
the last date for appealing this decision
to the local planning appeal tribunal (LPAT)
is the ____ day of _____, 2019
(See information on reverse of this form)

***** **Notice That No Appeals Have Been Received** *****

This is to certify that no appeals have been received.

Secretary-Treasurer

Date