



Planning Report

To: Municipality of Brockton Committee of Adjustment

From: Julie Steeper, Planner

Date: February 14, 2023

Re: Minor Variance Application - A-2021-075 (Crawford)

Recommendation:

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

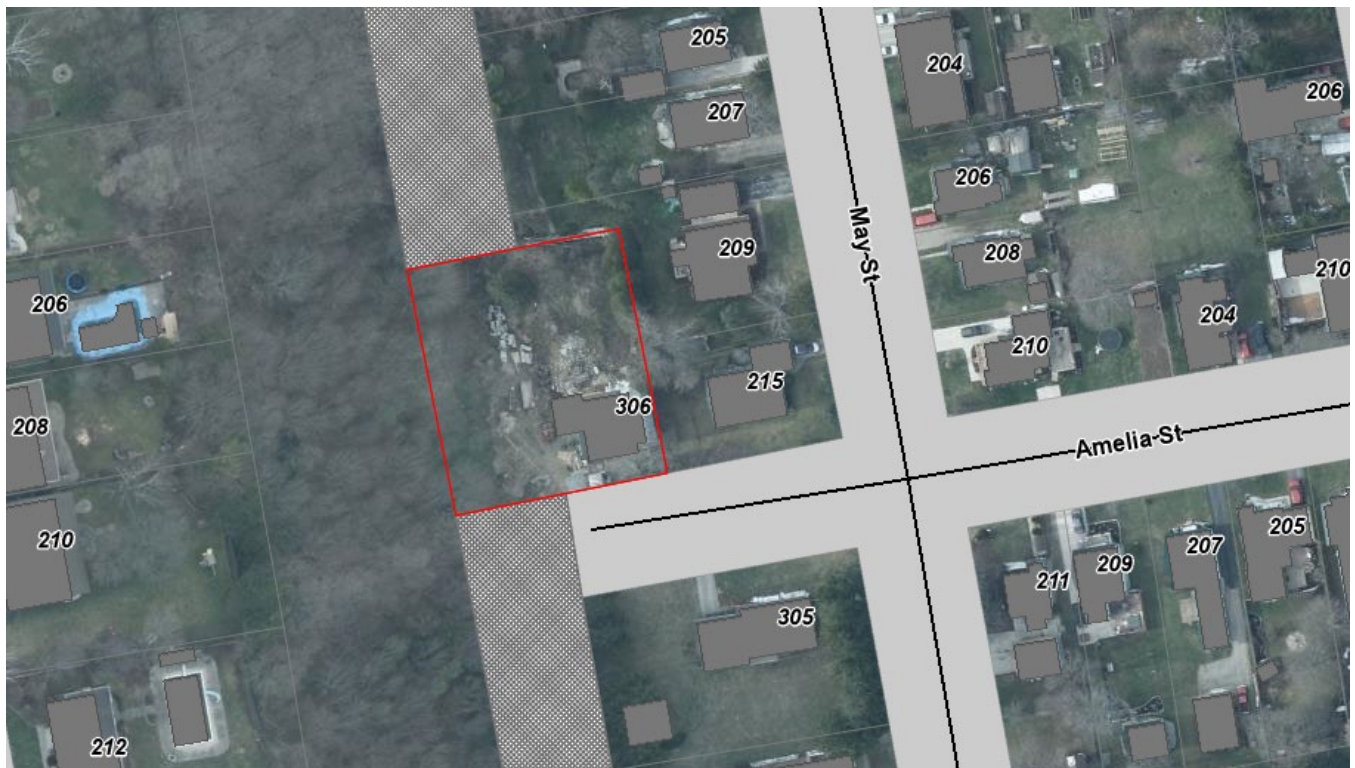
That Committee approve Minor Variance A-2021-075 as attached subject to the conditions on the decision sheet.

Summary:

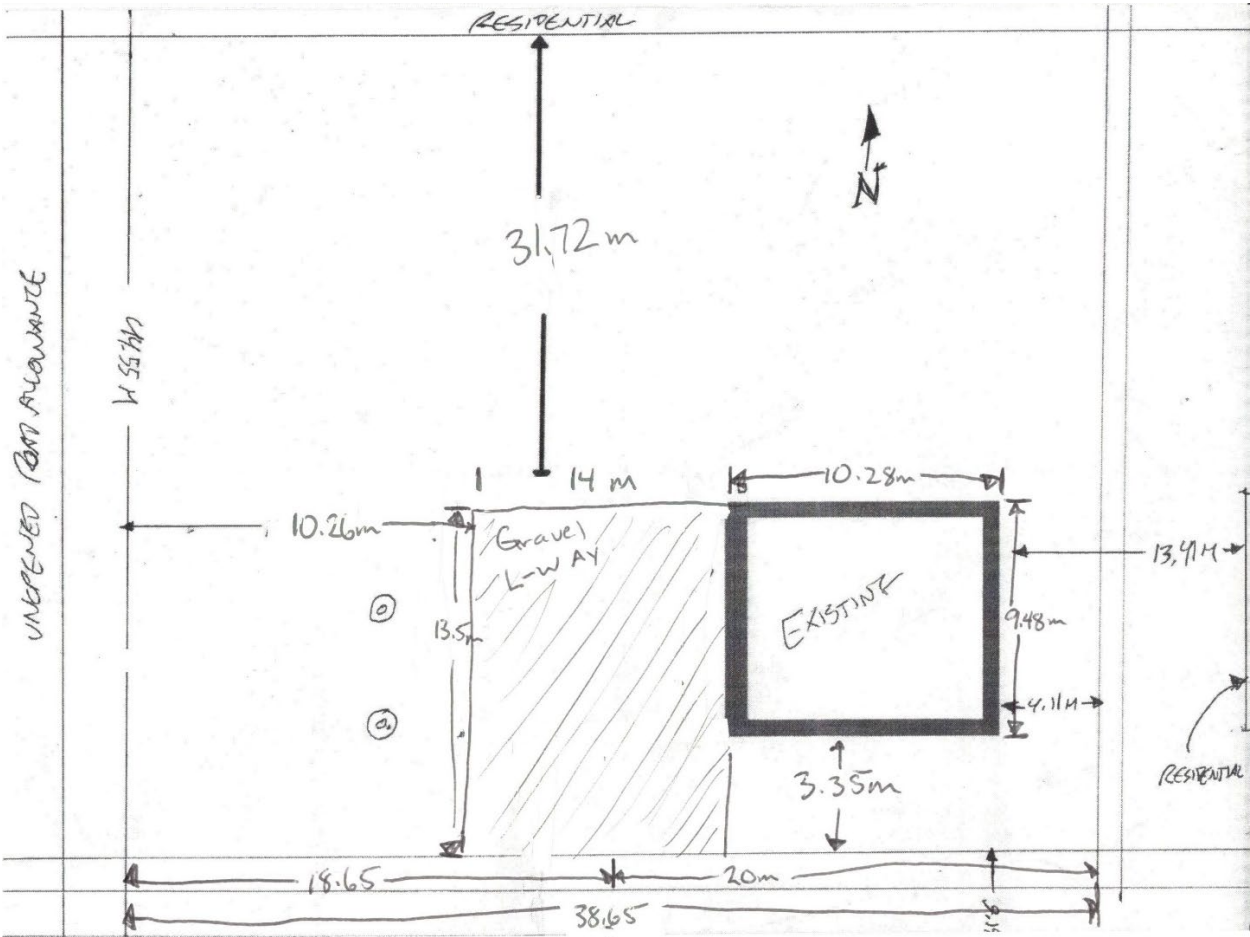
The purpose of the application is to permit an extension and enlargement to a non-conforming building. The by-law requires a front yard setback of 6 m and the applicant is proposing 3.35 m. The applicant is requesting relief for 2.6 m. If approved, the application would facilitate an addition to the existing dwelling on site.

The property is located within the Town of Walkerton, and is south of Durham Street West, and west of Yonge Street South. The site is surrounded by residential uses.

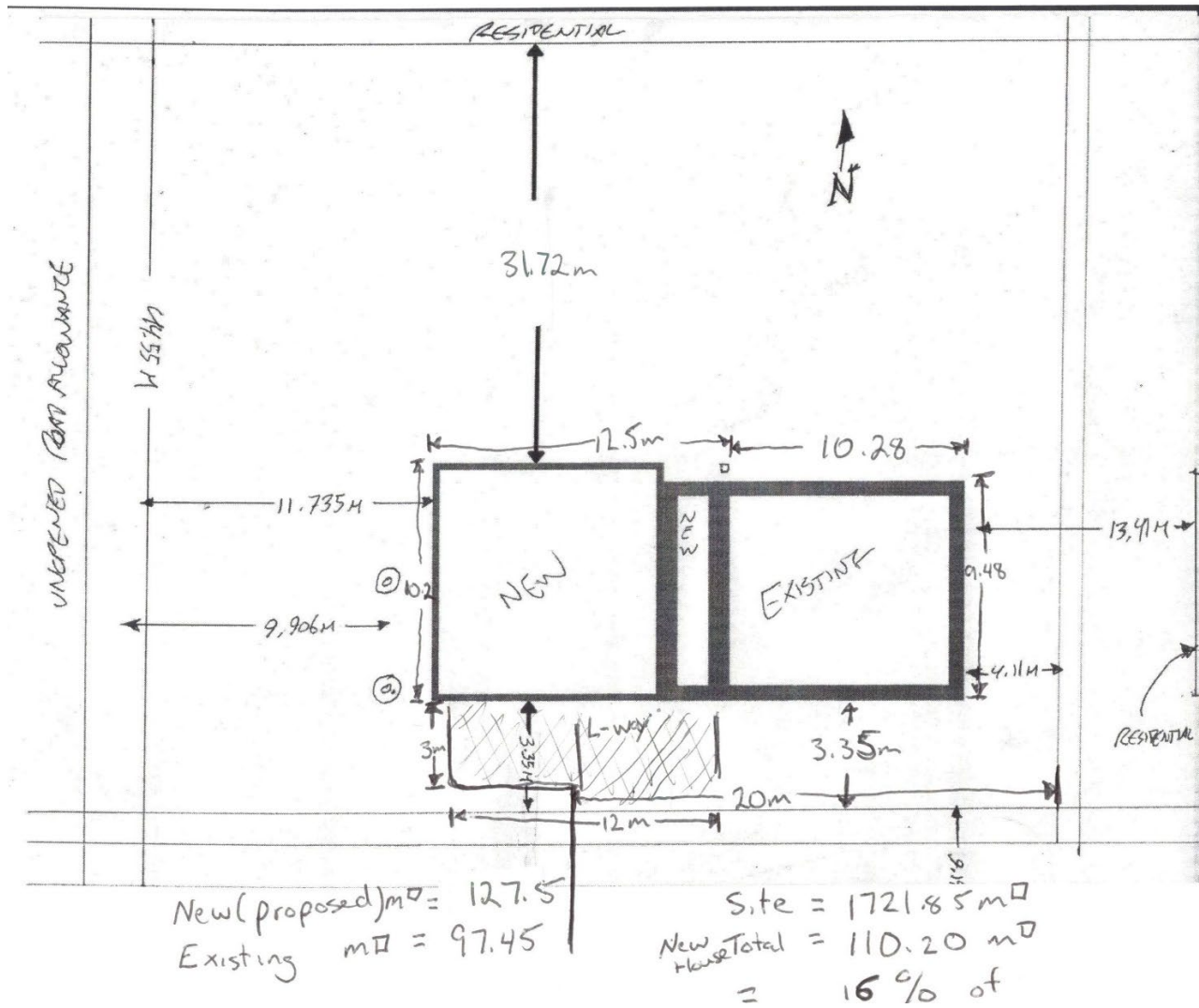
Airphoto



Existing Site Plan



Proposed Site Plan



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.

Archeological Potential

The lands are considered to have high archeological potential due to a watercourse that runs in proximity to the property. The proposed addition will be constructed in the same location where the previous attached garage used to be. In review it was determined that an Archeological Assessment was not needed due to previous disturbance for the lands where development is proposed.

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 addition to the single detached dwelling is a 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 by-law requires a front yard setback of 6 m and the applicant is proposing 3.35 m. The existing single detached dwelling is situated at the same distance and the applicant is proposing to construct the addition inline with the front of the existing house. The applicant has identified that there is an old well located behind the proposed addition which results in challenges particularly for siting the addition to meet the front yard setback. The intent of front yard setback is to ensure there is ample room for parking and to ensure that the building is at an appropriate and reasonable safe distance from the road. The proposed front yard setback would fulfil this purpose and is considered reasonable in nature to allow. The proposal would 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 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 proposed development is consistent with surrounding land uses, and would comply with all required setbacks except for the front yard setback. The variance will enable the property owner to build an addition to their existing dwelling.

Comments were received from the Municipality of Brockton regarding winter maintenance. The entrance/driveway is existing and is not changing with the proposed application. The applicant is aware that the municipality is unable to guarantee winter maintenance beyond the end of the paved portion of Amelia St. The variance represents an appropriate form of development for the use of the land.

Is the application minor in nature?

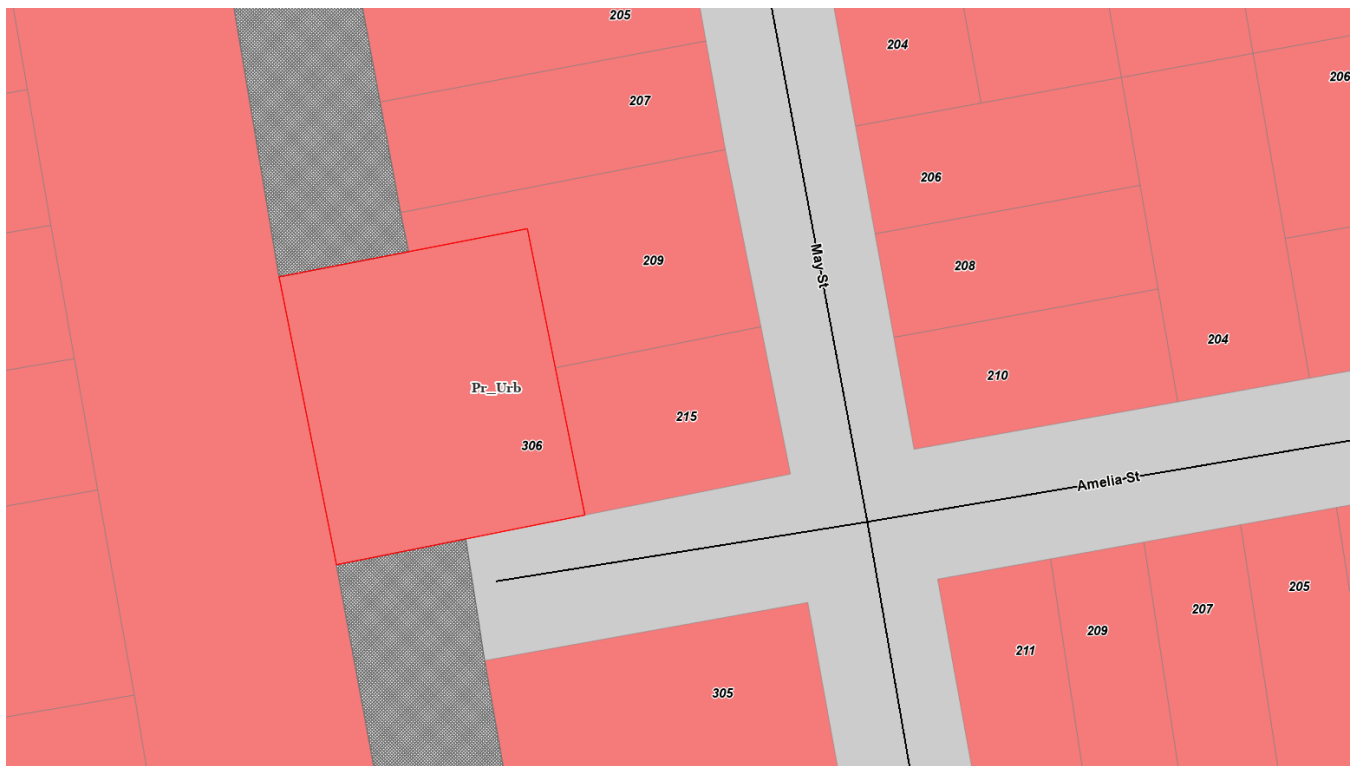
Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. It is not expected that permitting the

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 variance is considered minor.

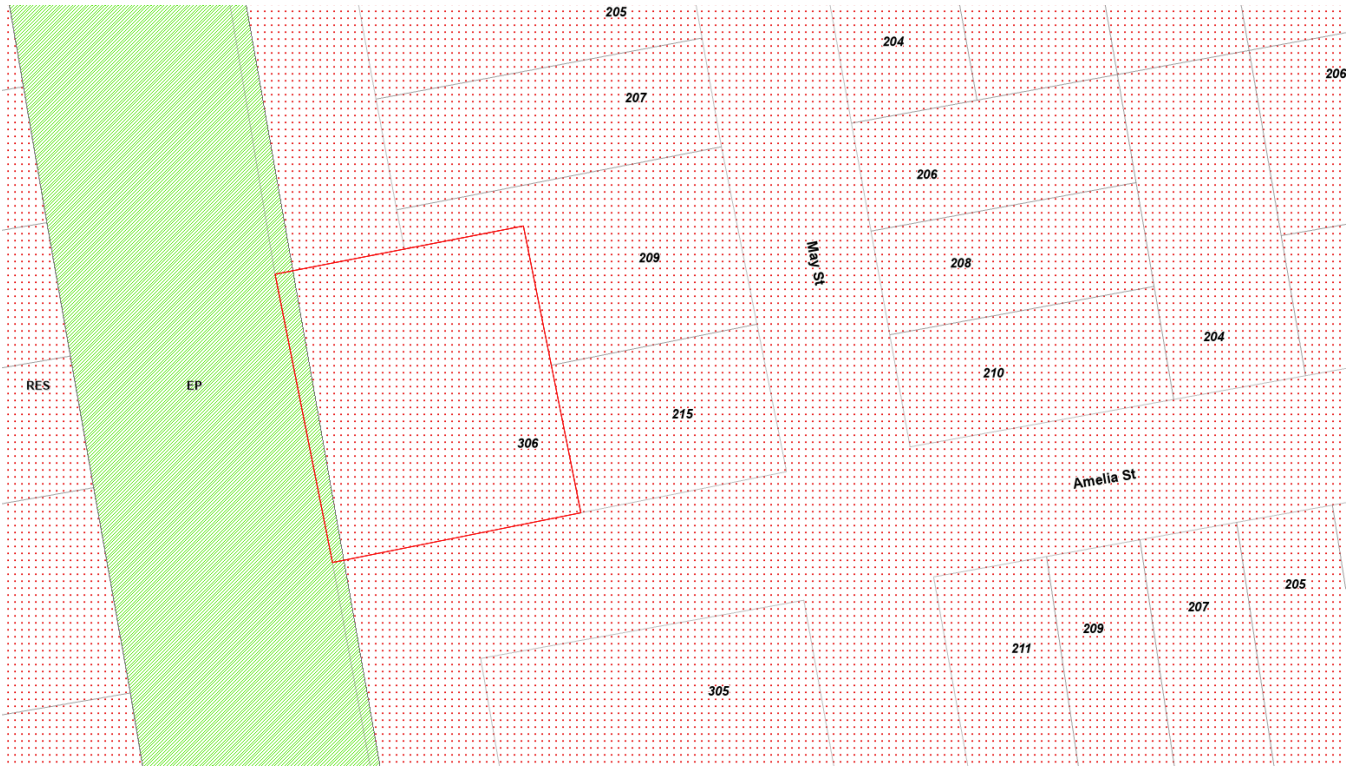
Appendices

- 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 Residential One 'R1')



Agency Comments

Municipality of Brockton: Since the applicant's property does not have the entirety of their property fronting on an opened, maintained road allowance, the municipality is unable to guarantee winter maintenance beyond the end of the paved portion of the road (Amelia St). The applicant acknowledges that as a result of where the proposed entrance will be in relation to the end of the paved portion of roadway, excess snow from snow clearing operations may be placed in the entrance way. The applicant acknowledges that there will be snow discharged into the applicant's entrance and the applicant or their representative(s) will not hold the municipality liable for said discharge, the removal of said discharge, or the cost to remove said discharge from the applicant's entrance.

Should the applicant wish to have the road maintained up to and beyond the entrance way to help alleviate the snow discharge, the applicant will be required to build, to Brockton municipal standards, an extension of Amelia Street as shown in yellow in the attached illustration. The contractor utilized to construct this portion of roadway must be approved in writing by the Brockton Director of Operations or the Operations Manager.



Historic Saugeen Metis: The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Minor Variance as presented.

Saugeen Valley Conservation Authority: staff find the application acceptable and their comments are provided in full below.

Saugeen Ojibway Nation (SON): Please have the proponent contact SON prior to conducting the archaeological assessment.

SENT ELECTRONICALLY (jsteeper@brucecounty.on.ca)

January 6, 2023

County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0

ATTENTION: Julie Steeper, Planner

Dear Julie Steeper

RE: Application for Minor Variance: A-2021-075
306 Amelia Street
Roll Number – 410436000515700
PLAN 9 PT LOTS 1 AND 2 N; AMELIA ST PT ELIZABETH ST RP;
3R9472 PART 1 RP 3R5421 PT; PART 1
Geographic Town of Walkerton
Municipality of Brocton

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) with the County of Bruce (or other MOA) representing natural hazards and water resources. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

In accordance with the *More Homes Built Faster Act, 2022*, which was passed last fall, amendments were made to the *Conservation Authorities Act* in support of Ontario's Housing Supply Action Plan, which came into effect January 1, 2023. Following the passing of these legislative amendments, a new Ontario Regulation 596/22 was made under the *Conservation Authorities Act* which also became effective January 1, 2023. Under this new regulation, conservation authorities are no longer able to review and provide commenting services on natural heritage for proposals under the *Planning Act*. However, as an interim measure for the County's benefit, we provide a summary of natural heritage interests for applications received by this office before January 1, 2023.

The purpose of the application is to permit an extension and enlargement to a legal non-conforming building. If approved, the application would facilitate an addition to the existing dwelling on site.

Staff have received and reviewed the following documents submitted with this application:

- 1) Request for Agency Comments, dated December 23, 2022 and associated Application.

Drinking Water Source Protection

SVCA staff has screened this application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006. The Source Protection Plan came into effect on July 1st, 2016 and contains policies to protect sources of municipal drinking water from existing and future land use activities. The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact the Risk Management Official (RMO) at rmo@greysauble.on.ca.

Recommendation

SVCA staff find the application acceptable. The subject property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes 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 the application is consistent with the Natural Hazard and Natural Heritage Policies of the PPS, 2020 and the County / Municipal Official Plans. Additionally, the property 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.

Please inform this office of any decision made by County / Municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Thank you for the opportunity to commend. Should you have any questions, please contact the undersigned at b.walter@svca.on.ca.

Sincerely,



Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

BW/

cc: Gregory McLean, SVCA Member (via email)
Applications Technician, Cty of Bruce (via email)



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



February 1, 2023

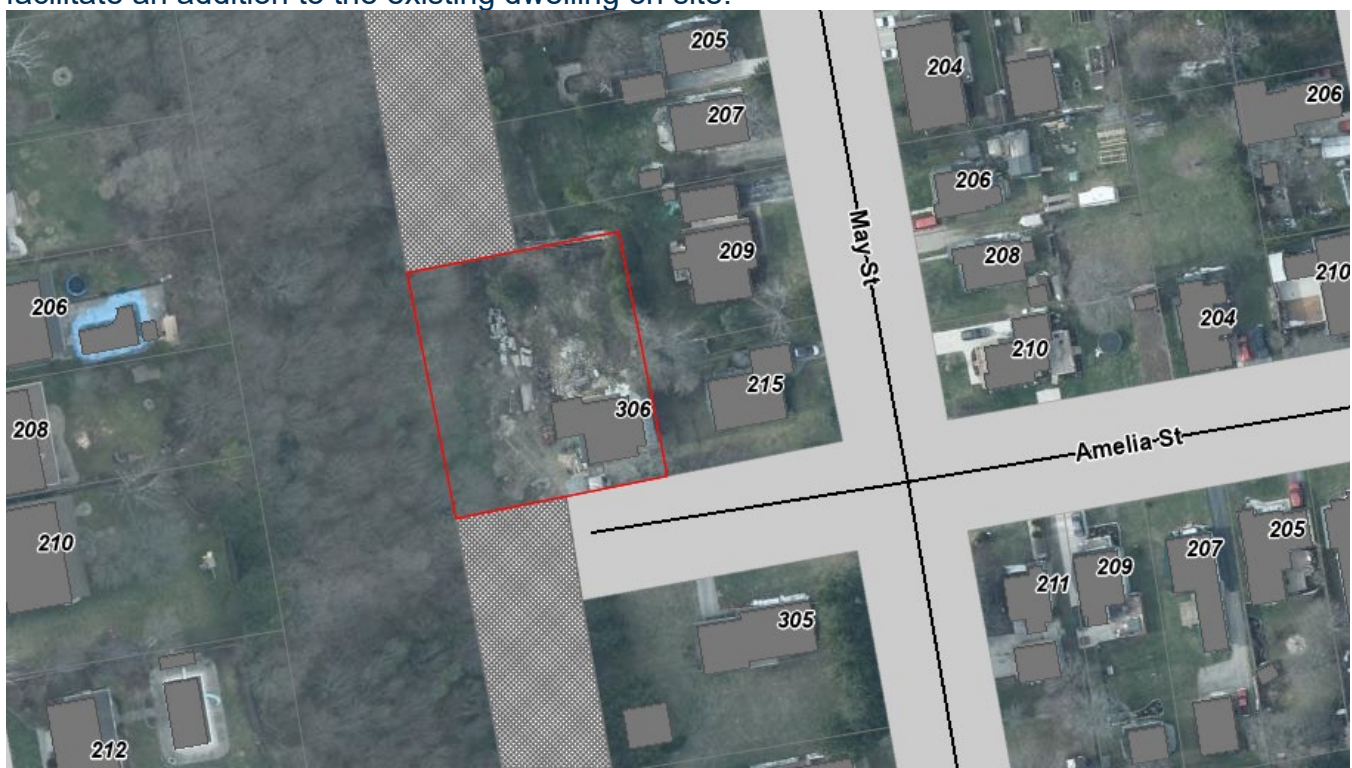
File Number(s): A-2021-075

Public Hearing Notice

**You're invited to participate in an Online Public Hearing
to consider A-2021-075**

February 14, 2023 at 6:30pm

A change is proposed in your neighbourhood: The purpose of the application is to permit an extension and enlargement to a non-conforming building. If approved, the application would facilitate an addition to the existing dwelling on site.



306 AMELIA ST

PLAN 9 PT LOTS 1 AND 2 N; AMELIA ST PT ELIZABETH ST RP; 3R9472 PART 1 RP 3R5421
PT; PART 1 (former Town of Walkerton), Municipality of Brockton

Roll Number: 410436000515700

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwa@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed 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. Comments received after **February 7, 2023** may not be included in the Planning report, but will be considered if received prior to a decision being made, and included in the official record on file.

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

As a result of the COVID-19 Pandemic, the Municipality of Brockton council meetings are being held in electronic format.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85471933819?pwd=RC91aGdUNG9PNkRCdVlmNU80NHRFQT09>

Passcode: 684506

Or Telephone:

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

Canada: +1 438 809 7799 or +1 587 328 1099 or +1 647 374 4685 or +1 647 558 0588 or +1 778 907 2071 or +1 780 666 0144 or +1 204 272 7920

Webinar ID: 854 7193 3819

Passcode: 684506

International numbers available: <https://us02web.zoom.us/j/85471933819?pwd=RC91aGdUNG9PNkRCdVlmNU80NHRFQT09>

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 hearing.

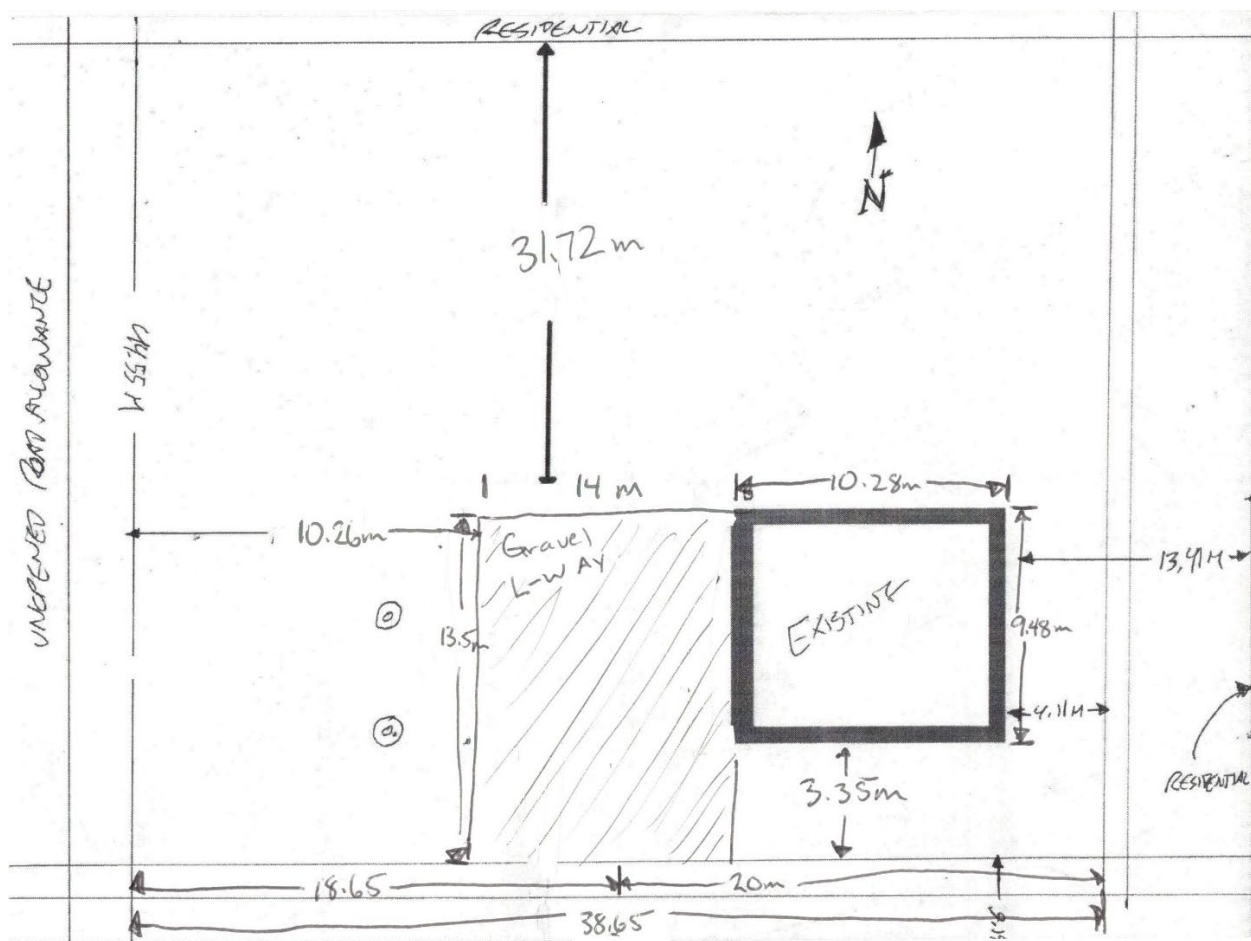
Stay in the loop

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

Only the applicant, the Minister, a specified person (being a utility and transportation company) or public body that 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. Appeals must be accompanied by payment of the fee charged by the Tribunal as payable on an appeal from a Committee of Adjustment decision to the Tribunal. For more information, please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Existing Site plan



Proposed Site plan

