



Planning Report

To: Municipality of Brockton Committee of Adjustment

From: Benito Russo, Planner

Date: September 26, 2023

Re: Minor Variance Application - A-2023-042 (Schonstrom)

Recommendation:

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

That Committee approve Minor Variance A-2023-042 as attached subject to the conditions on the decision sheet.

Summary:

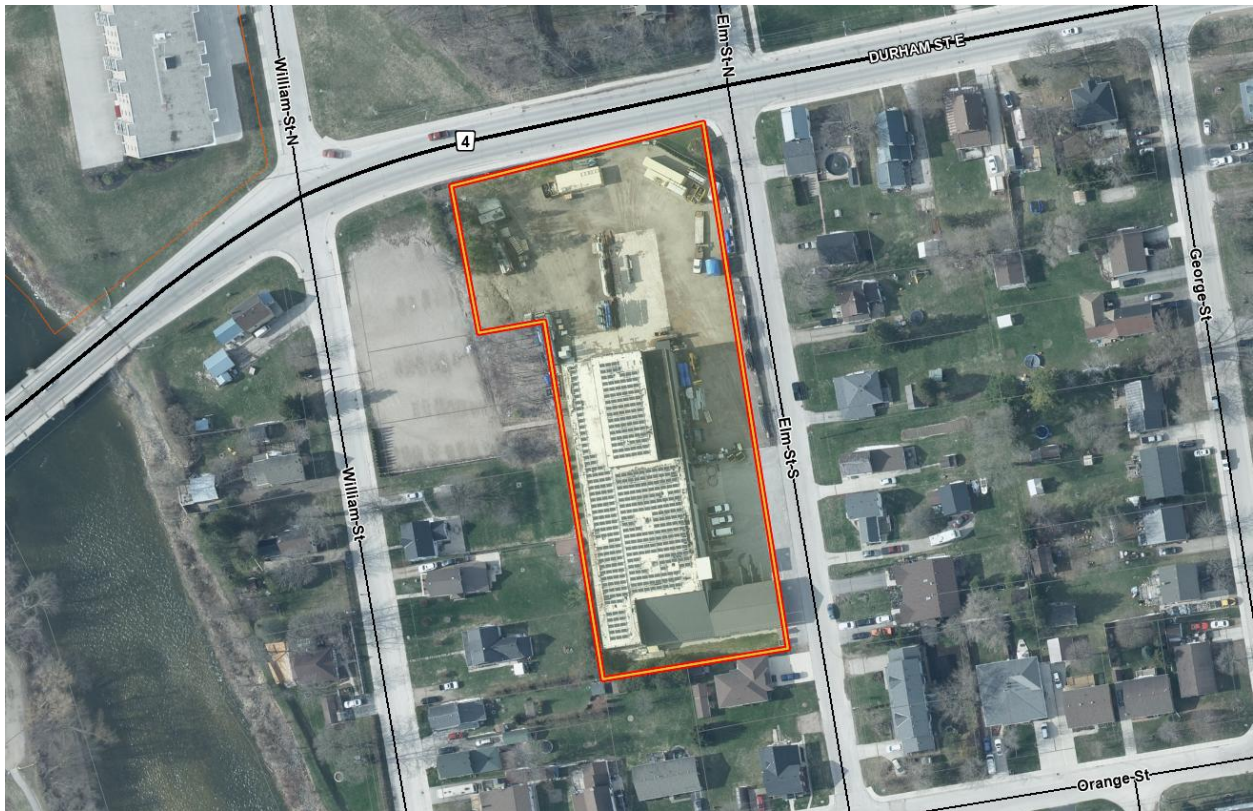
The purpose of this Minor Variance application is to request relief from the provisions of Sections 3.3, and 15.3 of the Brockton Zoning By-law. It is proposed to permit an exterior side yard setback of approximately +/-11 meters (m) where 18m is required, and approximately +/-35m to a residential use when 70m is required. If approved, this will facilitate the development of an addition to an existing industrial establishment.

The property is located within the Town of Walkerton on the corner of Durham St East and Elm St South. It is surrounded by residential land uses.

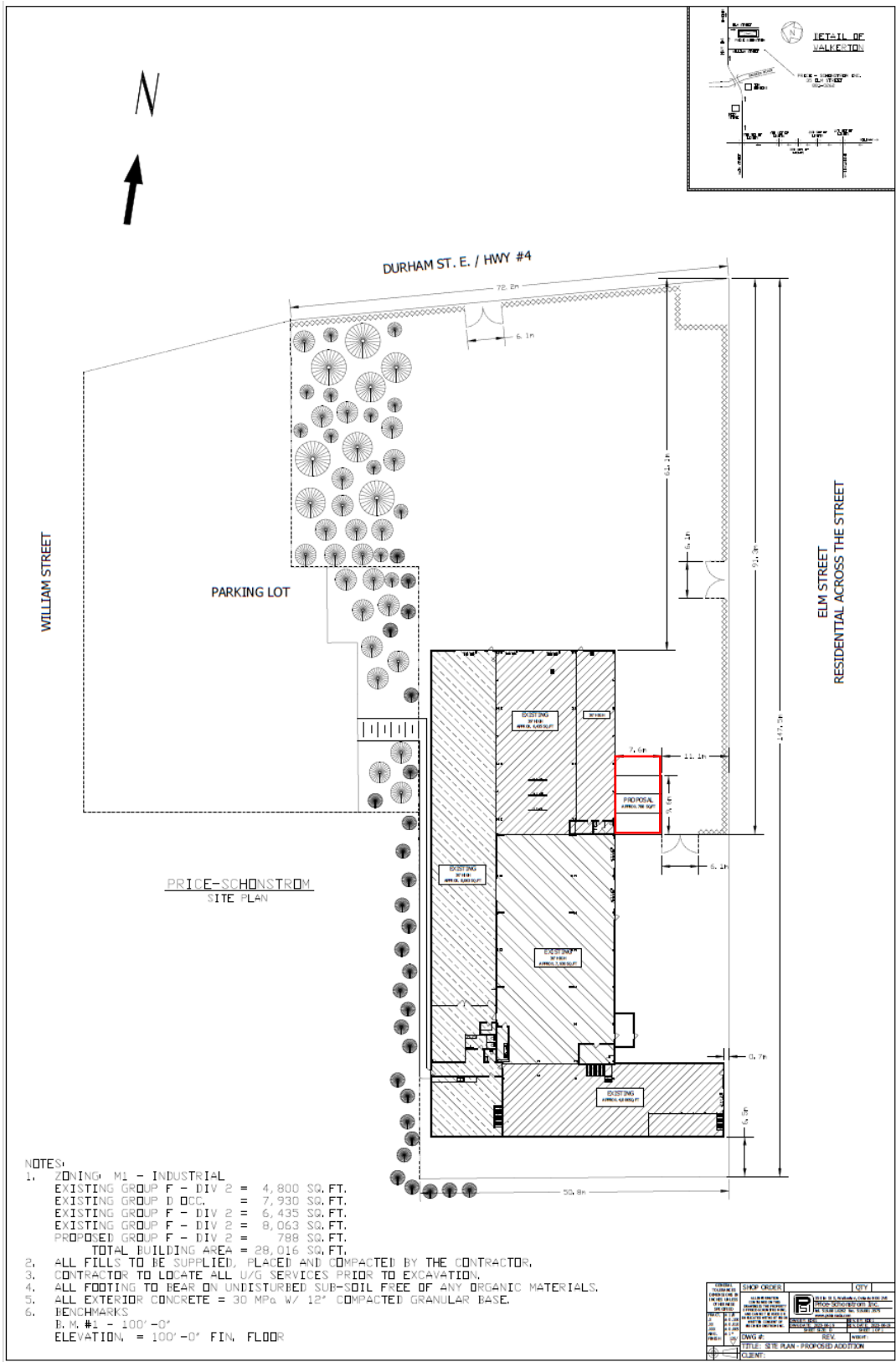
In consultation with the landowner, the proposed Minor Variance is being sought to facilitate an improvement to the movement of goods and safety throughout the facility. The addition will contain polishing machinery already in operation on site and does not introduce any new noise, vibration, emissions producing equipment.

Through independent observation that occurred at nearby residential property boundaries, the polishing machinery to be located within the proposed addition produced low levels of noise with the immediately adjacent bay doors open and shut with no discernible vibration when in operation. Further, the associated noise generated by the polishing machinery was not discernible when vehicles are travelling along Durham St East.

Airphoto



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.

Development Considerations

The lands are located in areas identified as having high archaeological potential. Archaeological concerns have been reviewed with the Saugeen Ojibway Nation and it has been determined that the subject lands have experienced deep geological disturbance and no archaeological assessment is warranted.

The subject property is identified as being located within the Saugeen Valley Conservation Authority (SVCA) Fill & Construction Regulated Area. As such, any development is subject to applicable SVCA permits and regulations. The applicant has engaged in consultation with SVCA who have permitted the placement of fill, grading, and construction associated with the proposed addition.

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 Business Park 2. The proposed building addition is for industrial use and permitted within the business park designation of both the County and local Official Plans. The application maintains the intent and purpose of the Official Plans.

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

The following variances are proposed:

- An exterior side yard setback of approximately +/-11 meters (m) where 18m is required.
- An approximate setback of +/-35m to a residential use where 70m is required.

The existing facility is recognized as legal non-complying having less than required setbacks for both distance to lot lines and residential uses. However, as per Section 3.5.3 of the Zoning By-law relief is required any new construction resulting in additional gross floor area within the required yard or setback.

The Zoning By-law Section 15.3 Business Park 2 Zone Provisions detail that exterior side yard setback requirements are 18 meters when abutting sensitive land uses, and 9 meters in all other cases. Given this distinction, the intent of the exterior side yard having a greater setback in these situations is to mitigate impacts to sensitive land uses. This is accomplished through increased setback distance and increased opportunities for implementation of visual screening.

The buffer on lands adjoining industrial or residential land uses as per Section 3.3 of the Zoning By-law is intended to implement the Ontario D-6 Series Guidelines that provide recommended separation distances between industrial and sensitive land uses. The intent of these guidelines and provisions is to provide separation between land uses that may have compatibility concerns.

The Zoning By-law identifies the industrial use to be a class 2 facility requiring the proposed addition to have a 70-meter setback between the industrial use and nearby residences.

The existing facility is recognized as legal non-complying with required setbacks and has coexisted within the residential neighborhood for some time. Given that the proposed addition is being sought to improve the flow of materials and safety within the facility and will contain machinery that is currently in operation on site, no new compatibility related issues are being introduced. Further, as the addition will contain machinery that produces what can be described as a low level of noise, the proposed setback reduction is acceptable as the addition is anticipated to result in a negligible impact to surrounding sensitive land uses. 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 the Zoning By-law requirements except for the requested variances. The requested Minor Variances will enable the property owner to improve safety and the flow of materials within the facility.

As no new compatibility issues are being introduced, the anticipated impact is expected to be negligible. The proposal is desirable for the appropriate development of the land, and building.

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.

Public Comments

Two public comments have been received regarding the application.

- The first public comment initially voiced concerns of a potential for increased truck traffic travelling along Elm St, noise, and that they were opposed to the application. Following an explanation of the purpose and intent of the expansion the commenting party was satisfied and no longer had any objection to the proposed addition.
- The Second public comment was directed to the existing site plan control agreement and the location of fencing and paving that may be inadequate. The commenting party is not in favour of the application unless further additional visual screening is implemented.

In response:

The existing facility is required to have visual screening from operations as per Section 3.15 of the Brockton Zoning By-law. It is detailed that visual screening is to be located along the boundary of a lot. In consultation with the Chief Building Official, the existing fencing appears to comply with the Zoning By-law requirements.

As the site plan control agreement is in effect and or will be updated, if the proposal is approved, any required modifications to visual screening may be addressed at that time.

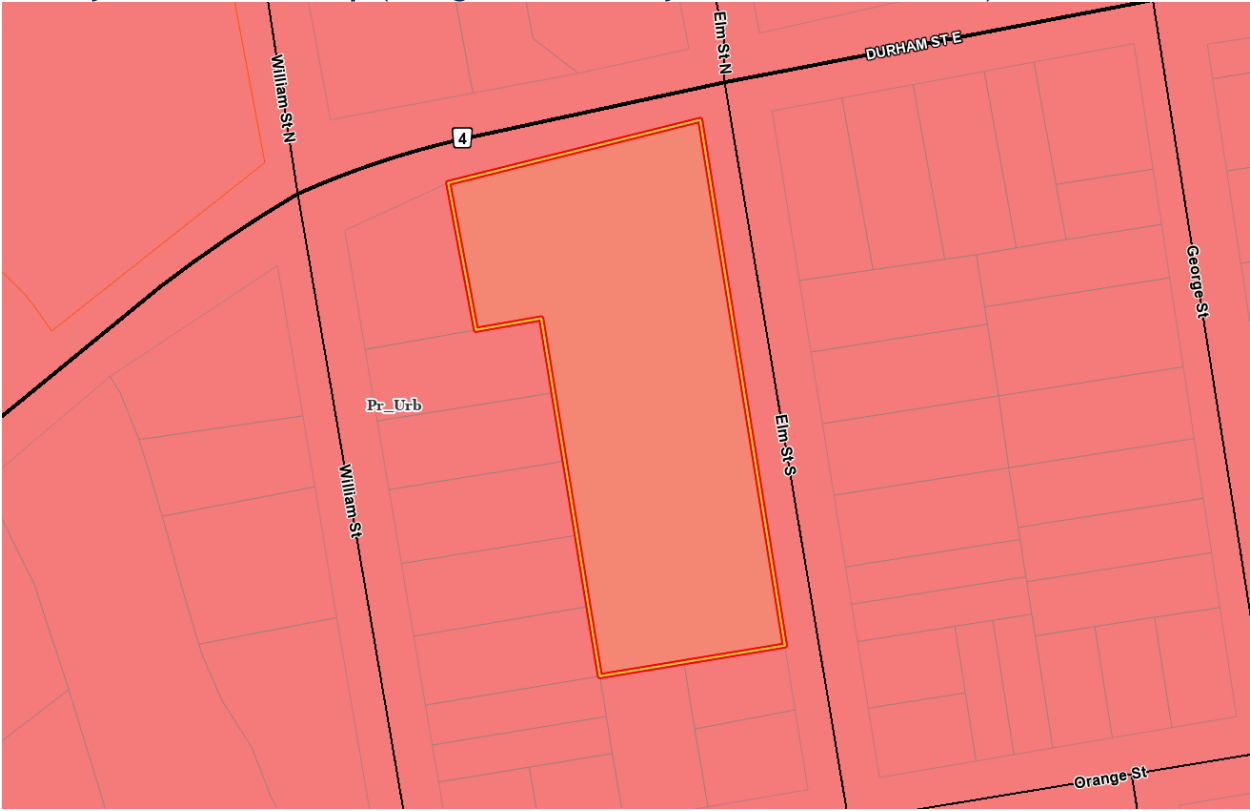
Following this explanation, the commenting party was satisfied, however, urged that the matters detailed in the existing site plan control agreement be addressed and that additional visual screening through tree planting be incorporated in the vicinity of the proposed addition.

The applicant has commented that they are willing to incorporate some trees along Elm St to further provide visual screening.

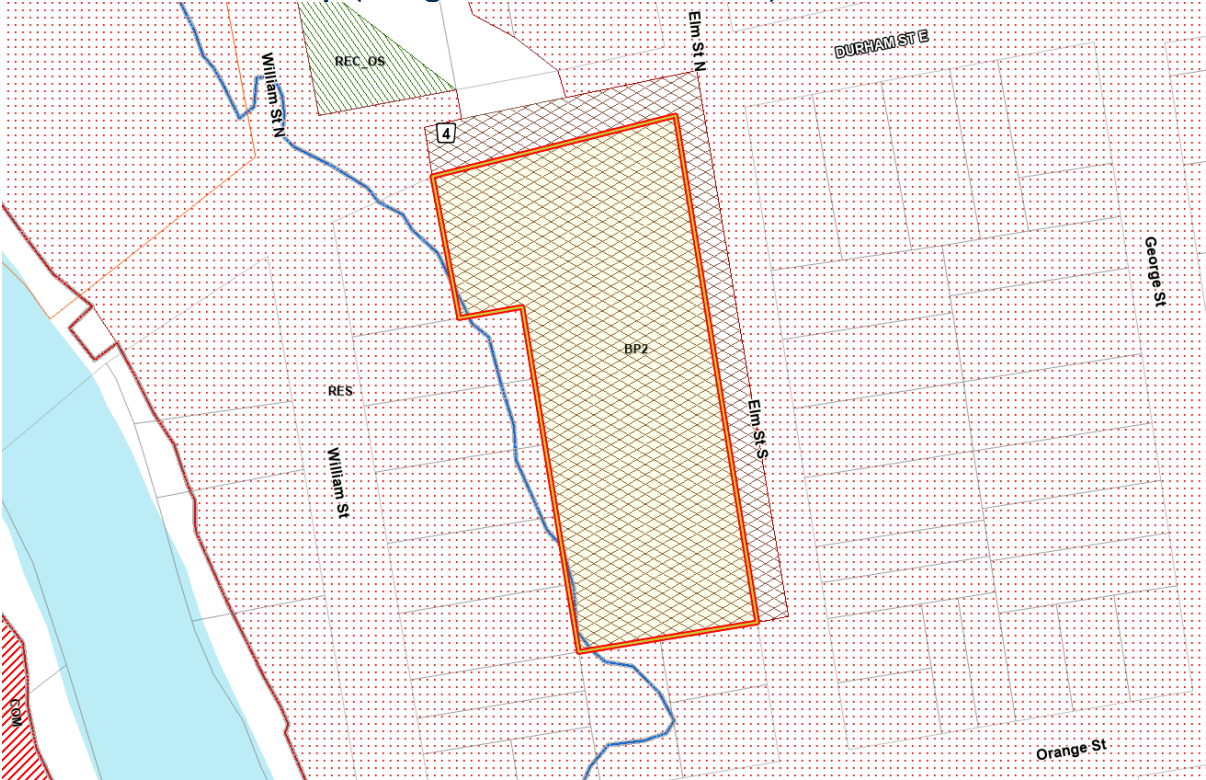
Appendices

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

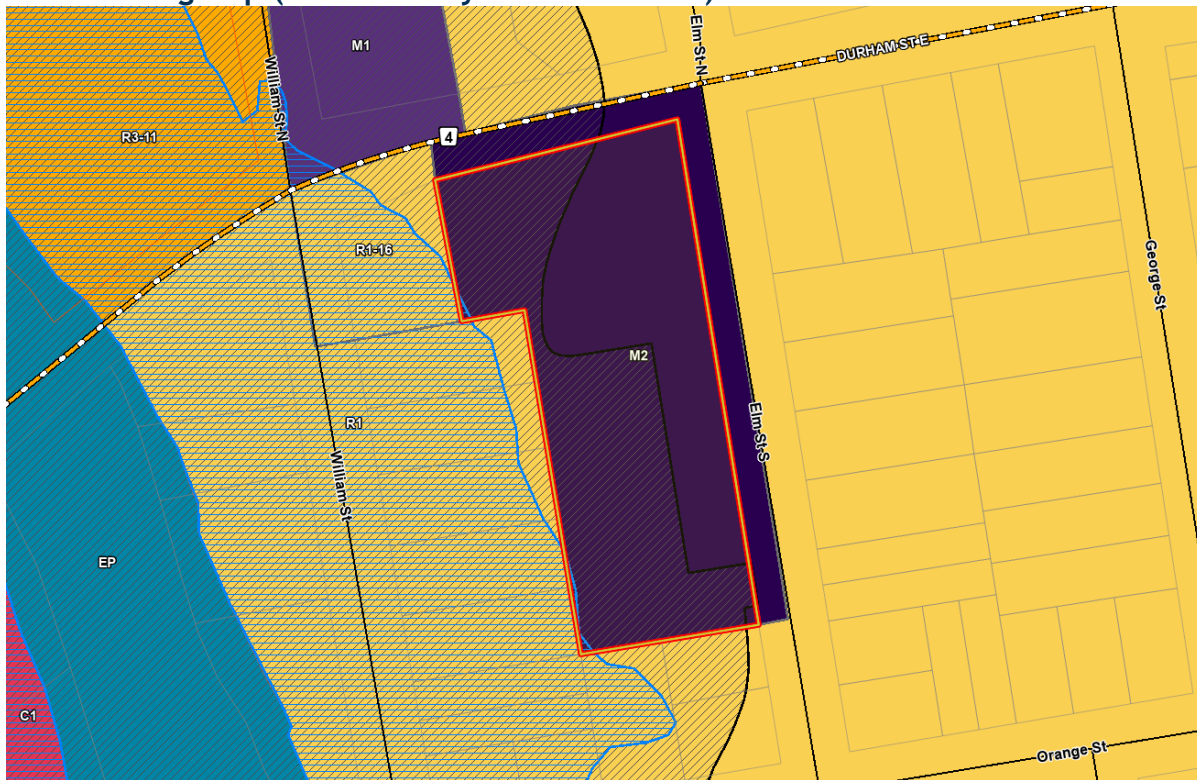
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Business Park 2)



Local Zoning Map (Zoned Heavy Industrial 'M2')



Agency Comments

The Corporation of the Municipality of Brockton: No comments.

Historic Saugeen Metis: No objection or opposition.

Saugeen Ojibway Nation: The subject lands are considered disturbed; an archaeological assessment should not be necessary for the new development envelope as indicated. If archaeological resources are revealed, please contact SON immediately.

Saugeen Valley Conservation Authority: The application is acceptable to SVCA staff. Full comments provided below.

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

September 18, 2023

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

ATTENTION: Benito Russo, Planner

Dear Mr. Russo,

RE: A-2023-042 (Price Schonstrom Inc.)
35 Elm Street South
Roll No.: 410436000107400
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, and water resources; and 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.

Purpose

The purpose of this Minor Variance application is to request relief from the provisions of sections 3.3, and 15.3 of the Brockton Zoning By-law. It is proposed to permit an exterior side yard setback of approximately +/-11 meters (m) where 18m is required, and approximately +/-35m to a residential use when 70m is required. If approved, this will facilitate the development of an addition to an existing industrial establishment.

Recommendation

The application is generally acceptable to SVCA staff.

Background

SVCA was contacted by the owner/applicant on July 17, 2023 regarding the proposal. SVCA staff issued SVCA permit 23-202 on July 28, 2023 for the proposal. A copy of the SVCA permit is attached for reference.

Natural Hazards

The natural hazard features affecting the property are floodplain of the Saugeen River. Engineered floodplain mapping exists for the community of Walkerton. A very small area in the southwestern corner of the property is located within the floodplain. Neither the existing building or the proposed addition will be located within the floodplain.

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. It is the opinion of SVCA staff that the application generally complies with Section 3.1. of the PPS, 2020.

County of Bruce OP Policies and Community of Walkerton 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 Area designation and Environmental Protection areas. It is the opinion of SVCA staff that the application appears to be consistent with the policies of the Bruce County OP and the Community of Walkerton OP.

SVCA Regulation 169/06

SVCA staff has reviewed the application 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 majority of the property, including the existing building and the proposed attached addition will be within the SVCA Approximate Regulated Area. For the property the SVCA Approximate Regulated Area includes the natural hazard features of floodplain, plus 15 metre distance outwards from the floodplain edge. As such, development and/or site alteration within the SVCA Approximate Regulated Area requires permission/SVCA permit 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.

As mentioned above, SVCA staff issued SVCA permit 23-202 on July 28, 2023 for the proposal..

Summary

SVCA staff has reviewed the application 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 generally acceptable to the SVCA. 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;
and
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

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

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

Enclosure: SVCA permit 23-202

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)
Gregory McLean, SVCA Member representing the Municipality of Brockton (via email)



1078 Bruce Road 12 | P.O. Box 150 | Formosa ON
Canada | N0G 1W0 | 519-364-1255
www.saugeenconservation.ca
publicinfo@svca.on.ca

SENT ELECTRONICALLY ONLY (rgrubb@psicanada.com)

July 28, 2023

Price-Schonstrom Inc.
35 Elm Street
PO Box 249
Walkerton, ON
N0G 2V0

Attention: Richard Grubb

Dear Richard Grubb,

RE: Application to Alter a Regulated Area
35 Elm Street South
Lots 1 to 5, Plan 7
Roll No. 410436000107400
Geographic Town of Walkerton
Municipality of Brockton
SVCA Permit No. 23-202

The Saugeen Valley Conservation Authority (SVCA) has approved your application to construct an 818.44 square foot addition onto the east side of an existing industrial building, with related excavation, filling, and grading, as indicated on the attached permit.

If you cannot comply with any condition listed as part of this approval, you must not begin your project and you must notify the SVCA.

Please note, work should not commence until you have received a building permit from the Municipality of Brockton and obtained all other agency and municipal approvals.

Please notify SVCA staff when the work is complete so a site inspection can be arranged.

Right to Hearing

Please be advised that the owner(s) of a property may apply for a development or alteration proposal to the SVCA at any time. An Application must be complete as determined by the SVCA for it to be considered. The completeness of an Application is determined by SVCA staff, or an

administrative review can be requested by the applicant to the SVCA's General Manager/Secretary Treasurer. If the administrative review by the SVCA's General Manager/Secretary Treasurer determines an Application is not complete, the applicant can request an administrative review by the SVCA Board of Directors. Applications to recognize works that have already occurred are not eligible for administrative reviews.

In accordance with Section 28 (12) of the *Conservation Authorities Act*, permission required under Ontario Regulation 169/06, as amended, shall not be refused, or granted subject to conditions unless the person requesting the permission has been given the opportunity for a hearing (by request) before the SVCA Board of Directors. Should you receive an SVCA permit, approved by staff, with conditions of approval and object to one or more of the conditions, you will have the option to attend a hearing before the SVCA Board of Directors. Should you submit a complete Application for which staff is not prepared to issue a permit, you will have the option to attend a hearing scheduled before the SVCA Board of Directors.

After holding a hearing under Section 28 (12), the SVCA Board of Directors shall,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions

After the hearing, if the SVCA Board of Directors refuses permission, or grants permission subject to conditions, the person who requested permission shall be given written reasons for the decision. If the person is refused permission or objects to conditions imposed on the permission, the person may appeal to the Ontario Land Tribunal within 30 days of receiving the reasons for the refusal.

Zoning and Official Plan

Administration and final interpretation of the Zoning By-law and Official Plan are the responsibility of the Municipality and/or County. SVCA staff recommend you contact the Municipality and/or County to confirm the zoning status and/or designation for the property, and for all other items relating to the Zoning By-law and Official Plan. As the provincial commenting agency for matters relating to Natural Hazards (Environmental Protection, Hazard Land Area, etc. zones and/or designations) in association with applications made under the *Planning Act*, the SVCA is required to provide comments and assistance to the Municipality and/or County and its residents for zoning and Official Plan matters. However, SVCA comments regarding Zoning and Official Plan matters are not included within this correspondence.

Drinking Water Source Protection

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, you may contact rmo@greysable.on.ca.

Thank you for your cooperation. Should you have any questions, please do not hesitate to contact Madeline McFadden of this office.

Sincerely,

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

Erik Downing
General Manager / Secretary-Treasurer (Acting)
Saugueen Conservation

ED/mm

Encl.

Cc: Gregory McLean, Authority Member, SVCA (via e-mail)
Dieter Wetz, CBO, Municipality of Brockton (via e-mail)
Deb Illerbrunn, Office Manager, Price-Schonstrom Inc. (via e-mail)



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



August 17, 2023

File Number(s): A-2023-042

Public Hearing Notice

**You're invited to participate in a Hybrid Public Hearing
to consider a Minor Variance / file #A-2023-042
Tuesday, September 26 at 6:30 p.m.**

For information on how to participate in the public meeting, please visit the municipal website at: <https://www.brockton.ca/en/our-services/Current-Council-Meeting-Agenda>.

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 this Minor Variance application is to request relief from the provisions of Sections 3.3, and 15.3 of the Brockton Zoning By-law. It is proposed to permit an exterior side yard setback of approximately +/-11 meters (m) where 18m is required, and approximately +/-35m to a residential use when 70m is required. If approved, this will facilitate the development of an addition to an existing industrial establishment.



35 Elm St. S.

PLAN 7 LOTS 1
TO 5
WS; PRINCESS
ST LOTS 1 AND 2
SS; KING ST AND
RP 3R748 PARTS
1; TO 3 (Walkerton)

Municipality of
Brockton

Roll Number:
410436000107400

Learn more

Additional information about the application is available online at <https://brucecounty.on.ca/living/land-use>. 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: Benito Russo

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 September 19, 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. For information on how to participate in the public meeting, please visit the municipal website at: <https://www.brockton.ca/en/our-services/Current-Council-Meeting-Agenda>.

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/>.

Site plan

