



February 4, 2024

BY EMAIL ONLY

Benito Russo, RPP, Intermediate Planner
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**Subject: Minor Variance Application
310 Durham St. W. Units 101-604
Walkerton, ON,
Municipality of Brockton**

Dear Mr. Russo:

On behalf of our clients, 1221058 Ontario Inc. c/o Jim & Nancy Spitzig, Cobide Engineering Inc. is submitting this updated letter in support of the previously applied for minor variance application for the property located at 310 Durham St. W. in the former Town of Walkerton. The subject lands form part of Block 10 in the subdivision registered through Plan 3M-225 in 2012. The majority of subject lands were re-zoned to RM3 Residential Zone in March of 2009 and the Brockton Comprehensive Zoning By-law was updated in 2013. A portion of the subject lands were re-zoned to Residential: Medium Density (R3) Zone and Environmental Protection (EP) in 2015.

The minor variance is requested to recognize the existing building's setbacks on the subject lands on the both the proposed severed portion and the proposed retained portion of the subject lands.

A consent application for the subject lands was made in September, 2024 to facilitate the sale of a portion of the property. As noted in the letter from Cobide Engineering Inc. to support that application, the site plan showed a deficient setback from the northeast corner of the last set of townhouses to the eastern lot line. The site plan was drawn using a combination of aerial photography and the M Plan used for registration and had not yet been confirmed by survey.

Greg Rodger, OLS has since conducted on-site measurements which confirmed that the side yard setbacks are deficient. In addition, it appears that the front yard setback is deficient to one of the buildings from the required 7.5 m. It is noted that through the Comprehensive By-law update that occurred in 2013, these setbacks were increased from 6 m to 7.5 m.

As such, despite the development concept remaining the same, a Minor Variance was added to the previously applied-for consent to recognize the existing setbacks and advance that consent application. This letter shall supplement the previously applied for Minor Variance after more information and dimensions in regards to the retained lands were requested.

The subject lands are designated Primary Urban Community in the Bruce County Official Plan, Residential in the Walkerton Community Official Plan and are zoned Residential: Medium Density (R3) Zone.

The Zoning Matrix below shows the existing deficiencies in red.

Zoning Matrix

Provisions R3 Zone, Cluster Townhouses	Required	Provided-Severed	Provided-Retained
Minimum Lot Area	155 m ² / unit 24 x 155 = 3720 m ²	1.422 ha	1.6 ha
Minimum Lot Frontage	15 m	60.96 m	82 m
Maximum Lot Coverage	45%	21%	13%
Minimum Landscaped Open Space	30%	63%	75%
Cluster Townhouse Setbacks	<ul style="list-style-type: none">i. Parking area shall be no less than 4 metres (13 ft);ii. The setback between the end side walls of each 'Townhouse, Cluster' (building ends) shall be no less than 3 metres (10 ft);iii. The setback between the rear walls of a 'Townhouse, Cluster' shall be no less than 3 metres (10 ft);iv. The setback between the end side walls and/or rear walls of a 'Townhouse, Cluster' and an abutting lot and/or exterior roadway shall be no less than 7.5 metres (25 ft).	<ul style="list-style-type: none">4.7 m4.95 mN/A5.81 m to road 6.34 m to abutting lot	<ul style="list-style-type: none">4.7 m3 mN/A5.85 to road 8.1 m to abutting lot

Four Tests of a Minor Variance

When a Committee of Adjustment is considering a Minor Variance application, four tests as prescribed in Section 45(1) of the *Planning Act* are evaluated.

1. Is the Variance in keeping with the general intent and purpose of the Official Plan?

The subject lands are designated as Primary Urban Community in the County of Bruce Official Plan and designated Residential in the Walkerton Community Official Plan. Both Official Plans permit a variety of residential development in the designations. Particularly this development meets the goals and objectives of both plans to provide variety in types and tenures of housing in locations that can be fully-serviced with sanitary sewers and municipal water. This proposal keeps with the general intent and purpose of the Official Plans.

2. Is the Variance in keeping with the general intent and purpose of the Zoning By-Law?

The application requests variances the Residential Third Density (R3) zone including: a reduced setback from the end side wall to an exterior road and a reduced setback of an end side wall to an abutting lot. The reductions requested through this application will not impact site functionality or impact surrounding properties as they are already constructed. The requested variances maintain the general intent and purpose of the Zoning By-law.

3. Is the Variance desirable for the appropriate development or use of the land, building or structure?

The subject lands are designated and zoned for residential development and the development is currently a purpose-built rental development in the community of Walkerton. The variance would permit the building to continue in its current form. In considering the test of desirability, the public interest must be reviewed and overall, recognizing the setbacks of a previously constructed rental building will provide a net benefit to the community.

4. Is the application minor in nature?

Minor should not be evaluated simply on numbers and increases or decreases but rather should be evaluated on potential impacts the development may have. In the case of the proposed development, the potential impacts are minimal since the buildings have existed in their current form for over 10 years. Therefore, the application is considered minor in nature.

Lot Merger

A legal opinion was provided by Sean Kelly that the retained lands, being PIN 33196-0070 and the western portion of Block 10 3M225, will merge by operation of the Planning Act if held in common ownership upon the proposed severed parcel's final approval. We trust this satisfies the concerns raised about the retained lands.

Conclusions

If you have any questions regarding the above, please contact the undersigned at 519-506-5959, extension 106.

Sincerely,

Cobide Engineering Inc.



Dana Kieffer, M.Sc. (Planning), MCIP, RPP
Senior Development Planner,
Cobide Engineering Inc.

Encl.

cc: Mr. Jim Spitzig, 1221058 Ontario Inc