



Municipality of Brockton Planning Report

Application: Minor Variance
File Number: A-4-19.36
Date: April 9, 2019

To: Mayor and Council Members, Municipality of Brockton
From: Mark Paoli, Senior Planner for the Municipality of Brockton
Subject: Minor Variance application from Legace File: A-4-19.36

Recommendation:

Subject to the review of submissions arising from the Public Hearing, the Planning Department recommends that the Committee of Adjustment Approve the Minor Variance Application File A-4-19.36

Reasons for and Nature of the Application:

The applicants would like to add a carport to their house on an irregularly shaped lot in the R1 zone. The Brockton Zoning By-Law defines a 'carport' as a covered structure attached to the wall of the principal building and used for the storage of motor vehicles. If built, the carport would result in an exterior side yard of 1.1m. The R1 Zone requires an exterior side yard of 4.3 m.

Location:

The property is located at the intersection of Elizabeth Street and Johnstone Boulevard in Walkerton. The municipal address is 8 Elizabeth Street.

Site Description:

This property is approximately 0.1 ha in area and is part of a neighbourhood that generally developed in the 1960s. The surrounding uses are residential.

Agency Circulation:

SVCA - Proposal is acceptable.
Brockton - No concerns provided the visibility at the corner is maintained.
Bruce-Grey Catholic District School Board - no comment.
Historic Saugeen Metis - no objection or opposition.

Public Comments:

The public have been notified of the Public Meeting scheduled for April 9, 2019. At the time of writing this report, no comments had been received from the Public.

Planning Analysis:

Section 45(1) of the *Planning Act* gives the authority to grant 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 set out in the Act, as discussed below.

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

The Brockton Official Plan designates the property as Residential. The proposed carport is accessory to the residential use. Staff are satisfied that the proposal maintains the intent and purpose of the Official Plan.

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

The land is zoned Residential Zone 1 (R1). The R1 Zone requires an exterior side yard of 4.3 metres. One of the main purposes of exterior side yards (the yard between the house and the street that runs beside the house) is to maintain sight lines at intersections.

This lot has an irregular shape. The frontage of the lot (about 44 meters) is much wider than the dimension at the rear (about 12 metres). The house is roughly perpendicular to Johnstone Boulevard and sits at an angle to Elizabeth Street with the largest part of the front yard located at the intersection. As a result, the carport would be about 24 metres from the corner at Elizabeth Street. Staff are satisfied that there would be adequate sight lines and the proposal would maintain the intent and purpose of the Zoning By-law.

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

The carport would be attached to the existing single garage and increase the parking and storage capacity of the residence. Staff are satisfied that this test is met.

4. Is the variance minor in nature?

In our view, the test for 'minor' should be based on whether the impact of the variance would be minor, rather than on the size of the variance alone. We note that the property would still comply with the lot coverage regulations. Staff are satisfied that the impact of the reduced exterior side yard is expected to be minor in nature.

Conclusion:


Planning Staff is of the opinion that this application to provide relief for a reduced exterior side yard setback for a new carport: would satisfy the four tests for approval of a minor variance under the Planning Act; and would be good land use planning.

Respectfully submitted,



Mark Paoli, M.Sc., MCIP RPP
Senior Planner - Municipality of Brockton
County of Bruce, Planning & Economic Development

Appendix 1 - Context

File Number:	A-4-19.36
Development Proposal	The Application requests a Minor Variance to permit a reduction in the Minimum Exterior Side Yard setback from the required 4.3 m (14 ft) to 1.1 m (3.5 ft) to facilitate the construction of an attached 12' x 20' carport.
Related File(s)	N/A
Owner	Arlene Legace
Legal Description	Part Lot 40, Plan 458, and Lot 41, Plan 463, Geographic Town of Walkerton, Municipality of Brockton
Municipal Address	8 Elizabeth St
Lot	Dimensions
Lot Frontage	+/- 44.19 m (144.98 ft)
Lot Depth	Irregular
Lot Area	+/- 1,035.43 sq.m. (11,145.30 sq.ft.)
Uses Existing	Residential
Uses Proposed	Residential
Structures Existing	One Single Detached Dwelling
Structures Proposed	One Single Detached Dwelling
Access	Elizabeth St., a year-round municipal road
Servicing	Municipal water and sewers
County Official Plan	Primary Urban Communities
Local Official Plan	Residential
Zoning By-law	R1 - Residential: Low Density Single
Surrounding Land Uses	Residential
Subject Lands	

Appendix 2

Provincial Policy Statement 2014

Does it Apply?	Policy Area
	1.0 Building Strong Communities
x	1.1 Managing and Directing Land Use
x	1.1.3 Settlement Areas
	1.1.4 Rural Areas in Municipalities
	1.1.5 Rural Lands in Municipalities
	1.1.6 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
	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
	1.6.9 Airports, Rail and Marine Facilities
	1.6.10 Waste Management
	1.6.11 Energy Supply
	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
	2.3 Agriculture
	2.3.3 Permitted Uses
	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

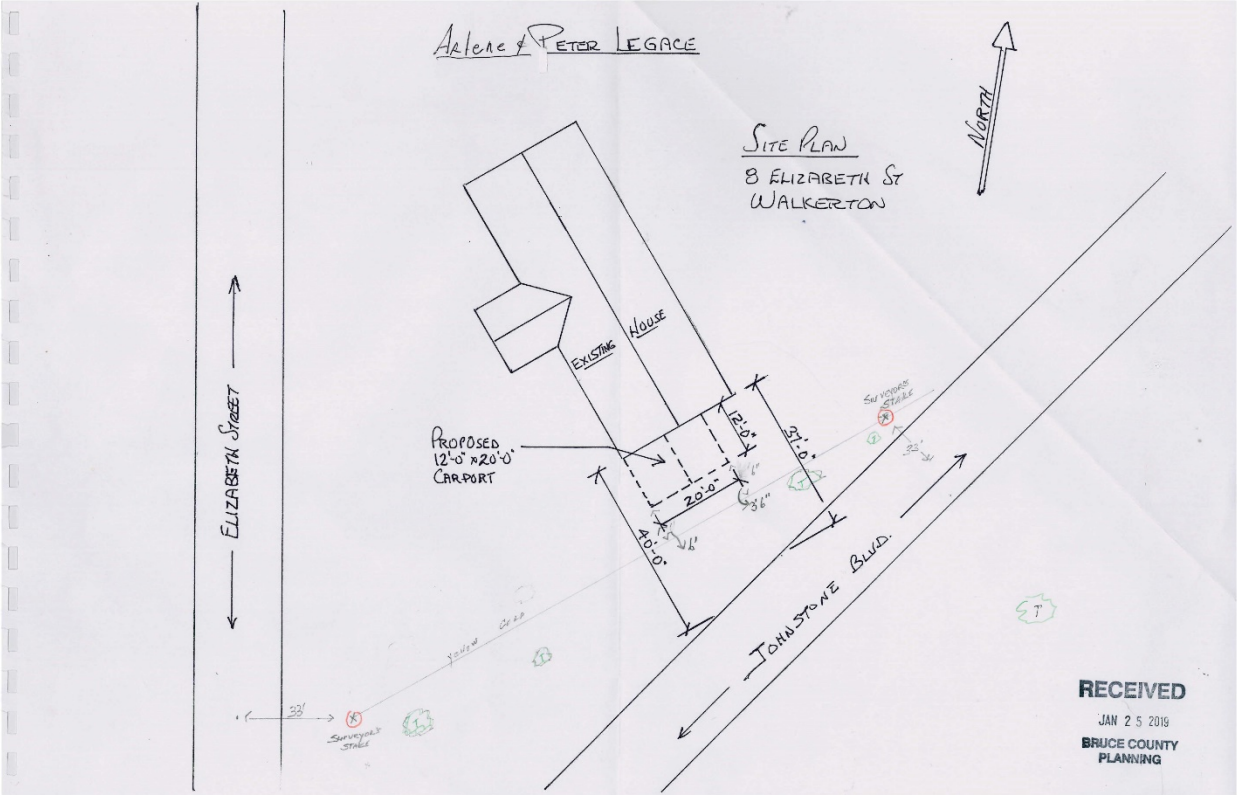
Municipality of Brockton Official Plan

3.1 Residential

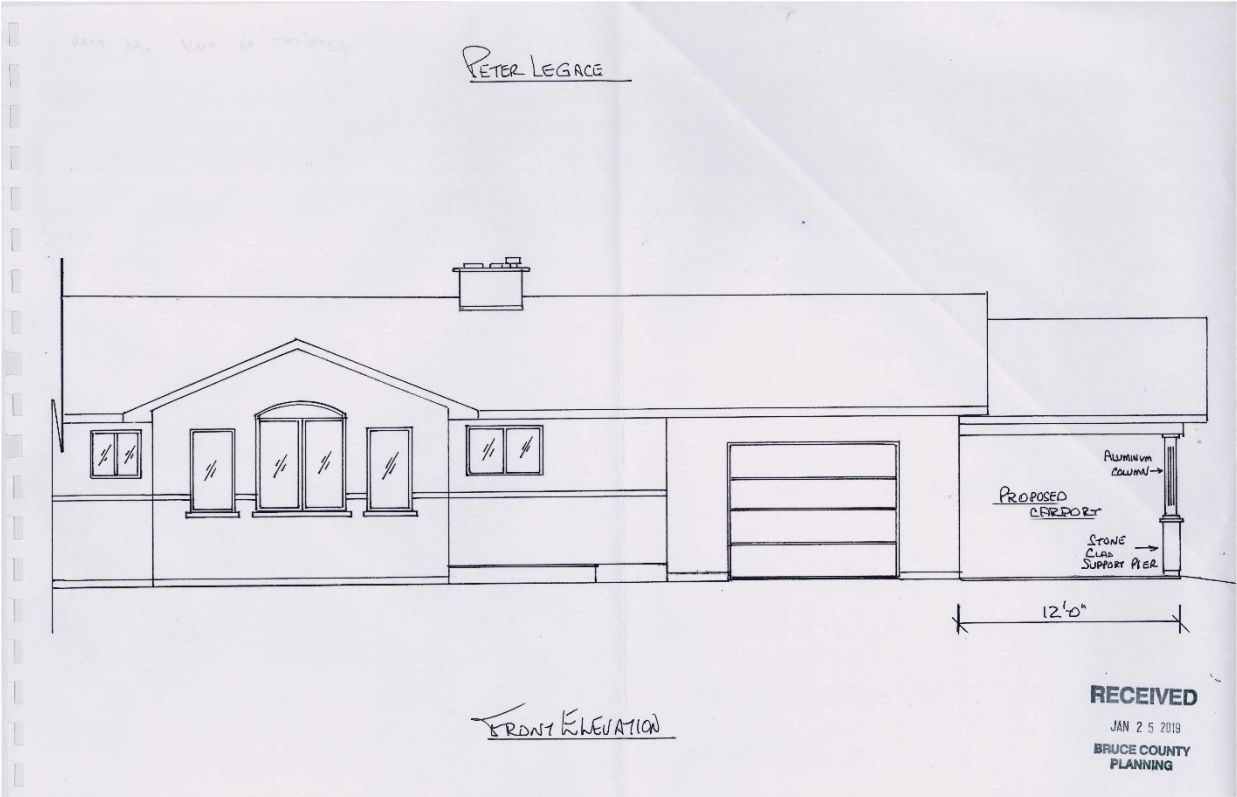
Municipality of Brockton Zoning By-law 2013-26

7.3 Urban Residential Zones - R1 and R2

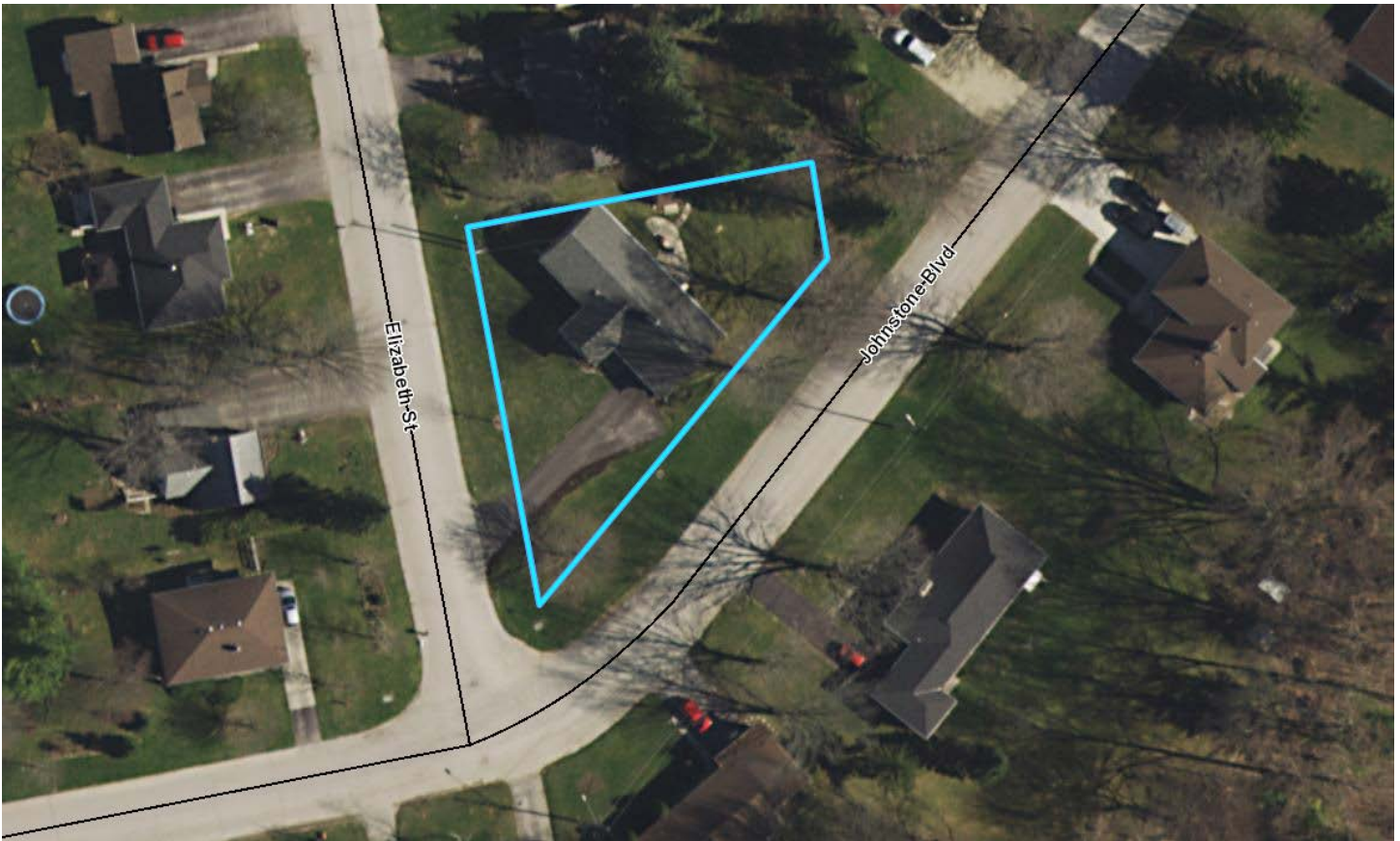
Appendix 3 – Site Plan



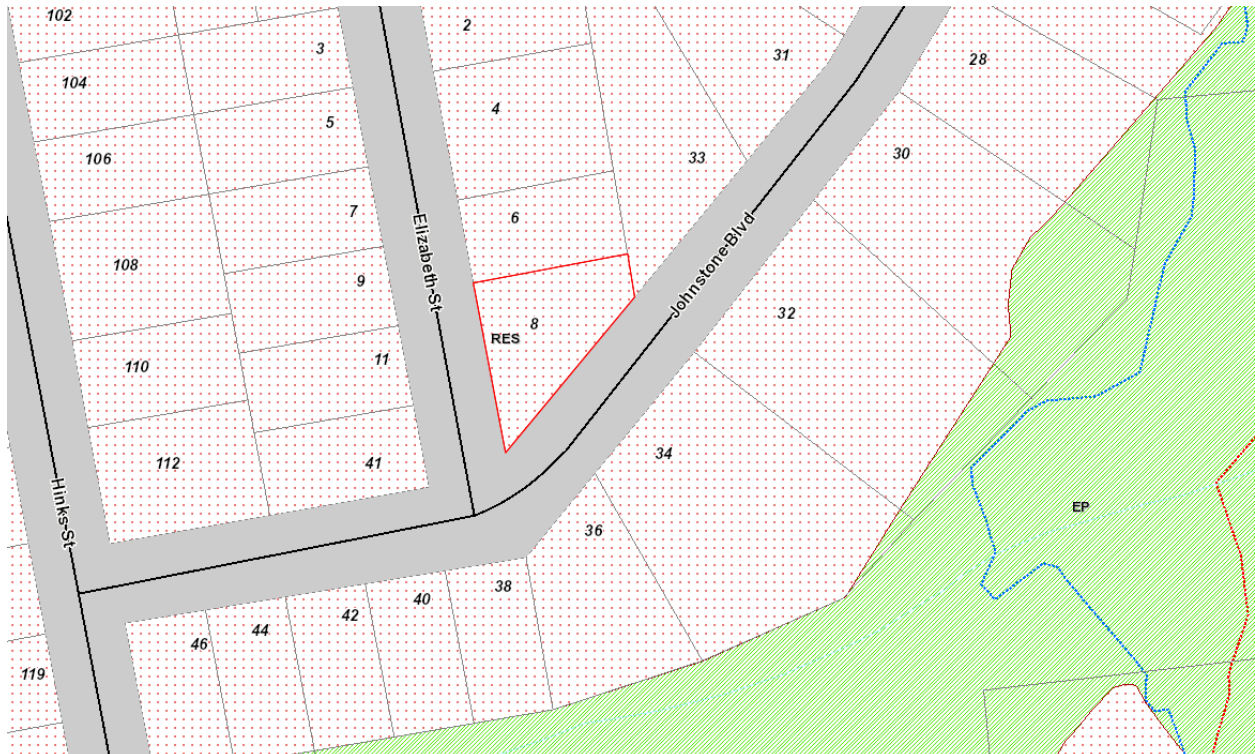
Elevation Drawing



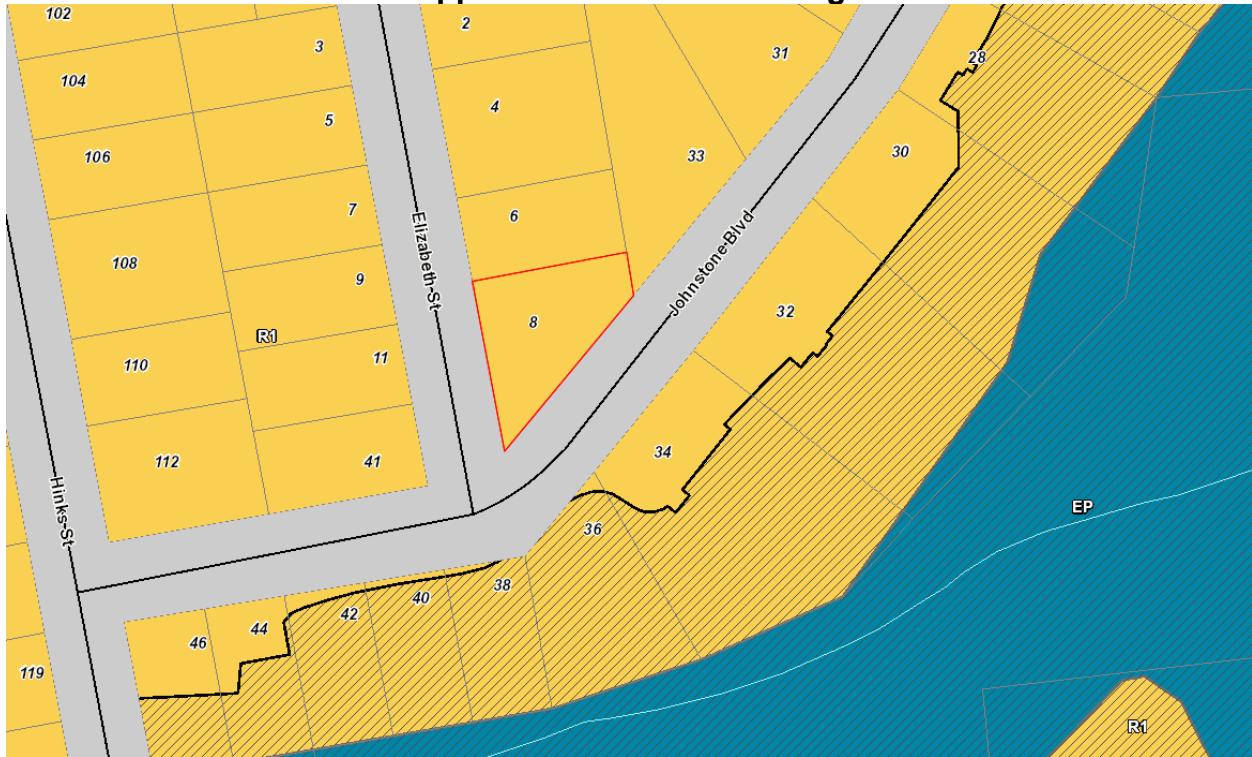
Appendix 4 – Air Photo



Appendix 5 - Official Plan



Appendix 6 - Current Zoning



**Committee Of Adjustment for The
Corporation of the Municipality of Brockton
Decision Sheet**

Application No. A-4-19.36
Date of Hearing: April 9, 2019
Owner: Arlene Legace
Legal Description: Part Lot 40, Plan 458, and Lot 41, Plan 463, Geographic Town of Walkerton,
 Municipality of Brockton
Municipal Address: 8 Elizabeth St

Lot Dimensions:
Frontage +/- 44.19 m
Depth: Irregular
Area +/- 1,035.43 sq.m.

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 variance to reduce the Minimum Exterior Side Yard setback from the required 4.3 m (14 ft) to 1.1 m (3.5 ft) to facilitate the construction of an attached 12’ x 20’ carport.

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 9th day of April, 2019.

		Present	Absent
<hr/>	Chairman and	()	()
(Chris Peabody)	Committee Member		
<hr/>	Committee Member	()	()
(Dan Gieruszak)			
<hr/>	Committee Member	()	()
(Steve Adams)			
<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 the 9th Day of April, 2019.

<hr/>	<hr/>
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 **29th day of April, 2019**
(See information attached)

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

This is to certify that no appeals have been received.

Secretary-Treasurer

Date

Appeal Information

The applicant, the Minister or any other person or public body who has an interest in the matter may not later than **April 29th, 2019** appeal to the Local Planning Appeal Tribunal (LPAT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal (in accordance with LPAT guidelines, forms and fees (payable to the Minister of Finance) available from the Local Planning Appeal Tribunal website at www.elto.gov.on.ca) The appeal must set out the objection to the decision and the reasons in support of the objection.

Submit Notice of Appeal to:

Secretary-Treasurer of the Committee of Adjustment
for the Municipality of Brockton

Fiona Hamilton, Clerk
100 Scott Street, P.O. Box 68
Walkerton, Ontario N0G 2V0

LPAT may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under the Planning Act, Section 45(17) [Dismissal without hearing].

If within such 20 days no notice of appeal is given, the decision of the Committee is final and binding.

For more information about this file, contact the **Inland Hub (Walkerton) Planning Office, 30 Park Street, P. O. Box 848, Walkerton, On N0G 2V0; Phone (519) 881-1782; and Fax (519) 507-3030**, from 8:30 to 4:30 Monday to Friday; or from the Bruce County website at www.brucecounty.on.ca under 'Living Here', 'Housing and Property', 'Land Use Planning' by Municipality and File Number; or e-mail the Planning Office at bcplwa@brucecounty.on.ca.

Mark Paoli
Planner
Bruce County Planning and Development