



Planning Report

Application: Minor Variance
File(s): A-36-19.36 for Troy and Angela Fotheringham
Date: July 9, 2019
To: Committee of Adjustment, Municipality of Brockton
From: Dana Kieffer; Planner, Bruce County Planning & Development

Preliminary Recommendation:

Subject to review of objections and submissions arising from the public hearing:

That the Minor Variance A-36-19.36 for the properties described as PLAN 88 PT LOT S AND RP;3R3114 PART 4 RP 3R9736 PART 1 Geographic Town of Walkerton, Municipality of Brockton be **approved** and the attached decision sheet signed.

Summary:

The subject lands are located at 204 Ridout St. and the application proposes to obtain a minor variance to increase the permitted driveway width from 7.5 m to 15.5 m.

The application is consistent with the Provincial Policy Statement and conforms to the County Official Plan, the Walkerton Community Official Plan and the intent and purpose of the local zoning by-law.

Report Outline:

A detailed review of the application is provided in the following pages and can also be reached through the table of contents (below). The review includes the following:

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Further information

Supporting documents related to this file are available on the [Bruce County Website](#) (direct live link) and in the paper file at the public meeting.

The Decision Sheet is attached as appendices to this report

Respectfully submitted,

Dana Kieffer, Planner
County of Bruce, Planning and Development

Detailed Review

Section 'A': Property Information

The property has been subject to two prior applications in the last three years: a consent (severance) for a lot addition to the subject lands and a minor variance permitting an accessory building an increase in height from 4.87 m (16 ft.) to 6.39 m (20.9 ft.) and an increase in the maximum lot coverage of all accessory buildings and structures from 5% to 6.5%.

It is located on a curve of Ridout St.

Section 'B': Description of Proposal

The driveway has been constructed and is 15.5 m in width at the road and services a two-car garage. It extends past the house on the north side down to the accessory building located to the rear of the house that also has two garage doors.

There is a stone retaining wall on the north side of the driveway.

As per the site plan, there is 3 m between the driveway and the neighbouring property line.

This minor variance would permit the driveway, as built.

Section 'C': Site Plan



Section 'D': Provincial Interests

The location of the proposal is within the Town of Walkerton and the Provincial Policy Statement directs the majority of growth, intensification and redevelopment to settlement areas such as Walkerton.

Section 'E': County Official Plan Review

The County Official Plan designates the property as Primary Urban Community wherein a variety of residential and accessory uses are permitted.

The proposed minor variance meets the intent of the County Official Plan.

Section 'F': Local Official Plan Review

The Walkerton Community Official Plan designates the property as Residential where a variety of residential and accessory uses are permitted.

The proposed minor variance meets the intent of the Walkerton Community Official Plan.

Section 'G': Zoning By-Law Review

The property is zoned Residential Zone One (R1) which permits both a single-detached house and associated accessory buildings.

The lands are also subject to the general provisions section of the By-law. Section 3.26.9 Entrance (Driveways) states that a driveway shall have a maximum of width of 7.5 m. and this driveway shall be no closer to a side lot line than 1 m.

The Bylaw also requires in Section 3.16 that landscaped open space be a width of 2 m along all interior and rear yards.

Driveway sizes are permitted a maximum size and are required to be set back from the property line to ensure there is adequate permeable surfaces for drainage. We have received one complaint from a neighbour that water from the subject lands are draining onto the neighbour's lands. Therefore, in the opinion of planning staff, a drainage agreement should be included as condition of minor variance to meet the intent of the by-law.

Planning staff are of the opinion that should drainage be addressed; the intent of the by-law is met.

Section 'H': Agency Comments

No comments from Brockton staff.

No objection or opposition from the Historic Saugeen Metis

The proposed minor variance is acceptable to SVCA staff.

Section 'I': Public Comments

Planning staff received one letter from a neighbour located at 7 Bill St. and it is attached in Appendix A. The neighbour has concerns that the increased impermeable surface has led to increased surface water runoff onto his lands.



Air Photo (2015)



Planning staff followed up with Municipal staff and the property owner with regards to the drainage being addressed. The neighbours have come to an agreement between themselves and a tile will be run across Mr. Murphy's property into a catchment basin located between 5 and 7 Bill St.

The understanding of planning staff is that the works are not yet complete. Should Council wish to make a lot grade and drainage plan a condition of minor variance to ensure the issue is resolved, that option is available to them. Planning staff recommend that a condition be included that the drainage issue is resolved to the satisfaction of the Municipality of Brockton.

The proposed minor variance meets the intent of the by-law.

Section 'J': 4 Tests of a Minor Variance

Section 45(1) of the Planning Act provides for the granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Relief may only be granted if the Variance passes four tests ("Four Tests of a Minor Variance"). The Committee must be satisfied that the application has satisfied all four tests to approve the Minor Variance.

The first two tests of a minor variance relate to conformity with the general intent of the Official Plan and the zoning by-law and have been reviewed above.

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

Yes. 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 variance will enable the property owner to continue to use a driveway that services both the attached garage and the accessory building, in accordance with the Official Plan and Zoning By-law. The variance will not impede the function of the lot.

In addition, the increased driveway space allows the property owner to turn vehicles around in the driveway which makes entering and exiting the driveway easier. The subject land's location on a curve can make seeing oncoming traffic more difficult, especially when reversing out of the driveway or backing into the driveway.

The variance represents an appropriate form of development for the use of the land.

Test 4: Is the proposed variance minor?

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 so long as the drainage is addressed.

The variance is minor.

Appendix A: Public Comments

Attention: Bruce County Planning

June 18, 2019

Re: File Number: A-36-19.36

Notice of Public Hearing

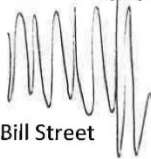
Proposed Minor Variance

(Section 45, Planning Act, 1990)

Submitted by email.

I am the property owner at 7 Bill Street, Walkerton, ON and I have concerns with surface water discharge onto my property from the 204 Ridout Street property. Prior to the new house being built on 204 Ridout Street there were no issues with surface water discharge onto my property. The new build created a substantial increase in hard surface square footage and water discharge from any substantial rainfall on the property runs through the shed on my property and flows across it towards the pool and house. I'm concerned that the increased hard surface (driveway) that has been added to the property will create an increased amount of surface water discharged and additional flooding. The owners of the property at 204 Ridout Street are actively working on a solution for controlling the water discharge from their property including the possibility of a private drain across my property to the catch basin on Bill Street. I would have no objection to the minor variance if the water can be contained to the home owner's property or a drain is put in to control the water discharge.

Michael Murphy



7 Bill Street

Walkerton, ON

NOG 2V0

Appendix B: Decision Sheets



Municipality of Brockton
c/o Corporation of the County of Bruce
Planning and Development
30 Park Street, WALKERTON, ON N0G 2V0

brucecounty.on.ca
Tel: 519-881-1782
Toll Free: 1-877-681-1291
Fax: 519-507-3030

Decision of the Committee of Adjustment With Reasons

(Section 45, Planning Act, 1990)

Municipality	Municipality of Brockton
File Number	A-36-19.36
Date of Hearing	July 9, 2019
Owner / Applicant / Agent	Troy & Angie Fotheringham
Legal Description	PLAN 88 PT LOT 5 AND RP;3R3114 PART 4 RP 3R9736 PART;1 Geographic Town of Walkerton, Municipality of Brockton
Municipal Address	204 Ridout St
Purpose of Application	To allow for the existing driveway as constructed
Variances Requested	To amend the maximum driveway width from 7.5 m (24.6 ft) to 15.5 m (51 ft).
Effect of Submissions	Any submissions relating to this application were considered by the Approval Authority in making its decision on this matter.

The application for Minor Variance from Comprehensive Zoning By-law 2013-26 is hereby **granted** subject to the following conditions:

1. That any future development on the property conforms to the provisions of the Zoning By-law;
2. That the decision applies only to the proposed development as indicated on Schedule 'A' attached to and forming part of this decision.
3. That the applicant and the neighbour located at 7 Bill St. come to an agreement regarding drainage to the satisfaction of the Municipality of Brockton.
4. That the driveway be no wider than 15.5 m.

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.



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Fax: 519-507-3030

Decision of the Committee of Adjustment With Reasons

(Section 45, Planning Act, 1990)

Municipality	Municipality of Brockton
File Number	A-36-19.36
Related File(s)	n/a
Date of Hearing	July 9, 2019
Owner / Applicant / Agent	Troy & Angie Fotheringham
Legal Description	PLAN 88 PT LOT 5 AND RP;3R3114 PART 4 RP 3R9736 PART;1 Geographic Town of Walkerton, Municipality of Brockton
Municipal Address	204 Ridout St
Purpose of Application	To allow for the existing driveway as constructed

The application for Minor Variance from Comprehensive Zoning By-law 2013-26 is hereby **refused**.

Reasons: (check all that apply)

- ☐ The variance does not maintain the intent and purpose of the Official Plan.
- ☐ The variance does not maintain the intent and purpose of the Zoning By-law.
- ☐ The variance requested is not desirable for the appropriate and orderly development and use of the lands and buildings.
- ☐ The variance is not minor in nature.
- ☐ The variance does not conform to the Provincial Policy Statement.



Concurrence of Committee Members for Minor Variance A-36-19.36 / Fotheringham

We, the undersigned, concur in the Decision and reasons given for the Decision of the
Committee of Adjustment for the Municipality of Brockton on July 9, 2019.

	Absent	Present
_____ Committee Member, (Kym Hutcheon)	()	()
_____ Committee Member, (Dan Gieruszak)	()	()
_____ Committee Member, (Steve Adams)	()	()
_____ Committee Member, (James Lang)	()	()
_____ Committee Member, (Dean Leifso)	()	()
_____ Committee Member, (Chris Oberle)	()	()
_____ Committee Chair, (Chris Peabody)	()	()

Certification of Committee's Decision

I, **Fiona Hamilton**, 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 of July 9, 2019.

Date	Secretary-Treasurer
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Notice of Last Date of Appeal

Notice is hereby given that the last date for appealing this decision to the
Local Planning Appeal Tribunal is **July 29, 2019**
See the attached appeal information

Notice That No Appeals Have Been Received

When signed, this certifies that no appeals have been received

Date	Secretary-Treasurer
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Appeal Information

The applicant, the Minister or any other person or public body who has an interest in the matter may not later than **July 29, 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 the LPAT guidelines and Appellant Form A1, available at <http://elto.gov.on.ca>) setting out the objection to the decision and the reasons in support of the objection accompanied by a certified cheque or money order in the amount of \$300.00 payable to the Minister of Finance. Submit Notice of Appeal to:

Fiona Hamilton
Secretary-Treasurer of the Committee of Adjustment
Municipality of Brockton
Administration Centre
100 Scott Street, P.O. Box 68
WALKERTON, ON N0G 2V0

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

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 matter, contact the **Inland Hub (Walkerton) Planning Office, 519-881-1782**, from 8:30 a.m. to 4:30 p.m. Monday to Friday; on-line by Municipality and File Number at <https://brucecounty.on.ca/living/land-use>; or by e-mailing the Planning Office at bcplwa@brucecounty.on.ca.

Schedule 'A'



File Number: A-36-19.36
Roll Number: 410436000616300

Fotheringham

July, 2019