



Planning Report

Application: Minor Variance
File(s): A-37-19.36 for Kevin Voisin
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-37-19.36 for the property described as PLAN 7 LOT 40 TO 43 LOT 68; TO 69, Geographic Town of Walkerton, Municipality of Brockton be **approved** and the attached decision sheet signed.

Summary:

The subject lands are located at 106 Colborne St N and the application proposes to permit a retail use in +/- 4,000 square feet (Units 12, 13 14 & 15) within the existing industrial building. The building is zoned M1 which does not permit retail uses.

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

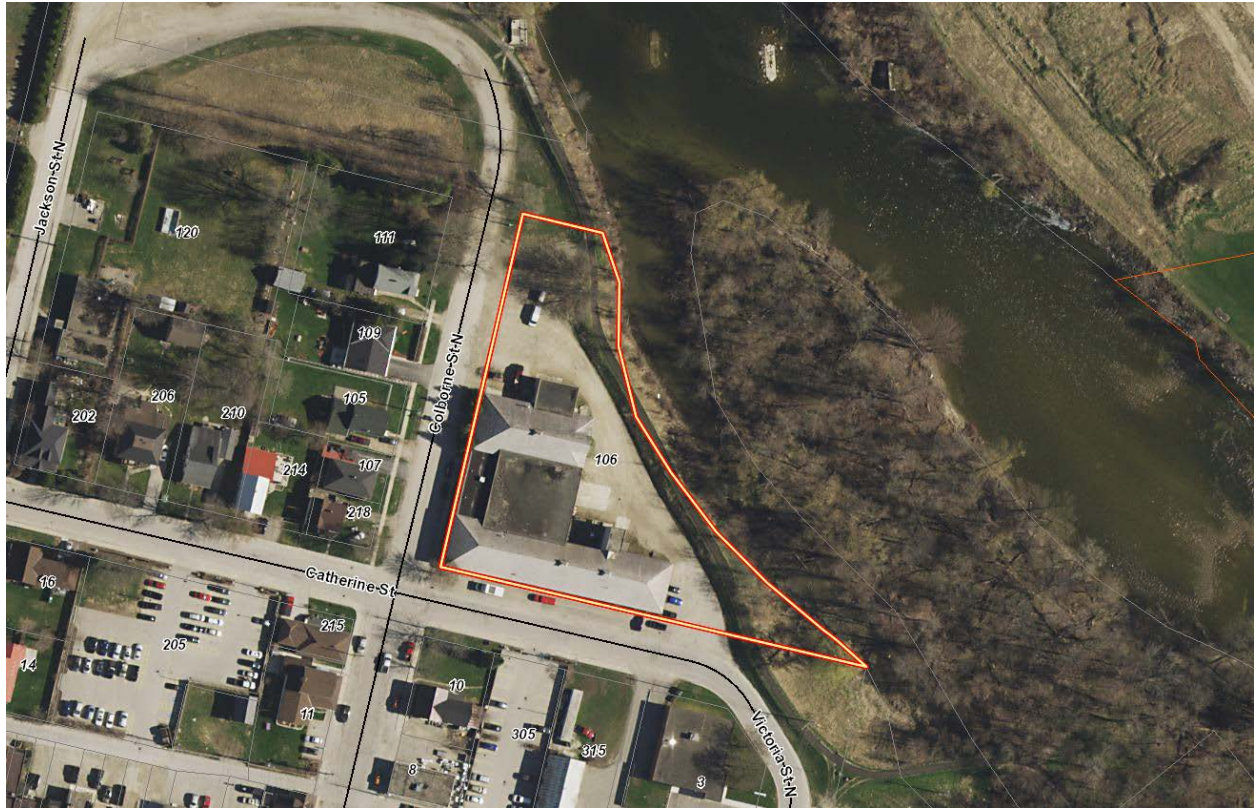
The property is located at 106 Colborne St. and is a Brockton Listed Heritage Building. The site was built in 1900 and was the location of the Walkerton Binder Twine Company Limited.

The subject lands are located directly adjacent to the Saugeen River and the entirety of the lands are in the Hurricane Hazel Flood Event Standard.

Section 'B': Description of Proposal

The property is zoned M1 and contains several units that are rented to tenants. The M1 zoning does not permit a retail use, and the proposed use would include retail of gifts, collectables, carvings and housewares.

Section 'C': Aerial Photo and 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.

Planning Authorities shall support economic development and competitiveness by... providing opportunities for a diversified economic base, including and maintaining a range and choice of suitable sites that support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

- a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
- c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

Based on comments received from the SVCA (See Section 'H'), there will be no measurable impacts on the property (floodplain) as a result of this proposal.

Section 'E': County Official Plan Review

The County Official Plan designates the property as Primary Urban Community wherein a variety of commercial and industrial 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 Commercial where a variety of commercial uses, including retail, are permitted.

The property is located in the Flood Fringe.

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

Section 'G': Zoning By-Law Review

The property is zoned Light Industrial (M1) and Environmental Protection (EP).

Retail, large format (over 3000 ft²) is not a permitted use in the M1 zone and this minor variance will permit that use in addition to the permitted M1 uses.

The proposed use will represent an increase in parking requirements, as discussed below.

The proposed use meets the intent of the Zoning By-law.

Section 'H': Agency Comments

Municipality of Brockton will require a Change of Use Permit and the change of use could trigger the need for a fire separation between the commercial uses and the existing industrial uses. The Municipality also questions whether there is enough parking to accommodate the multiple retail uses.

No objection or opposition from the Historic Saugeen Metis

The proposed minor variance is acceptable to SVCA staff.

Discussion: the total square footage of the building is 22,336 ft², 4000 ft² is proposed to be retail. In total, the property will need 32 spaces (13 for the retail use and 19 for the industrial use). There is approximately 21,135 ft² to the rear of the building in gravel that can be used for parking. The required parking space size is 163 ft² which would permit 129 spots without considering manoeuvring lanes. Therefore, planning staff is confident there is enough parking on site.

In addition to the on-site parking there is parking in the road allowance (by way of wide paved shoulders) on both Colborne and Catharine Streets and a Municipal Parking lot located at 305 Catherine St., across the road from the subject lands.

Section 'I': Public Comments

At the time of writing this report, no comments had been received from the Public.

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 rent to a new tenant in an established building, in accordance with the Official Plan and Zoning By-law. The variance will not impede the function of the lot.

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 for permitted uses.

The variance is minor.

Appendix A: Decision Sheets



Municipality of Brockton
c/o Corporation of the County of Bruce
Planning and Development
30 Park Street, WALKERTON, ON N0G 2Y0

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-37-19.36
Related File(s)	n/a
Date of Hearing	July 9, 2019
Owner / Applicant / Agent	Kevin Voisin
Legal Description	PLAN 7 LOT 40 TO 43 LOT 68; TO 69, Geographic Town of Walkerton, Municipality of Brockton
Municipal Address	106 Colborne St N
Purpose of Application	To permit the use Retail, Large Format
Variances Requested	To permit a retail use in +/- 4,000 square feet (Units 12, 13, 14 & 15) within the existing industrial building.
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 Retail, Large Format is a permitted use in the portion of the property identified on Schedule A.

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.

File Number: A-37-19.36
Roll Number: 410436000401400

Voisin

July, 2019



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

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Municipal Address	106 Colborne St N
Purpose of Application	To permit the use Retail, Large Format

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-37-19.36 / Voisin

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

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

File Number: A-37-19.36
Roll Number: 410436000401400

Voisin

July, 2019

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

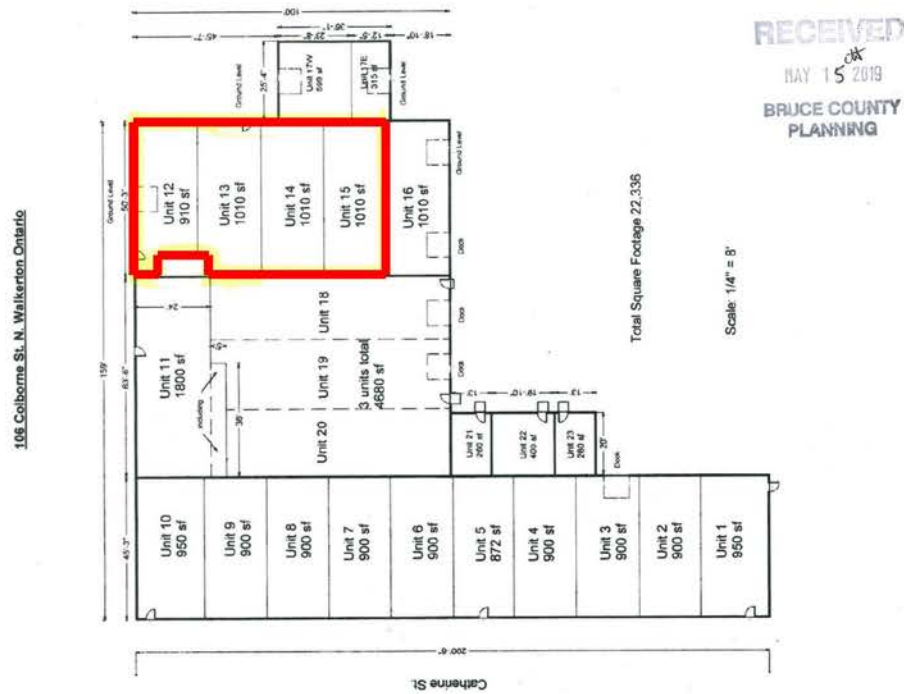
The LPAT may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under Section 45(17) [Dismissal without hearing], as it considers appropriate.

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'

Proposed 4000 sq. ft. of retail space shown in **red**



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