



The Corporation of the Municipality of Brockton

Committee of Adjustment Minutes

Tuesday, July 9, 2019, 7:00 p.m.

Bruce County Council Chambers - 30 Park Street, Walkerton, ON

Committee Members: Chris Peabody, Mayor
Dan Gieruszak, Deputy Mayor
Dean Leifso, Councillor
Steve Adams, Councillor
Chris Oberle, Councillor
James Lang, Councillor
Kym Hutcheon, Councillor

Staff: Sonya Watson, Chief Administrative Officer
Fiona Hamilton, Secretary/Treasurer
Terry Tuck, Chief Building Official and Zoning Administrator

1. Call to Order

The Committee of Adjustment Meeting was called to order at 7:00 p.m. with Mayor Chris Peabody presiding.

2. Acceptance of Agenda

Resolution COA 19-04-01

Moved By: Kym Hutcheon

Seconded By: Steve Adams

That the Committee of Adjustment of the Council of the Municipality of Brockton accept the Agenda for the Public Meeting of July 9, 2019 as presented.

Carried

3. Disclosure of Pecuniary Interest and General Nature Thereof

None disclosed at this time.

4. Acceptance of Minutes

4.1 Committee of Adjustment Minutes - April 23, 2019

Resolution COA 19-04-02

Moved By: Steve Adams

Seconded By: Dean Leifso

That the Committee of Adjustment adopt the minutes of the April 23, 2019 Committee of Adjustment Meeting as presented.

Carried

5. Reports

5.1 Planning Report - Minor Variance - Fotheringham A-36-19.36

Bruce County Planner, Dana Kieffer presented the Planning Report for the Minor Variance submitted by Troy and Angie Fotheringham File Number A-36-19.36. The applicants proposed obtaining 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, County Official Plan, and Walkerton Community Official Plan, and the local Zoning By-Law.

Ms. Kieffer explained that 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. The County received one complaint from a neighbor, who noted that water from the subject lands were draining onto the neighbour's property. Therefore, in the opinion of planning staff, a drainage agreement should be included as condition of the minor variance to meet the intent of the By-Law.

Ms. Kieffer discussed the process for meeting the four tests of a Minor Variance under Section 45(1) of the *Planning Act*. 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.

Council inquired as to what would happen if the solution was not satisfactory to the property owner. Ms. Kieffer explained that the solution is tied to development, and if it was not resolved, the applicant could bring back another Minor Variance, or remove the driveway.

Resolution COA 19-04-03

Moved By: Dan Gieruszak

Seconded By: Dean Leifso

That the Committee of Adjustment of the Corporation of the Municipality of Brockton has considered Bruce County Planning File A-36-19.36 and any objections and submissions arising from the Public Hearing and hereby approves the application for a minor variance to the Municipality of Brockton Comprehensive Zoning By-Law 2013-26 by Troy and Angie Fotheringham for land described as Plan 88 Pt Lots 5 and RP 3R3114 Part 4 RP 3R9736 Part 1, Geographic Town of Walkerton, Municipality of Brockton, and approves the Minor Variance in accordance with the conditions as outlined on the Decision Sheet.

Carried

5.2 Planning Report - Minor Variance - Voisin A-37-19.36

Bruce County Planner, Dana Kieffer presented the Planning Report for the Minor Variance applied for by Kevin Voisin File Number A-37-19.36. The applicant proposed to develop a retail use in an area that was approximately +/- 4,000 square feet (Units 12, 13 14 and 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, Walkerton Community Official Plan, and the intent and purpose of the local Zoning By-Law.

The property is located at 106 Colborne Street, Walkerton 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.

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 taking into account the needs of existing and future businesses. The Saugeen Valley Conservation Authority determined that there will be no measurable impacts on the property (which is located in a floodplain) as a result of this proposal.

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. Staff at the Municipality of Brockton will require a Change of Use Permit and the change of use could trigger the need for a fire separation wall between the commercial uses and the existing industrial uses. Dana Kieffer, Bruce County Planner confirmed that there was ample parking available to allow for retail uses.

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

Resolution COA 19-04-04

Moved By: Dan Gieruszak

Seconded By: Dean Leifso

That the Committee of Adjustment of the Corporation of the Municipality of Brockton has considered Bruce County Planning File A-37-19.36 and any objections and submissions arising from the Public Hearing and hereby approves the application for a minor variance to the Municipality of Brockton Comprehensive Zoning By-Law 2013-26 by Kevin Voisin for land described as Plan 7 Lot 40 to 43 Lot 68; Geographic Town of Walkerton, Municipality of Brockton, and approves the Minor Variance in accordance with the conditions as outlined on the Decision Sheet.

Carried

5.3 Planning Report - Minor Variance - Dupuis (c/o Karley) A-38-19.34

Bruce County Planner, Dana Kieffer presented the Planning Report for the Minor Variance applied for by Wayne Dupuis c/o Karley File Number A-38-19.34. The applicant is proposing a lot addition of approximately +/- 2680 square feet (40' x 70') to 123 Lake Rosalind Rd 1, severed from 131 Lake Rosalind Road 1. A Minor Variance is required to amend the permitted accessory building coverage from 5% to 6% for a 20' x 24' garage. The applicant proposes to tear down the current cottage and build a year-round residence including an accessory

detached garage. The proposed detached garage will be 20' by 24' and requires relief from the 5% accessory building lot coverage maximum as it will cover 6% of the lot. The proposed garage will be located on the severed parcel.

The location of the proposal is adjacent to an inland lake and the Provincial Policy Statement directs the majority of growth away from hazardous lands located adjacent to small inland lakes. The property is located outside of the flooding hazard and does not represent new development as it is a re-build.

No comments were received from the agencies or the public prior to the preparation of the report, and there were no questions from the public or members of Council when canvassed by Mayor Peabody..

Resolution COA 19-04-05

Moved By: Dan Gieruszak

Seconded By: Kym Hutcheon

That the Committee of Adjustment of the Corporation of the Municipality of Brockton has considered Bruce County Planning File A-38-19.34 and any objections and submissions arising from the Public Hearing and hereby approves the application for a minor variance to the Municipality of Brockton Comprehensive Zoning By-Law 2013-26 by Wayne Dupuis c/o Karley for land described as Brant Con 3 NDR, Pt Lot 71, Geographic Township of Brant, Municipality of Brockton, and approves the Minor Variance in accordance with the conditions as outlined on the Decision Sheet.

Carried

6. Adjournment

Resolution COA 19-04-06

Moved By: Dean Leifso

Seconded By: Steve Adams

That the Committee of Adjustment of the Council of the Municipality of Brockton hereby adjourn the Public Meeting convened under Section 45(6) of the Planning Act at 7:20 p.m.

Carried

Chair – Chris Peabody

Clerk - Fiona Hamilton