



Planning Report

Application: Minor Variance
File(s): A-45-19.34 for Richard Zettler
Date: August 13, 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-45-19.34 for the property described as Concession B Part Lot 6, Geographic Township of Brant, Municipality of Brockton be **approved** and the attached decision sheet signed.

Summary:

The subject lands are located at 1723 Bruce Road 3.

A Minor Variance is requested to reduce the required Minimum Distance Separation (MDS II) to facilitate the construction of a new, larger, manure storage tank. A MDS setback of 152 m is required from the dwelling located at 1727 Bruce Road 3; 113 m is proposed.

The application is consistent with the Provincial Policy Statement and conforms to the County 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:

Section 'A': Property Information	3
Section 'B': Description of Proposal.....	3
Section 'C': Site Plan	4
Section 'D': Provincial Interests	5
Section 'E': County Official Plan Review.....	5
Section 'F': Zoning By-Law Review	5
Section 'G': Agency Comments	6
Section 'H': Public Comments.....	6
Section 'I': 4 Tests of a Minor Variance	6
Appendix A: Decision Sheets	7

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

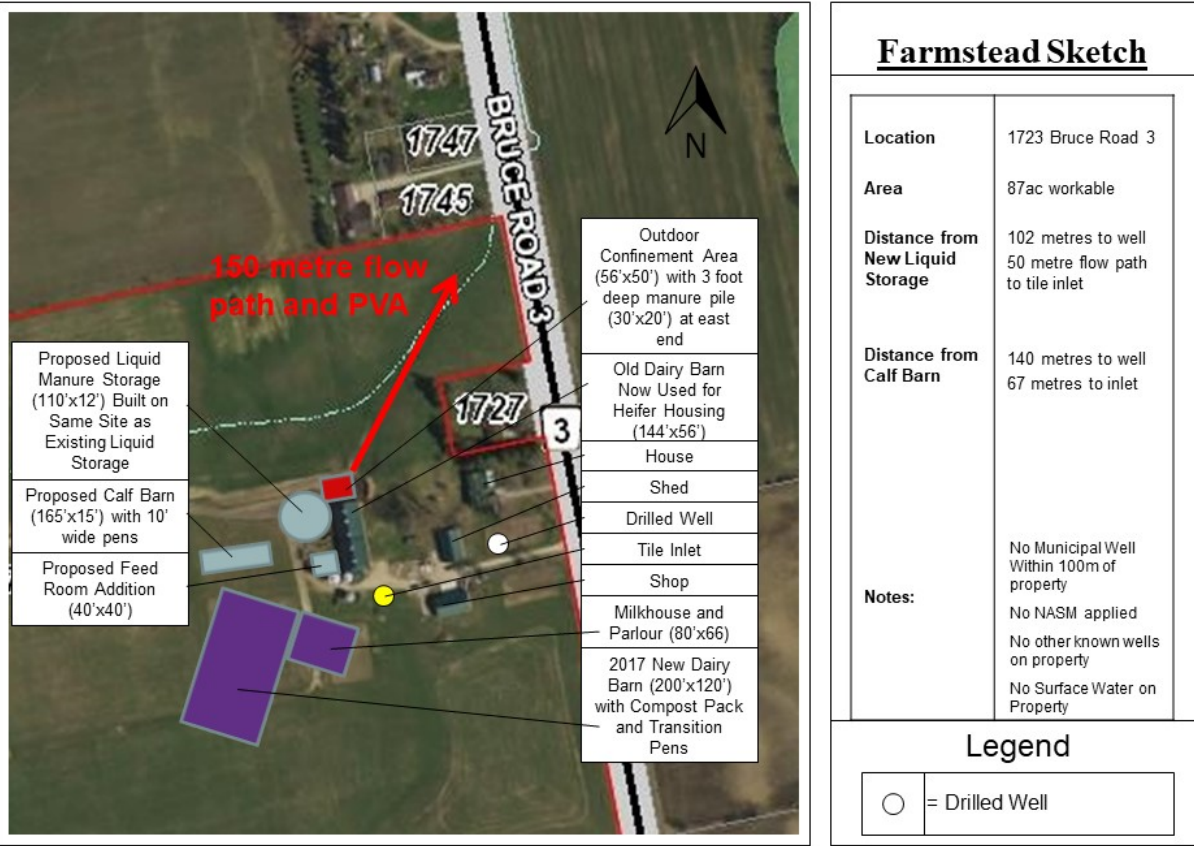
The subject lands are located at 1723 Bruce Road 3. The property is host to a new dairy barn and associated buildings. There is also a house on the property. The original 100 acre farm had a small lot fronting onto Bruce Road 3 severed in the past. It is to this house that the MDS setback will be reduced.

Section 'B': Description of Proposal

The Minor Variance is requested to reduce the required Minimum Distance Separation (MDS II) to facilitate the construction of a new, larger, manure storage tank.

- 152 m separation required from the dwelling at 1727 Bruce Rd 3; 113 m is proposed
- The increase in wash water needed for the new barn requires the capacity of the tank to be increased.

Section 'C': Site Plan



Section 'D': Provincial Interests

The Provincial Policy Statement requires new land uses, including the creation of lots, and new or expanding livestock facilities to comply with the minimum distance separation formula.

Section 'E': County Official Plan Review

The County Official Plan designates the property as Agricultural Area which also requires new land uses, including the expansion of existing or the establishment of any non-agricultural uses including the creation of lots, and new or expanding livestock facilities to comply with the Provincial Minimum Distance Separation Formulae.

It goes on to state that a Minor Variance or Zoning Amendment to allow for a reduction in the Provincial Minimum Distance Separation requirements shall consider at a minimum the following:

- (i) does the reduction have regard for the intent of the Official Plan;
- (ii) does the reduction have regard for the intent of the Zoning By-Law;
- (iii) is the reduction minor in nature;
- (iv) is the reduction desirable and appropriate for the area; and
- (v) can any potential environmental impacts be appropriately mitigated.

Comments:

The proposal will locate the new, larger, tank in the same location as the old one to utilize existing infrastructure. The required increase in tank space is largely driven by an increase in wash water, which has no, or little, associated odour. It has regard for the Official Plan and Zoning By-law. It is minor in nature, desirable and appropriate for the area since the new tank is being located in a very similar spot. There are no environmental concerns.

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

Section 'F': Zoning By-Law Review

The property is zoned General Agriculture (A1). The Zoning By-law requires new land uses, including the creation of lots, and new or expanding livestock facilities to comply with the minimum distance separation formula.

The proposed tank meets all other provisions of the By-law other than the proposed MDS II setback.

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

Section 'G': Agency Comments

Municipality of Brockton: no comments

No objection or opposition from the Historic Saugeen Metis

County of Bruce Transportation and Environmental Services: no comments

The proposed minor variance is acceptable to SVCA staff.

Section 'H': 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 to build a manure storage that meets their needs, in accordance with the Official Plan and Zoning By-law. The variance will not impede the function of the lot.

The MDS Implementation Guidelines permits reductions to MDS II, especially to address issues in relation to expansions of existing facilities.

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 considered to be 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 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-45-19.34
Related File(s)	None
Date of Hearing	August 13, 2019
Owner / Applicant / Agent	Richard Zettler
Legal Description	CON B PT LOT 6, Geographic Township of Brant, Municipality of Brockton
Municipal Address	1723 Bruce Road 3
Purpose of Application	Construction of a new, larger, manure storage tank
Variances Requested	To amend the required Minimum Distance Separation (MDS) from 152 m to 113 m
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 Minimum Distance Separation setback from the "proposed liquid manure storage" as identified on Schedule A and the residence located at 1727 Bruce Road 3 shall be no less than +/- 113m.

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.



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-45-19.34
Related File(s)	None
Date of Hearing	August 13, 2019
Owner / Applicant / Agent	Richard Zettler
Legal Description	CON B PT LOT 6, Geographic Township of Brant, Municipality of Brockton
Municipal Address	1723 Bruce Road 3
Purpose of Application	Construction of a new, larger, manure storage tank

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-45-19.34 / Zettler

We, the undersigned, concur in the Decision and reasons given for the Decision of the Committee of Adjustment for the Municipality of Brockton on August 13, 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 **August 13, 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 **September 2, 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

Appeal Information

The applicant, the Minister or any other person or public body who has an interest in the matter may not later than **September 2, 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:

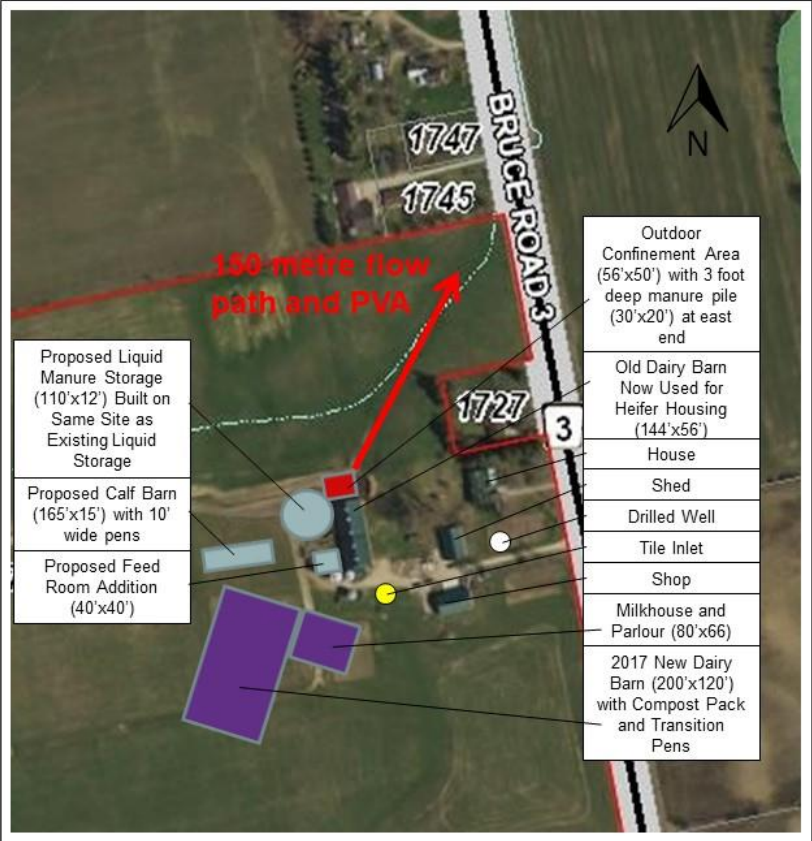
Fiona Hamilton
Secretary-Treasurer of the Committee of Adjustment
Municipality of Brockton
Administration Centre
100 Scott Street, P.O. Box 68
WALKERTON, ON N0G 2V0

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’



Farmstead Sketch	
Location	1723 Bruce Road 3
Area	87ac workable
Distance from New Liquid Storage	102 metres to well 50 metre flow path to tile inlet
Distance from Calf Barn	140 metres to well 67 metres to inlet
Notes:	No Municipal Well Within 100m of property No NASM applied No other known wells on property No Surface Water on Property
Legend	
<div><div></div></div>	= Drilled Well