



Planning Report

To: Municipality of Brockton Committee of Adjustment

From: Julie Steeper, Planner

Date: December 8, 2020

Re: Minor Variance Application - A-2020-045 (Huber)

Recommendation:

Subject to a review of submissions arising from the public meeting:

That Committee approve Minor Variance A-2020-045 as attached subject to the conditions on the decision sheet.

Summary:

The purpose of the application is to seek relief from the maximum lot coverage, the maximum height, and the minimum side yard setback for accessory buildings and structures as follows:

- The proposed site coverage is 20.5% and the maximum site coverage permitted in the zoning by-law is 5%. The Applicant is requesting to exceed the maximum lot coverage by 15.5%.
- The proposed height is 6.02 m and the maximum height permitted in the zoning by-law is 5 m. The applicant is requesting to exceed the maximum height by 1.02 m.
- The proposed exterior side yard setback is 1.8 m and the minimum permitted in the by-law is 4.3 m. The applicant is requesting relief for 2.5 m.

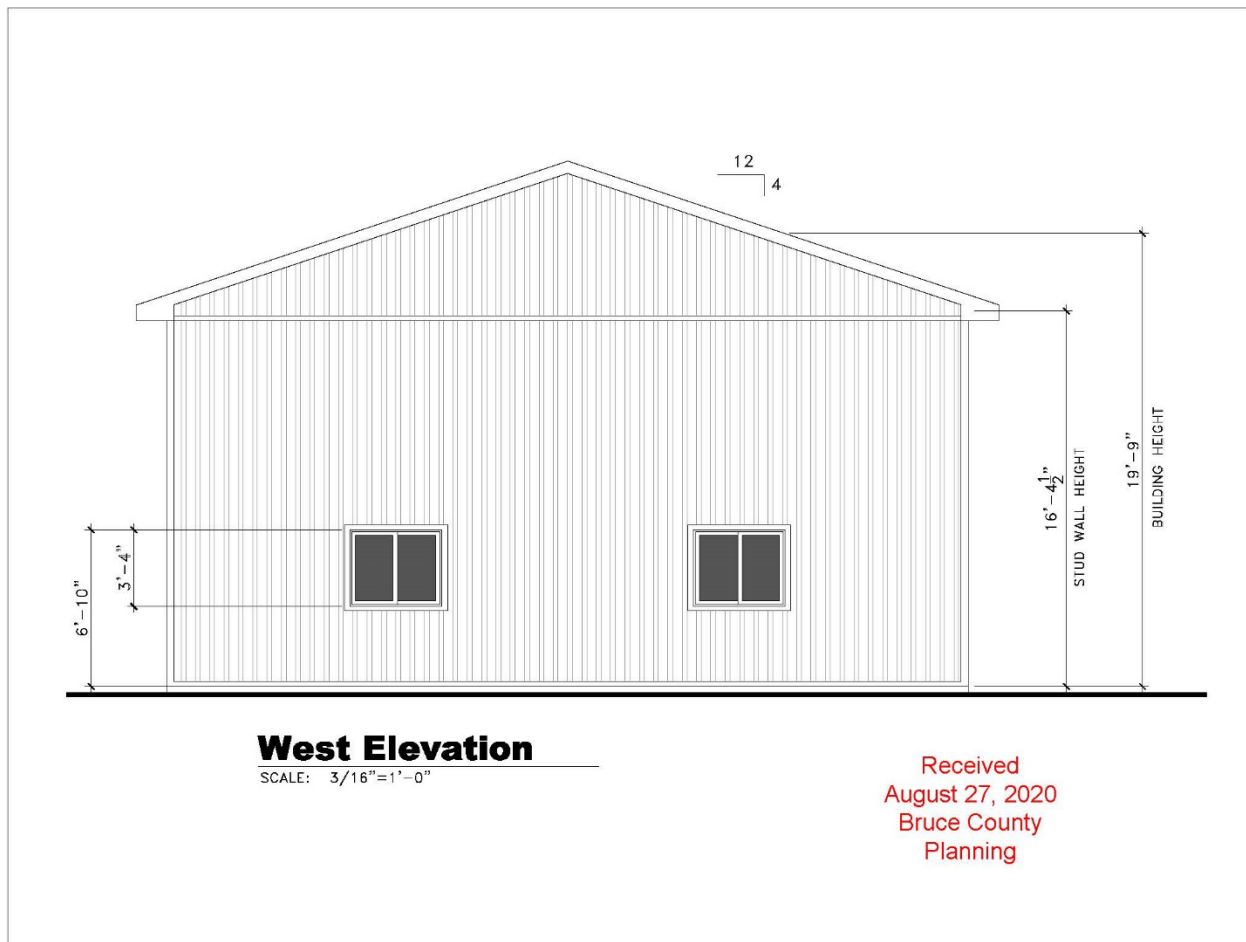
If approved, the application would facilitate the new construction of a 10.66 m X 12.19 m detached garage at 721 Yonge Street South. The existing detached garage is proposed to be removed.

The property is located in the Town of Walkerton and is south of Bruce Road 2 (Durham Street) and west of Yonge Street South. The property is surrounded by residential and institutional uses.

Airphoto

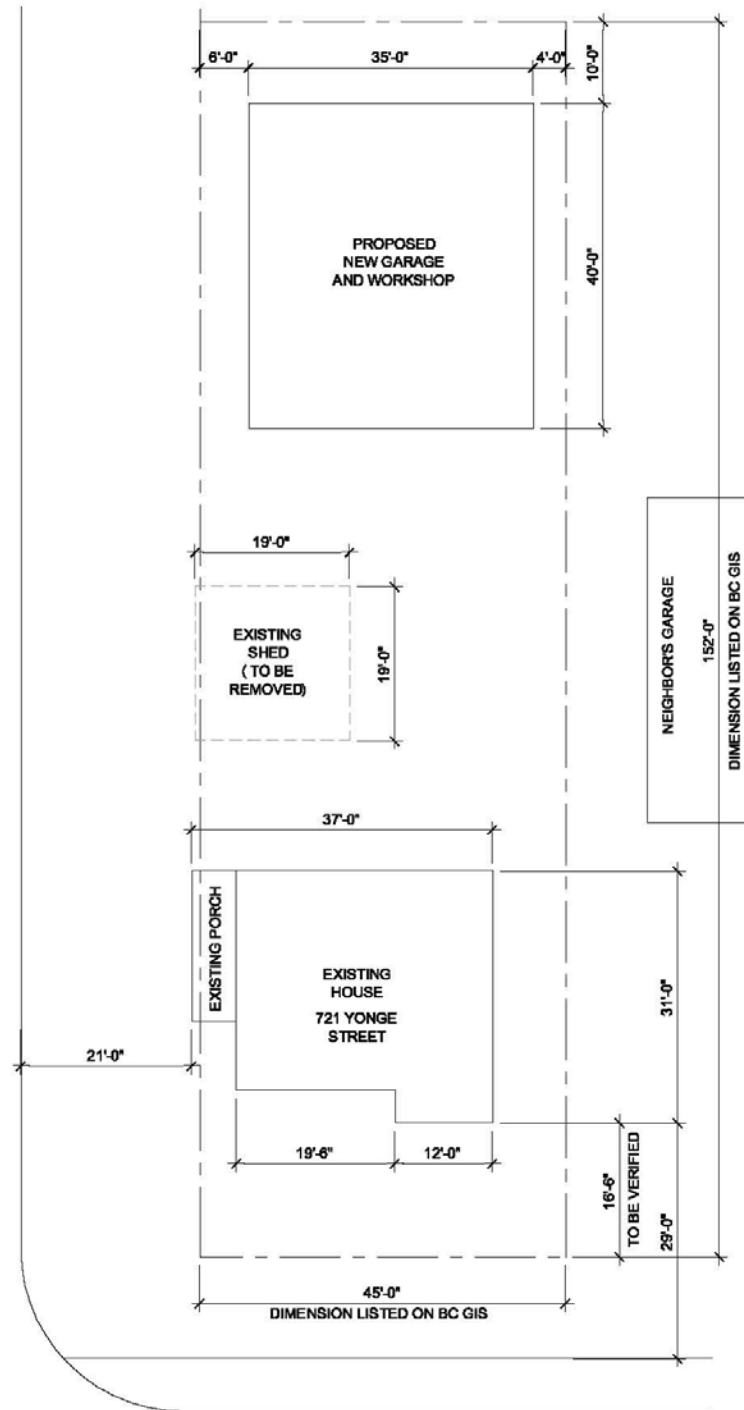


Site Plan





PINE STREET



YONGE STREET

Site Plan

SCALE: 1" = 20'-0"

Received
August 27, 2020
Bruce County
Planning

Planning Analysis

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached) and planning policy sections.

Four Tests of a Minor Variance

Section 45(1) of the *Planning Act* gives the authority of granting 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 passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

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

The Bruce County Official Plan designates the property Primary Urban Communities. The Walkerton Community Official Plan designates the lands Residential. The proposed detached garage is accessory to the existing residential use and permitted within the residential designations of both the County and local Official Plans. The application does maintain the intent and purpose of the Official Plans.

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

The subject lands are zoned Residential: Low Density Single (R1). The by-law identifies a maximum lot coverage of 5% for all accessory buildings or structures. Lot coverage as a percentile allows for a balance between lot size and the size permitted for structures (i.e., a larger lot can permit a larger building; smaller lot, smaller building) rather than setting a maximum size. Lot coverage is aimed at ensuring there is enough permeable surfaces on the lot for proper drainage, space for amenities and green space. In this instance, the applicant is proposing to increase the total lot coverage of all accessory buildings or structures to 20.5%. The rear yard on this property is large and there will be enough permeable surfaces maintained to allow for drainage, amenity space and green landscaping. The variance maintains the intent and purpose of the zoning by-law.

The by-law identifies that the maximum height for accessory buildings shall not be greater than 5 m. The intent of the height regulation is to control the height so that the accessory building is in keeping with the residential character of the area and is secondary to the primary use (the dwelling). In this instance, the height of the accessory building is proposed to be 6.02 m which is in keeping with the character of the area. The accessory building height is lower in relation to the residence. The variance maintains the intent and purpose of the zoning by-law.

The R1 Zone requires a minimum exterior side yard setback of 4.3 m. The proposed exterior side yard setback is 1.8 m. 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. There is boulevard along Pine Street of 6.4 m to the property line. As a result, the detached garage would be about 8.2 m from Pine Street. The proposed garage will also be setback further from the street than the existing house and detached garage.

Staff are satisfied that there would be adequate sight lines and the proposal would maintain the intent and purpose of the Zoning By-law.

Is the application desirable for the appropriate development of the land, building or structure?

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 new accessory structure that meets their current needs. The existing detached garage is proposed to be removed. The variances do represent an appropriate form of development for the use of the land.

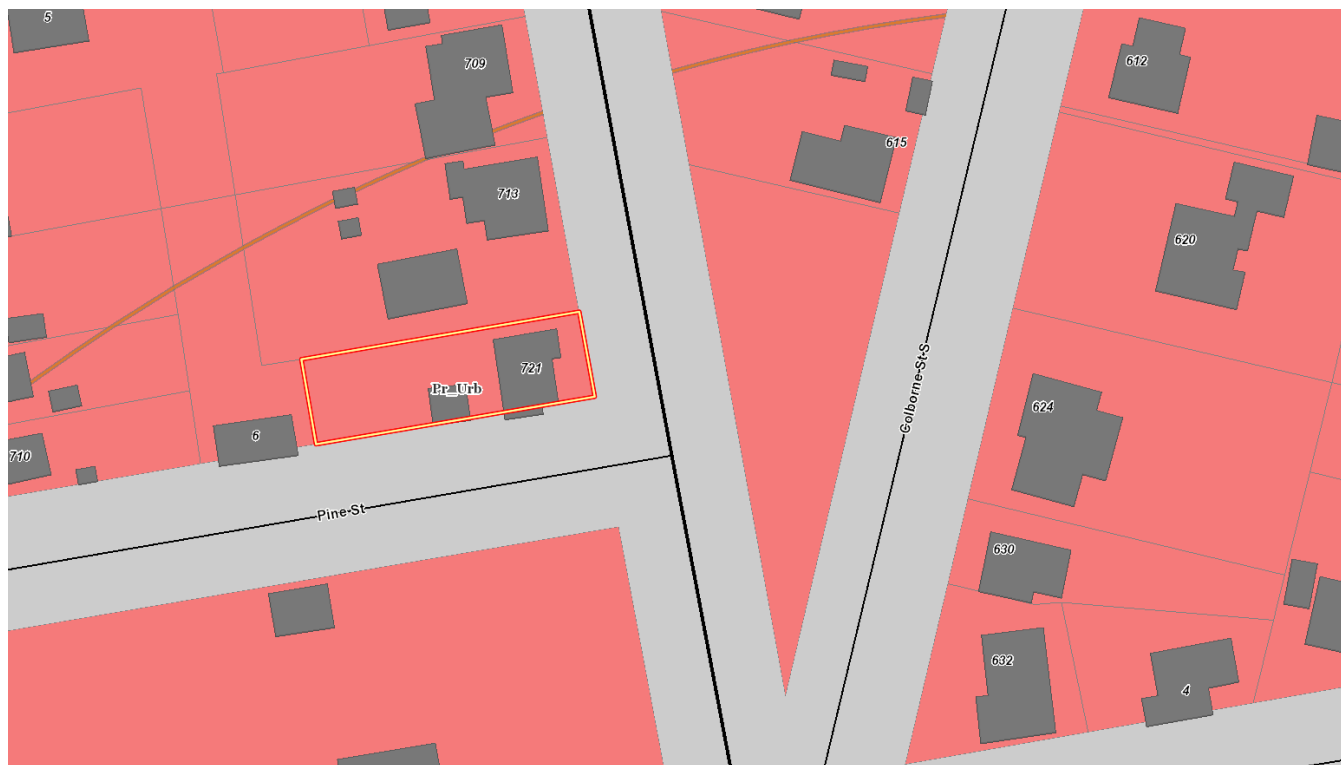
Is the application minor in nature?

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 construction of an accessory building in the rear yard of the residence is also in keeping with other similar lots in the neighbourhood. The variances are considered minor.

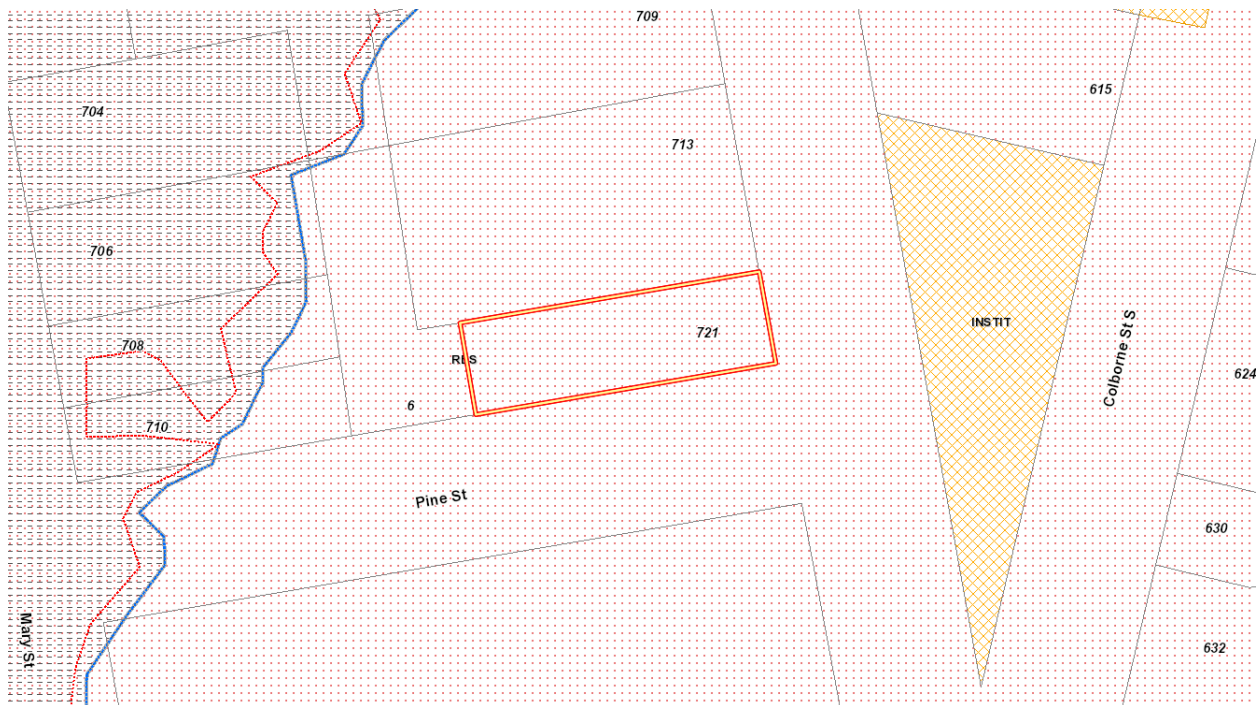
Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Agency Comments

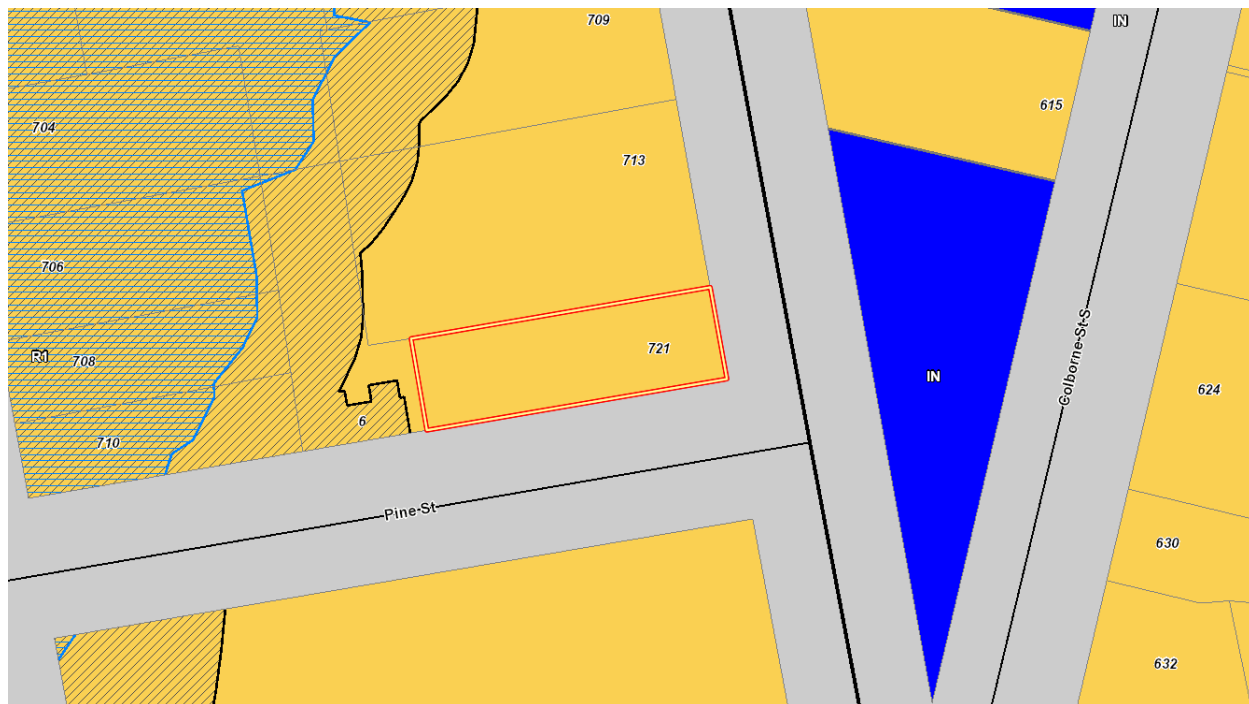
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Residential)



Local Zoning Map (Zoned Residential: Low Density Single (R1))



Agency Comments

Municipality of Brockton: No concerns.

Bruce County Transportation: No concerns.

Historic Saugeen Metis: No concerns.

Saugeen Valley Conservation Authority: No concerns and provided in full below.



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY: jsteeper@brucecounty.on.ca and bcplwa@brucecounty.on.ca

December 1, 2020

County of Bruce Planning & Development Department
30 Park Street
Walkerton, Ontario
N0G 2V0

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Proposed Minor Variance A-2020-045 (Huber)
721 Yonge St S
Part Lot 19 PLAN 9
Roll No.: 410436000305900
Geographic Town of Walkerton
Municipality of Brockton

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

The purpose of the application is to allow relief from the maximum lot coverage, side yard setback, and maximum height provisions of the Zoning Bylaw to facilitate the new construction of a 10.66 m x 12.19 m detached garage.

Recommendation

SVCA staff find the application acceptable. The subject property does not contain any natural hazard features or other environmental features of interest to SVCA or as per our MOA with the County of Bruce. As such, it is the opinion of SVCA staff that the application is consistent with the Natural Hazard and Natural Heritage Policies of the PPS, 2020 and the Municipality of Brockton Official Plan.



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

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Additionally, the property is not within the SVCA Regulated Area, and is not subject to Ontario Regulation 169/06, or to the policies of SVCA at this time, and as such, permission from the SVCA is not required for development on the property.

Please inform this office of any decision made by the planning approval authority with regards to the application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO\

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)
Dan Gieruszak, Authority Member, SVCA (via email)