



Planning Report

To: Municipality of Brockton Committee of Adjustment

From: Julie Steeper, Planner

Date: March 9, 2021

Re: Minor Variance Application- A-2020-076 (Foerster)

Recommendation:

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

That Committee approve Minor Variance A-2020-076 as attached subject to the conditions on the decision sheet.

Summary:

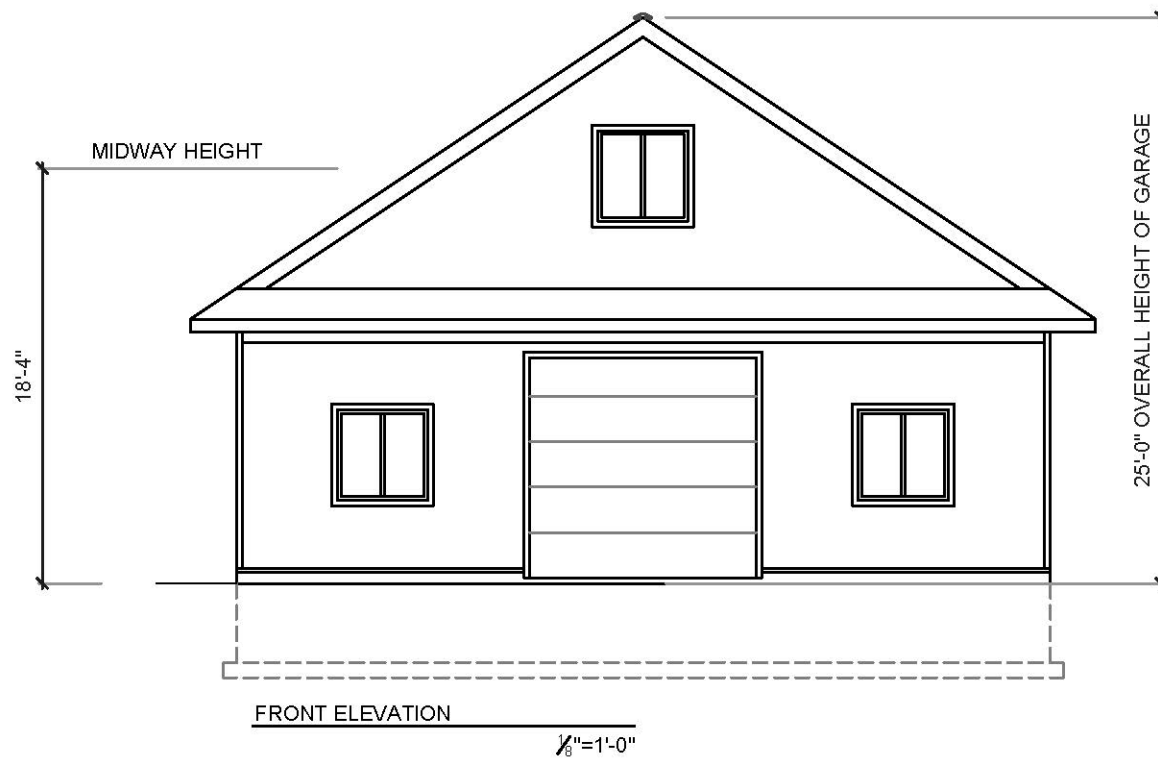
The purpose of the application is to seek relief from the maximum site coverage, the maximum height for accessory buildings, and for a reduced rear yard setback. The proposed site coverage is 11%, whereas the maximum site coverage permitted in the Zoning By-law is 5%. The applicant is requesting to exceed the maximum lot coverage by 6%. The proposed height of the accessory building is 5.6 m, whereas the maximum height in the Zoning By-law is 5 m. The applicant is requesting to exceed the maximum height by 0.6 m. The proposed rear yard setback is 6m, whereas the required rear yard setback in the Zoning By-law is 10 m. The applicant is requesting relief for 4 m. If approved, the application would facilitate the new construction of 11.0 m x 17.1 m garage at 931 Old Durham Road. No driveway access is proposed to the garage.

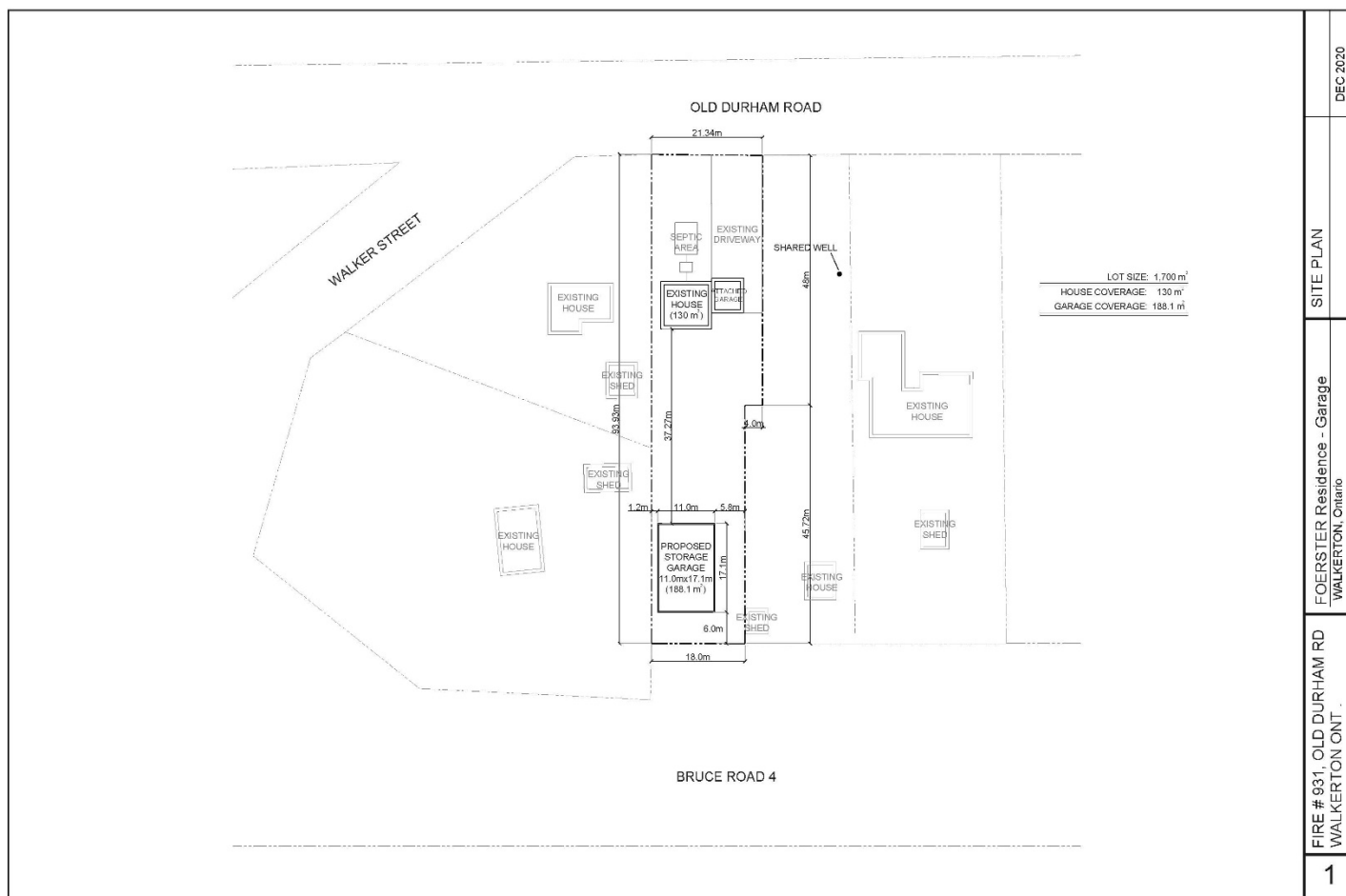
The property is located in the Town of Walkerton and is north of Bruce Road 4 (Durham Street East), south of Old Durham Road, and east of Walker Street. The property is surrounded by residential uses.

Airphoto



Site Plan





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 Plans?

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 11%. 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 5.6 m which is in keeping with the character of the area. The accessory building height is similar in relation to the residence. The variance maintains the intent and purpose of the zoning by-law.

The R1 Zone requires a minimum rear yard setback of 10 m for a lot with no service connections. The proposed rear yard setback is 6 m. One of the main purposes of rear yard setback is to ensure that there is adequate private amenity space provided in the back yard. The proposed 6 m rear yard setback would still fulfil this purpose and is considered adequate. 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 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
- Public Notice

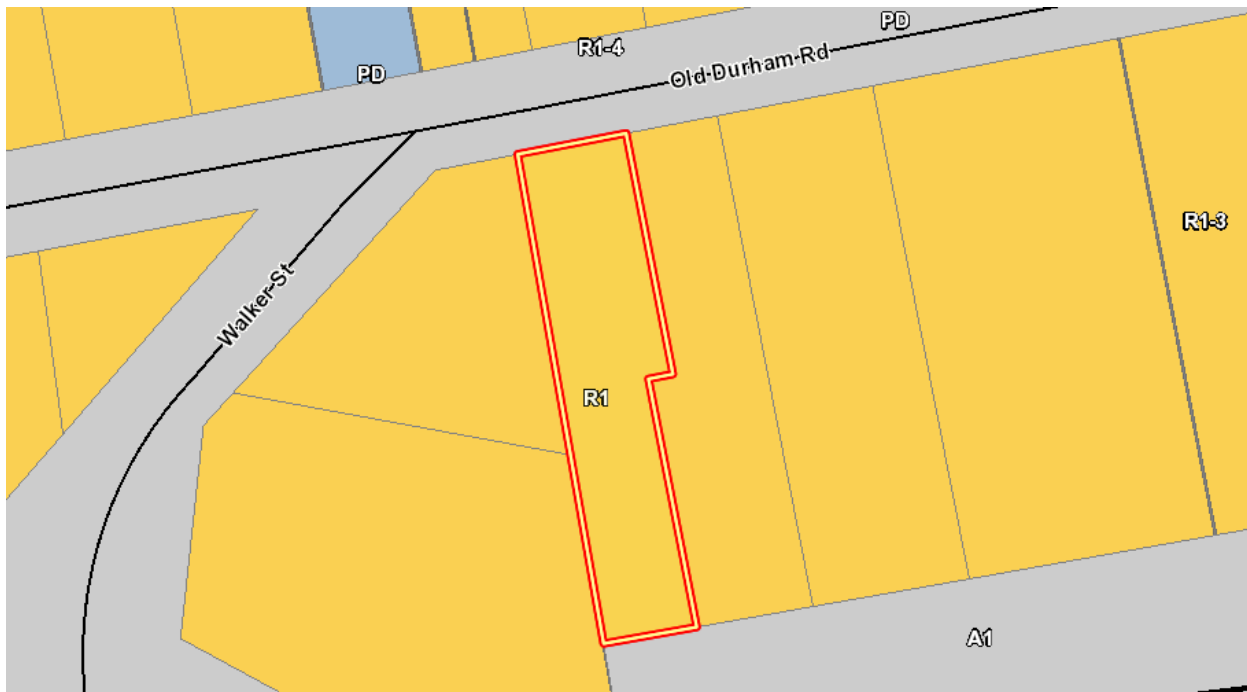
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Residential)



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



Agency Comments

Municipality of Brockton

Chief Building Official: Minor Variance to include clause 3.6.3.1 Location - Residential Zones vi. "In the case of a Through Lot, the rear yard setback requirement of such lot for an accessory building or structure shall be equal to the front yard setback requirement of the principal building." (Zoning Bylaw amendment 2015-039 permits accessory buildings in exterior side yards with 4.3m setback). Lot grading/drainage plan to be provided for review to form part of Building Permit Application, area of note is westerly lot line with proposed 1.2m setback. As no site grading provided, noted rear lot grade slope/bank onto Bruce Rd 4 may require increase from proposed setback or Building Code compliance with foundation requirements "Where the foundations of a building are to be constructed below the level of the footings of an adjacent building and within the angle of repose of the soil, as drawn from the bottom of the footings, the foundations shall be designed by a professional engineer." Accessory Building to be used as per provisions of Zoning Bylaw for Residential Accessory Buildings.

Note: Through review and consultation with the CBO, the applicant has revised the site plan to increase the rear yard setback, but it still requires a variance. The lot grading and drainage plan as well as the setback from the slope will be addressed at the building permit stage.

Bruce County Transportation: 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

February 9, 2021

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-2020-076 (Foerster)
931 Old Durham Road
Part Lot 32 Concession 1 SDR, Part 1 Plan 3R5050
Roll No.: 410434000202905
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 site coverage for accessory buildings and for the maximum height for accessory buildings. The proposed site coverage is 11%, whereas the maximum site coverage permitted in the Zoning By-law is 5%. The applicant is requesting to exceed the maximum lot coverage by 6%. The proposed height of the accessory building is 5.6 m, whereas the maximum height in the Zoning By-law is 5 m. The applicant is requesting to exceed the maximum height by 0.6 m. If approved, the application would facilitate the new construction of 11.0 m x 17.1 m garage. No driveway access is proposed to the 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



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

County of Bruce Planning & Development Department
Proposed Minor Variance A-2020-076 (Foerster)
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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.

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)



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



February 5, 2021

File Number: A-2020-076

Public Hearing Notice

**You're invited to participate in an Online Public Hearing
Tuesday, March 9, 2021 at 6:30 pm**

As a result of the COVID-19 Pandemic, the Municipality of Brockton council meetings are being held in electronic format. For information on how to participate in the public hearing, please refer to the following page or visit the municipal website at:

<https://www.brockton.ca/en/our-services/Current-Council-Meeting-Agenda.aspx>.

Please contact the Municipality of Brockton at fhamilton@brockton.ca or 519 881 2223 ext 124 if you have any questions regarding how to participate in the meeting.

A change is proposed in your neighbourhood: The purpose of the application is to allow relief from the maximum site coverage for accessory buildings and for the maximum height for accessory buildings. The proposed site coverage is 11%, whereas the maximum site coverage permitted in the Zoning By-law is 5%. The applicant is requesting to exceed the maximum lot coverage by 6%. The proposed height of the accessory building is 5.6 m, whereas the maximum height in the Zoning By-law is 5 m. The applicant is requesting to exceed the maximum height by 0.6 m. If approved, the application would facilitate the new construction of 11.0 m x 17.1 m garage. No driveway access is proposed to the garage.



931 Old Durham Rd
CON 1 SDR PT LOT 32
RP;3R5050 PART 1 (Brant)
Municipality of Brockton
Roll Number 410434000202905

COVID-19 Notice: All Bruce County and Municipal offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

Learn more

You can view more information about the application at <https://brucecounty.on.ca/living/land-use>. Our staff would be pleased to connect with you by email (bcplwa@brucecounty.on.ca) or phone (226-909-5515). Once our offices re-open, information about the application will be available in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Julie Steeper

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda.

1. Please contact us by email bcplwa@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.
2. You can participate in the public hearing.

To participate in the Public Hearing

Click the link below to join the webinar:

<https://us02web.zoom.us/j/83095469219?pwd=MDUvUzII SDB3K2Vvbi9qQUVzNTdRQT09>

Passcode: 612995

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

Canada: +1 438 809 7799 or +1 587 328 1099 or +1 647 374 4685 or +1 647 558 0588 or +1 778 907 2071 or +1 204 272 7920

Webinar ID: 830 9546 9219

Passcode: 612995

International numbers available: <https://us02web.zoom.us/j/83095469219?pwd=MDUvUzII SDB3K2Vvbi9qQUVzNTdRQT09>

Stay in the loop

If you'd like to be notified of the decision of the Committee of Adjustment on the proposed application(s), you must make a written request to the Bruce County Planning Department on behalf of the Secretary-Treasurer for the Committee of Adjustment.

COVID-19 Notice: All Bruce County and Municipal offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

Know your rights

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the Local Planning Appeal Tribunal Act, 2017 as payable on an appeal from a committee of adjustment to the Tribunal, in accordance with Section 45(12) of the Planning Act

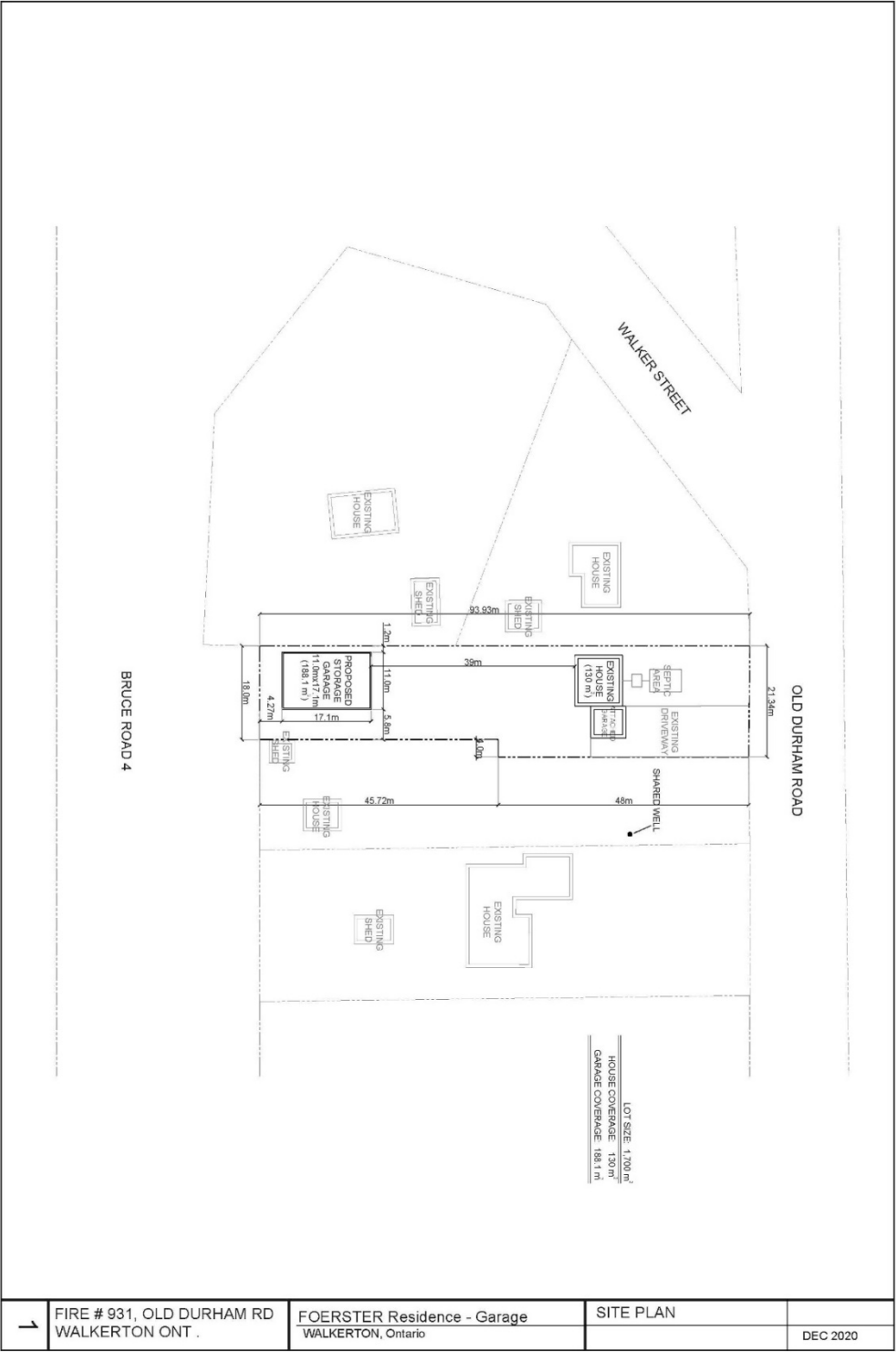
For more information please visit the Local Planning Appeal Tribunal website at <https://elto.gov.on.ca/tribunals/lpat>.

Elevation



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Site plan



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