

Decision of the Committee of Adjustment With Reasons

(Section 45(1), Planning Act, 1990)

Municipality	Municipality of Brockton
File Number	A-2020-076
Related File(s)	None
Date of Hearing	March 9, 2021
Owner / Applicant / Agent	Luke Foerster & Jessica Wilhelm
Legal Description	CON 1 SDR PT LOT 32 RP;3R5050 PART 1 (Brant) Municipality of Brockton,
Municipal Address	931 Old Durham Rd
Purpose of Application	An increase of the maximum lot coverage, and height, for accessory buildings and structures. A decrease of the required rear yard setback.
Variances Granted	<div><div>1.</div><div>An increase of the maximum lot coverage for accessory buildings and structures. The proposed site coverage is 11% and the maximum site coverage permitted in the zoning by-law is 5%. The Applicant is requesting to exceed the maximum lot coverage by 6%.</div></div> <div><div>2.</div><div>An increase of the maximum height for accessory buildings and structures. The proposed height is 5.6 m and the height permitted in the zoning by-law is 5 m. The applicant is requesting to exceed the maximum height by 0.6 m.</div></div> <div><div>3.</div><div>A decrease of the required rear yard setback for accessory buildings and structures. The proposed rear yard setback is 6 m and the required rear yard setback in the zoning by-law is 10 m. The applicant is requesting relief for 4 m.</div></div>
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 total lot coverage for the accessory building shall be no greater than 11%;
4.

That the total height for the accessory building shall be no greater than 5.6 m;
5.

That the rear yard setback for the accessory building shall be no less than 6 m.

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.

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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 **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-2020-076 Foerster

We, the **undersigned, concur in the Decision and reasons** given for the Decision of the Committee of Adjustment for the Municipality on March 9, 2021

Signature	Title & Name	Absent	Present
<hr/>	Committee Member, (Kym Hutcheon)	()	()
<hr/>	Committee Member, (Dan Gieruszak)	()	()
<hr/>	Committee Member, (Steve Adams)	()	()
<hr/>	Committee Member, (James Lang)	()	()
<hr/>	Committee Chair, (Dean Leifso)	()	()
<hr/>	Committee Member (Tim Elphick)	()	()
<hr/>	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 **March 9, 2021**.

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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 **March 29, 2021**.
See appeal information on reverse of this form.

Notice That No Appeals Have Been Received

When signed, this certifies that no appeals have been received

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Date	Secretary-Treasurer

Appeal Information

Not later than 20 days from the Date of Decision, the applicant, the Minister or any other person or public body who has an interest in the matter may appeal to the Local Planning Appeal Tribunal (LPAT) against the decision of the Committee. If no notice of appeal is given within 20 days, the decision of the Committee is final and binding.

Anyone wishing to appeal the decision is required to submit a notice of appeal (in accordance with the LPAT guidelines and Appellant Form A1, available at <https://olt.gov.on.ca/tribunals/lpat/about-lpat/>) setting out the objection to the decision and the reasons in support of the objection.

Appeals must include a certified cheque or money order for the appropriate amount, payable to the Minister of Finance.

Appeals are filed with the **Secretary-Treasurer of the Committee** at:

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.

For more information about this application **phone 226-909-5515**, from 8:30 a.m. to 4:30 p.m. Monday to Friday; or visit on-line at **www.brucecounty.on.ca** under 'Living Here', 'Housing and Property', 'Land Use Planning' by Municipality and File Number; or e-mail **bcplwa@brucecounty.on.ca**

Schedule 'A'

