



## Planning Report

To: Municipality of Brockton Committee of Adjustment

From: Julie Steeper, Planner

Date: April 13, 2021

Re: Minor Variance Application- A-2020-077 (Lair)

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### Recommendation:

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

That Committee approve Minor Variance A-2020-077 as attached subject to the conditions on the decision sheet.

### Summary:

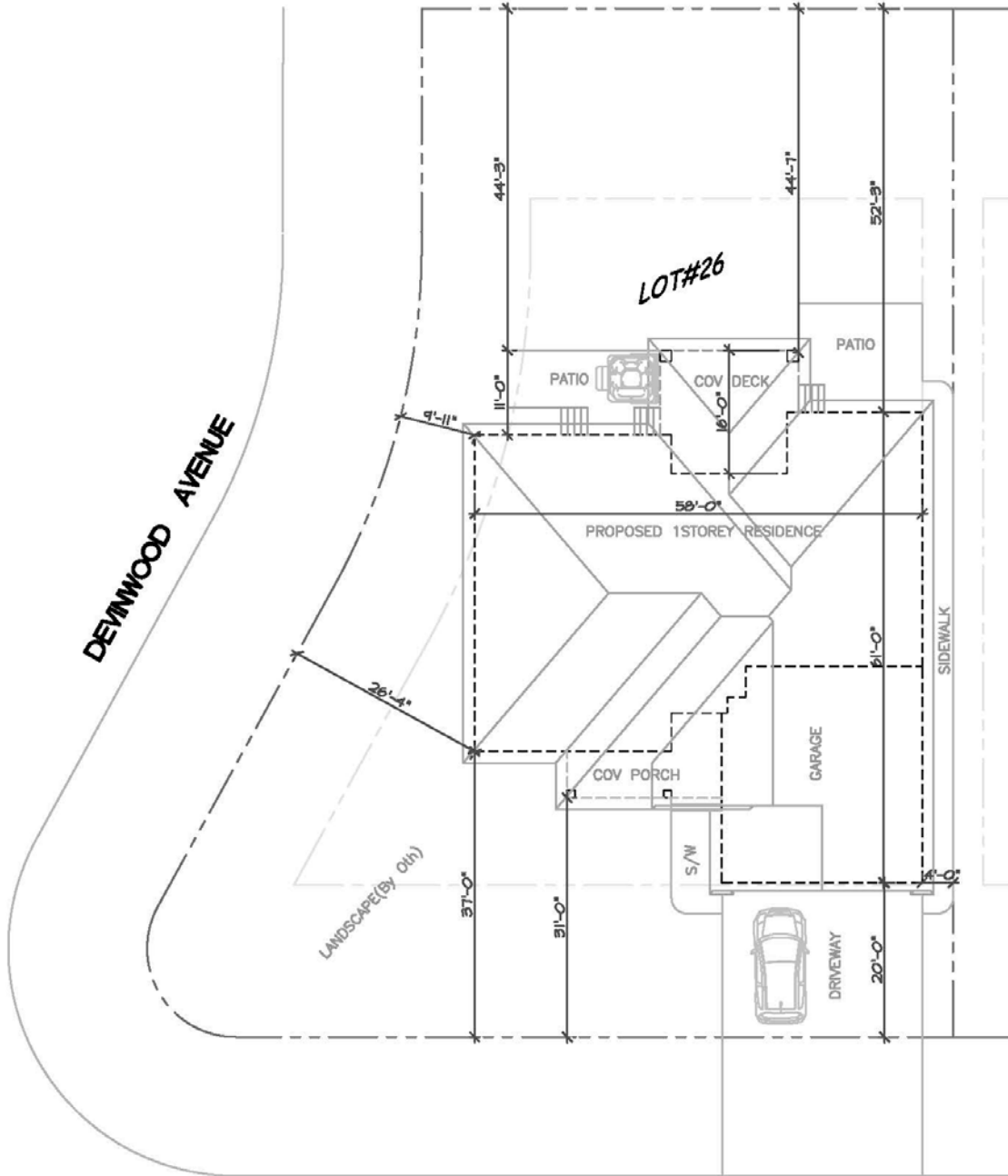
The purpose of the application is to allow relief from the exterior side yard setback. The proposed distance is 3.02 m, whereas the required side yard setback in the Zoning By-law is 4.3 m. The applicant is requesting relief for 1.28 m. If approved, the application would facilitate the new construction of a single detached dwelling at 223 Irishwood Lane.

The property is located within the Town of Walkerton, and is south of Bruce Road 2, and west of Yonge Street South. The area is under development and will be surrounded by residential uses.

### Airphoto



Site Plan



**IRISHWOOD LANE**

NOTE: THIS DRAWING IS NOT A PLAN OF SURVEY & SHALL ONLY BE USED TO APPROXIMATELY LOCATE HOUSE - CONFORM TO MASTER DRAINAGE PLAN FOR GRADING & SERVICE HOOKUPS as/COBIDE ENGINEERING INC.

**LOT/SITE PLAN**

Gross Area = 1260sqft(Site)/2271sqft(Res)  
 Lot Coverage = 28.98(40%max)

Building Lot Setbacks(Min)  
 Front Yard = 14.60(4.5m)  
 Rear Yard = 24.60(7.5m)  
 Int Side Yard = 9.93(3.0m)  
 Ext Side Yard = 14.11(4.3m)

0 15 30 60 100  
 SCALE: 1 Inch = 15 Feet



## 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 single detached dwelling is a 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 R1 Zone requires a minimum exterior side yard setback of 4.3 m. The proposed exterior side yard setback is 3.02 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. The lot is an irregular shape and is narrower to the rear and widens towards the front of the lot. The variance is required for the south rear back corner of the house and the applicant has designed the house in manner that is parallel to north side property line, while limiting the encroachment into the required southern setback. 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 single detached dwelling that meets their current needs. The variance represents an appropriate form of development for the use of the land.

#### Is the application minor in nature?

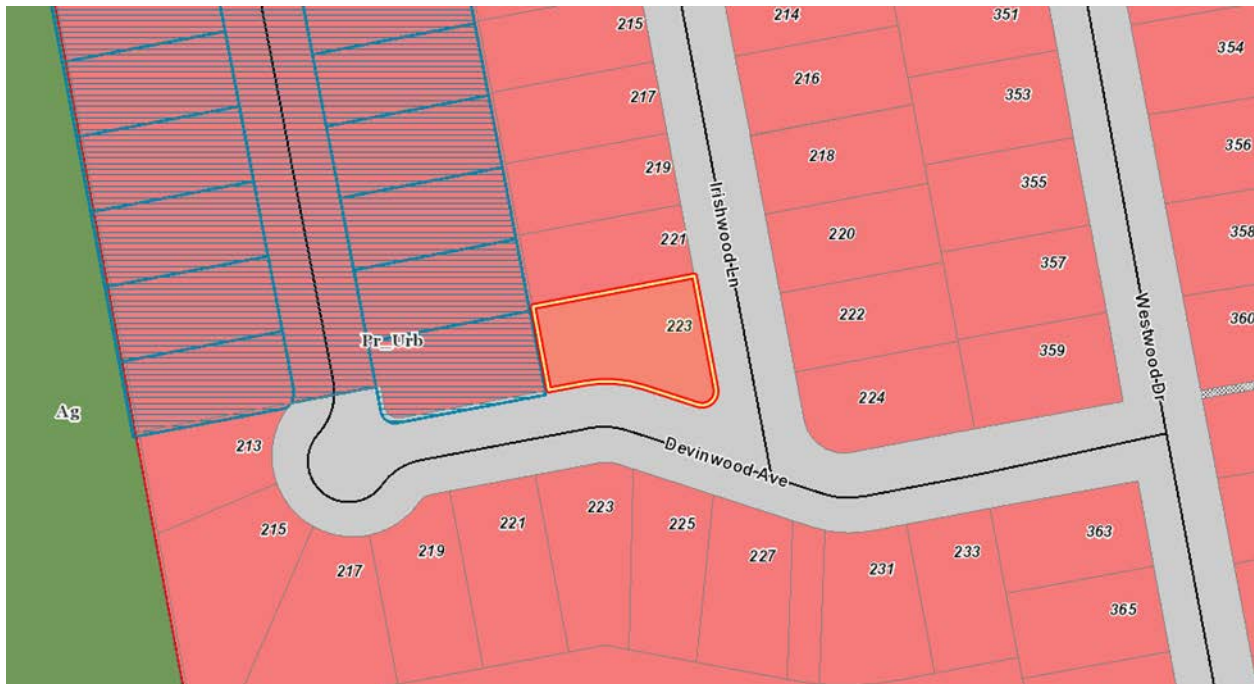
Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. It is not expected that permitting the variance will have any impact on the character of the area or impact the ability of adjacent property owners to use their property for permitted uses. The construction of a single

detached dwelling is in keeping with other similar lots in the neighbourhood. The variance is 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)

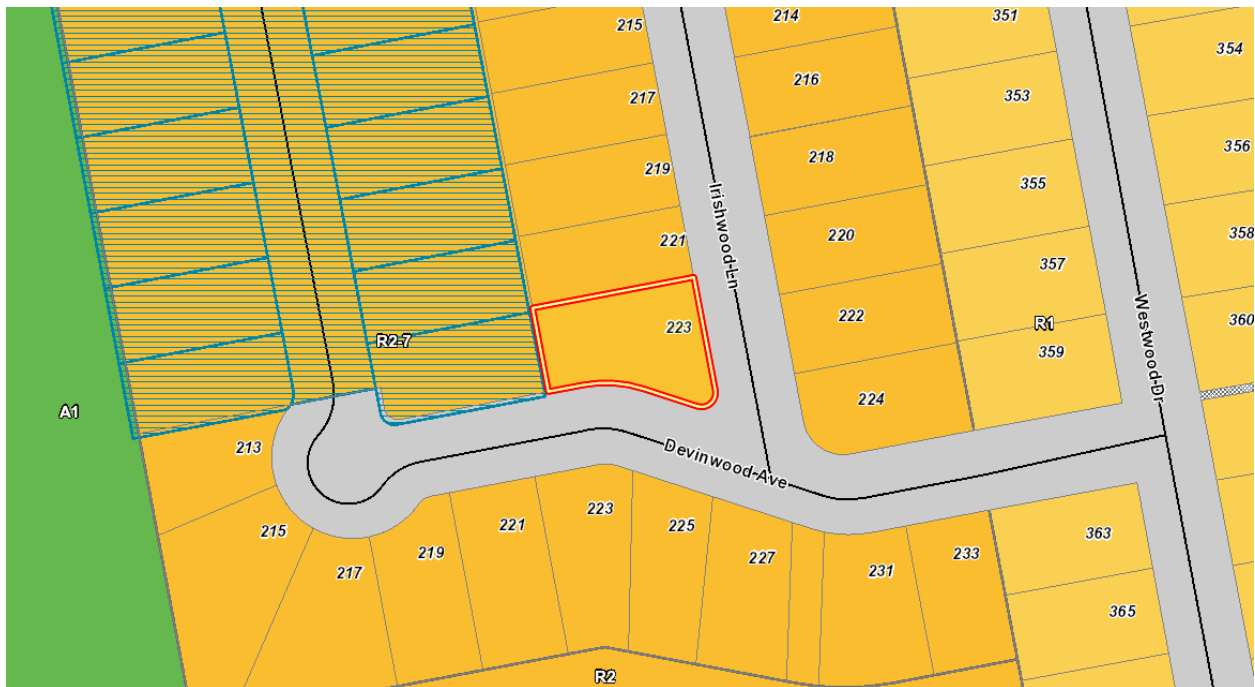




### Local Official Plan Map (Designated Residential)



### Local Zoning Map (Zoned Low Density Residential Multiple Special 'R2-7')



## Agency Comments

Municipality of Brockton: Our Building Inspector commented that Brockton's Zoning By-Law allows eaves to encroach into required setbacks but no closer than 1m to the property line. This is not shown if it complies on North property line. The Ontario Building Code requires Building Faces with glazed openings to be set back from property lines to maintain fire safety. The proposed setback on the North property line is 4 feet (1.2m). The Ontario Building Code permits 7-8 % openings depending on area of the exposed building face. With the variance, no relief will be allowed to move proposed building and will require reduction in windows or protected openings.

Note: These comments will be addressed at the building permit stage.

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 (bcplwa@brucecounty.on.ca)

April 6, 2021

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

ATTENTION: Candace Hamm, Applications Technician

Dear Mrs. Hamm,

RE: Application for Minor Variance: A-2020-077  
223 Irishwood Lane  
Roll No.: 410434000111029  
Plan 3M249, Lot 26  
Geographic Township of Brant  
Municipality of Brockton

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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 exterior side yard setback. The proposed distance is 3.02 m, whereas the required side yard setback in the Zoning By-law is 4.3 m. The applicant is requesting relief for 1.28 m. If approved, the application would facilitate the new construction of a single detached dwelling.

Staff have received and reviewed the following documents submitted with this application:

- 1) Request for Agency Comments (March 18, 2021), and associated application (March 17, 2021).

### **Recommendation**

SVCA staff find the application acceptable. The subject property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes 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 County of Bruce 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

County of Bruce Planning & Development Department  
Proposed Minor Variance A-2020-039  
October 6, 2020  
Page 2 of 2

Additionally, the property 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.

Please inform this office of any decision made by County/Municipality 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,

A handwritten signature in cursive script that reads "Brandi Walter". The signature is written in black ink on a light-colored background.

Brandi Walter  
Environmental Planning Coordinator  
Saugeen Conservation

BW\

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



March 18, 2021

File Number: A-2020-077

## Public Hearing Notice

**You're invited to participate in an Online Public Hearing  
Tuesday, April 13, 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](mailto: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 exterior side yard setback. The proposed distance is 3.02 m, whereas the required side yard setback in the Zoning By-law is 4.3 m. The applicant is requesting relief for 1.28 m. If approved, the application would facilitate the new construction of a single detached dwelling.



223 IRISHWOOD LN  
PLAN 3M249 LOT 26  
(Brant)  
Municipality of Brockton  
Roll Number  
410434000111029

**COVID-19 Notice: Bruce County Planning 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](mailto: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](mailto: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/87546906619?pwd=MFFTYWVmb2UySWN5Z0d3YTBHL3ozZz09>  
Passcode: 372960

Or Telephone:

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

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

Webinar ID: 875 4690 6619

Passcode: 372960

International numbers available: <https://us02web.zoom.us/u/kdJzNkUDyz>

## 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.

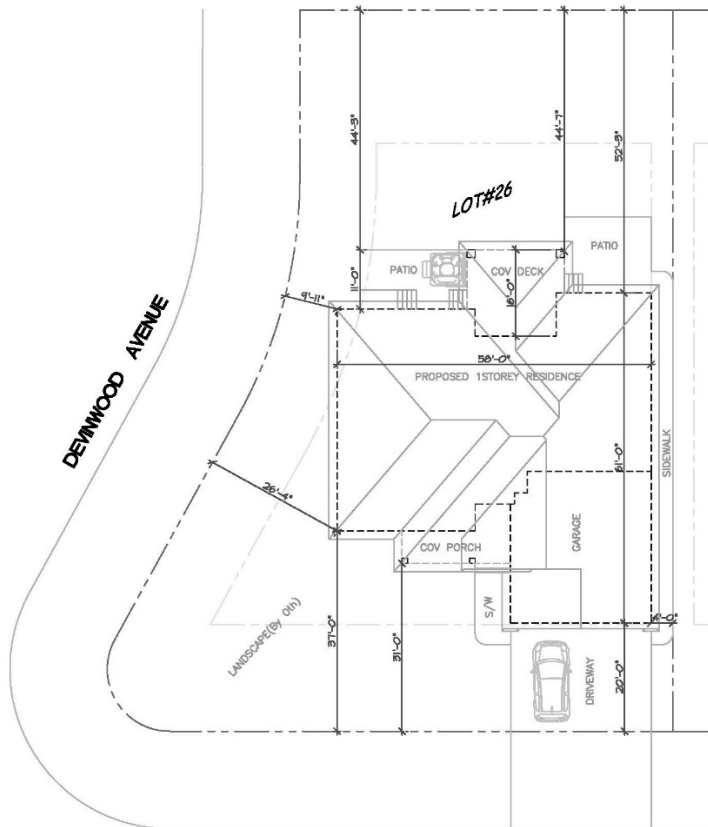
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# Know your rights

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://olt.gov.on.ca/tribunals/lpat/about-lpat/>.

# Site plan



**FISHWOOD LANE**  
 NOTE: THIS DRAWING IS NOT A PLAN OF SURVEY & SHALL ONLY BE USED TO APPROXIMATELY LOCATE HOUSING CONFORM TO MASTER DRAINAGE PLAN FOR GRADING & SERVICE HOODS (if/possible) ENGINEERING INC.  
**LOT SITE PLAN**  
 Gross Area = 1260sqft(15.8m) / 2277sqft(26.5m)  
 Lot Coverage = 25.98% (42.8m)  
 Building Lot Setback (ft/m)  
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0 15 30 60 100  
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PROJECT NORTH

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