



City of Brockville Committee of Adjustment Agenda

3:00 PM - Wednesday, June 28, 2023
City Hall

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Chair's Remarks

"The Council for the City of Brockville, under by-law, has appointed us as members of the Committee of Adjustment. Our responsibilities are outlined in detail in the Planning Act and include the processing of applications for minor variances to certain by-laws, consideration of changes or extensions to non-conforming uses and the processing of consent applications where a minor variance is required prior to a consent being approved. Further information, if required, may be obtained from the Planning Department.

Anyone who wishes to speak at today's hearing is asked to direct their comments through the Chair, stating your full name and address for the record.

Anyone present, other than the applicant, who wishes to receive a copy of the decision of the Committee on any of the submissions being heard, must submit a written request with the Secretary-Treasurer for such notice. In order to be kept advised of any possible Ontario Land Tribunal hearing, one must request in writing and be sent a copy of the Committee's decision on any particular application.

Any minor variance decision made by the Committee at today's meeting will become final 20 days after the date of making of the Decision, provided no appeals are lodged. In the case of a consent, the appeal period is 20 days after the date of the Notice of Decision."

Disclosure of Interest

Public Meeting

- 3 - 11 1. 2023-112
 100 Strowger Boulevard – A11/23
 *THAT the minor variance request to remove the requirement to
 provide screening for the proposed outside storage areas
 established in decision A02/23, **be denied.***

Approval of the Minutes

*THAT the minutes of the Committee of Adjustment meeting dated
24 May 2023 be adopted as circulated.*

Adjournment

*THAT the Committee of Adjustment meeting be adjourned until its
next scheduled meeting.*

Hugh Bates, Chair

Dayna Golledge, Secretary/Treasurer



Staff Report

Report To: Committee of Adjustment
Meeting Date: June 28, 2023
Prepared By: Colin Herrewynen, Planner
Report Number: 2023-112
Subject: 100 Strowger Boulevard – A11/23

Recommendation

THAT the minor variance request to remove the requirement to provide screening for the proposed outside storage areas established in decision A02/23, **be denied.**

Background

Eastern Engineering Group Inc, acting on behalf of the property owner, 100 Strowger Holding Inc, has submitted an application for minor variance for lands described as Part of Blocks 53 and 54, Block 64, Plan 67, and Part Park Lot A, and Part lot 14, plan 4, being Parts 1 and 2 on 28R-2984 and Parts 1 and 2 on 28R-6195, municipally known as 100 Strowger Boulevard.

The application is requesting the following variance to facilitate the addition of a security-type (standard chain link fence) around the proposed outside storage areas:

- To remove the requirement to provide screening for the proposed outside storage areas (Section 3.33 b) iv) in the front yard that abuts Central Avenue West at the north end of the property and Hubbell St at the south end of the property.

The property is subject to a previous Minor Variance, Application A02/23. A condition of application A02/23 was that a Privacy fence be constructed to conceal the outside storage areas from public view.

When considering this application, the Committee must consider the four tests as outlined in Section 45(1) of the Ontario Planning Act, which states that a variance from the zoning by-law should:

- be minor;
- be desirable for the appropriate development or use of the land, building or structure;
- maintain the general intent and purpose of the Zoning By-law; and
- maintain the general intent and purpose of the Official Plan.

The application must meet all the above tests.

Analysis

Dimensions/Description of Site

Lot Area:	20.1 ha
Average Lot Depth:	453 m
Lot Frontage:	361 m
(all dimensions are approximate)	

A site inspection was conducted by Staff on 20th of June 2023. The property currently contains a large industrial complex consisting of various accessory structures and outside parking areas along Central Avenue West, Strowger Boulevard, and Hubbell Street. Attachment 1 to this report is the proposed outside storage areas, parking areas, and fencing locations. Photos of the subject site are Attachment 2 to this report.

Provincial Policy Statement

The Provincial Policy Statement 2020 (PPS) issued under Section 3 of the Planning Act provides policy direction on matters of Provincial interest related to land use planning and development. Section 3 of the Planning Act further directs that Council decisions affecting planning matters "shall be consistent with" the Provincial Policy Statement. Part V of the PPS sets out various policies which describe the areas of Provincial interest. Not all policies in the PPS are relevant to the planning matter under consideration, and thus, only those relevant portions will be referenced below. From a review of the PPS, there are some relevant statements/policies under Part V, Section 1 "*Building Strong Communities*". The preamble in this section is a general statement which reads as follows:

"Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, livable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth."

This general statement is followed by more specific policies, including references which are of relevance to this application:

Section 1.1.1 speaks to healthy, livable, and safe communities which are to be sustained by, among other elements, accommodating an appropriate range and mix of residential units, a mix of employment and commercial uses, and promoting efficient development, by accommodating a mix of land uses to meet long-term needs, and promoting cost effective development standards to minimize land consumption and servicing costs.

Section 1.3.2.1 states regarding Employment Areas that Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.

Official Plan Designation

The land use designation is "Employment Area", subject to "Significant Woodlands" policies, "CRCA Screening Area" policies, and "Source Water Protection" considerations, as identified in the City of Brockville Official Plan.

The Official Plan's goals are to create a sustainable City in terms of health and vitality, that is economically viable and diverse, has high quality municipal services and amenities, and is well planned.

Section 2.4 B of the Official Plan states that an objective is to encourage a mix of compatible land uses at appropriate locations as well as to land use patterns meet the needs of a range of citizens.

Section 4.7.1 states that the Employment Area is intended to accommodate industrial, manufacturing, logistics and related uses that require separation from sensitive land uses. Existing employment areas include the Broome Business Park, and the Western Industrial Park, which have excellent access to Highway 401, as well as lands along the CN and CP rail lines. The intent of the Employment Areas are to ensure that there are sufficient lands to accommodate a full range of employment uses while ensuring land use conflicts are minimized and separation distances are adhered to.

The Official Plan policies do not specifically address Outside Storage requirements and directs attention to the Zoning By-law.

Zoning

"E2-3 – General Employment Zone", subject to "CRCA Screening Area" policies and "Source Water Protection" considerations, per Zoning By-Law 050-2014, as amended.

Within the "E2-3 – General Employment Zone", the following provisions apply:

- The uses permitted in the E2-3 Zone shall be those uses permitted in the E2 Zone with the addition of a Health Club, Clinic and Place of Worship.
- A Place of Worship shall have a maximum floor area of 929.0 m² and along with a Clinic, be located within the existing building only.
- Within the E2 Zone, outside storage is permitted, subject to Section 3.33 of the General provisions, Outside storage.

Section 3.33 b i) states that outside storage shall only be permitted in the rear or interior side yards.

Section 3.48 a) states that where a lot which is not a corner lot has frontage on more than one street, the front yard requirements contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located.

Section 3.33 b) iv) states that Outside storage shall be concealed from view from any public street by a planting strip, fence or wall. The planting strip, where provided, shall be in accordance with the provisions of Subsection 3.35. A wall or fence, where provided, shall be opaque and have a minimum height of 1.8 metres and in accordance with the provisions of Subsection 3.16.

Minor Variance A2/23 that was previously approved by the Committee of Adjustment approved a request for outside storage to be permitted in the front yard area along Central Avenue West and Hubbell Street subject to 3 conditions:

1. THAT a permit be obtained from the Cataraqui Conservation Authority for the outside storage area within 30m of the watercourse, and;
2. THAT, a privacy fence to conceal the outside storage areas from public view be constructed before the outside storage areas are used, and;
3. THAT, a minor change of Site Plan be applied for and processed to reflect the proposed changes on site.

At the time of this report submission, Conditions #1 and #3 have been fulfilled.

Circulation/Notice of Public Hearing

The Notice of a Virtual Public Hearing for the application was published in the Recorder & Times Newspaper on 9 June 2023, as well as being circulated by First Class mail to all assessed owners of land within 60.0 metres of the subject property, and to various agencies and municipal departments.

The notices were sent in accordance with the requirements of the Planning Act and Regulations thereto.

Comments Received:

1. City of Brockville Building Division
 - Advised of no concern.
2. City of Brockville Clerks Department
 - Advised of no concern.
3. CN Rail Proximity
 - Advised that CN does not have any comments concerning the application since it relates to an existing non-sensitive use.

4. Cataraqui Region Conservation Authority

- CRCA has reviewed minor variance application A11/23 and based on our consideration of natural hazards staff have no objection to the approval of the application. As previously noted in our comments for A02/23, any development that falls within 30 metres of the watercourse will require permit approval under Ontario Regulation 148/06.

5. City of Brockville Engineering Department

- Advised of no comments.

6. Ministry of Transportation

- Advised the location is outside of their area of control, and therefore have no comments.

7. City of Brockville Police

- Advised of no comment.

Regarding the circulation for the previous Minor Variance application, A02/23, a phone call was received from a member of the public expressing concerns regarding the proposed outdoor storage area including what will be stored outside and impacts to traffic in the area.

No public comments were received regarding the circulation of application A11/23 at the time of published report.

Planning Department Comments

The subject property is much larger than the surrounding properties, it is similar in use and grading of surrounding lots within close proximity along Central Avenue West. There are residential and open space uses located along Strowger Boulevard.

The applicant has ensured, and confirmed by staff, that enough parking will still be provided on the property, as per requirements of Zoning Bylaw 050-2014.

Through the circulation of the previous Minor Variance application, A02/23 and due to the receipt of public concerns about the proposed outside storage areas in the front yard, a condition to provide the privacy fence to conceal the outside storage area from view was included in the recommendation for approval by staff.

Without the mentioned privacy fence condition, Minor Variance application A02/23 would not have been supportable by staff.

Outside storage areas, as outlined in Section 3.33 b i), are required to be located in the rear or interior side yards only. The intent of this requirement is to ensure that the areas are not in the public view.

With the requirement of Section 3.33 b) iv) and condition to conceal the outside storage area with a privacy fence, the intention of this bylaw provision was maintained.

Without the privacy fence to conceal the outside storage area from view, the bylaw provision is not maintained and is not supportable.

Section 1.3.2.1 of the Provincial Policy Statement outlines that for Employment Areas, mitigation from sensitive land uses shall be provided.

Section 4.7.1 of the Official Plan outlines that Employment Areas are intended to accommodate industrial and related uses that require separation from sensitive land uses.

Taking into account the 4 tests of minor variance, a variance from the zoning by-law should:

be minor;
be desirable for the appropriate development or use of the land, building or structure;
maintain the general intent and purpose of the Zoning By-law; and
maintain the general intent and purpose of the Official Plan.

The proposed variance is minor since it is only requesting relief from the requirement to provide a privacy fence and conceal the outside storage area from view from the public street.

The proposed variance is not desirable for the development of the land. A complaint was received from a member of the public relaying concern about the initial addition of an outside storage area located in the front yard. In close proximity to the property there are City Parks designated as open space and residentially designated Neighbourhood Areas which are considered sensitive.

The proposed variance does not maintain the general intent and purpose of the Zoning By-law since the removal of the requirement of the privacy fence and the proposal for a security type fence will leave the outside storage area in clear view from the public street.

The proposed variance does not maintain the general intent of the Official Plan. Section 4.7.1 of the Official Plan outlines that Employment Areas are intended to accommodate industrial and related uses that require separation from sensitive land uses. The addition of a privacy fence would help support the separation of the outside storage area.

Financial Implications

Any and all costs associated with the property is the responsibility of the owner.

Conclusion

The proposed variance requested does not satisfy the four (4) tests of the Planning Act. It is staffs recommendation that the application be denied.

Approved by:

Colin Herrewynen, Planner

Andrew McGinnis, Chief Planning Officer

Status:

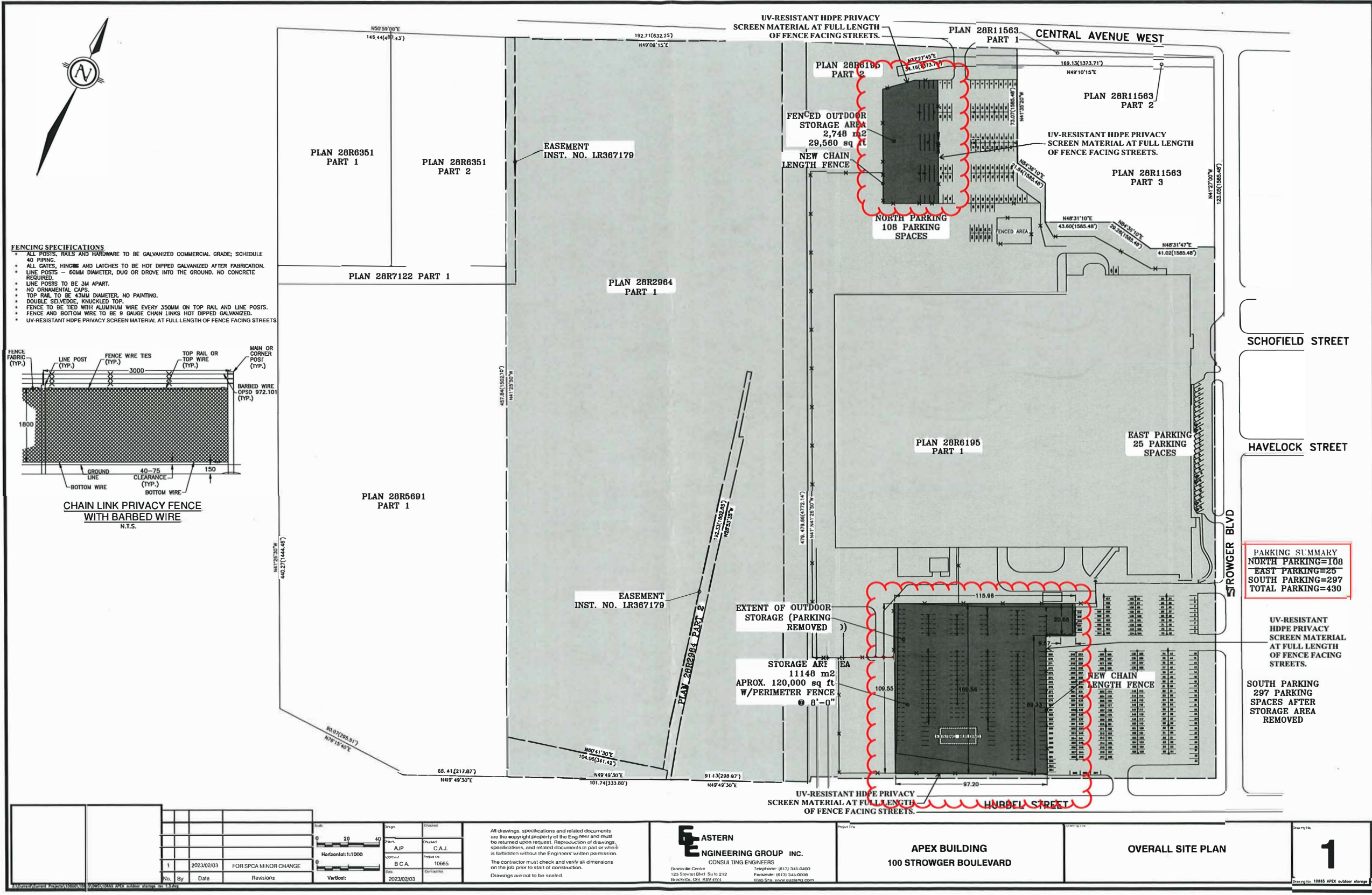
Approved - 23 Jun 2023

Approved - 23 Jun 2023

Attachments:

[Attachment 1](#)

[Attachment 2](#)



Attachment 2

