



City of Brockville Committee of Adjustment Minutes

3:00 PM - Wednesday, September 28, 2022

Virtual Meeting

The Committee of Adjustment meeting was called to order on Wednesday, September 28, 2022, at 3:00 PM, in the Virtual Meeting, with the following present:

Members

Committee Chair Hugh A Bates

Present:

Committee Member Dave Cody

Committee Member Shelbi McFarlane

Regrets:

Staff:

Andrew McGinnis, Chief Planning Officer

Dayna Golledge, Administrative Coordinator - Planning/COA
Secretary-Treasurer

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

Nil.

Public Meeting

1. 2022-187
6 Osment Street – Shipping Container Location - A07/22

The Planner provided a brief overview of the application and noted that the meeting was initially scheduled for August 24, 2022; however, due to technical difficulties, the meeting had to be rescheduled to September 28, 2022.

He clarified that the notice had been circulated a second time to internal and external agencies as well as neighbours within 60 metres of the property and that comments are within the report. The Planner confirmed that there were no concerns received by internal departments. The Building Division noted that a building permit will be required prior to placement and the Engineering Department stated no concerns as long as the sea cans are positioned not to affect drainage. CN Rail also noted no concerns as long as no alterations are made to site drainage. Several concerns were raised by neighbours and 1 (one) petition signed by fourteen residents along Sophia Street was received in opposition of the application.

Planning Staff recommended that the application be granted subject to conditions based on the request for six (6) sea cans to be located on the property and only one (1) placed in the front yard and within the 3.0 m setback of the rail corridor. The Planner noted that the property is permitted to have storage within the C2 Zone.

The Chair asked if the applicant would like to speak on behalf of the application.

G. LeGoueff, applicant, clarified that the sea cans will be used for self storage, similar to the current use. He confirmed that debris and clutter will not be an issue on the property as they take pride in a well-maintained business.

G. Best of 9 Pine Street, Brockville, spoke on behalf of clients C. Moore and R. Moore of 51 Sophia Street, Brockville who object to the application. He noted concerns about the impact of the sea cans on the whole community and that the residents of Sophia Street have recently completed upgrades on their properties. G. Best acknowledged that the property is kept very clean

at the moment. He also noted concerns about affecting the line of sight. He requested that the application be denied.

Member McFarlane asked if the current hedge on the site will remain or be removed. The applicant responded that the intent is to keep the hedge which acts as a good buffer.

D. Morden of 34 Sophia Street, Brockville, expressed concerns about the application, specifically around who will monitor the contents of the containers for chemicals, etc., as well as the obligation as citizens to protect the occupants of the Brockville General Hospital and Commonwealth Public School. He also voiced concerns around the height of the fence that will be required to screen the sea cans.

The Planner replied that the applicant will have to conform to Ontario Fire and Building codes. If the application is successful, a building permit will have to be applied for and will be reviewed to ensure that it meets applicable requirements. He also confirmed that fences can be built higher in commercial zones compared to residential zones.

The Chair asked the applicant what height he is proposing to construct the privacy fence. The applicant clarified that the height will be seven (7) feet high which is within the 2.5 m allowance.

Member Cody noted that the applicant is only requesting six (6) cans be permitted at this time. Any request for more sea cans would have to come back to the Committee at a later meeting.

Member Cody addressed the concerns around the contents of the containers and asked the applicant to confirm. G. LeGoueff confirmed that there will be written agreements in place for clients similar to what is currently used. He noted that in the agreement there is a section that notes that no fuels or explosives can be stored on site.

There were no further comments from the public or the Committee.

Moved by: Member McFarlane

THAT a maximum of 6 sea cans be permitted to be added to the property, with 1 sea can (or accessory structure) be permitted in the front yard, and relief be provided from the required 30m setback from the rail corridor for the proposed location of one sea can (or accessory structure), as outlined on

the site plan drawing in Attachment 1 to this report, **be granted subject to the following conditions:**

1. THAT, a privacy fence equivalent to the height of the sea cans be installed along the front property line abutting Osment Street so the sea cans will be out of the line of sight from the neighbouring properties to the satisfaction of City Planning Staff;
2. That the vegetation buffer along the northern property line that abuts the residential properties along Sophia Street be maintained so adequate screening is provided or a privacy fence equivalent to the height of the sea cans be constructed if the vegetation buffer is removed; and
3. That the sea cans have a maximum length of 12.5m each.

Seconded by: Member Cody

CARRIED

2. 2022-188
34 Adley Drive – Interior Side Yard Setback - A08/22

The Planner provided a brief overview of the application and noted that the meeting was initially scheduled for August 24, 2022; however, due to technical difficulties, the meeting had to be rescheduled to September 28, 2022.

The Planner mentioned that the staff recommendation was revised based on new correspondence with CN Rail regarding noise and vibration concerns. Staff advised the applicant that they are still waiting to hear back from CN regarding their concerns.

Member Cody confirmed that the reduction to the side yard was from 1.2m to 0.9m only and the Planner confirmed.

Moved by: Member Cody

THAT a reduction to the minimum interior side yard setback, from the required 1.2 metres to 0.9 metres for a front porch, **be granted subject to the following condition:**

1. THAT, the applicant adequately addresses agency noise and vibration concerns, to the satisfaction of CN and received by the City.

Seconded by: Member McFarlane

CARRIED

Approval of the Minutes

THAT the minutes of the Committee of Adjustment meeting dated 23 March 2022 and 22 June 2022 be adopted as circulated.

CARRIED

Adjournment

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

The meeting adjourned at 3:44pm.

CARRIED

Hugh Bates, Chair

Dayna Golledge, Secretary/Treasurer