

**PUBLIC HEARING  
MUNICIPALITY OF HURON EAST  
Tuesday, August 9<sup>th</sup>, 2016**

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, August 9<sup>th</sup>, 2016 at 7:07 p.m. All members of Council were in attendance with the exception of Councillor Larry McGrath.

Also present for the public meeting were:

- Huron County Planning and Development Department Senior Planner Claire Dodds and Student Planner Laura Young
- Bryan Morton, Herb Jacobs, Dave Stephenson and Annette Stephenson

**CALL TO ORDER**

Minor Variance Application – A01-2016 – Bryan Morton  
Lot 8, East Part Lot 24, West Part Lot 24 and Lot 25, Plan 192, Brussels Ward

*Moved* by Dianne Diehl and seconded by David Blaney:

That the Agenda for the Public Hearing of the Committee of Adjustment dated August 9<sup>th</sup>, 2016 be adopted as circulated. Carried.

*Moved* by David Blaney and seconded by John Lowe:

That the Public Hearing of the Committee of Adjustment for a minor variance amendment application on 408 – 416 Turnberry Street, Lot 8, East Part Lot 24, West Part Lot 24 and Lot 25, Plan 192, Brussels Ward, Bryan Morton be opened. Carried.

The Clerk explained the purpose of the meeting was to consider a minor variance application by Bryan Morton, owner of 408 – 417 Turnberry Street, Lot 8, East Part Lot 24, West Part Lot 24 and Lot 25, Plan 192, Brussels Ward. The proposed development for this property includes a banquet hall and farmers market that will be in a barn which will be moved from an area farm and will be reconstructed on site. A silo and windmill will be built next to the barn. The following 4 minor variances are being requested for this development.

1. Increase the maximum permitted building height for the silo and windmill from 12m to 13.5m. The main building (barn) will meet the requirements of the zoning by-law for height.
2. Reduce the required number of parking spaces from 51 to 46 for the site.
3. Reduce the required parking setback along the south property line of Lots 8 & 25, Plan 192 from 1.0m to 0.27m
4. Reduce the required parking setback along the east property line at the west side of the Brussels Library from 1.0m to 0.00m

The Clerk advised that a notice of the Committee of Adjustment public hearing had been

circulated to all government agencies and adjoining property owners as provided by the legislation and replies were received from the Huron County Planning & Development Department and the Maitland Valley Conservation Authority.

Huron County Planning and Development Department

Huron County Senior Planner Claire Dodds attended before Council to present the report to Council on the proposed minor variance application with the following points being highlights.

Council were advised the site proposed to be developed is zoned Core Commercial-Brussels (C4) in the Huron East Zoning By-Law. The site to be developed is made up of 3 smaller properties: Lots 8 & 25, Plan 192, the site of the former Brussels Hotel, currently owned by Bryan Morton. East and West Part Lot 24, Plan 192 (behind the Brussels Library extending along Orchard Street) are 2 smaller properties that the Municipality of Huron East own and have declared surplus to the needs of the Municipality and have been conditionally purchased by Mr. Morton.

Due to the proximity of the proposed development to the Brussels Library, a heritage impact assessment was prepared by R. Ritz Architect and submitted by Bryan Morton to the Huron East Heritage Advisory Committee for their review in October 2015. The Huron Heritage Committee has advised that the proposal does not impact the Brussels Library or affect the reasons for its designation and that the proposed development has regard for existing downtown heritage features.

The Planning Department advised that while there are 4 variances required to facilitate the proposed development of the Brussels Farmer's Market and Banquet Hall, it does meet the intent of the Official Plan by creating pedestrian-oriented shopping and service area through the compact, intensive and tightly built up use of land. Permitting a variance for height of the windmill and silo to 13.5 m meets the intent of the Official Plan and Zoning By-Law. It was noted that there are significant opportunities for on-street parking in the immediate vicinity to this development along Orchard Lane and Turnberry Street which can make up for the deficiency of 5 spaces. As such a reduction in 5 parking spaces for this development is considered minor and appropriate. Due to the relatively narrow paved width of Elizabeth Street, it is recommended that the site plan agreement make provisions for parking to only be permitted on one side of Elizabeth Street.

Ms. Dodds noted that the minor variance application assumes that the 3 parcels which make up the development site have been merged together prior to construction and in order to facilitate the merging of these lands, a deeming by-law should be passed deeming Lots 8 and 25 not to be lots in a plan of subdivision for the purposes of part lot control under the Planning Act. The property is under site plan control and it is recommended the minor variance be conditioned so it takes effect upon Huron East Council's approval of the site plan control application and registration of the site plan agreement. It is also recommended that the minor variance approval be tied to the site plan and elevation drawings submitted with the application to ensure the site is developed consistent with the plans reviewed with the application.

It is also recommended there be a landscape plan submitted with the site plan control application identifying the landscaping that is being proposed on site and making provisions for

landscaping on the east side of the building adjacent to Elizabeth Street to soften the impact of the commercial structure and to assist in obtaining compatibility between the residential and commercial uses, as well as detailing the landscaping along the frontage of Turnberry Street.

An encroachment agreement is required from the Municipality and permission obtained from Bell Canada to extend parking spaces on to land at the rear (west side) of the Brussels Library.

The Huron County Planning and Development Department advised the variances requested are considered to be minor, appropriate and to maintain the intent of the Official Plan and Zoning By-law and recommended approval of minor variance application A01/2016 subject to the following conditions:

1. The site be developed consistent with the site plan and elevation drawings submitted with the minor variance application (last revised July 20, 2016) prepared by R. Ritz Architect.
2. Site plan approval be obtained from Huron East Council for the construction of the proposed Brussels Farmer's Market and Banquet Hall at 408-416 Turnberry Street. Site Plan approval shall address the details of design and long term maintenance of the proposed windmill, landscaping of the site, occupancy load of the building, and parking along Elizabeth Street.
3. An encroachment agreement be obtained from the Municipality of Huron East to permit parking spaces to extend on to the land at the rear (west side) of the Brussels Library.
4. The owner/applicant obtain permission from Bell Canada to extend parking spaces on to the Bell Canada easement directly at the rear (west side) of the Brussels Library.
5. Lots 8 and 25, Plan 192 be deemed by by-law not to be lots on a plan of subdivision to facilitate merging and assembly of lands for this development.

#### Maitland Valley Conservation Authority

The Maitland Valley Conservation Authority advised they had reviewed the minor variance application for the subject property and had no concerns with the proposed variances.

#### Huron Business Development Corporation

Council were provided with a copy of correspondence dated February 5<sup>th</sup>, 2015 from the Huron Business Development Corporation supporting the development proposed by Bryan Morton.

#### Murray Lowe

The CAO noted correspondence was received from Murray Lowe, a business owner on the Main Street in Brussels, expressing support for the proposed development by Bryan Morton.

#### Dave Stephenson

Dave Stephenson advised Council of his concerns with the proposed development and parking on Elizabeth Street. Mr. Stephenson expressed concern with the banquet hall whether it would be licensed and the potential noise at all hours of the day/night. Mr. Morton noted that there would not be a liquor license applied for in the foreseeable future and Senior Planner Claire Dodds advised that parking stipulations can certainly be provided for in the site plan approval process.

**Moved** by John Lowe and seconded by David Blaney:

That Council of the Municipality of Huron East, acting as Committee of Adjustment, acknowledge the recommendation of the Huron County Planning Department and approve the minor variance application A01-2016 by Bryan Morton on 408 – 416 Turnberry Street, Lots 8, East Part Lot 24, West Part Lot 24, and Lot 25, Plan 192, Brussels Ward, to permit the following variances from By-Law 52-2006 as follows:

1. Section 29.2.1 – Increase the maximum permitted building height for the silo and windmill from 12m to 13.5m. The main building (barn) will meet the requirements of the zoning by-law for height.
2. Section 3.27.1 – Reduce the required number of parking spaces from 51 to 46 for the site.
3. Section 3.27.10 – Reduce the required parking setback along the south property line of Lots 8 & 25, Plan 192 from 1.0m to 0.27m
4. Section 3.27.10 – Reduce the required parking setback along the east property line at the west side of the Brussels Library from 1.0m to 0.00m

Subject to the following conditions:

1. The site be developed consistent with the site plan and elevation drawings submitted with the minor variance application (last revised July 20, 2016) prepared by R. Ritz Architect.
2. Site plan approval be obtained from Huron East Council for the construction of the proposed Brussels Farmer's Market and Banquet Hall at 408 – 416 Turnberry Street. Site plan approval shall address the details of design and long term maintenance of the proposed windmill, landscaping of the site, occupancy load of the building, and parking along Elizabeth Street.
3. An encroachment agreement be obtained from the Municipality of Huron East to permit parking space to extend on to the land at the rear (west side) of the Brussels Library.
4. The owner/applicant obtain permission from Bell Canada to extend parking spaces on to the Bell Canada easement directly at the rear (west side) of the Brussels Library.
5. Lots 8 and 25, Plan 192 be deemed by by-law not to be lots of a plan of subdivision to facilitate merging and assembly of lands for this development.

Carried.

**Moved** by Dianne Diehl and seconded by Alvin McLellan:

That the Public Hearing for the Committee of Adjustment be closed at 7:26 p.m.

Carried.

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Bernie MacLellan, Mayor

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Brad Knight, CAO/Clerk