



Planning Report

To: Municipality of Brockton Committee of Adjustment

From: Julie Steeper, Planner

Date: June 8, 2021

Re: Minor Variance Application - A-2021-019 (Grubb)

Recommendation:

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

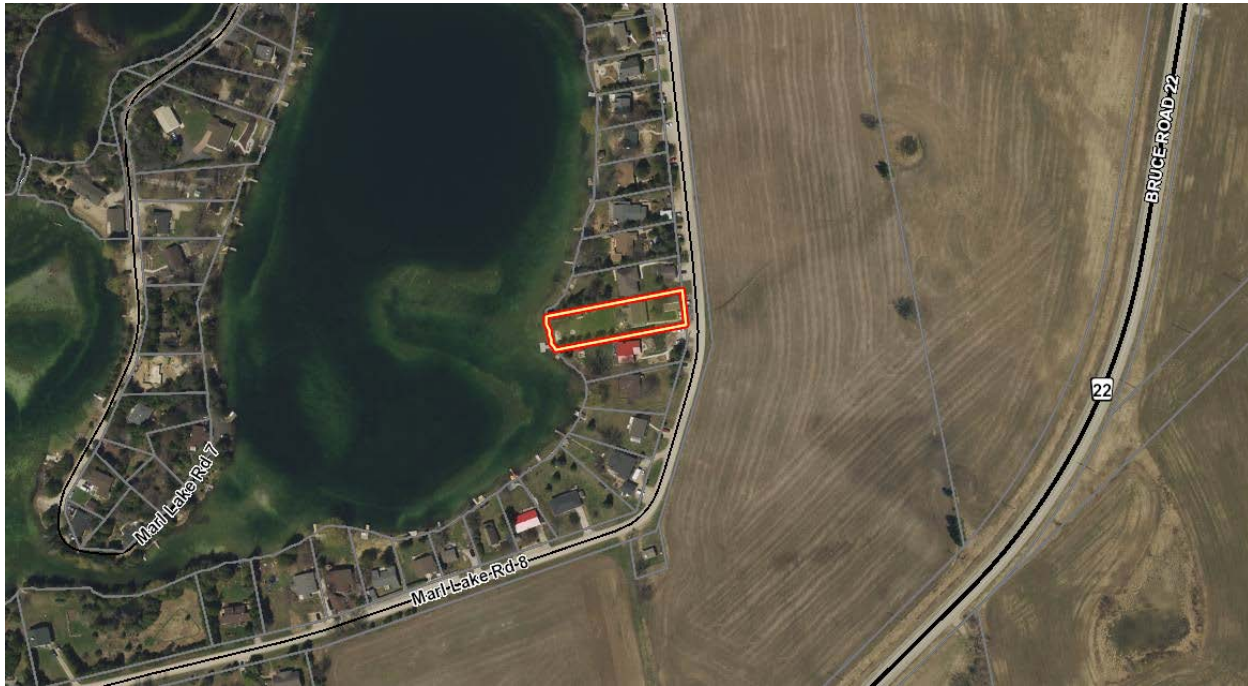
That Committee approve Minor Variance A-2021-019 as attached subject to the conditions on the decision sheet.

Summary:

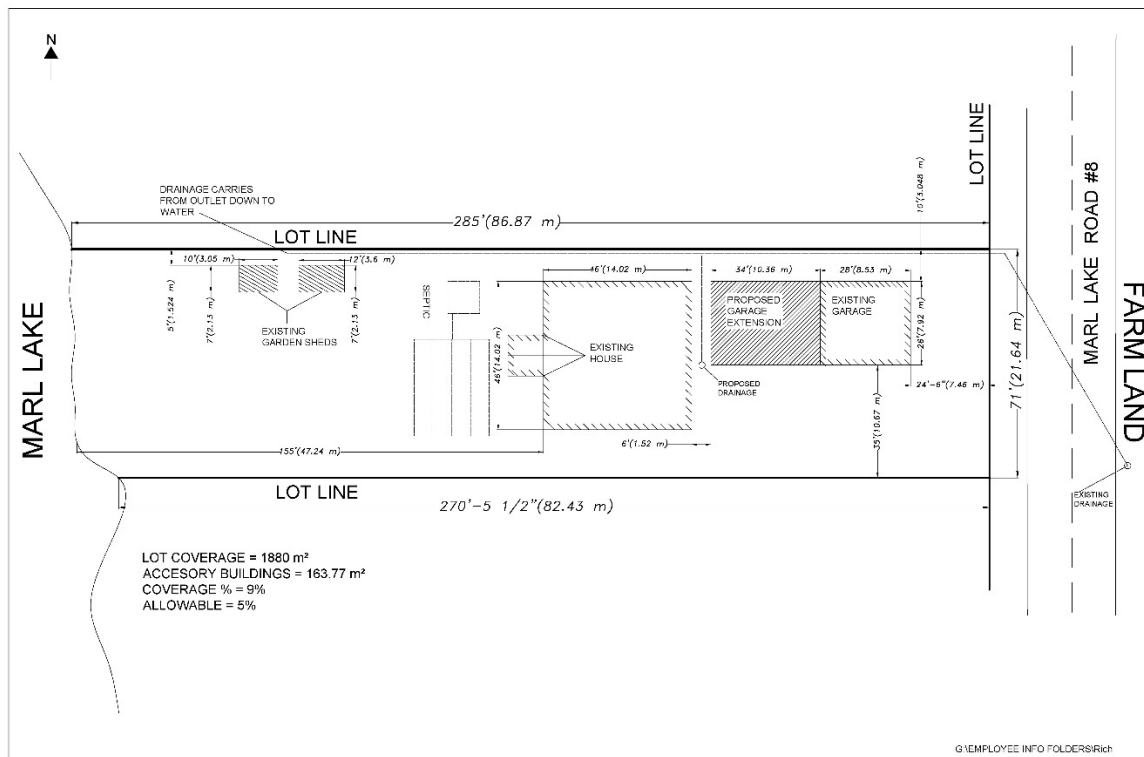
The purpose of the application is to allow relief from the maximum site coverage for accessory buildings and for the maximum height for accessory buildings. The proposed site coverage is 9%, whereas the maximum site coverage permitted in the Zoning By-law is 5%. The applicant is requesting to exceed the maximum lot coverage by 4%. The proposed height of the accessory building is 6.57 m, whereas the maximum height in the Zoning By-law is 5 m. The applicant is requesting to exceed the maximum height by 1.57 m. If approved, the application would facilitate an addition to the existing garage at 826 Marl Lake Road 8.

The property is located on Marl Lake, south of Marl Lakes Road and west of Bruce Road 22. The property is surrounded by residential uses.

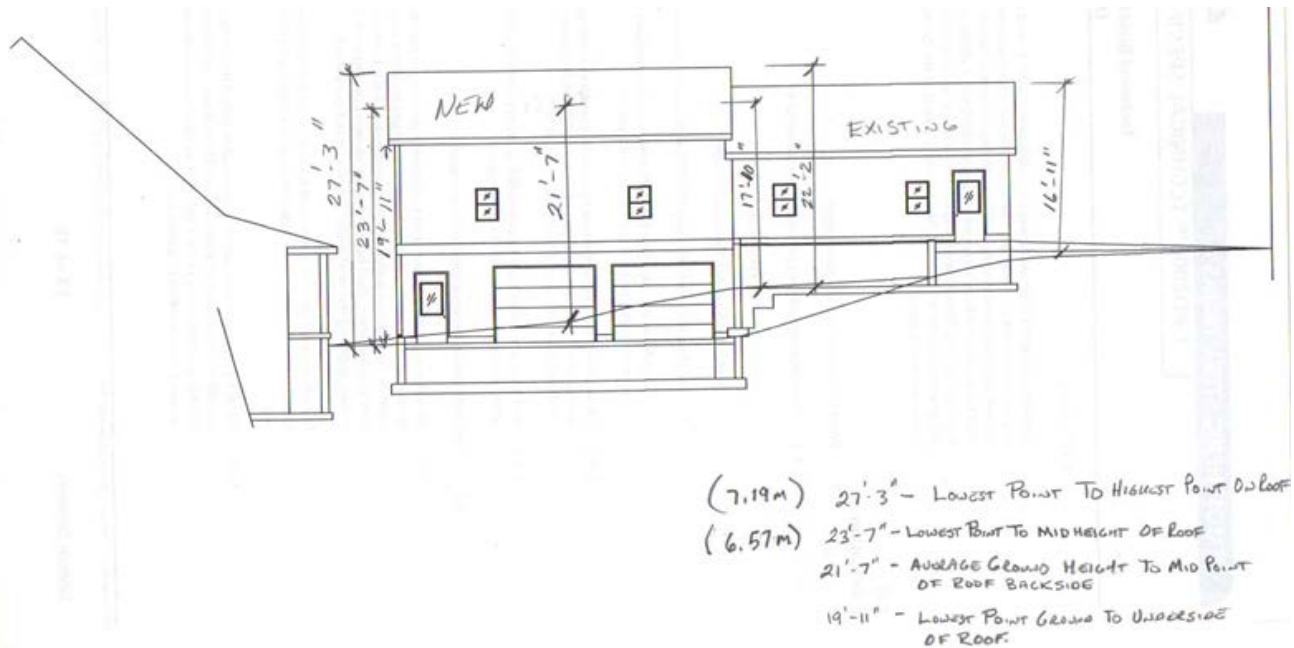
Airphoto



Site Plan



Elevation drawing



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), public 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 Plan?

The Bruce County Official Plan designates the property Inland Lake Development Area and Hazard Land Area. The proposed addition to the existing detached garage is accessory to the existing residential use and permitted within the Inland Lake Development Area designation of the County Official Plan. The application does maintain the intent and purpose of the Official Plan.

Does the variance maintain the intent and purpose of the Zoning By-law?

The subject lands are zoned Inland Lake Residential (LR) and Environmental Protection Special (EP-10). The proposed garage addition will be in the Inland Lake Residential (LR) portion of the site. The Zoning By-law identifies a maximum lot coverage of 5% for all accessory buildings or structures. Lot coverage as a percentile allows for a balance between lot size and the size permitted for structures (i.e., a larger lot can permit a larger building; smaller lot, smaller building) rather than setting a maximum size. Lot coverage is aimed at ensuring there is enough permeable surfaces on the lot for proper drainage, space for amenities and green space. In this instance, the applicant is proposing to increase the total lot coverage of all accessory buildings or structures to 9%. The front yard on this property is large and the grade of the property slopes towards the lake. Staff feel there will be enough permeable surfaces maintained to allow for drainage, amenity space and green landscaping. The applicants are proposing the garage addition to bring it closer to the residence so that access will be easier as they age. The neighbouring landowner expressed concerns with the impact the new development will cause including drainage issues on his property. The lot will have to have its own drainage path on its own lot, and it cannot drain onto neighbouring properties. The variance maintains the intent and purpose of the Zoning By-law.

The By-law identifies that the maximum height for accessory buildings shall not be greater than 5 m. The accessory building will be used for vehicular storage and for storage of a golf simulator that requires the additional height. The intent of the height regulation is to control the height so that the accessory building is in keeping with the residential character of the area. In this instance, the height of the accessory building is proposed to be 6.57 m which is in keeping with the character of the other buildings on the site. The addition will be situated between the existing garage and residence. The proposed addition will be similar in nature to the height of the existing dwelling. There are slight variations in height due to the topography of the site. The variance maintains 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 an addition to their existing accessory structure that meets their current and future needs. As noted above, the addition will be sited between the existing garage and residence. The existing trees along the property boundary will provide natural screening of the accessory building and the proposed addition. The applicant is also aware that no drainage can be directed onto neighbouring properties. The applicant is prepared to ensure that no drainage will go down the existing drain located between their lot and the neighbours. The variances do represent an appropriate form of development for the use of the land.

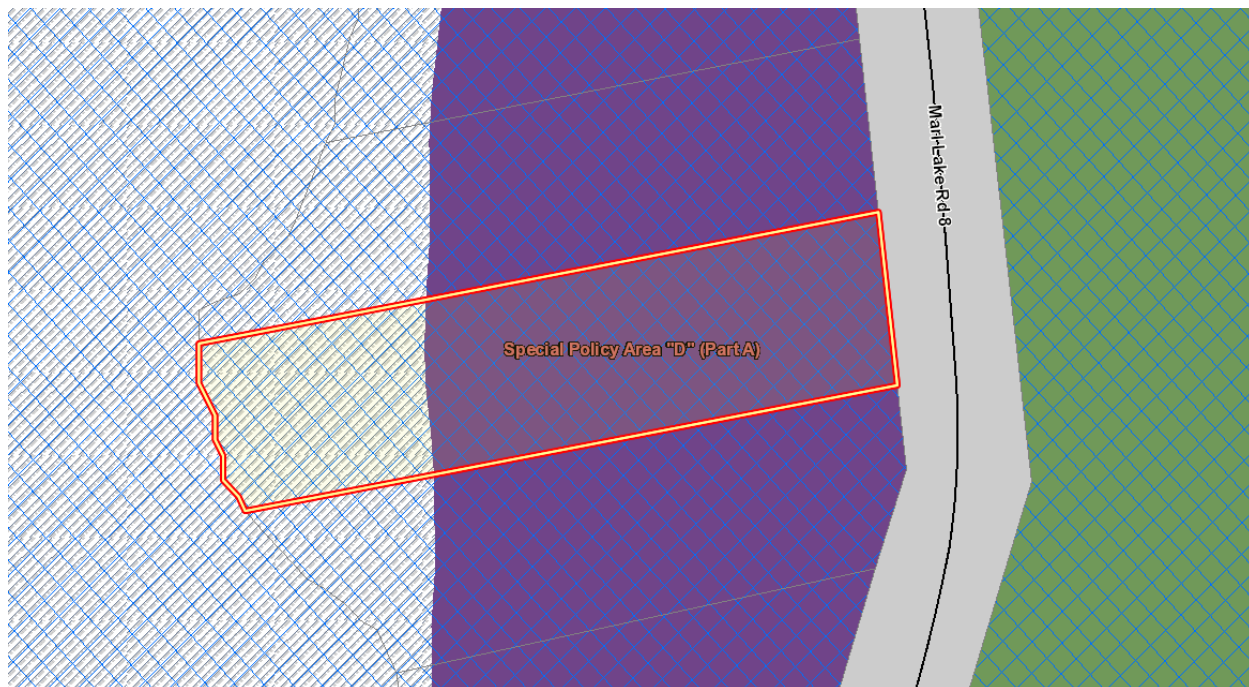
Is the application minor in nature?

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 an accessory building in the front yard of the residence is also in keeping with other similar lots in the neighbourhood. The variances are considered minor.

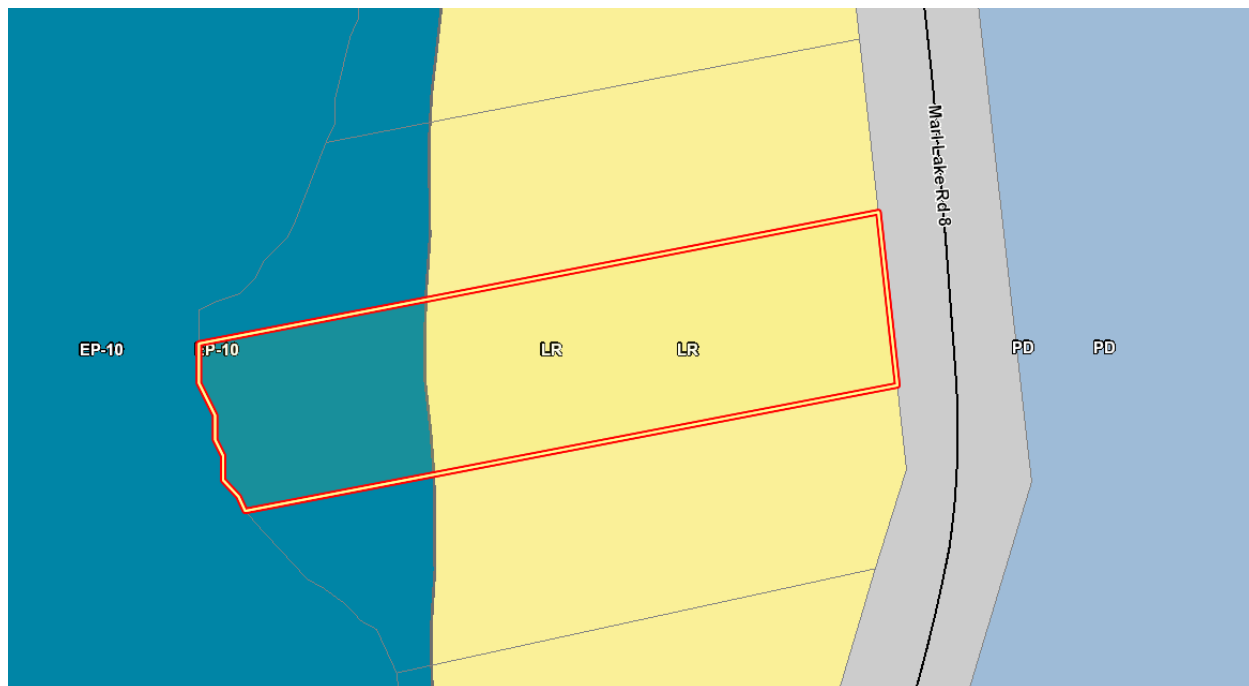
Appendices

- County Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Comments
- Public Notice

County Official Plan Map (Designated Hazard Land Areas, Inland Lake Development Areas, Special Policy Area Boundary)



Local Zoning Map (LR - Inland Lake Residential, EP-10 - Environmental Protection)



Agency Comments

Municipality of Brockton: No comments.

Historic Saugeen Metis: No concerns.

Source Water Protection: No concerns.

Saugeen Valley Conservation Authority: No concerns.

Saugeen Municipal Airport: No comments.

Public Comments

David and Peggy Moore are located directly adjacent, to the north, of the applicant's property at 824 Marl Lake Road 8. They had concerns with the proposed development and drainage issues. Their comments are 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: jsteeper@brucecounty.on.ca and bcplwa@brucecounty.on.ca

May 31, 2021

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

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Proposed Minor Variance A-2021-019 (Grubb)
826 Marl Lake Road 8
Roll No.: 410434001005800
Part Lots 68 and 69 Concession 2 NDR
Geographic Township of Brant
Municipality of Brockton

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 Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose of the application is to allow relief from the maximum site coverage for accessory buildings and for the maximum height for accessory buildings. The proposed site coverage is 9%, whereas the maximum site coverage permitted in the Zoning By-law is 5%. The applicant is requesting to exceed the maximum lot coverage by 4%. The proposed height of the accessory building is 6.57 m, whereas the maximum height in the Zoning By-law is 5 m. The applicant is requesting to exceed the maximum height by 1.57 m. If approved, the application would facilitate an addition to the existing garage.

Recommendation

The proposed application is acceptable to SVCA staff.



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

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the application through 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). We have also reviewed the application through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, natural heritage, and water resources as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

The natural hazard feature affecting the property is Marl Lake and its related flood hazard. It is SVCA staff's opinion that the Hazard Lands designation as shown on Schedule A to the Bruce County OP and the Environmental Protection (EP) Zone as shown in the Municipality of Brockton Zoning By-law 2013-26, generally coincides with SVCA Hazard Lands as mapped by the SVCA for the property. Based on the site plan submitted with the application, the location of the existing detached garage addition to the garage will not be within the Hazard Land designation or the EP zone.

Provincial Policy Statement – Section 3.1

Section 3.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and c) hazardous sites. It is the opinion of SVCA staff that the application complies with Section 3.1. of the PPS, 2020.

County of Bruce OP Policies

Section 5.8 of the County of Bruce OP generally directs development to be located outside of Hazardous Land Areas. It is the opinion of SVCA staff that the application appears to be consistent with the natural hazard policies of the Bruce County OP.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage features affecting the property are fish habitat and its adjacent lands, and possibly significant wildlife habitat.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in fish habitat and their adjacent lands, and significant wildlife habitat, and the lands adjacent to these features except in accordance with the specified policies found in Section 2.1.

Bruce County OP Policies

Fish Habitat and its Adjacent Lands

Marl Lake is considered fish habitat by SVCA staff. Section 4.3 of the Bruce County OP generally prohibits development within fish habitat and its adjacent lands, except in accordance with applicable policies. However, as the property is already developed and the addition to the existing garage will be well removed from the water's edge, it is the opinion of SVCA staff that impacts to fish habitat will be negligible, and so SVCA staff is not recommending the preparation of an Environmental Impact Study (EIS) to address fish habitat concerns at this time.

Significant Wildlife Habitat

Although there is no County-wide mapping of significant wildlife habitat, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or on lands adjacent to the property. Section 4.3.2.10 of the Bruce County OP does not permit development within significant wildlife habitat and its adjacent lands unless it can be demonstrated through an EIS that the development will not have a negative impact on the habitat or its ecological functions for which the area is identified. It is the opinion of SVCA staff that impacts to significant wildlife habitat will be negligible based on the proposal as the proposal is an addition to an existing building. Therefore, SVCA staff is not recommending the preparation of an EIS to address significant wildlife habitat concerns at this time.

Statutory Comments

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The western portion of the property is within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area, on the parcel to be retained, may require permission from SVCA, prior to carrying out the work. For the property the SVCA Approximate Screening Area represents Marl Lake and any associated flood hazard of the lake and a 15 metre offset distance from the floodplain of the lake.

"Development" as defined under the *Conservation Authorities Act* means:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind;
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- c) site grading; or,

- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And;

“Alteration” as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the parcel to be retained, please refer to the SVCA’s online mapping program, available via the SVCA’s website at <http://eprweb.svca.on.ca>.

SVCA Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, is proposed within the SVCA Approximate Screening Area on the property, the SVCA should be contacted, as permission may be required.

Based on the site plan submitted with the application, the existing detached garage and the addition to the detached garage will not be within the SVCA approximate Screening Area, therefore a permit from the SVCA will not be required for the proposed addition.

Summary

SVCA staff has reviewed the application in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The application is acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2014 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2014 has been demonstrated; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

Please inform this office of any decision made by the Municipality of Brockton and/or the County of Bruce with regards to the application. We respectfully request to receive a copy of the decision and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation

County of Bruce Planning & Development Department
A-2020-019 (Grubb)
May 31, 2021
Page 5 of 5

MO/

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)
Dan Gieruszak, Authority Member, SVCA (via email)

From: [REDACTED]
To: [Planning Applications Walkerton](#)
Subject: 826 Marl Lake Rd 8 - Grubb Roll # 410434001005800
Date: Tuesday, June 1, 2021 10:39:25 AM
Attachments: [Public Hearing Notice Minor Variance Response - MOORE 2 pgs.pdf](#)

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

County of Bruce, Planning & Development Dept.

Please find attached our concerns with the excess height / lot coverage of the Grubb's property, which is located directly next door..

Dave & Peggy Moore
824 Marl Lake Rd 8.

June 1, 2021.

To: Bruce County Planning Department
c/o Ms. Julie Steeper

CC: Mayor C. Peabody and Brockton Council
Dieter Weltz, C.B.O. Municipality of Brockton
Rick Kolte, President, Marl Lake Association

From: David and Peggy Moore
824 Marl Lake Rd 8, Brockton

Regarding:

Bruce County File Number A-2021-019
826 Marl Lake Rd 8
Minor Variance Application / Richard and Carol Grubb

This submission is in regard to the above stated Minor Variance application relative to the proposed building project at 826 Marl Lake Rd 8. The current proposal will have an adverse impact on our property, immediately north of the proposed property seeking a Minor Variance.

We reside at and own the property adjacent to the Grubb's property, our address being 824 Marl Lake Rd 8. We have lived at this address for 24 years. Rich and Carol Grubb are great people and neighbours, however we do not agree with the current proposed building project due to significant impacts it will have on our property. We do believe other options and or revisions are possible that would not have negative impacts to our property.

We do understand the need for occasional Minor Variances to occur in the Municipality that do not adversely effect neighbours or neighbouring properties. We do not believe the current application can pass the mandated "Four Tests of a Minor Variance", nor should the intent of the Municipality's Comprehensive Zoning Bylaw be honoured should the project be approved as currently planned.

Our concerns can be summarized within the following areas:

1. Zoning Bylaw 2013-26, Clause 3.6.4 – Accessory Building Height

a) The Bylaw states the maximum of 16 feet in height, while the proposal indicates the height of 27.3 (70% increase over bylaw regulations) to the roof peak and 21.6 feet (35% increase over bylaw regulations) to mid-roof. We do not feel this is minor in nature and are concerned with the roof slope towards our property when major storm water drainage issues already exist.

2. Zoning Bylaw 2013-26, Clause 3.6.5 – Accessory Buildings Lot Coverage

a) The Bylaw states a maximum of 5% lot coverage by accessory buildings, while the proposal indicates coverage of 9% (80% increase over bylaw regulations), plus the addition of considerable hardscaping for a sloped driveway and walkways. We do not feel this is minor in nature, plus we are extremely concerned with additional storm water drainage issues when the current storm

water management is already at over capacity and often flows from the Grubb's property onto our property.

3. Zoning Bylaw 2013-26, Clause 3.31 – Drainage of Lots

a) The Bylaw clearly states, "all lands, buildings and structures shall provide adequate drainage so as to prevent the flow of surface water onto adjoining lots". Our concerns are that the current drainage of the Grubb property already impacts our property considerably, and the additional drainage required due to increased lot coverage and planned hardscaping will only increase the flow and volume of water onto our property.

4. Zoning Bylaw 2012-37, Clause 10 – Drainage

a) The Bylaw sub-clause 10 of the bylaw states, "Water shall not be directed onto any adjoining properties without the express approval of the so affected property owner".

b) Sub-Clause 10.2 of the Bylaw states, "if required by the Cooperation, the Owner agrees to submit a Storm Water Management Plan prepared by a professional Engineer, with the site plan".

c) Two points of clarification related to drainage are as follows:

i) the submitted project drawings of the Grubb property indicates a Municipal Storm drain on their property, from Marl Lake Rd 8 in the east, going westerly towards Marl Lake. In fact, the Municipal Storm Drain is on our property and often is at over capacity causing storm waters to flow across our property.

ii) prior to the Grubb's purchasing their property, the former owner, without Municipal approval, connected their property drainage system into the Municipal Storm Drain that is located on our property. This unapproved connection means the Grubb's property drainage flows into the Storm Drain that then exits the exposed culvert on our property and surface flows across our property. While this is not right to occur, adding additional property drainage into the unapproved connections will only create further issues and constant wet conditions on our property. Our own property drainage is not connected into the Municipal Storm Drain in any way.

We do not feel the current and/or proposed drainage plan conforms to Bylaw 2012-37 and/or Bylaw 2013-26.

In conclusion, we understand the Grubb's desire to build an additional 2 car garage, however, we do not feel Brockton Council/Committee of Adjustment should approve any project that will adversely impact a neighbouring property. We do not feel this project qualifies for a Minor Variance approval, as it does not meet the "Four Tests of Approval" requirement, as it is currently planned. By letting the Bylaw exceed the limits, a new precedence will be set.

We feel the additional lot coverage, the planned hardscaping and the already over-capacity Municipal Storm Drain greatly impact why the project currently planned should not be approved. We thank you for considering our concerns and look forward to seeing the project plans revised in a manner that does not impact the Accessory Building height and Lot coverage Bylaws.

David and Peggy Moore
824 Marl Lake Rd8.



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



May 11, 2021

File Number

Public Hearing Notice

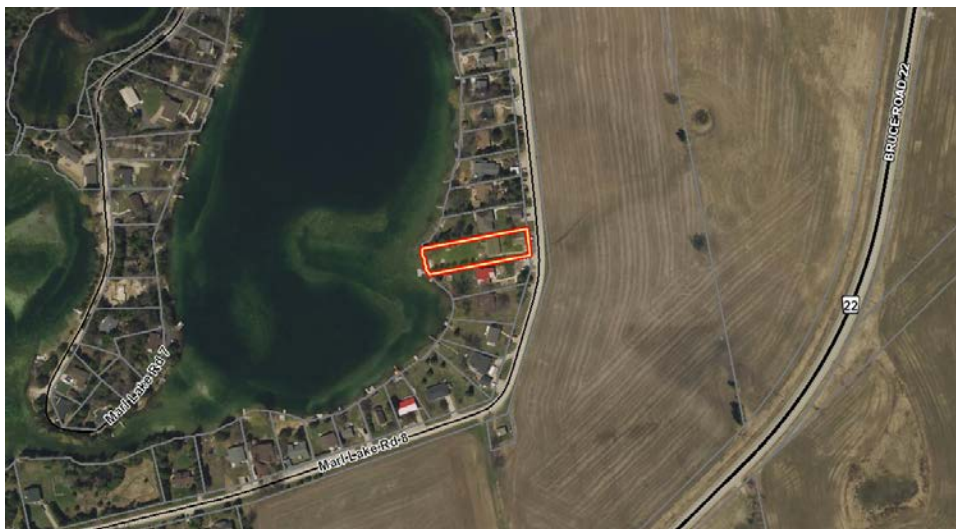
You're invited to participate in an Online Public Hearing Tuesday, June 8, 2021 at 6:30 pm

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 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 maximum site coverage for accessory buildings and for the maximum height for accessory buildings. The proposed site coverage is 9%, whereas the maximum site coverage permitted in the Zoning By-law is 5%. The applicant is requesting to exceed the maximum lot coverage by 4%. The proposed height of the accessory building is 6.57 m, whereas the maximum height in the Zoning By-law is 5 m. The applicant is requesting to exceed the maximum height by 1.57 m. If approved, the application would facilitate an addition to the existing garage.



826 MARL LAKE RD 8 – CON 2 NDR PT LOTS 68 & 69 (Brant)
Municipality of Brockton, Roll Number 410434001005800

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) 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, 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/81517019280?pwd=MERpSGJuTlo0dUNzV2xaQzNjbFhoQT09>
Passcode: 123583

Or Telephone:

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

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

Webinar ID: 815 1701 9280

Passcode: 123583

International numbers available: <https://us02web.zoom.us/j/kdn3Op09Sz>

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.

Know your rights

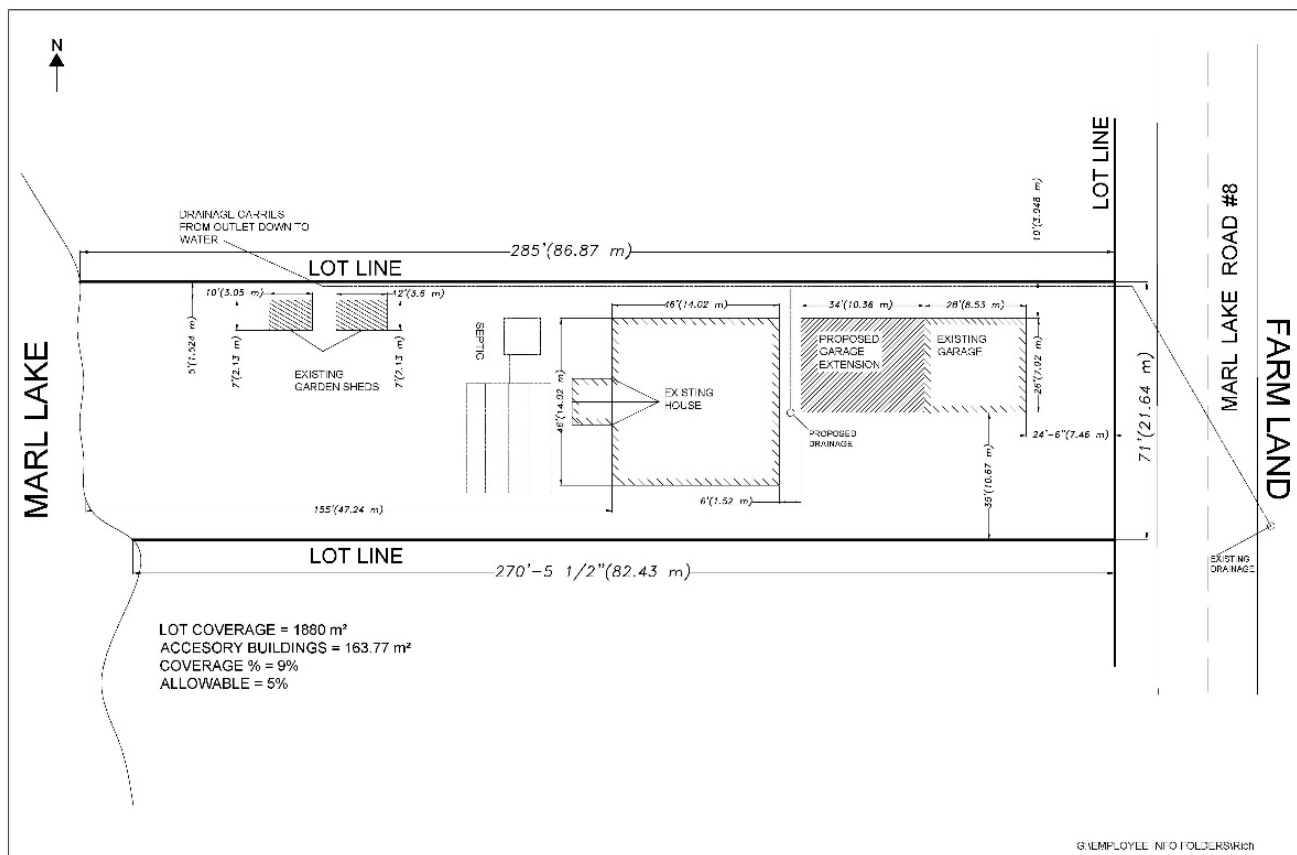
The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting

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.

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

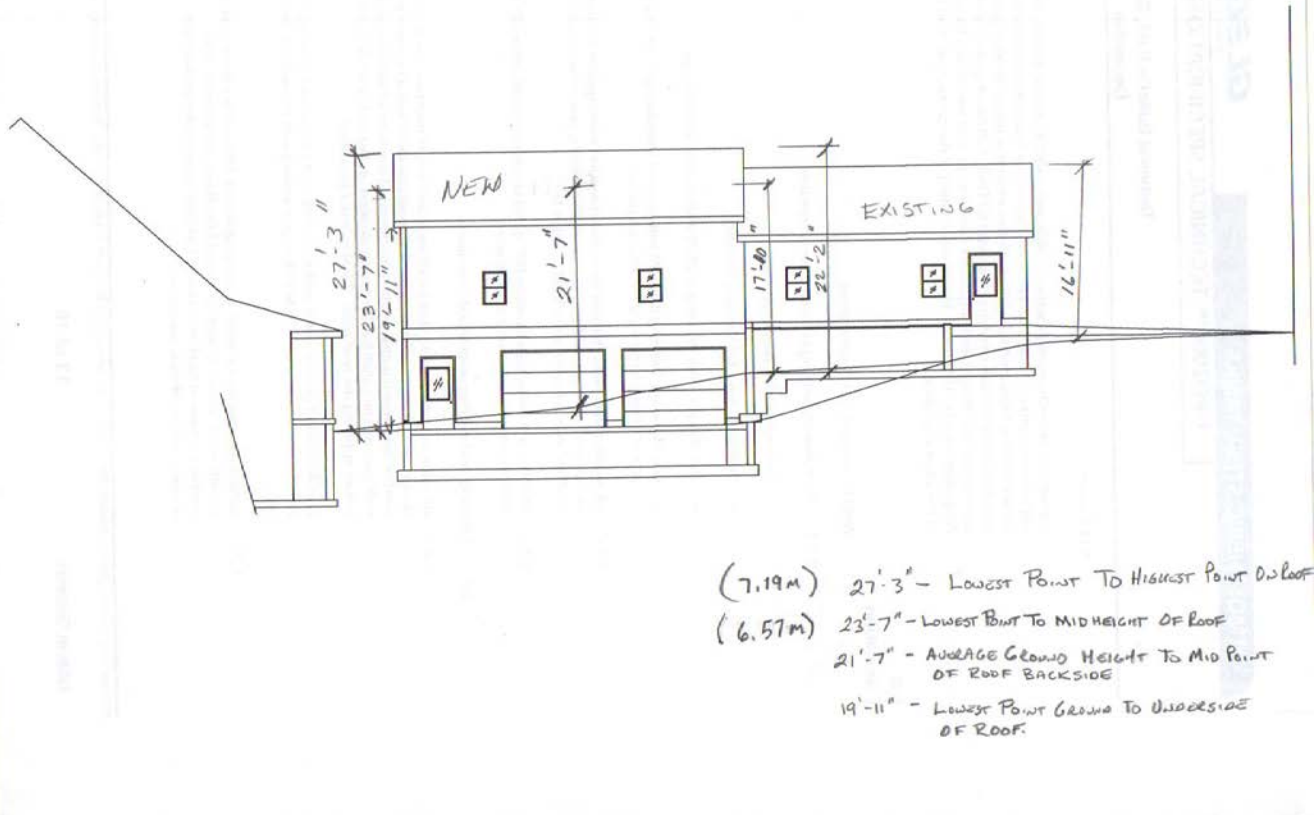
For more information please visit the Local Planning Appeal Tribunal website at <https://olt.gov.on.ca/tribunals/lpat/about-lpat/>.

Site plan



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.

Elevation Drawing



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.