



Planning Report

To: Municipality of Brockton Committee of Adjustment

From: Julie Steeper, Planner

Date: June 8, 2021

Re: Application for Minor Variance - A-2021-008 (Paterson)

Recommendation:

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

That Committee approve Minor Variance A-2021-008 as attached subject to the conditions on the decision sheet.

Summary:

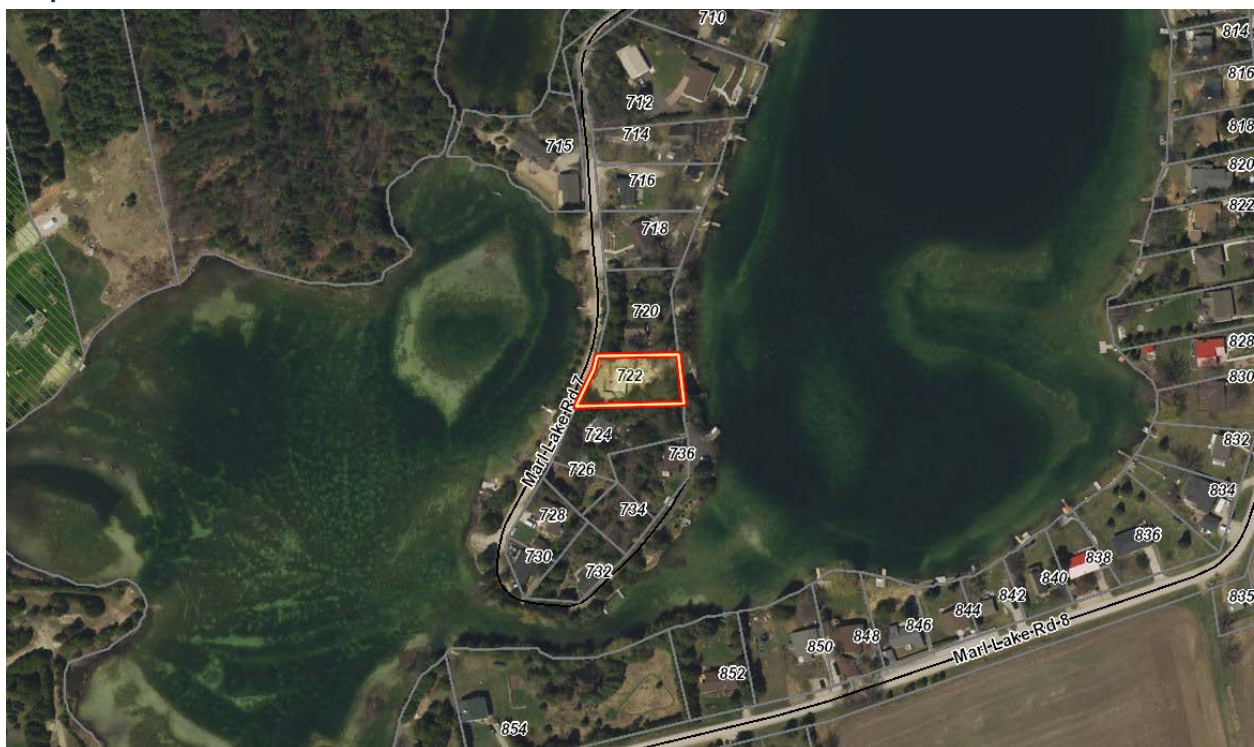
The purpose of the application is to seek relief from the maximum lot coverage, the front yard setback, and the setback from the water's edge as follows:

- The proposed site coverage is 17.47% and the maximum site coverage permitted in the zoning by-law is 15%. The applicant is requesting to exceed the maximum lot coverage by 2.47%.
- The proposed front yard setback is 2.4 m whereas the required front yard setback in the zoning by-law is 6 m. The applicant is requesting to reduce the front yard setback by 3.6 m.
- The proposed setback from the water's edge is 12.19 m and the minimum permitted in the by-law is 15 m. The applicant is requesting relief for 2.81 m.

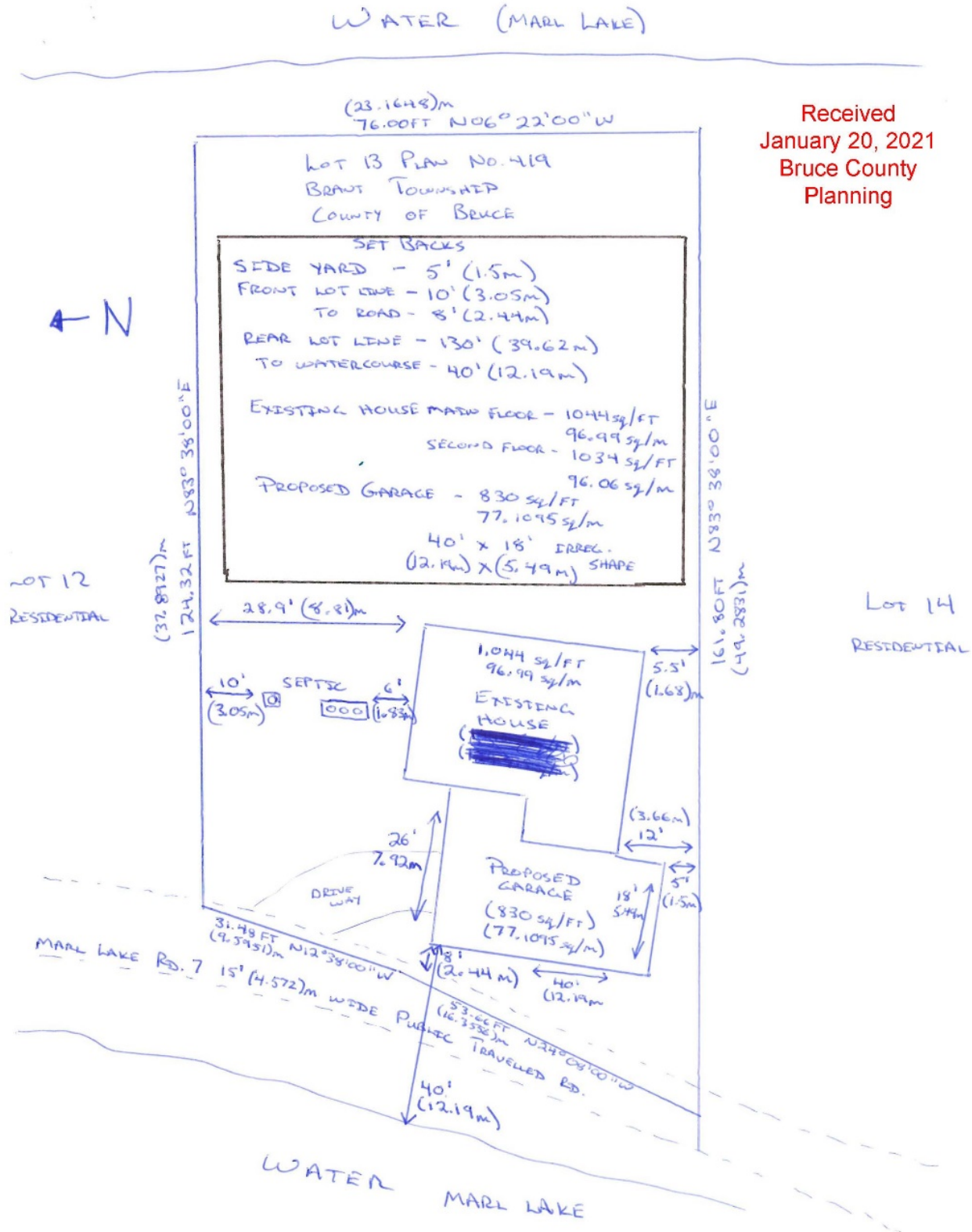
If approved, the application would facilitate a garage addition to the existing single detached dwelling at 722 Marl Lake Road 7.

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



Received
January 20, 2021
Bruce County
Planning

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 Plan?

The Bruce County Official Plan designates the property Inland Lake Development Area and Hazard Land Area. The subject site is an 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 addition to the existing dwelling will be in the Inland Lake Residential (LR) portion of the site. The Zoning By-law identifies the maximum lot coverage as 15%. 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 to 17.47%. The side yard setbacks on this property are larger than required and there will be enough permeable surfaces maintained to allow for drainage, amenity space and green landscaping. The variance maintains the intent and purpose of the Zoning By-law.

The by-law requires a front yard setback of 6 m and the applicant is proposing 2.4 m. The intent of front yard setback is to ensure there is ample room for parking and to ensure that the building is at an appropriate and reasonable safe distance from the road. In this case the road is encroaching onto the subject site. The proposed attached garage is following the existing driveway location. Given the location of the existing septic, an alternative location for the proposed development is limited. The existing retaining wall, elevation variations, and road encroachment make the site difficult to accommodate an appropriate front yard setback. The street is considered low traffic and serves a small number of dwellings. The proposal would maintain the intent and purpose of the Zoning By-law.

The By-law requires a 15 m setback from the water's edge and the applicant is proposing a setback of 12.19 m. The intent of the setback from the water's edge is to ensure that development is set back an appropriate and reasonable safe distance from the lake. In this area, existing developments have similar setbacks from the lake. There are structures such

as retaining walls in closer proximity to the lake. Saugeen Valley Conservation Authority has also confirmed the proposed development is located outside the hazard or environmental protection areas. 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 variances will enable the property owner to build a structure that meets their current needs, while limiting the proposed building footprint to areas of the site currently used for parking purposes. The SVCA and the Municipality of Brockton see no impact to municipal functions. The variances do represent an appropriate form of development for the use of the land.

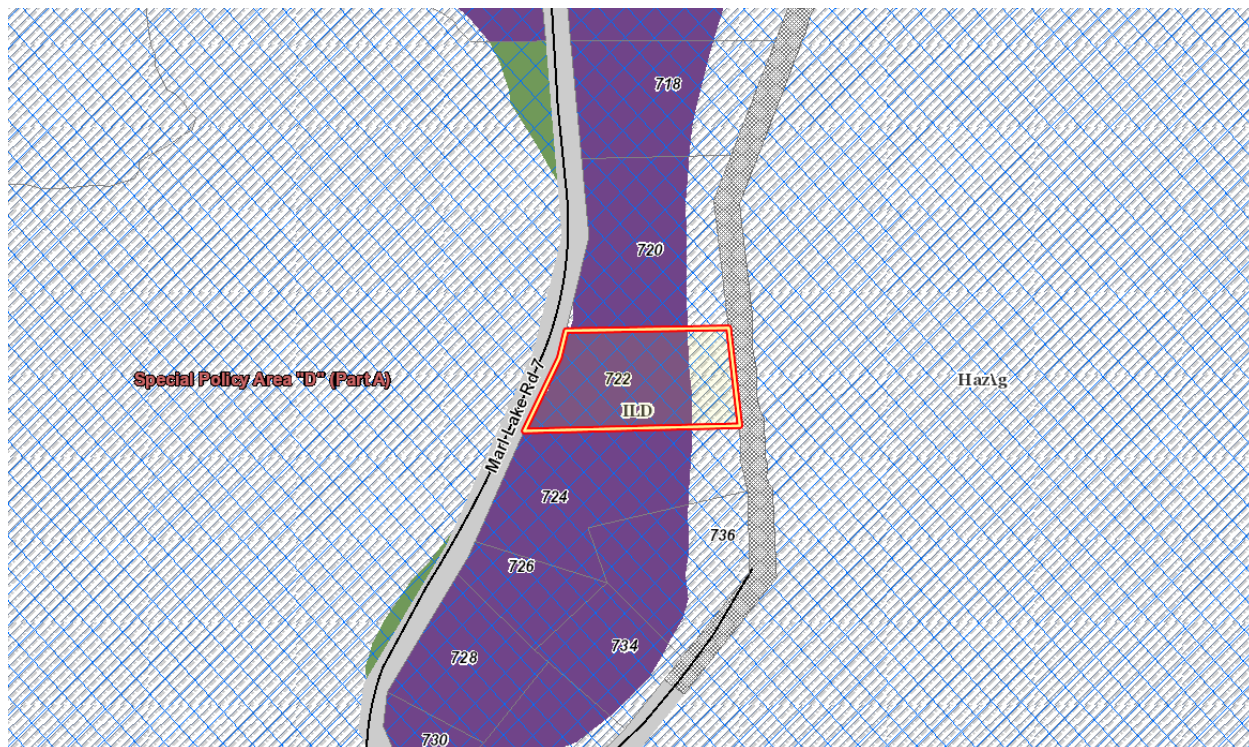
Is the application minor in nature?

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 variances are considered minor.

Appendices

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

County Official Plan Map (Designated Hazard Land Areas, Inland Lake Development Areas, Special Policy Area "D" [Part A])



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



Agency Comments

Municipality of Brockton: No comment.

Historic Saugeen Metis: No concerns.

Source Water Protection: No concerns.

Saugeen Valley Conservation Authority: No concerns.

Saugeen Municipal Airport: No comments.



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

June 2, 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-2021-008 (Paterson)
722 Marl Lake Road 7
Lot 13 Plan 419
Roll Number: 410434001003400
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 required front yard setback, setback from the water's edge, and total lot coverage. The front yard setback proposed is 2.4m whereas the required in the Zoning By-law is 6m. The proposed setback from the water's edge is 12.19m whereas the required is 15m. The proposed site coverage for the dwelling is 17.47% whereas the required is 15%. If approved, the application would facilitate an addition to the existing single detached dwelling.

Background

SVCA staff were contacted by Mr. Drew Paterson on October 19, 2020, regarding the garage addition proposal. SVCA staff responded to Mr. Paterson dated February 3, 2021, with copy sent by the SVCA to the building department and Bruce County planning staff stating in part, that the proposal would be acceptable to SVCA staff, and that the proposal would require an SVCA permit.



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

Recommendation

The proposed application is acceptable to SVCA staff.

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 dwelling is separated from the lake by Marl Lake Road 7, 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 dwelling. 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 entirety 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, requires 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 on the property, the SVCA should be contacted, as permission may be required.

Based on the site plan submitted with the application, the proposed garage addition will require a SVCA permit, and an SVCA permit can be issued. Please provide a copy of this letter to the owner/applicant so that they may contact the SVCA to continue with the SVCA permit process.

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
MO/

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



May 12, 2021

File Number: A-2021-008

Public Hearing Notice

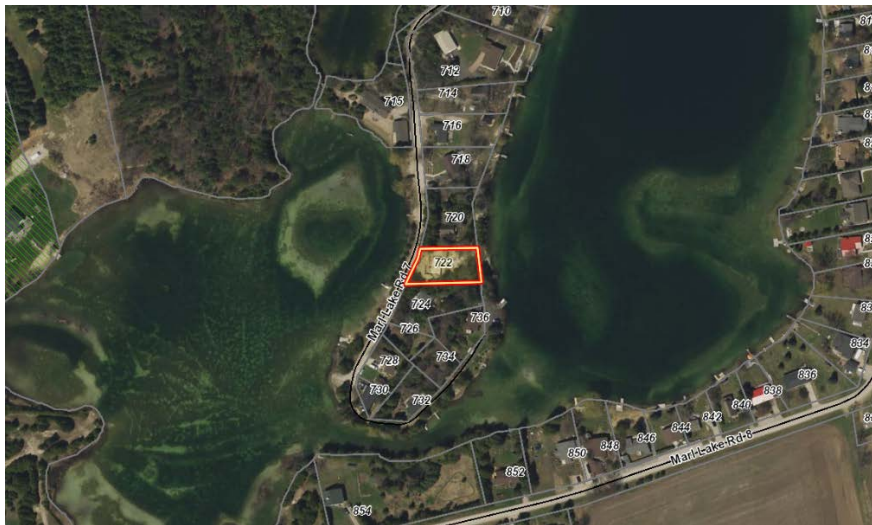
**You're invited to participate in an Online Public Hearing
Tuesday, June 8, 2021 at 6:30 pm**

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 required front yard setback, setback from the water's edge, and total lot coverage. The front yard setback proposed is 2.4m whereas the required in the Zoning By-law is 6m. The proposed setback from the water's edge is 12.19m whereas the required is 15m. The proposed site coverage for the dwelling is 17.47% whereas the required is 15%. If approved, the application would facilitate an addition to the existing single detached dwelling.



722 MARL LAKE RD 7
PLAN 419 LOT 13 (Brant)
Municipality of Brockton
Roll Number 410434001003400

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

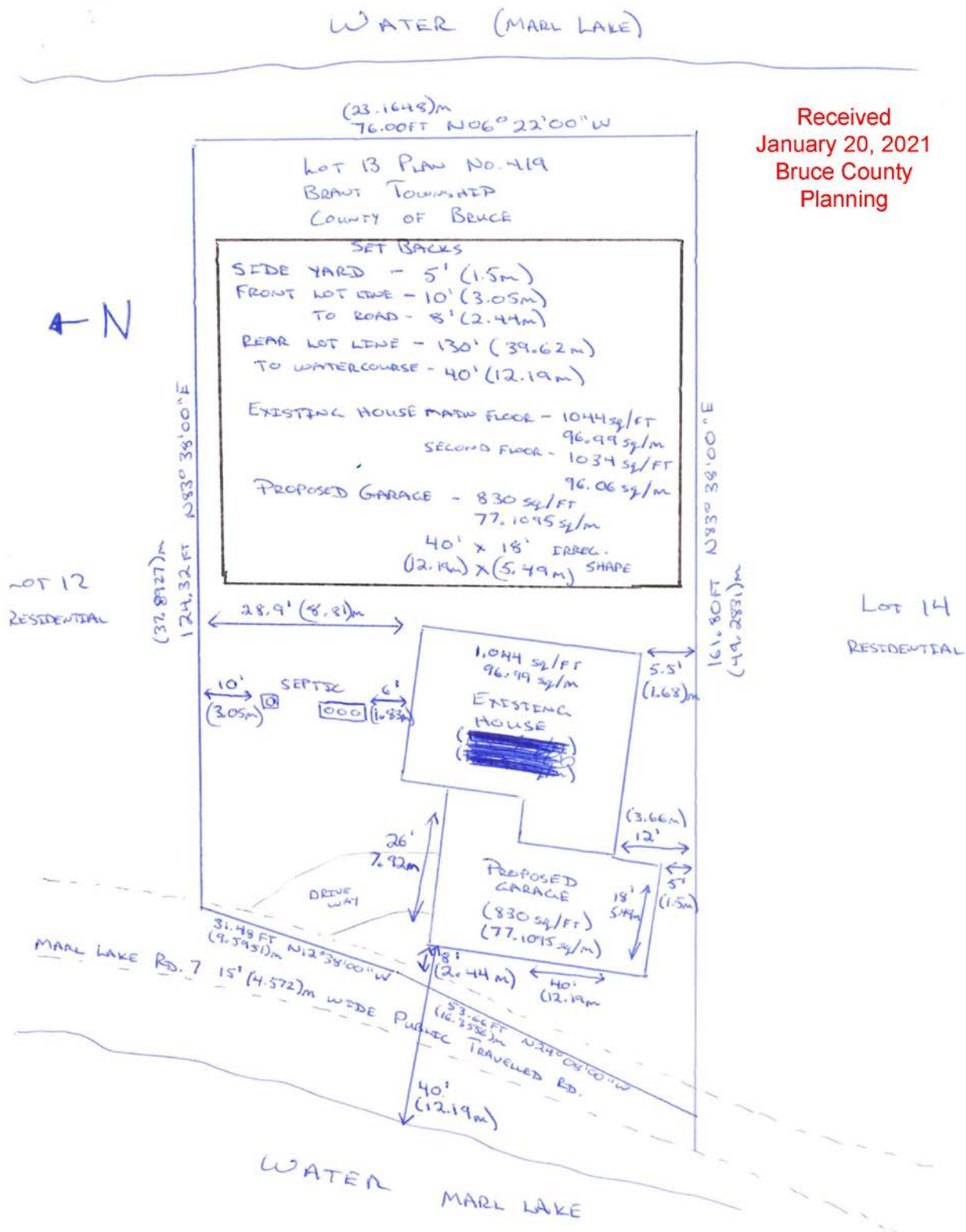
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out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the Local Planning Appeal Tribunal Act, 2017 as payable on an appeal from a committee 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/>.

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Site plan



Received
January 20, 2021
Bruce County
Planning

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