



Planning Report

To: Municipality of Brockton Committee of Adjustment

From: Benito Russo, Intermediate Planner

Date: January 14, 2024

Re: Minor Variance Application - A-2024-082 (Poehman c/o Oberle)

Recommendation:

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

That Committee approve Minor Variance A-2024-082 as attached subject to the conditions on the decision sheet.

Summary:

The purpose of this application is a Minor Variance to facilitate a Consent for new lot creation. It is proposed that a reduced agricultural lot frontage of +/-65m along Concession 2 SDR be permitted. If approved, this will facilitate a related consent for a surplus farm dwelling severance.

The property is located Southeast of Hanover on the Southeast corner of Sideroad 30 South and Concession 2 SDR. It is surrounded by agricultural and natural area land uses.

The proposed Minor Variance is required as the Zoning By-law defines lot frontage for a corner lot as being the shorter of the two lot lines adjacent to an opened and maintained road. Although a reduced frontage of +/-65m along Concession 2 SDR is proposed, following the proposed surplus farm dwelling severance there will remain +/-940m of road access along Sideroad 30 South. A total road access of +/-1,005 m is available to service the retained agricultural lot, which is more than sufficient for access and movement of large agricultural implements.

Airphoto



Site Plan Overview



Site Plan Details



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.

Natural Heritage and Hazards

The subject lands are identified on Bruce County maps as containing designated hazard land areas which are also zoned environmental protection.

The location of the existing residence and associated buildings are located outside of areas designated as hazard land areas and lands zoned environmental protection.

Areas of environmental protection on the subject land are currently utilized for agrarian purposes, namely agricultural cropping, or natural areas. No change to these uses is proposed through this application. As these areas are zoned Environmental Protection, which does not permit the as of right construction of new buildings or structures, and there are no proposed changes to the current use, it can be anticipated that any impacts resulting from the proposed applications is negligible.

Archaeological Resources

Large portions of the subject lands are identified within the Bruce County screening maps as containing high archaeological potential. These areas are consistent with the Ontario Ministry of Tourism and Culture Criteria for Evaluating Archaeological Potential.

The provincial requirements under the Planning Act require the protection archaeological resources that may be present as part of an application.

A holding provision will be recognized in areas of high archeological potential, lot grading; excavation; and/or construction shall not be permitted unless the Holding (H1) zone provision is removed. The holding provision fulfills the remainder of the provincial requirements for the protection of any potential archaeological resources that may be present on the subject property.

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 Plans?

The Bruce County Official Plan designates the property as Agricultural Areas, Hazard, Rural Areas. The Official Plan generally discourages a frontage to depth ration of less than 1:3, however, this is not a requirement for a surplus farm dwelling severance. It is required that adequate access to an opened and maintained public road be available to both the severed and retained lots, following the related surplus farm dwelling severance adequate road access will remain.

The application maintains the intent and purpose of the Official Plan.

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

The following variance is proposed:

- A reduced lot frontage of +/-65m, where 100m is required.

The purpose and intent of requiring a 100m road frontage is to ensure adequate access to agricultural lots and discourage long narrow agricultural lots which could impact agricultural operations.

Land topography and the posted speed limit are integral to determining a safe access point for agricultural lands, as such, the Zoning By-law generally requires 100m of frontage to increase the number of available options for safe access. In this regard, as the subject lands are a corner lot, following the proposed surplus farm dwelling severance, if approved, +/- 1,005m of road access remains with multiple areas of flat or gently sloping topography which is adequate to provide multiple options for access.

The subject lands are an existing irregularly shaped agricultural lot. In areas not immediately adjacent to the proposed surplus farm dwelling, the lot width varies between 200m - 600m. Approximately, +/-75% of the retained lands has a width to depth ratio of 1:1.1. When considered with respect to the remaining road access, the proposal would not result in what would generally be considered a long narrow agricultural lot.

The application maintains the purpose and intent 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, build new structures, or dispose of buildings on their property which allow them to maximize the benefit, value, and use of their property. The proposed development is consistent with surrounding land uses and would comply with the Zoning By-law requirements except for the requested variance. The requested Minor Variance will enable the property to undertake a surplus farm dwelling severance.

The proposal is desirable for the appropriate development of the land, and building.

[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 variance is considered minor.

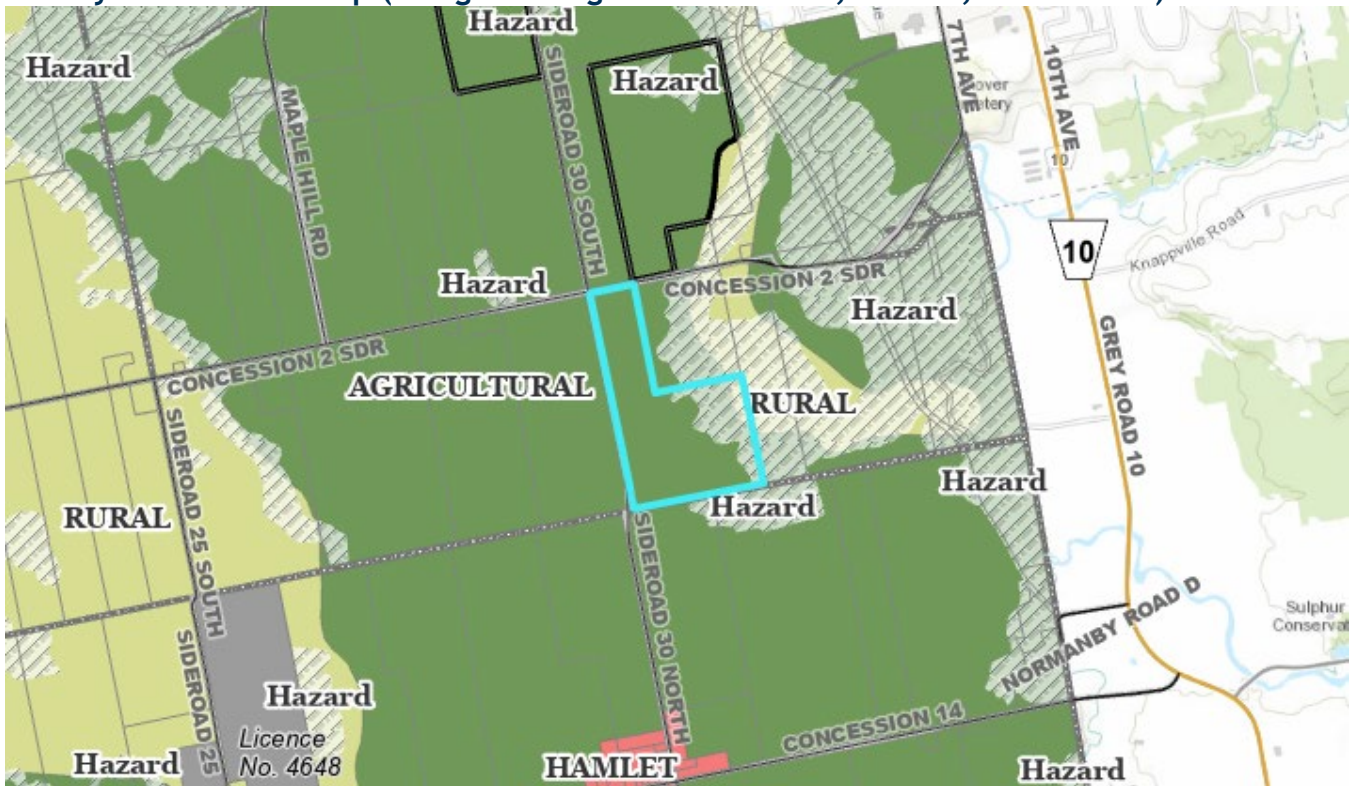
[Public Comments](#)

No Comments have been received at the time of this report's submission.

[Appendices](#)

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

County Official Plan Map (Designated Agricultural Areas, Hazard, Rural Areas)



Local Zoning Map (Zoned A1 - General Agriculture, EP - Environmental Protection)



Agency Comments

The Corporation of the Municipality of Brockton: No comments.

Historic Saugeen Métis: No objection.

Saugeen Valley Conservation Authority: The applications are generally acceptable to SVCA staff. Full comments are attached below.

SENT ELECTRONICALLY ONLY: BRusso@brucecounty.on.ca and bcplwa@brucecounty.on.ca

January 6, 2025

County of Bruce Planning & Development Department
1243 Mackenzie Road
Port Elgin, Ontario N0H 2C6

ATTENTION: Benito Russo, Planner

Dear Mr. Russo,

RE: Application for Minor Variance A-2024-082 and
Application for Consent B-2024-098 (Poehman)
1464 Sideroad 30 S
Lt 66, Pt Lots 67-68 Con 3 SDR
Roll No.: 410434000302100
Geographic Township of Brant
Municipality of Brockton

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 5 of the Provincial Planning Statement (PPS, 2024) and as a regulatory authority under Ontario Regulation 41/24 (SVCA's Prohibited Activities, Exemptions and Permits Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing natural hazards. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018. Finally, we have screened the application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

Purpose

A-2024-082

The purpose of this application is a Minor Variance to facilitate a Consent for new lot creation. It is proposed that a reduced agricultural lot frontage of +/-65m along Concession 2 SDR be permitted. If approved, this will facilitate a related consent for a surplus farm dwelling severance.

B-2024-098

The propose of this application is a Consent to sever a surplus farm dwelling. It is proposed to sever a +/-0.95-hectare (ha) parcel with a frontage of +/-66m. The retained agricultural lands will have an area

of +/-39.5 (ha) with a frontage of +/-65m. Through the Zoning By-law provisions (Section 5.2), if approved, the severed lands will be recognized as a non-farm lot, the existing buildings and structures will be recognized, the agricultural lands will be recognized as being prohibited from establishing a new residential dwelling, and a holding provision will be recognized in areas of high archaeological potential.

Staff have received and reviewed the following documents submitted with the applications:

1. Application B98 Poechman co Oberle dated October 30, 2024
2. Consent Application Notice B98 Poechman co Oberle dated December 17, 2024
3. Public Hearing Notice A82 Poechman co Oberle dated December 17, 2024
4. Request for Agency Comments B98 A82 Poechman co Oberle dated December 17, 2024
5. Surplus Farm Dwelling Severance Information Sheet B98 A82 Poechman co Oberle dated December 13, 2024

Recommendation

The application is generally acceptable to SVCA staff. Please see below for more information.

Delegated Responsibility and Advisory Comments-Natural Hazards

The natural hazard features of concern on the property include the Provincially Significant Wetland in the southeast portion of the property. It is SVCA staff's opinion that the Municipality of Brockton Zoning By-law Environmental Protection (EP) zone and Environmental Hazard designation in the County of Bruce Official Plan (OP) are generally consistent with SVCA hazard mapping for the property.

Provincial Policy Statement – Section 5.2

Section 5.2 of the PPS, 2024 states in part that development shall generally be directed to areas outside of hazardous lands and hazardous sites. Based on the plan submitted with the proposal, the proposal would be consistent with Section 5.2 of the PPS, 2024.

County of Bruce OP Policies

Section 5.8 of the County of Bruce OP generally directs development to be located outside of the Hazard Land designated area. It is the opinion of SVCA staff that the application complies with the County of Bruce OP.

Drinking Water Source Protection

The property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan.

SVCA Regulation 41/24

SVCA staff has reviewed the proposal as per our responsibilities as a regulatory authority under Ontario Regulation 41/24 (SVCA's Prohibited Activities, Exemptions and Permits 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, or unstable soil or bedrock are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The parcel to be severed is not located within the SVCA Approximate Screening Area. However, areas of the parcel to be retained are within the Approximate Screening Area associated with the SVCA's Prohibited Activities, Exemptions and Permits Regulation (Ontario Regulation 41/24). This Regulation made in accordance with Section 28 of the *Conservation Authorities Act* R.S.O, 1990, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development or interference" within a Regulated Area or alteration to a wetland or watercourse.

For this property, the SVCA Approximate Screening Area includes the Provincially Significant Wetland and an offset distance (30 metres) from these features.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

Permission for Development or Interference

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the SVCA Approximate Screening Area, associated with our Regulation on the parcel to be retained, the SVCA should be contacted, as permission may be required.

Summary

SVCA staff has reviewed this proposal 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*.

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

- 1) Consistency with Section 5.2, Natural Hazard policies of the PPS has been demonstrated.
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the Municipality of Brockton and/or County of Bruce with regard to the proposal. Should you have any questions, please contact the undersigned.

Sincerely,

Jason Dodds
Environmental Planning Technician
Saugeen Conservation

County of Bruce Planning and Development
Application for Minor Variance A-2024-082 and
Application for Consent B-2024-098 (Poehman)
January 6, 2025
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JD/

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)
Gregory McLean, 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



December 17, 2024

File Number(s): A-2024-082

Public Hearing Notice

**You're invited to participate in a Public Hearing
to consider Minor Variance / file # A-2024-082
Tuesday, January 14, 2025 at 6:30 p.m.**

A change is proposed in your neighbourhood:

The purpose of this application is a Minor Variance to facilitate a Consent for new lot creation. It is proposed that a reduced agricultural lot frontage of +/-65m along Concession 2 SDR be permitted. If approved, this will facilitate a related consent for a surplus farm dwelling severance.

The related consent file is B-2024-098



1464 SIDEROAD 30 S

CON 3 SDR LOT 66 PT
LOT 67;PT LOT 68
(Brant Township)

Municipality of Brockton

Roll Number:
410434000302100

Learn more

Additional information about the application is available online at <https://www.brucecounty.on.ca/active-planning-applications>. Information can also be viewed 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: Benito Russo

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. Comments received after January 7, 2025 may not be included in the Planning report, but will be considered if received prior to a decision being made, and included in the official record on file.

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.

How to access the public meeting

For information on how to participate in the public meeting, please visit the municipal website at www.brockton.ca under "Current Council Meeting Agenda".

Please contact the Municipality at fhamilton@brockton.ca or 519-881-2223 if you have any questions regarding how to participate in the meeting.

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

Only the applicant, the Minister, a specified person (being a utility and transportation company) or public body that 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 out the objection to the decision and the reasons in support of the objection. Appeals must be accompanied by payment of the fee charged by the Tribunal as payable on an appeal from a Committee of Adjustment decision to the Tribunal. For more information, please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan



Site Plan Detail

