



Planning Report

Application: Minor Variance

File(s): A-38-19.36 for Wayne Dupuis c/o Matt & Sara Karley

Date: July 9, 2019

To: Committee of Adjustment, Municipality of Brockton

From: Dana Kieffer; Planner, Bruce County Planning & Development

Preliminary Recommendation:

Subject to review of objections and submissions arising from the public hearing:

That the Minor Variance A-38-19.34 for the property described as BRANT CON 3 NDR PT LOT 71, Geographic Township of Brant, Municipality of Brockton be **approved** and the attached decision sheet signed.

Summary:

The subject lands are located at 123 / 131 Lake Rosalind Rd 1 and the consent application proposes a lot addition of +/- 2680 square feet (40' x 70') to 123 Lake Rosalind Rd 1, severed from 131 Lake Rosalind Rd 1.

A Minor Variance is requested to amend the permitted accessory building coverage from 5% to 6% for a 20' x 24' garage.

The application is consistent with the Provincial Policy Statement and conforms to the County Official Plan, the Walkerton Community Official Plan and the intent and purpose of the local zoning by-law.

Report Outline:

A detailed review of the application is provided in the following pages and can also be reached through the table of contents (below). The review includes the following:

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Further information

Supporting documents related to this file are available on the [Bruce County Website](#) (direct live link) and in the paper file at the public meeting.

The Decision Sheet is attached as appendices to this report

Respectfully submitted,

Dana Kieffer, Planner
County of Bruce, Planning and Development

Detailed Review

Section 'A': Property Information

The subject lands are located at 123 Lake Rosalind Road 1. The property is located across the road from Lake Rosalind and currently has a seasonal dwelling on the property.

Section 'B': Description of Proposal

The applicant proposes a lot addition and to tear down the current cottage and build a year-round residence including an accessory detached garage. The proposed detached garage will be 20' by 24' and requires relief from the 5% accessory building lot coverage maximum as it will cover 6% of the lot.

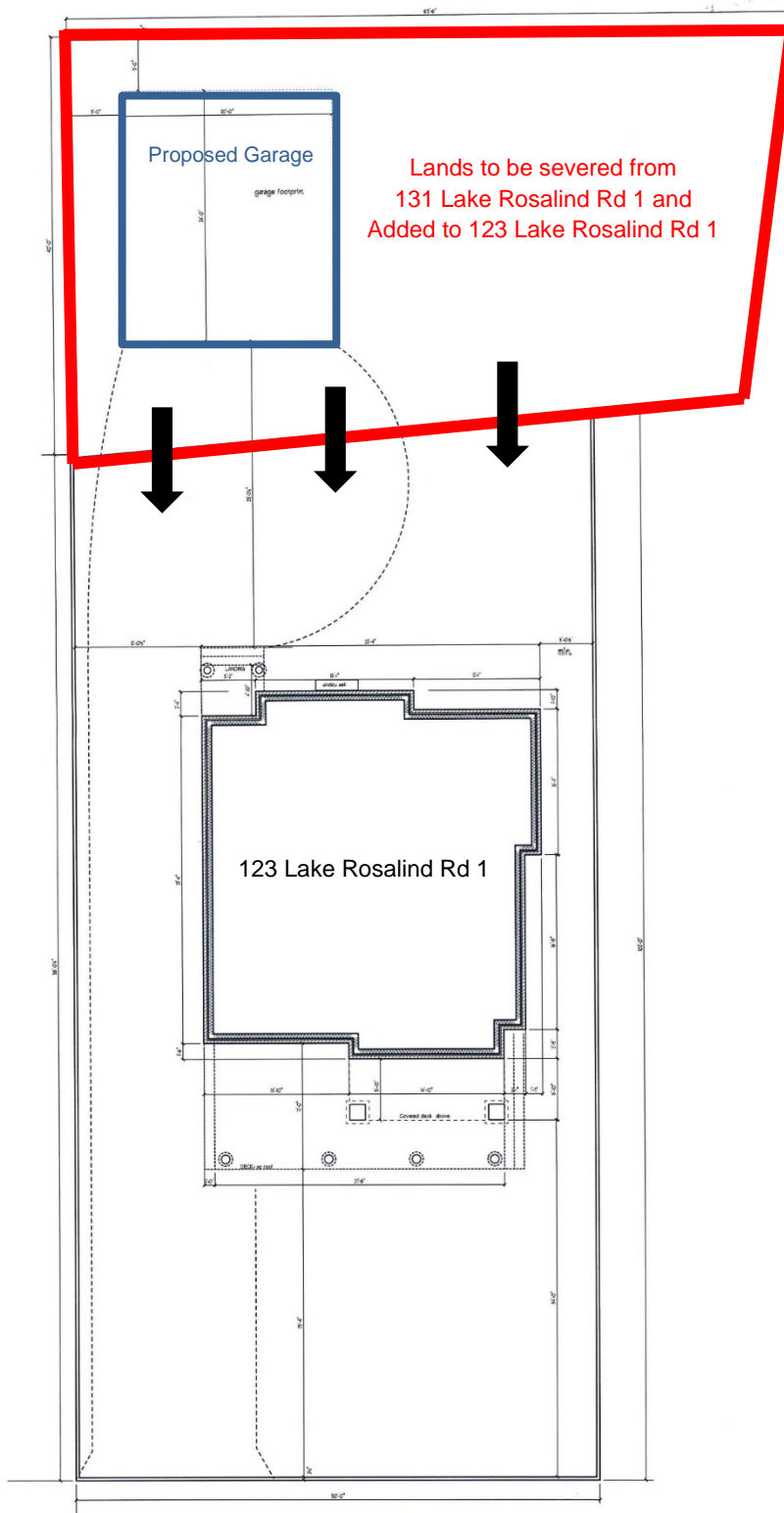
The proposed garage will be located on the severed parcel.

Section 'C': Site Plan

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Section 'D': Provincial Interests

The location of the proposal is adjacent to an inland lake and the Provincial Policy Statement directs the majority of growth away from hazardous lands located adjacent to small inland lakes.

The property is located outside of the flooding hazard and does not represent new development as it is a re-build.

Section 'E': County Official Plan Review

The County Official Plan designates the property as Special Policy Area D- Inland Lake Designation wherein a variety of residential and accessory uses are permitted.

The proposed minor variance meets the intent of the County Official Plan.

Section 'F': Zoning By-Law Review

The property is zoned Inland Lakeshore Residential (LR). The proposed house meets all required provisions of the by-law.

The Accessory Building section permits a maximum accessory building lot coverage of 5%. This minor variance would permit an accessory building that would cover 6% of the lot.

The proposed minor variance meets the intent of the zoning by-law.

Section 'G': Agency Comments

Municipality of Brockton: no comments

No objection or opposition from the Historic Saugeen Metis

The proposed minor variance is acceptable to SVCA staff.

Section 'H': Public Comments

At the time of writing this report, no comments had been received from the Public.

Section 'J': 4 Tests of a Minor Variance

Section 45(1) of the Planning Act provides for the granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Relief may only be granted if the Variance passes four tests ("Four Tests of a Minor Variance"). The Committee must be satisfied that the application has satisfied all four tests to approve

the Minor Variance.

The first two tests of a minor variance relate to conformity with the general intent of the Official Plan and the zoning by-law and have been reviewed above.

Test 3: Is the Proposed Variance desirable for the appropriate development or use of the land, building, or structure?

Yes. 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 accessory building that meets their needs, in accordance with the Official Plan and Zoning By-law. The variance will not impede the function of the lot.

The variance represents an appropriate form of development for the use of the land.

Test 4: Is the proposed variance minor?

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 minor.

Appendix A: Decision Sheets



Municipality of Brockton
c/o Corporation of the County of Bruce
Planning and Development
30 Park Street, WALKERTON, ON N0G 2V0

brucecounty.on.ca
Tel: 519-881-1782
Toll Free: 1-877-681-1291
Fax: 519-507-3030

Decision of the Committee of Adjustment With Reasons

(Section 45, Planning Act, 1990)

Municipality	Municipality of Brockton
File Number	A-38-19.34
Related File(s)	County of Bruce Consent Application B-47-19.34
Date of Hearing	July 9, 2019
Owner / Applicant / Agent	Wayne Dupuis c/o Matt & Sara Karley
Legal Description	BRANT CON 3 NDR PT LOT 71, Geographic Township of Brant, Municipality of Brockton
Municipal Address	123 Lake Rosalind Rd 1 131 Lake Rosalind Rd 1
Purpose of Application	Construction of a garage
Variances Requested	To amend the permitted accessory building coverage from 5% to 6%
Effect of Submissions	Any submissions relating to this application were considered by the Approval Authority in making its decision on this matter.

The application for Minor Variance from Comprehensive Zoning By-law 2013-26 is hereby **granted** subject to the following conditions:

1. That any future development on the property conforms to the provisions of the Zoning By-law;
2. That the decision applies only to the proposed development as indicated on Schedule 'A' attached to and forming part of this decision.
3. That the total lot coverage for the accessory building shall be no great than +/- 6%

Reasons:

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law.
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.

File Number: A-38-19.34
Roll Numbers: 410434001021200
and 410434001025500

Dupuis / Karley

July, 2019



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Purpose of Application	Construction of a garage

The application for Minor Variance from Comprehensive Zoning By-law 2013-26 is hereby **refused**.

Reasons: (check all that apply)

- ☐ The variance does not maintain the intent and purpose of the Official Plan.
- ☐ The variance does not maintain the intent and purpose of the Zoning By-law.
- ☐ The variance requested is not desirable for the appropriate and orderly development and use of the lands and buildings.
- ☐ The variance is not minor in nature.
- ☐ The variance does not conform to the Provincial Policy Statement.

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Dupuis / Karley

July, 2019



Concurrence of Committee Members for Minor Variance A-38-19.34 / Dupuis c/o Karley

We, the undersigned, concur in the Decision and reasons given for the Decision of the
Committee of Adjustment for the Municipality of Brockton on July 9, 2019.

	Absent	Present
_____ Committee Member, (Kym Hutcheon)	()	()
_____ Committee Member, (Dan Gieruszak)	()	()
_____ Committee Member, (Steve Adams)	()	()
_____ Committee Member, (James Lang)	()	()
_____ Committee Member, (Dean Leifso)	()	()
_____ Committee Member, (Chris Oberle)	()	()
_____ Committee Chair, (Chris Peabody)	()	()

Certification of Committee's Decision

I, **Fiona Hamilton**, being the Secretary-Treasurer of the Committee of Adjustment for the Corporation of the **Municipality of Brockton**, certify that this is a true copy of the Committee's Decision of **July 9, 2019**.

_____	_____
Date	Secretary-Treasurer

Notice of Last Date of Appeal

Notice is hereby given that the last date for appealing this decision to the
Local Planning Appeal Tribunal is **July 29, 2019**
See the attached appeal information

Notice That No Appeals Have Been Received

When signed, this certifies that no appeals have been received

_____	_____
Date	Secretary-Treasurer

File Number: A-38-19.34
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Appeal Information

The applicant, the Minister or any other person or public body who has an interest in the matter may not later than **July 29, 2019** appeal to the Local Planning Appeal Tribunal (LPAT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal (in accordance with the LPAT guidelines and Appellant Form A1, available at <http://elto.gov.on.ca>) setting out the objection to the decision and the reasons in support of the objection accompanied by a certified cheque or money order in the amount of **\$300.00** payable to the Minister of Finance. Submit Notice of Appeal to:

Fiona Hamilton
Secretary-Treasurer of the Committee of Adjustment
Municipality of Brockton
Administration Centre
100 Scott Street, P.O. Box 68
WALKERTON, ON N0G 2V0

The LPAT may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under Section 45(17) [Dismissal without hearing], as it considers appropriate.

If within such 20 days no notice of appeal is given, the decision of the Committee is final and binding.

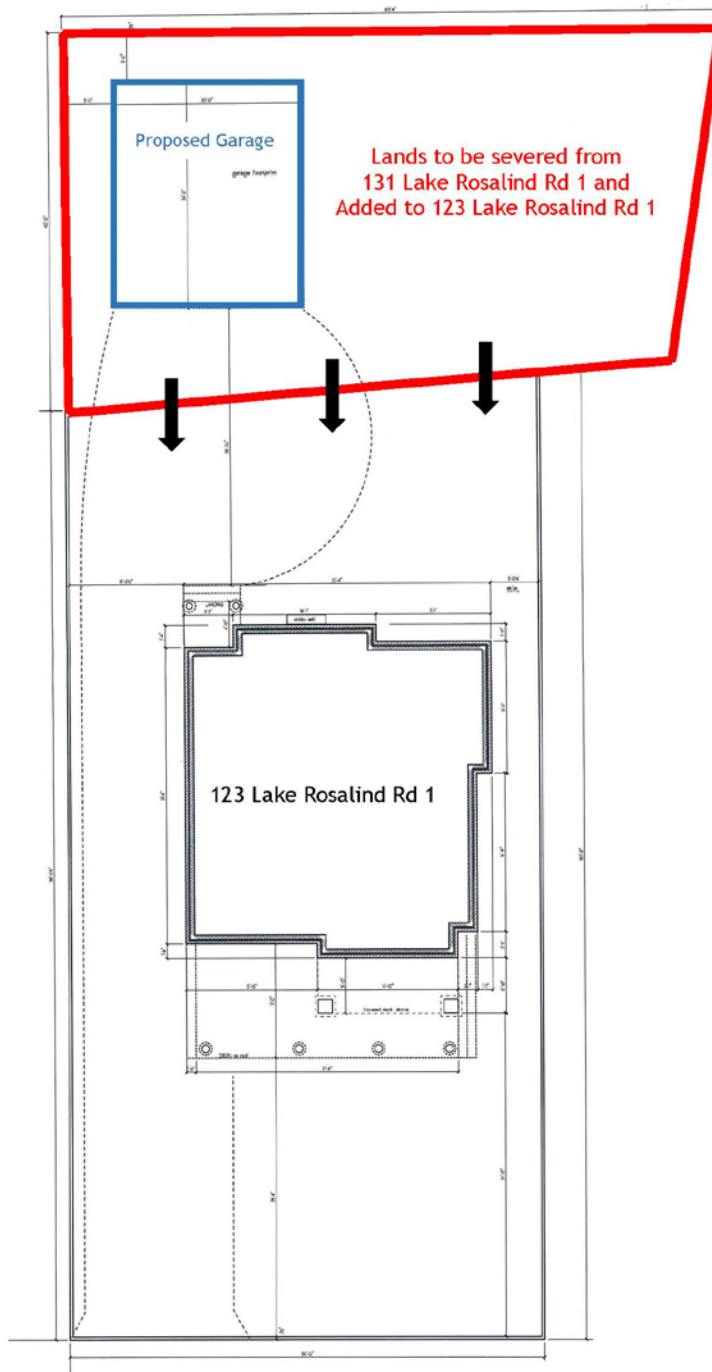
For more information about this matter, contact the **Inland Hub (Walkerton) Planning Office, 519-881-1782**, from 8:30 a.m. to 4:30 p.m. Monday to Friday; on-line by Municipality and File Number at <https://brucecounty.on.ca/living/land-use>; or by e-mailing the Planning Office at bcplwa@brucecounty.on.ca.

Schedule 'A'

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