



# Municipality of Brockton Planning Report



**To:** Committee of Adjustment  
**From:** Dana Kieffer, Planner, Bruce County Planning & Development  
**Date:** December 3, 2019  
**Application:** Minor Variance  
**Files:** A-75-19.34

## Recommendation

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

That Committee approve Minor Variance A-75-19.34 as attached subject to the conditions on the decision sheet.

## Summary

The application proposes a lot addition of +/- 2,710.8 square feet (=/- 54' x 50.2') to 123 Lake Rosalind Rd 1, severed from 131 Lake Rosalind Rd 1.

A Minor Variance is requested to amend the permitted lot coverage from 15% to +/- 15.3% to allow for the construction of a +/- 1051 square foot dwelling with a +/- 128 square foot covered porch. A Minor Variance has already been granted to amend the permitted accessory building coverage from 5% to 6% for a 20' x 24' garage. The proposed site design has changed since the initial approval and this triggered the need for a second minor variance.

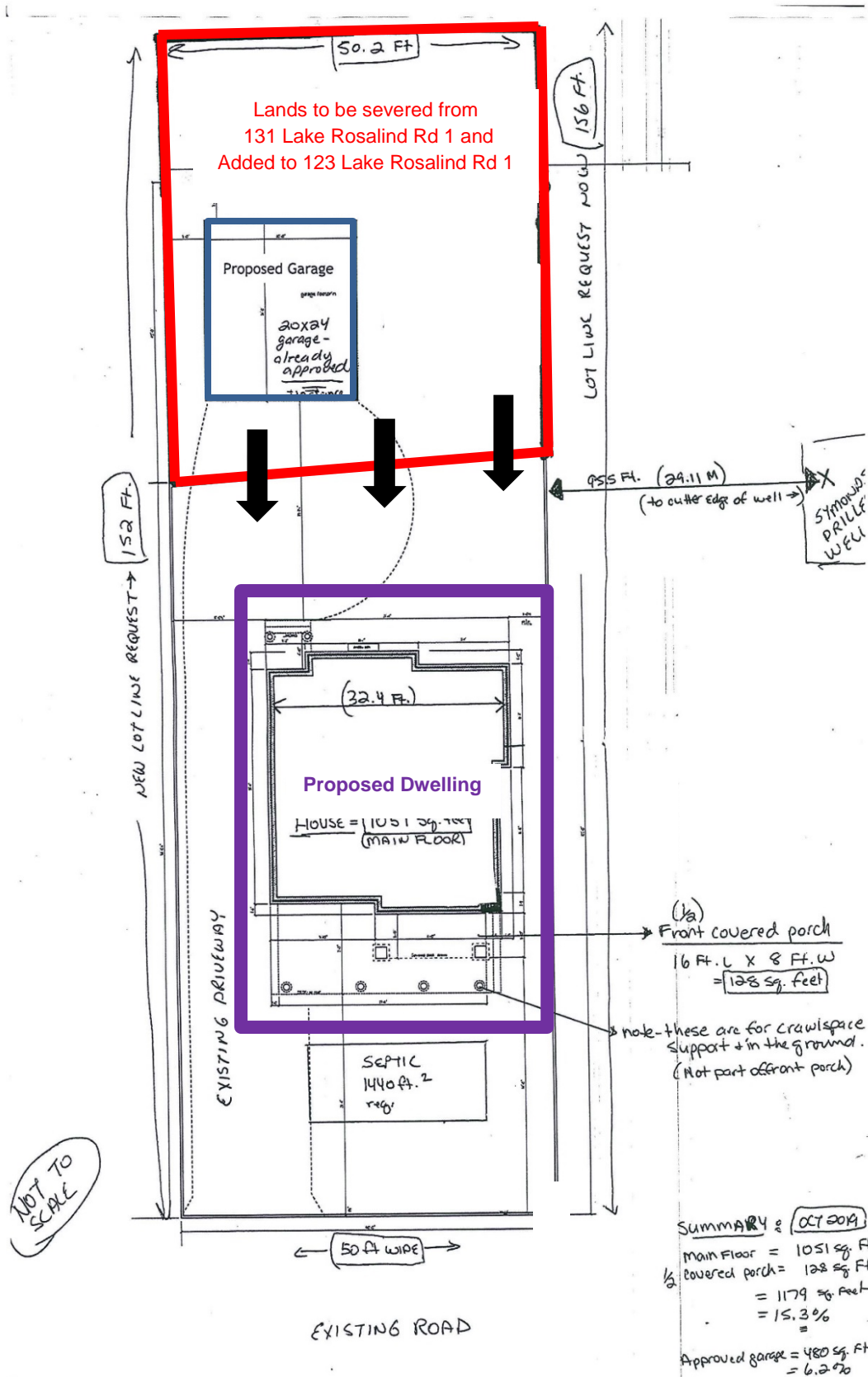
The following considerations have been reviewed in the Planning Analysis section of this report:

- Lot Coverage
- Planning Tests for Minor Variances

The application is consistent with the Provincial Policy Statement and conforms to the County Official Plan, and the intent and purpose of the local zoning by-law, and represents good land use planning.

Planning staff recommend approval of the proposed Minor Variance.

# Site Plan



## Planning analysis

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant planning policy sections.

### Lot Coverage

Lot coverage as a percentile allows for a balance between lot size and the size permitted for structures (i.e. a larger lot can be permitted 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 seeking an increase to lot coverage to permit a portion of the deck to be covered. The proposed increase is 0.3%. This increase is in addition to an already established increase for the proposed detached garage.

## Four tests of a minor variance

Does the variance maintain the intent and purpose of the Official Plan?

Yes, the application maintains the intent of the Bruce County Official Plan. The subject lands are designated as 'Special Policy Area D' being policies related to Inland Lakes. In this designation a variety of cottage and residential uses are permitted.

Does the variance maintain the intent and purpose of the Municipality of Brockton Comprehensive Zoning By-law 2013-26?

Yes, the application maintains the intent and purpose of the Zoning By-law. The property is zoned Inland Lakeshore Residential (LR). The proposed house meets all other required provisions of the by-law including setbacks.

Is the application desirable for the appropriate development 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.

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 proposed increase of 0.3% can be considered minor. The applicant has ensured that the required services can be accommodated on the lot (being water and septic).

## Appendix A- Maps



Bruce County Official Plan



Brockton Zoning By-law

## Appendix B – Agency Comments

### Municipality of Brockton

- No comments

### Saugeen Valley Conservation Authority

- letter dated November 19, 2019 (included as Appendix C). Proposal is acceptable to the SVCA

### Historic Saugeen Metis

- no objection or opposition



# Appendix C – SVCA 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 ([bcplwa@brucecounty.on.ca](mailto:bcplwa@brucecounty.on.ca))

November 19, 2019

Corporation of the County of Bruce Planning and Development  
30 Park Street  
Walkerton, Ontario  
N0G 2V0

ATTENTION: Candace Hamm, Applications Technician

Dear Mrs. Hamm,

RE: Proposed Minor Variance A-75-19.34  
123 Lake Rosalind Road 1, and 131 Lake Rosalind Road 1  
Roll Nos.: 410434001021200, and 410434001025500  
Part Lot 71, Concession 3 NDR  
Geographic Township of Brant  
Municipality of Brockton (Karley)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the proposed minor variance in accordance with the SVCA's mandate, the Saugeen Valley Conservation Authority Environmental Planning and Regulations Policies Manual, amended October 16, 2018, and the Memorandum of Agreement between the Authority and the County of Bruce relating to Plan Review. The application proposes a lot addition to 123 Lake Rosalind Road 1, severed from 131 Lake Rosalind Road 1. A minor variance is requested to amend the permitted lot coverage. A minor variance has already been granted to amend the permitted accessory building coverage from 5% to 6% for a garage. This letter is further to previous SVCA staff comments dated June 28, 2019 and July 19, 2019 regarding minor variance A-38-19.34, and proposed consent to sever land B-47-19.34, respectively. SVCA staff conducted a site inspection to the properties on November 18, 2019. The proposed minor variance is acceptable to SVCA staff, and the following comments are offered.

## Natural Hazard

In the opinion of SVCA staff, neither 123 Lake Rosalind Road 1 nor 131 Lake Rosalind Road 1 are affected by any natural hazard features.

## Natural Heritage

SVCA staff is of the opinion that the natural heritage features and areas affecting the properties include the adjacent lands to fish habitat, and potentially the significant habitat of endangered species and threatened species.



## 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

#### Adjacent Lands to Fish Habitat

Lake Rosalind is located to the west of the properties. Lake Rosalind is considered fish habitat by SVCA staff. Section 2.1.8 of the Provincial Policy Statement (PPS 2014) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands of fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological function. However, in the opinion of SVCA staff, negative impacts to the adjacent lands to fish habitat are likely to be negligible based on the proposal, therefore the preparation of an EIS to address concerns for the adjacent lands to fish habitat is not recommended by SVCA staff at this time.

#### Significant Habitat of Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on, and/or within lands adjacent to the properties. Section 2.1.7 of the PPS 2014 indicates that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the owner to ensure that endangered species and threatened species policy referred to in the PPS is appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy.

#### **SVCA Regulation**

The western edge of both the 123 Lake Rosalind Road 1 parcel, and the 131 Lake Rosalind Road 1 parcel, are located within the SVCA Regulated Area associated with the SVCA's Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act*, R.S.O. Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a wetland or watercourse.

#### "Development" and Alteration

Subsection 28(25) of the *Conservation Authorities Act* defines "development" as:

- 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 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.*

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting or interfering in any way the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.



For the subject properties, the SVCA Regulated Area includes Lake Rosalind and its related flood and erosion hazards plus an offset distance of 15 metres outwards from the flood and erosion hazards. For the properties, this offset distance extends on the properties. Please see the attached SVCA map, dated November 19, 2019, which shows in part the SVCA Regulated Area, which is a three (3) metre (east-west) distance along the western property line, for 123 Lake Rosalind Road 1 parcel.

Permission for Development or Alteration

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

Based on the Schedule 'A' to the application, the location of the proposed new dwelling and garage are not within the SVCA Regulated Area, and therefore a Permit from the SVCA will not be required for the construction of the proposed new dwelling or garage. However, based on the same Schedule 'A', it is unclear what the dimensions of the proposed sewage disposal system will be. If it is determined that a new sewage disposal system is not required within the SVCA Regulated Area on the property, then further review and permission from the SVCA will not be required. However, should a new sewage disposal system be proposed within the SVCA Regulated Area on the property, then an SVCA Permit will be required, and can be issued by the SVCA to the property owners prior to its installation. Please provide a copy of this letter to the property owners so that they can continue with the SVCA review and Permitting process should it be required.

**Conclusion**

All of the plan review functions listed in the Agreement have been assessed with respect to the application. The proposed minor variance is acceptable to SVCA staff. We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,



Michael Oberle  
Environmental Planning Technician  
Saugeen Conservation  
MO/

Enclosure

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



The included mapping has been compiled from various sources and is for informational purposes only. Saugeen Valley Conservation Authority (SVCA) is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map.

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This mapping contains products of the South Western Ontario Orthophotography Project 2015 (SWOOP2015). These images were taken in 2015 at 20cm resolution by Fugro GeoServices. They are the property of Saugeen Valley Conservation Authority ©2019.

November 19, 2019



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### Legend

-  SVCA Regulated Area
-  Approximate Subject Property
-  Parcel Fabric

123 Lake Rosalind Rd. 1  
Mun. of Brockton  
Roll No.: 410434001021200

