

MEMORANDUM



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To: Ms. Judy Davis, Municipal Administrator
Town of Bruce Mines

Date: February 8, 2024

JLR No.: 31740-008

CC: David Welwood, J.L. Richards & Associates
Limited.

From: Jamie Batchelor, Senior Planner

Re: Minor Variance Application – 9 Mitchell Street
Application No. 2024-01

LEGAL DESCRIPTION	PT LT 134 PL 5 PT 2, 1R8565; BRUCE MINES, with municipal address 9 Mitchell Street.
MUNICIPAL ADDRESS	9 Mitchell Street
PROPERTY DESCRIPTION	The subject property is approximately 7300 square metres (0.73 ha) in area and has approximately 15.42 metres of frontage on Mitchell Street. The property also is adjacent to the North Shore of Lake Huron.

RECOMMENDATION

The application meets the four tests of a minor variance: it is minor, conforms to the general intent of the Zoning By-law and Official Plan, and is desirable for appropriate development of the lands. It is our recommendation that the Committee approves the Minor Variance application 2024-01.

PURPOSE

To vary the provisions of 4.18.5(1) to permit a reduced setback of +/- 26 metres from the high water mark, whereas 30 metres is required.

To vary the provisions of 4.8.3 (1) to permit a reduced setback of +/- 5 metres from the flood line or flood elevation of a water body.

EFFECT

To permit the construction of a new single detached dwelling unit including an attached structure in keeping with the existing built fabric.

BACKGROUND

The Town of Bruce Mines has received an application for a Minor Variance which seeks relief from the Provision 4.8.3 (1) and Provision 4.18.5 (1) of the Zoning By-law (2015-17) to permit the construction of a new single detached dwelling unit and an attached accessory structure. The applicant wishes to increase the footprint of the proposed single detached dwelling unit from that of the original single detached dwelling unit.

The subject lands have an approximate area of 7,300 square metres and zoned Residential Low Density (R1) and Shoreline Environmental Protection (SEP) in the Town of Bruce Mines Zoning By-law 2015-17. The Town of Bruce Mines Official Plan (BMOP) has designated a portion of the property as Flood Hazard and another portion of the property

as Residential District. The applicant has applied for Minor Variances to permit the construction of a new single detached dwelling unit and an **attached accessory** structure.

Figure 1 shows an aerial image of the subject property along with the location of the original single detached dwelling unit.

Figure 1: Location of Subject Lands



ANALYSIS

Section 45(1) of the *Planning Act*, R.S.O. 1990, c.P.13 prescribes four tests for a successful minor variance, which are described below in addition to the relevant planning considerations that factor into the recommendation for Application 2024-01. Relief may only be granted if the proposed variance satisfies the four tests for a minor variance as addressed below. The Committee must be satisfied that the application has satisfied all four tests to approve the minor variance. The four tests will be reviewed in the following sections.

Section 1

Is the application Minor in nature

The question of how minor a request is related to both the reduced setbacks proposed and the impact of the variances on adjacent lands.

The original single detached dwelling unit did not meet the required setbacks as per Provision 4.8.3(1) and 4.18.5(1) of the Zoning By-law, and the new single detached dwelling unit represents minor deviations in the proposed setbacks.

The single detached dwelling unit, based on plans currently provided, will be setback +/- 0.3 m distance from the previous single detached dwelling unit. In my professional opinion this represents an improvement over the existing previous condition.

Based on the previous condition, only the attached accessory structure will encroach into the required high water mark setback versus the original structures by +/- 0.9 metres. Therefore, in my professional opinion the requested variance is considered minor in nature.

Section 2

Is the request desirable for the appropriate development or use of the land, building or structure

Residential dwellings (single detached dwelling units) are permitted in the Residential Low Density (R1) Zone. The proposed single detached dwelling unit is fully within the R1 Zone and not within the SEP Zone. The lands currently contained a single detached dwelling unit. Based on the plans provided, the proposed structures will be in within a similar building line as the neighboring structures.

Therefore, in my professional opinion, based on this condition the development is desirable and meets the appropriate development and use of the land.

Section 3

How does the request maintain the intent and purpose of the Official Plan

The subject property is designated both Residential District and Flood Hazard in the Official Plan. The proposed single detached dwelling unit and an attached accessory structure are entirely within the Residential District of the Official Plan; however, the Official Plan does contain some policies in relation to natural hazards that would apply beyond the identified Flood Hazard designation.

Residential dwellings (single detached dwellings units) are permitted in the Residential District of the Official Plan. Therefore, the proposed single detached dwelling unit is a permitted use. Policy 2.13 in the Town's Official Plan provides policies for Natural Hazards including floodplains including a 15 metre horizontal flood allowance. The applicant has provided a letter "*Regulatory Flood Level Compliance Report – 9 Mitchell St., Bruce Mines, ON*" dated December 12th, 2023, prepared by Norquay Engineering, which has concluded that based on site specific elevations on the subject lands, the proposed single detached dwelling unit and attached accessory structure exceed the required 15 metres horizontal flood allowance for wave uprush in the Official Plan. JLR has received additional information from Norquay Engineering received via email confirming that the attached accessory structure is +/- 23 metres from the regulatory flood elevation of 178.2 CGD.

Policy 2.28 Shoreline Management and Docking Facilities in the Official Plan encourages the conservation, retention or enhancement of natural vegetation buffers on lands within 30 m of Lake Huron. It states that where the natural vegetation buffer will be reduced to accommodate the expansion of an existing building, the replanting of an area equivalent or greater than the area is required.

The Town has a Site Plan Control By-law 2009-35 under Section 41 of the *Planning Act* which requires all development in lands which abut the shoreline to enter into a site plan agreement registered on title at the sole expense of the owner. The additional planting requirement as per the Official Plan can be appropriately addressed through the site plan process as required by Policy 7.12 of the Official Plan.

Therefore, in my professional opinion, the proposed variance meets the intent and purpose of the Official Plan.

Section 4

How does the request maintain the intent and purpose of the Zoning-By-law

The subject lands are zoned Residential Low Density (R1) and Shoreline Environmental Protection (SEP). The proposed development is within the Residential Low Density (R1) zone on the property. A single detached dwelling unit is a permitted use in the R1 Zone.

Section 6 of the Zoning By-law provides establishes Zoning Provisions for a single family dwelling unit:

	Requirement	Proposed Single Detached Dwelling Unit	Conformity with Requirement
Minimum Lot Area	550 m ²	+/- 7300 m ²	Yes
Minimum Lot Frontage	18 m	+/- 15.42 m	No
Minimum Front Yard	7.5 m	+/- 7.62	Yes
Minimum Rear Yard	7.5 m	+/- 25.6 m	Yes
Minimum Interior Side Yard	2 m	+/- 3.53 and 3.96 m	Yes
Maximum Height	10 m	+/- 9.14	Yes
Maximum Lot Coverage	35%	+/- 26.3%	Yes

*Lot Coverage is only calculated within the R1 Zone portion of the property. Lot Coverage: *Means that percentage of land or lot area covered by buildings and structures above ground level and which excludes that portion of such land or lot area which is occupied by a building or portion thereof which is completely below ground level, and shall exclude a fence, patio, landings, steps, ramps, retaining wall, root cellar, a sewage disposal system and an in-ground swimming pool or hot-tub.*

Policy 4.8.3 (1) of the Zoning By-law prohibits any building or structure erected closer than 15 m from the flood elevation or flood line of a water body. The applicant has provided a letter from Norquay Engineering which concludes that the proposed single detached dwelling unit exceeds the required 15 metre setback from the flood line or flood elevation based on site specific information. Additional information from Norquay Engineering indicates that the attached accessory structure also exceeds the required 15 m setback form the flood elevation or flood line.

Therefore, in my professional opinion, a minor variance from Provision 4.8.3 (1) is no longer required for the single detached dwelling unit and the attached accessory structure.

Provision 4.18.5 (1) of the Zoning By-law requires a minimum setback for a single detached dwelling unit, a non-residential structure or accessory structure to be setback a minimum of 30 m from the shortest distance from the high water mark. Based on the plans provided, the setback for the proposed development is +/- 26 metres. This represents an encroachment of a potentially less than a metre.

Therefore, it is my professional opinion that the proposed single detached dwelling unit and attached accessory structure meets the intent of Provision 4.8.3(1) and 4.18.5 (1) of the Zoning By-law

Section 5

PUBLIC COMMENTS

Comments from Neighbors on Mitchell Street

Seven comments have been received from the public on Mitchell Street and are on record.

LIST OF ATTACHMENTS

- Appendix 'A' Sketch 1 and 2 of the Proposed Development
- Appendix 'B' Engineering Report prepared by Norquay Engineering and email correspondence.

Should you have any questions regarding the above, or if additional information is required, please contact the undersigned.

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:



Jamie Batchelor, RPP, MCIP
Senior Planner

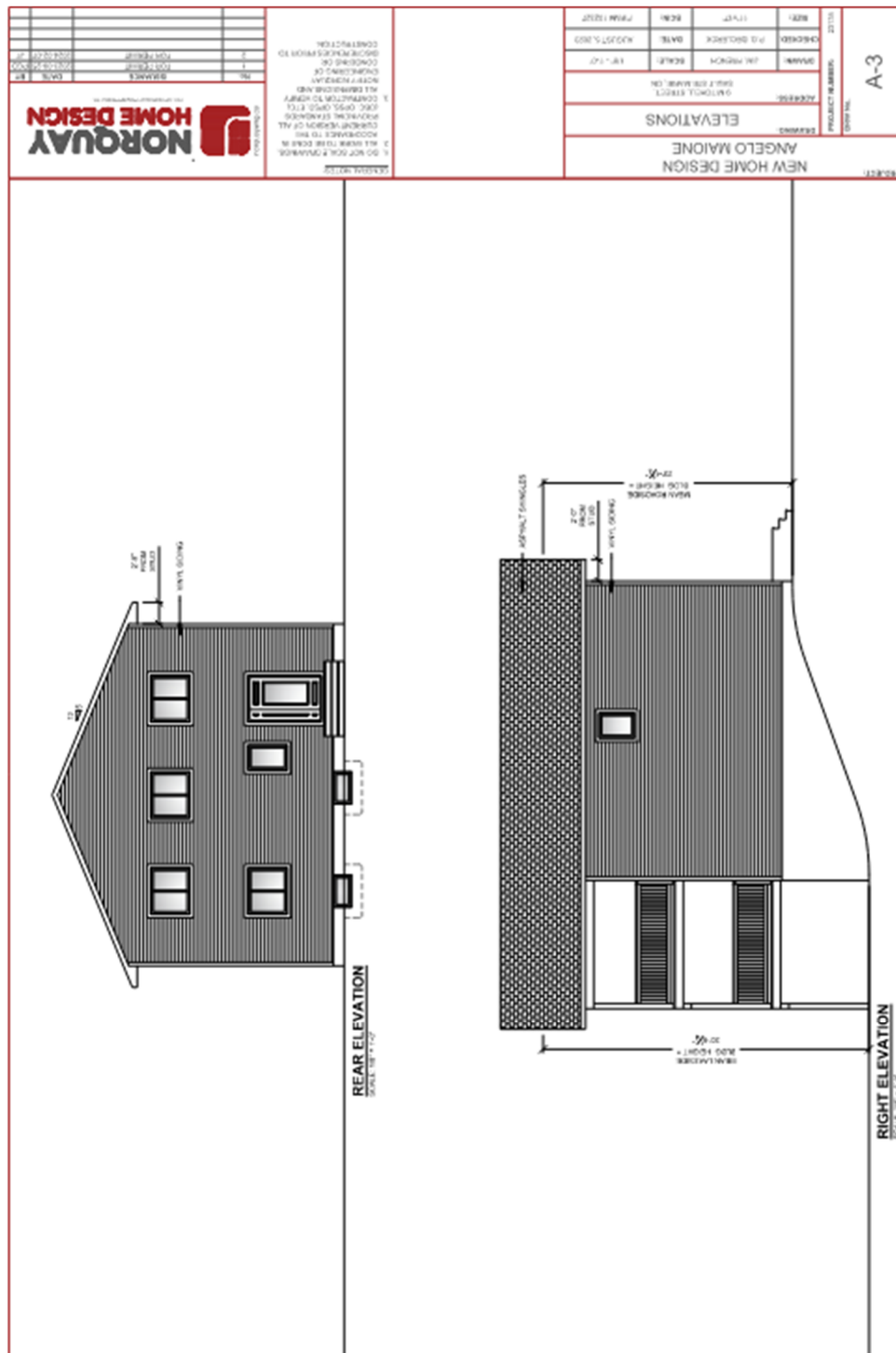
Reviewed by:



Lorelie Spencer, RPP, MCIP
Senior Planner

JB;ls

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Appendix 'B' Engineering Report and email prepared by Norquay Engineering

NORQUAY ENGINEERING LTD.
270-677 MACDONALD AVE,
SAULT STE. MARIE, ON, P6B 1J4
EMAIL: info@norquayeng.ca



Regulatory Flood Level Compliance Report

Project:	NQ-23135	Description:	Regulatory Flood Level Compliance
Client:	Angelo Maione	Date:	December 12, 2023
Address:	9 Mitchel St, Bruce Mines, ON.	Page:	1 of 2

1.0 Introduction

Mr. Paul DeClerck, with assistance from Jerry Tulloch of Norquay Engineering Ltd. made a site visit and performed a review of the proposed residential site plan in reference to regulatory flood levels at the above noted address on December 5, 2023. As per the client request, the purpose of this report is to ensure the proposed residential building adequately accounts for the regulatory flood elevation and potential wave uprush experienced in the region. Outlined below are Norquay Engineering's comments and recommendations.

2.0 Comments and Recommendations

Upon visiting the site and surveying existing features on the property, it was determined that if the bottom of footing of the foundation adjacent to the road is place at a Geodetic elevation of 179.191m, the top of basement finished floor slab will be at a Geodetic elevation of 179.496m. This proves to be 1.296m above the regulatory flood Geodetic elevation of 178.2m, as provided by the firm J.L. Richards letter and File No. 31740-000.1.

To ensure the wave uprush will not impact the design, the basement finished floor elevation must be a minimum of 0.5m above the regulatory flood elevation and additionally the proposed building must have a minimum 15m setback from the flood line at that elevation. The top of the shoreline retaining wall closest to the proposed building has an elevation of 178.073m and will be approximately 29.26m setback from the closest opening of the proposed building. Based on the proposed slope of 4.86% between the building and retaining wall, and when water levels reach 178.7m, the shoreline will be approximately 16.368m from the building. Therefore the proposed residential design adequately accounts for the regulatory flood elevation and potential wave uprush experienced in the region.

3.0 Limitation

This report is limited to the assessment of the proposed residential design in reference to regulatory flood levels for the above noted property. All other construction should follow typical standards and common practice, adhere to design drawings, and comply with the current Ontario Building Code and municipal regulations. This report does not alleviate the contractor, owner, building authority or any other parties of their respective responsibilities. If any discrepancies exist between this letter and the proposed construction, contact the engineer for review and approval prior to proceeding.

NORQUAY ENGINEERING LTD.
270-677 MACDONALD AVE,
SAULT STE. MARIE, ON, P6B 1J4
EMAIL: info@norquayeng.ca



We trust this information is complete and adequate for your consideration, should you have any questions or concerns please do not hesitate to contact the undersigned.

Sincerely,



PSB-23135

P. Scott Beaumont, P.Eng
Professional Engineer