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**Date** Wednesday, February 24, 2021

**From** Jenn Burnett, Senior Planner

**Subject** Public meeting Report for Anna Szabo Z-01-21

**Report** PL.2021.09

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### Recommendation

It has been demonstrated that the proposed application is consistent with the Provincial Policy Statement 2020, the County Official Plan, the Township of Georgian Bluffs Official Plan, and the Township of Georgian Bluffs Zoning By-law 2020-020.

It is recommended that Report PL.2021.09 for Z-01-21 for Anna Zsabo be received for information, and

Provided no issues are raised at the Public Meeting, that Zoning By-law Amendment Application Z-01-21 and the corresponding deeming application for Anna Zsabo for lands described as TP Brooke Lots 136, 138 & 140 Albert WS, be approved.

### Application Summary

**Applicant(s):** Anna Szabo

**Owner(s):** Anna Szabo

**Legal Description:** TP Brooke Lots 136, 138 & 140 Albert WS

**Civic Address:** 1900 8<sup>th</sup> Avenue West, Owen Sound

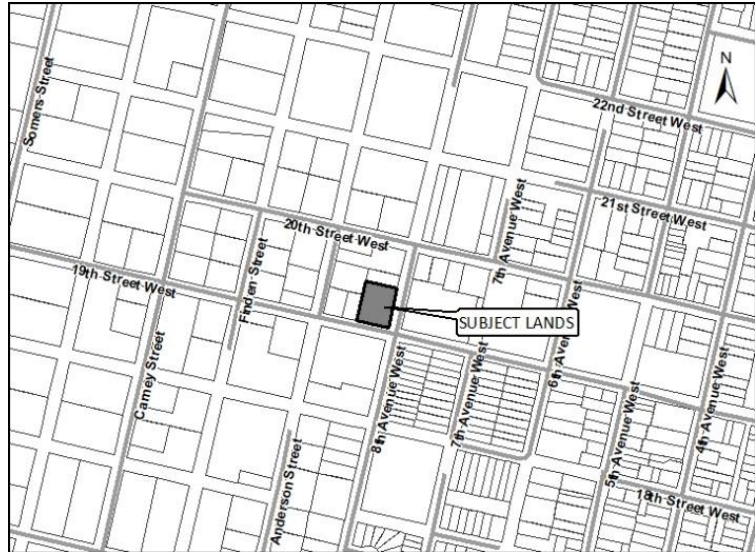
**ARN:** 4203 580 012 31700

The purpose of the zoning by-law amendment and deeming by-law applications is to create one 3035 m<sup>2</sup> lot by merging three small lots to meet the lot area and frontage requirements of By-law 2020-020.

Application Z-01-21 seeks relief to By-law 2020-020:

1. to reduce the setback from the Environmental Protection Zone (EP) from 15 m to 5 m;
2. to reduce the setback from a watercourse from 15 m to 5m.
3. to recognize the deemed parcel as a lot of record. No other relief to the By-law has been requested.

The owner would like to build an addition onto the existing house and install a new septic system.



### Policies Affecting the Proposal

#### **Provincial Policy Statement 2020, Grey County Official Plan (2019), Recolour Grey, and the Township of Georgian Bluffs Zoning By-law 2020-020.**

The 2020 Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act requires that land use planning decisions 'be consistent with' provincial policies. Decision makers are asked to be consistent with the policies of the PPS including: 1. Building Strong Communities; 2. Wise Use and Management of Resources; and 3. Protecting Public Health and Safety. The PPS is to be read in its entirety and the relevant policies are to be applied to each situation, therefore only excerpts from the PPS have been highlighted to demonstrate the proposal's conformity with the Provincial Policy Statement.

Under Section 4.6 of the PPS, the Official Plan is identified as, "the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans shall identify provincial interests and set out appropriate land use designations and policies." (PPS 2020, pg. 35). Schedule A of the Grey County Official Plan (GCOP) and Schedule A to the Township of Georgian Bluffs Official Plan (GBOP) designate the subject property as Settlement Area and permits residential uses. The GBOP locates the lands within the Brooke Residential – 'A' policy area and permits development of existing lots provided the lots are of adequate size to support water and sewer services and suitable soil and drainage conditions exist. The application proposes to merge 3 existing smaller lots to achieve a lot size of 3035 m<sup>2</sup> which is greater than the size required by the Zoning By-law.

Development in Brooke is to comply with the Brooke Area Stormwater Management Study. The property contains a detached dwelling, accessory structure and a paved

driveway. The applicant's engineer provided a grading and drainage plan with a stormwater management area identified for the building addition. Section 2.2 of the PPS 2020 requires that,

“2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:

b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;

i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.”

The GSCA reviewed the proposal and noted that the development will result in an increase to site imperviousness and are recommending a stormwater management plan to address potential water quality and quantity concerns. Staff followed up on this comment and further email correspondence dated February 16, 2021 from the GSCA indicates that the plan submitted with the application is sufficient for approving the application but the GSCA will require more details on the stormwater management design at the permit stage. The plan submitted with the zoning amendment application does show a stormwater management area.

The Grey Sauble Conservation Authority reviews planning applications within Georgian Bluffs and provides comments based on their responsibilities as a regulatory authority under Ontario Regulation 151/06 and as a service provider through a memorandum of understanding with the Township, to address natural heritage features. Upon review of this application, they note the following:

PPS 2020, Section 3.1 Natural Hazards

*3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:*

*a) hazardous lands adjacent to river, stream and small inland lakes systems which are impacted by flooding hazards, and/or erosion hazards.*

Natural hazards on this property are identified with the flood and erosion potential of the watercourse. The area is zoned EP- Environmental protection, and the proposed development is located outside of the natural hazard areas, so there is no objection to reducing the EP zone to accommodate the proposal.

PPS 2020, Section 2.1 Natural Heritage

*“2.1.1 Natural features and areas shall be protected for the long term.*

GSCA Comment: Natural heritage features include the adjacent lands to significant woodland as mapped in the County of Grey Official plan.

*2.1.5 Development and site alteration shall not be permitted:*

*b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

GSCA Comment: The proposed structure is within the adjacent lands to the significant woodland feature.

*2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

GSCA Comment: The Natural Heritage Reference Manual and County of Grey Official Plan recommend a 120 metre adjacent lands width for consideration of negative impacts. The proposal falls within the adjacent lands allowance. However, the proposed development location is within the manicured footprint associated with the existing residence. As such, no new impacts are anticipated with the subject proposal.” (GSCA letter dated February 16, 2021)

The entire property is regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses and a permit will be required for any development or site alteration.

The subject property is located within an area that is subject to the local Source Protection Plan and review comments from the Risk Management Official note that no policies apply to the activities identified in the application.

The Township of Georgian Bluffs Zoning By-law 2020-020 zones the subject lands ‘R1c-General Residential Brooke’, and permits residential development. The zoning amendment application proposes to recognize the deeded lots as a lot of record. The resultant 3035 m<sup>2</sup> lot exceeds the required lot size and frontage for this zone, 2000 m<sup>2</sup>. The amendment will also reduce the setback from the Environmental Protection Zone (EP) from 15 m to 5 m. The GSCA has reviewed the file and note that the setback to the watercourse is 20 m so there is no need to reduce that setback. Preconsultation with the GSCA occurred prior to the application submission and in comments dated February 16, 2021, the GSCA supports the reduced setback.

The location of the existing house does not meet the front and side yard setbacks of the Zoning By-law 2020-020. This deficiency is recognized in Section 5.11 which addresses non-complying front and side yard setbacks. The By-law permits the building expansion, or addition, provided it does not increase the situation of non-compliance with the provisions of the by-law. As the proposed addition does not extend closer to the lot line than the current dwelling, there is no further contravention of the by-law.

The lots in the Town Plot of Brooke are lots on a registered plan and once deemed, or merged, will no longer be recognized by the by-law as existing lots. The amending by-

law will recognize then as an existing lot of record so that a permit can be issued for development.

### Deeming By-law

Pursuant to Section 50(4) of the *Planning Act*, a deeming by-law application was submitted as part of this development proposal to deem the lots not to be lots on a registered plan, so that they no longer have registered lot status and can be merged. The three lots will be deemed to become one 3035 m<sup>2</sup> lot that meets the lot area requirements of the zoning by-law 2020-020. The Zoning By-law does not recognize a deemed lot to be an existing lot of record so a by-law amendment will recognize a lot of record so that a permit can be issued.

The deeming by-law will be registered on title to the lands and the property owner will be invoiced for the registration costs and the associated legal fees.

### Relevant Consultation

The Notice of Complete Application and Notice of Public Meeting/Public Hearing was circulated to various agencies for review. The following comments were received:

- **Grey Sauble Conservation Authority:** in comments dated February 16, 2021, “GSCA has no objections to the approval of the subject zoning by-law amendment and reducing the setback from the EP zone from 15 metres to 5 metres. We note, the setback from the watercourse for the proposed development appears to be 20 metres. As such, reducing the 5 metre watercourse setback is not necessary.”
  1. Consistency with Section 3.1 of the PPS has been demonstrated;
  2. Ontario Regulation 151/06 does apply to the subject site. A permit will be required from GSCA for the subject proposal;
  3. Consistency with Section 2.1 PPS has been demonstrated;
  4. A stormwater management plan is recommended to address PPS Section 2.2;
  5. The subject site is not located within an area that is subject to the policies contained in the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan.

*Staff Comment:* Staff followed up with the GSCA to clarify the need for the stormwater management plan identified in the comments and noted as number 4 above. In email correspondence dated February 16, 2021, the GSCA noted that the grading and drainage plan does identify a stormwater management (SWM) area and are satisfied with the plan for the application stage but will require a more detailed SWM plan for the permit application stage.
- **Grey County Planning & Development Department:** Provided that positive comments are received from the Conservation Authority regarding the Hazard Lands and Significant Woodlands, County planning staff have no further concerns with the subject application. The County requests notice of any

decision rendered with respect to this application. (Correspondence dated February 16, 2021)

- **Historic Saugeen Metis (HSM)** in email correspondence dated February 2, 2021 the HSM note that, “[t]he Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Zoning By-law Amendment as presented.”
- **Grey Sauble Conservation Authority Risk Management Office (RMO):** “From the information noted in the application for a new addition and garage on this property, it has been determined that **neither section 57 (Prohibited Activities) nor section 58 (Regulated Activities)** applies on the above-noted property, pursuant to the *Clean Water Act, 2006* Consequently, **no policies apply to the activities identified in the application**, under the approved Source Protection Plan for the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region (effective July 1, 2016). However, it is important to note that the above property is located within the Events-base Area for the R.H.Neath Water Treatment Plant in Owen Sound, whereby the storage of fuel greater than 50,000 litres is regulated.” (Correspondence dated January 22, 2021)

The Notice of Complete Application and Notice of Public Meeting was circulated to all property owners within 120 m of the subject property, no written comments were received.

## Conclusion & Recommendation

It has been demonstrated that the proposed application is consistent with the Provincial Policy Statement 2020, the County Official Plan, the Township of Georgian Bluffs Official Plan, and the Township of Georgian Bluffs Zoning By-law 2020-020.

It is recommended that Report PL.2021.09 for Z-01-21 for Anna Zsabo be received for information, and

Provided that no issues are raised at the Public Meeting, Zoning By-law Amendment Application Z-01-21 and the corresponding deeming application for Anna Zsabo for lands described as TP Brooke, Lots 136, 138 & 140 Albert WS, be approved.

Respectfully Submitted:

Jenn Burnett

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Jenn Burnett, MSc., MCIP, RPP



TP Brooke Lots 136, 138 & 140 Albert WS  
1900 8<sup>th</sup> Avenue West, Owen Sound  
4203 580 012 31700

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## Report Approval Details

Document Title:	PL.2021.09 Public Meeting Report for Z-01-21 for Anna Szabo.docx
Attachments:	<ul style="list-style-type: none"><li>- GSCA Comments Z-01-21 Szabo.pdf</li><li>- Risk_Management_Letterhead_s.59(2a)_Szabo.pdf</li></ul>
Final Approval Date:	Feb 18, 2021

This report and all of its attachments were approved and signed as outlined below:

Tim Lewis, Chief Building Official / By-law Enforcement Officer

Steven Dollmaier, Director of Operations

Janet Hilts, Human Resources Manager

Kassandra Rocca, Director of Finance / Treasurer

Brittany Drury, Clerk

Al Meneses, Chief Administrative Officer