



### Staff Report

**Report Title: Appeal to LPAT – Minor Variance – Gammie/Elphick**

**Prepared By: Emily Dance**

**Department: Clerk**

**Date: Feb. 1, 2021**

**Report Number: CLK-2021-02-7  
Gammie – LPAT Appeal**

**File Number: D13-MV**

#### **Attachments:**

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#### **Recommendation:**

THAT the Township of Huron-Kinloss Committee of the Whole hereby receives for information Report No. CLK-2021-02-7 prepared by Emily Dance, Clerk.

#### **Background:**

On July 20, 2020 the Township of Huron-Kinloss Committee of Adjustment approved a minor variance request from Jeff & Kristi Gammie to reduce the minimum interior side yard setback from 1.5m (4.92 feet) to +/- 0.99 m (3.264 feet) to permit the construction of an attached garage on the south side of an existing single family detached dwelling.

A building permit was issued in 2019 with the reduced side yard set back in error which has since been revoked and the minor variance request was brought forward to gain compliance and allow the construction to proceed.

The Township of Huron-Kinloss received an appeal from Ken & Joyce Elphick . The basis of the appeal is based on:

- the setbacks not meeting the minimum requirements of the zoning by-law;
- concerns on drainage/run off from roof onto their property;
- measurement from the application measured from a fence that is not the actual property line
- past drainage issues;
- numerous attempts made to the Township to raise objections while the footings were being dug, if the Township made the necessary efforts to review/enforce the by-law the need to evaluate/re-zone could have been avoided.

**Discussion:**

The appeal was forwarded to the Local Planning Appeal Tribunal (LPAT) on August 11, 2020. Due to the COVID-19 pandemic appeals have been taking longer to process.

On January 19, 2021 the Township received notification that the tribunal has scheduled the hearing on Tuesday March 9, 2021 at 10:00 am using an electronic platform "GoToMeeting"

The County of Bruce Senior Planner, Coreena Smith and our Legal Counsel Steve O'Melia will be representing the Township on the appeal.

**Financial Impacts:**

The appellant fee is \$300 payable to LPAT.

As per the Township of Huron-Kinloss Tariff of Fees By-Law when an appeal to LPAT is received by any person other than the applicant, the application is required to submit a \$500 deposit. Upon receipt of the LPAT appointments of hearing, the applicant shall submit a further deposit of \$2,000. The deposit will cover all professional services related to the appeal; it is the intent that the applicant bears all costs of the appeal.

**Strategic Alignment / Link:**

We are an accessible community by being open and transparent.

**Respectfully Submitted By:**

Emily Dance, Clerk

**Approved By:**

Mary Rose Walden, Chief Administrative Officer