



Staff Report

Report Title: LPAT Decision– Minor Variance – Gammie/Elphick

Prepared By: Emily Dance

Department: Clerk

Date: Apr. 7, 2021

**Report Number: CLK-2021-04-32
Gammie – LPAT Appeal**

File Number: D13-MV

Attachments: LPAT Decision

Recommendation:

THAT the Township of Huron-Kinloss Committee of the Whole hereby receives for information Report No. CLK-2021-04-32 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.

The decision was appealed by the neighbour based on the method used for the measurement of the side yard setback and the potential impacts related to drainage on their property.

The hearing was held on Tuesday March 9, 2021 using an electronic platform "GoToMeeting"

Discussion:

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

Chair Margot Ballagh returned her decision to the Township on March 19, 2021 ordering that the appeal is allowed in part, and the variance to Zoning By-Law 2018-98 to permit a reduced minimum interior side yard setback on the south side of the existing dwelling of 0.823 m instead of the 1.5 m required by the Zoning By-law in order to construct the proposed garage is authorized, subject to the condition that

drainage from the roof of the proposed garage will be directed toward the existing drain at the southeast corner of the dwelling so that water will not run onto the appellant's (Elphick's) property.

Staff have been in contact with Maitland Valley Conservation Authority, and they have no issue with the grading being directed to the drain north of the property. The owner will have to provide a grading plan showing the proposed direction of water flow prior to the Stop Work Order being lifted and a certificate from a Land Surveyor stating that plan has been met prior to occupancy being granted.

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