



Planning Report

To: Township of Huron Kinloss Committee of Adjustment

From: Julie Steeper, Planner

Date: April 12, 2021

Re: Minor Variance Application - A-2021-007 (Vollmer)

Recommendation:

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

That Committee approve Minor Variance A-2021-007 as attached subject to the conditions on the decision sheet.

Summary:

The purpose of the application is to seek relief from the following provisions of the Zoning By-law:

- Minimum side yard setback - the proposed side yard setbacks to the dwelling are 1.60 m and 0.67 m whereas the minimum required is 3 m.
- Maximum height - the proposed height of the detached garage is 5.5 m whereas the maximum permitted is 5 m.

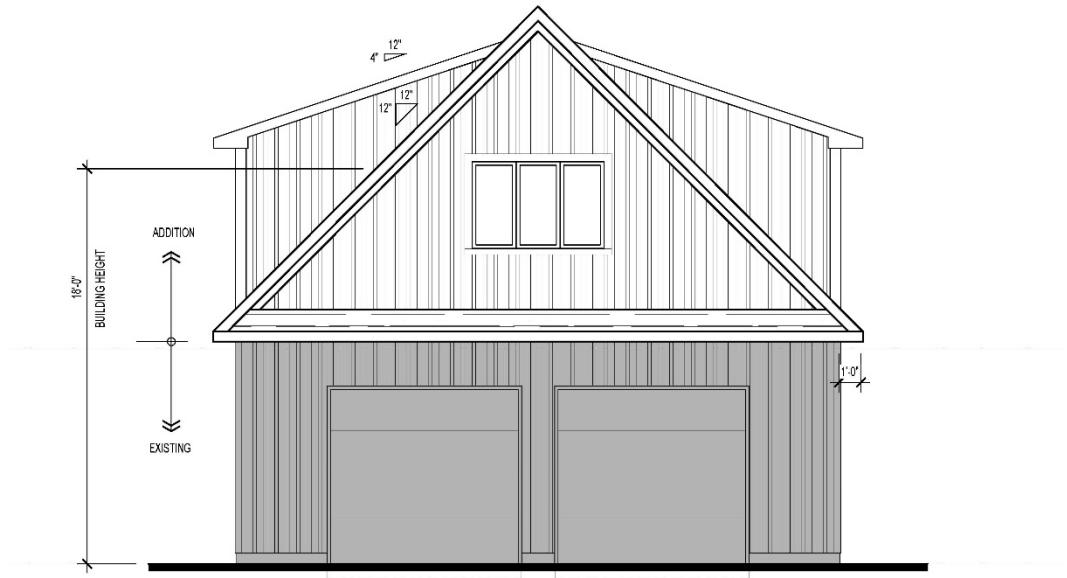
If approved, the application would facilitate additions onto the existing dwelling and one upper story addition to the existing detached garage at 767 Victoria Road, in the Township of Huron Kinloss.

The property is south west of Kincardine and is west of Highway 21 and South Baseline, and south west of Concession 2. The property is surrounded by residential uses.

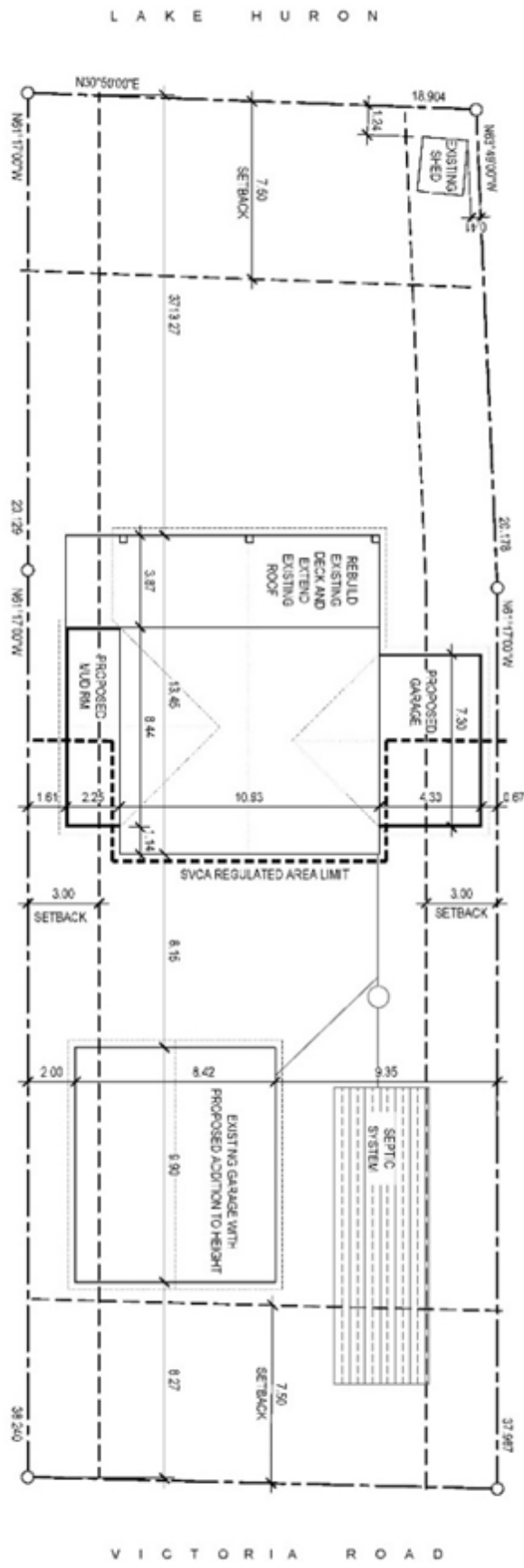
Airphoto



Site Plan



- LEGEND**
- EXISTING STRUCTURE
 - TO BE REMOVED/DEMOLISHED



SITE DATA

MUNICIPAL ADDRESS:

767 VICTORIA ROAD

BASED ON D. CLARKE LTD SURVEY PART A PLAN OF PART OF LOT 10 CONCESSION A AND PART OF THE ORIGINAL ALLOWANCE FOR ROAD GEOGRAPHIC TOWNSHIP OF HURON

ZONING:

R1 (LAKESHORE RESIDENTIAL)

	REQUIRED	PROVIDED
MINIMUM LOT AREA:	1,850m ² (18,913.2m ²)	1,155.4m ² (12,436.6m ²)
MINIMUM LOT FRONTAGE:	30.0m (98.4ft)	19.0m (62.3ft)
MINIMUM FRONT YARD:	7.5m (24.6ft)	8.2m (26.9ft)
MINIMUM REAR YARD:	7.5m (24.6ft)	18.5m (60.7ft)
MINIMUM SIDE YARD (NORTH):	3.0m (9.8ft)	0.67m (2.2ft)
MINIMUM SIDE YARD (SOUTH):	3.0m (9.8ft)	1.65m (5.3ft)
MINIMUM BUILDING HEIGHT:	8.0m (26.2ft)	4.7m (15.3ft)
MAXIMUM LOT COVERAGE:	30%	25.4%

Garage Area: 208.1m²
Total Area: 1,155.4m²
25.4%

Planning Analysis:

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

Four Tests of a Minor Variance

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

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

The Bruce County Official Plan designates the property Secondary Urban Communities and Hazard Land Areas. The Township of Huron Kinloss Official Plan designates the property Lakeshore Residential and Environmental Protection. The proposed additions to both the existing detached garage and dwelling are to the existing residential uses and permitted within both Official Plans. Furthermore, Saugeen Valley Conservation Authority has confirmed that the location of the existing dwelling and garage and proposed additions to each are not located within the dynamic beach hazard associated with Lake Huron, but rather on the lands adjacent to the dynamic beach. Therefore, the application does maintain the intent and purpose of the Official Plans.

Does the variance maintain the intent and purpose of the Zoning By-law?

The by-law identifies that the maximum height for accessory buildings shall not be greater than 5 m. The intent of the height regulation is to control the height so that the accessory building is in keeping with the residential character of the area. In this instance, the height of the accessory building is proposed to be 5.5 m which is in keeping with the character of the area.

The by-law identifies the minimum interior side yard setback for dwellings shall be 3 m. The applicant is requesting 1.60 m and 0.67 m. The proposed attached garage will have access doors on either side (1 door towards the lake and 1 towards the front of the property) Given that the proposed development will consist of a through garage staff are satisfied that access with equipment to the rear yard will be maintained. The Septic is located within the front of the property and access is not an issue with the proposed development. Side yard setbacks provide separation between buildings and uses on adjacent properties, space for maintenance and landscaping, and buffering. The proposed setbacks will still allow adequate space for maintenance, landscaping, and buffering.

The variances maintain the intent and purpose of the zoning by-law.

Is the application desirable for the appropriate development of the land, building or structure?

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 addition to the existing dwelling and existing accessory structure to meet their current needs. The accessory building will be used for storage. The variances represent an appropriate form of development for the use of the land.

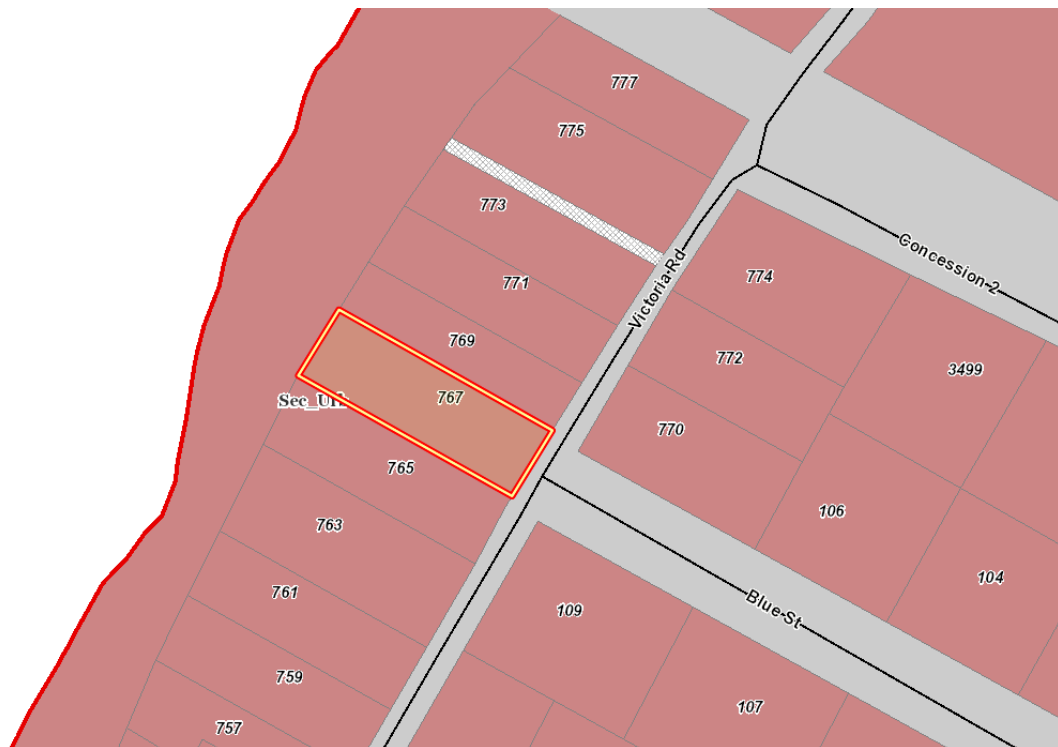
Is the application minor in nature?

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 variances are considered minor in nature.

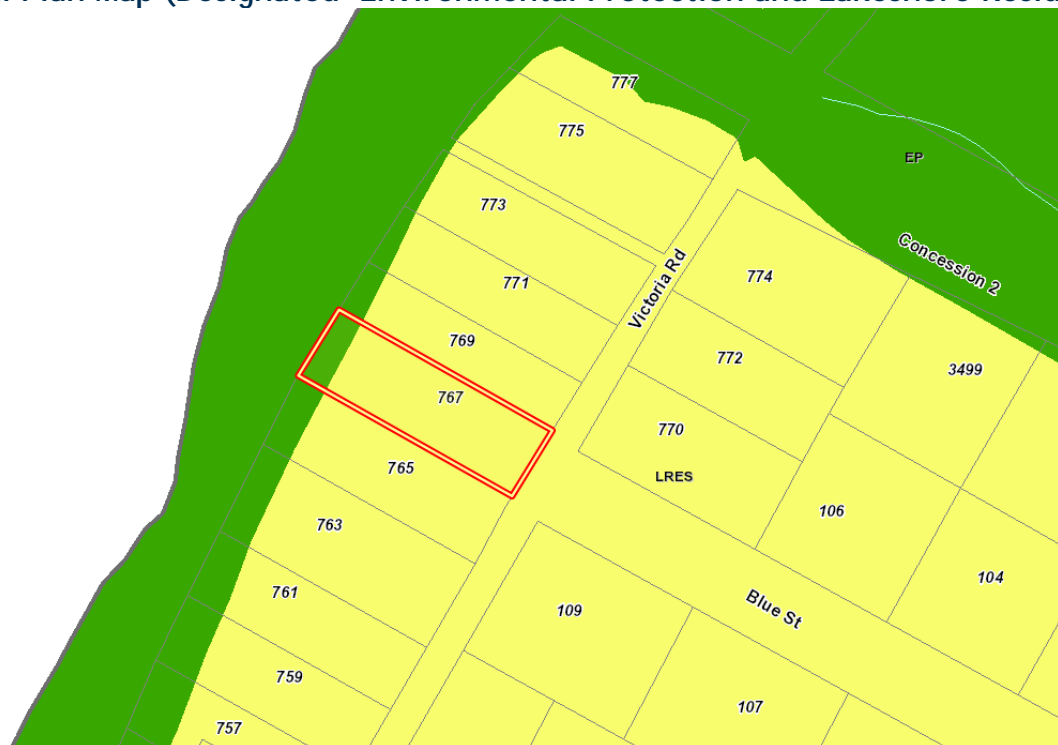
Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Notice

County Official Plan Map (Designated Secondary Urban Communities and Hazard Land Areas)



Local Official Plan Map (Designated Environmental Protection and Lakeshore Residential)



Local Zoning Map (Zoned Residential One 'R1', Residential One Special 'R1(db)' and Environmental Protection 'EP')



Agency Comments

BM Ross: We note that a garage is proposed for the north side of the existing dwelling. Vehicle access to this proposed garage would be over the existing septic system. Vehicle traffic over the septic system has the potential to damage the system. We also note that there does not appear sufficient space to relocate the system.

Note: The proposed attached garage is for storage only there is no driveway proposed to the attached garage. In consultation with BM Ross and the CBO the owner has addressed the immediate concerns.

Township of Huron Kinloss: The Township requests a drawing indicating the proposed elevation to review any impacts. The applicant will have to produce a site plan for the building permit and a survey after the foundation goes in to verify the setback.

Note: The elevation will be reviewed at the building permit stage. The survey has been added as a condition on the decision.

Historic Saugeen Metis: No objection or opposition.

Saugeen Valley Conservation Authority: No concerns and provided in full below.

SENT ELECTRONICALLY ONLY: jstepper@brucecounty.on.ca and bcplwa@brucecounty.on.ca

April 6, 2021

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

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Proposed Minor Variance A-2021-007 (Vollmer)
767 Victoria Road
Roll No.: 410716000522300
RP 3R4203 Parts 12 and 14; Part Lot 10, Concession A
Geographic Township of Huron
Township of Huron-Kinloss

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the Planning Act as per our SVCA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

The purpose of the application is to seek relief from the following provisions of the Zoning By-law: •Minimum side yard setback - the proposed side yard setbacks to the dwelling are 1.60 m and 0.67 m whereas the minimum required is 3 m. •Maximum height - the proposed height of the detached garage is 5.5 m whereas the maximum permitted is 5 m. If approved, the application would facilitate additions onto the existing dwelling and one upper story addition to the existing detached garage.

BACKGROUND

On November 2, 2020 the SVCA was contacted by an agent for the owner, regarding development for the property as described in the application for minor variance. On January 19, 2021, SVCA staff provided pre-consultation comments regarding the proposed minor variance.

RECOMMENDATION

The proposed minor variance is acceptable to SVCA staff.

DELEGATED RESPONSIBILITY AND ADVISORY COMMENTS

SVCA staff has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the application through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on Planning Act applications with regards to natural hazards, natural heritage, and water resources as set out in the PPS 2020, County Official Plan and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazard:

The natural hazard features affecting the property are the flood and erosion hazard, including dynamic beach) of Lake Huron.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of hazardous lands and hazardous sites. It is the opinion of SVCA staff that proposed development is in accordance with Section 3.1 of the PPS, 2020.

Township of Huron-Kinloss OP

In the opinion of SVCA staff, the western portion of the property closest to Lake Huron is designated Environmental Protection in the Huron-Kinloss Official Plan (OP), this same area is zoned Environmental Protection (EP) in the Township of Huron-Kinloss Zoning By-law No. 2001-87, as amended. SVCA staff note that a coastal engineering report titled Huron-Kinloss Dynamic Beach Study – Phase III, prepared by W.F. Baird and Associates Coastal Engineers Ltd. dated 2010 (Baird Report) allowed for a reduced dynamic beach hazard for areas of the Township of Huron-Kinloss (including the subject property) for part of the shoreline. The reduced dynamic beach hazard limit is recognized in the Township of Huron-Kinloss Zoning By-law No. 2018-98, as amended.

Furthermore, section 2.14 Dynamic Beach (db) Allowance (30m) of the Township of Huron-Kinloss Zoning By-law No. 2018-98, as amended, states in part that where the suffix (db) follows the land use zone symbol, this is notice that the property is subject to a minimum setback from the '100 year floodline' of 30 metres. The regulated area of the Saugeen Valley Conservation Authority extends 45 metres from the '100 year floodline'. Site alteration to accommodate residential development will only be permitted with the approval of the Township and the Conservation Authority.

Based on Schedule 'A' to the application, the location of the existing dwelling and proposed additions to the existing dwelling, are not located within the dynamic beach hazard, but rather on the lands adjacent to the dynamic beach.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage features affecting the property are significant woodlands located on lands adjacent to the property, and fish habitat related to the adjacent Lake Huron.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in significant woodlands, and fish habitat, and the adjacent lands to these features except as in accordance with the policies found in Section 2.1 of the PPS, 2020.

Huron-Kinloss OP Policies

Significant Woodlands

Significant woodlands are shown on Schedule B-Natural Heritage of the Huron-Kinloss OP. Although not located on the property, significant woodlands have been identified on lands adjacent to the north of the property. Sections 2.6.4 and 2.6.10 of the Huron-Kinloss OP state in part that development and site alteration shall not be permitted within significant woodlands, or their adjacent lands, unless it has been demonstrated through an acceptable Environmental Impact Study (EIS) that there will be no negative impacts to the natural features or their ecological functions. In the opinion of SVCA staff, potential negative impacts to the significant woodlands as part of this proposal would be negligible. Therefore, in the opinion of SVCA staff, the requirement of the preparation of an EIS to address significant woodlands could be waived for this proposal as per section 2.6.10 of the Huron-Kinloss OP.

Fish Habitat and the Adjacent Lands to Fish Habitat

The property is located within the adjacent lands to Lake Huron. Lake Huron is considered fish habitat by SVCA staff. Section 2.1.8 of the PPS, 2020 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 functions. In the opinion of SVCA staff, potential negative impacts to fish habitat will be negligible based on the proposal. Therefore, in the opinion of SVCA staff, the requirement of the preparation of an EIS to address the adjacent lands to fish habitat could be waived for this proposal as per section 2.6.10 of the Huron-Kinloss OP.

Statutory Comments

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the Conservation Authorities Act, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The western half of the property, including the proposed dwelling is within the SVCA Approximate Screening Area/SVCA Approximate Regulated Area associated with Ontario Regulation 169/06. As such, development and/or site alteration on the property may require permission from SVCA, prior to carrying out the work.

“Development” as defined under the Conservation Authorities Act means:

- 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 or 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.

And;

“Alteration” as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

For the property, the SVCA Approximate Screening Area/SVCA Approximate Regulated Area includes the largest extent of the Lake Huron natural hazard features: flooding and erosion hazards, including the dynamic beach hazard.

SVCA Permission for Development or Alteration

Proposed development or alteration including construction, reconstruction, conversion, grading, filling, or excavation, as shown on the plans with the application will require SVCA permission in accordance with Ontario Regulation 169/06. As mentioned above, SVCA staff have been in contact with the owner and/or his agent since November 2020. It is the opinion of SVCA staff that a permit can be provided to the owner once an application is submitted to the SVCA. SVCA staff are currently waiting to hear from the owner/agent before moving forward with the file on our end. Please provide a copy of this correspondence to the owner/agent so that they may continue with the SVCA’s permit process.

SUMMARY

SVCA staff has reviewed the application in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the Conservation Authorities Act.

The proposed minor variance is acceptable to SVCA staff.

Given the above comments, and subject to the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

Please inform this office of any decision made by the planning approval authority with regards to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle

County of Bruce Planning & Development Department
Proposed Minor Variance A-2021-007 (Vollmer)
April 6, 2021
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Environmental Planning Technician
Saugeen Conservation
MO\

cc: Emily Dance, Clerk, Township of Huron-Kinloss (via email)
Don Murray, Authority Member, SVCA (via email)



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



March 17, 2021

File Number: A-2021-007

Public Hearing Notice

**You're invited to participate in an Online Public Hearing
Monday, April 12, 2021 at 7:00 pm**

A change is proposed in your neighbourhood: The purpose of the application is to seek relief from the following provisions of the Zoning By-law:

- Minimum side yard setback - the proposed side yard setbacks to the dwelling are 1.60 m and 0.67 m whereas the minimum required is 3 m.
- Maximum height - the proposed height of the detached garage is 5.5 m whereas the maximum permitted is 5 m.

If approved, the application would facilitate additions onto the existing dwelling and one upper story addition to the existing detached garage.



767 VICTORIA RD
CON A PT LOT 10 PT SHORE
RD;ALLOW RP 3R4203 PARTS
13 AND;14 (Huron)
Township of Huron-Kinloss
Roll Number 410716000522300

**COVID-19 Notice: Bruce County Planning offices are closed to the public until further notice.
Our staff would be pleased to connect with you by email or phone.**

Learn more

You can view more information about the application at <https://brucecounty.on.ca/living/land-use>. Our staff would be pleased to connect with you by email (bcplwa@brucecounty.on.ca) or phone (226-909-5515). Once our offices re-open, information about the application will be available in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Julie Steeper

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda.

Before the meeting: You can submit comments by email bcplwa@brucecounty.on.ca or mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application. Comments will be provided to the Committee for its consideration.

On the day of and during the Public Meeting: you can speak during the online public hearing.

How to access the public hearing

As a result of the COVID-19 Pandemic, the Township of Huron-Kinloss is holding public meetings and public hearings in electronic format.

For information on how to participate in the public hearing, please visit the municipal website at: <https://www.huronkinloss.com/minutes-agendas.cfm>.

Details on participating in the electronic meeting will be provided when the agenda is published. Please contact the Township of Huron-Kinloss by 4:30 pm on April 12, 2021 (edance@huronkinloss.com or 519-395-3735 ext. 123) if you have any questions regarding how to participate in the hearing.

Stay in the loop

If you'd like to be notified of the decision of the Committee of Adjustment on the proposed application(s), you must make a written request to the Bruce County Planning Department on behalf of the Secretary-Treasurer for the Committee of Adjustment.

Know your rights

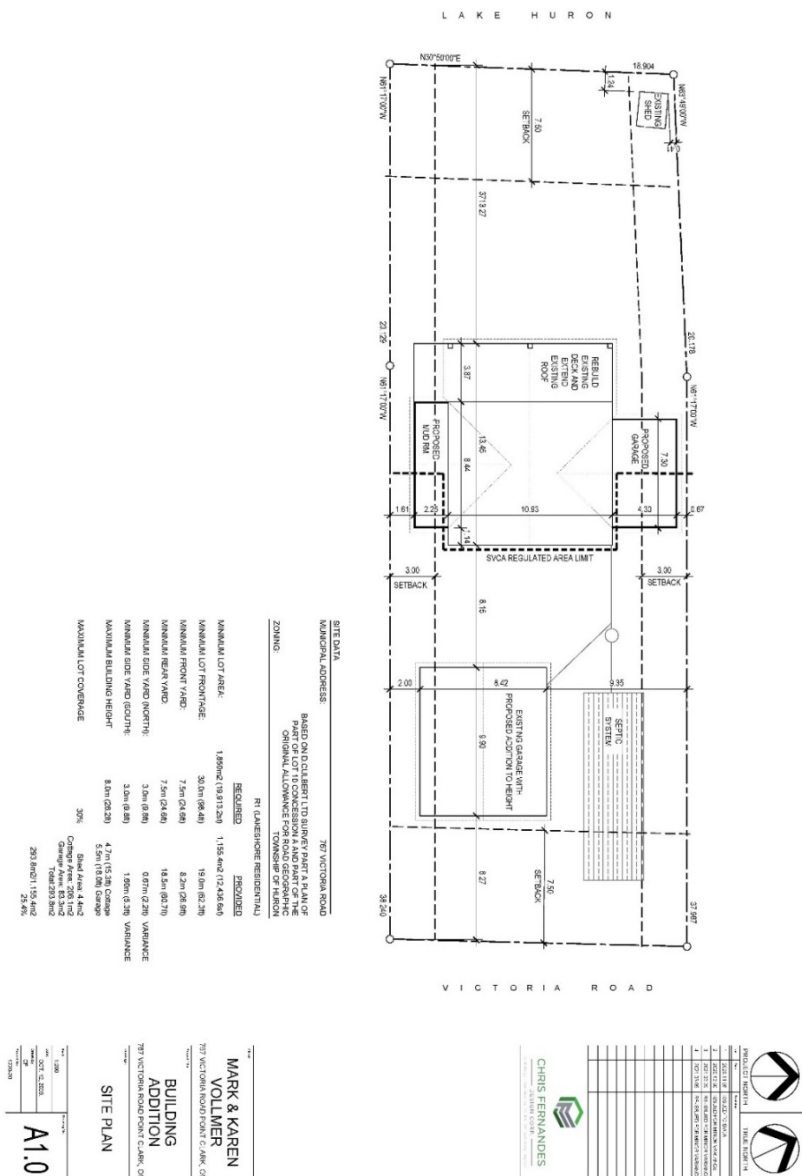
The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by

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For more information please visit the Local Planning Appeal Tribunal website at <https://olt.gov.on.ca/tribunals/lpat/about-lpat/>.

For Representation Only – Site Plan Available on the Bruce County Website)

Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to Chris Fernandez Design Corp. before proceeding with the work. All documents remain the property of Chris Fernandez Design Corp. Unauthorized use, modification, and/or reproduction of these documents is prohibited without written permission. The Contract Documents were prepared by the Consultant for the account of the Owner. The materials herein reflect the Consultant's best judgment as of the date of preparation. Any use by a third party without the written consent of the Consultant constitutes an unauthorized use of the materials herein and the user assumes the responsibility of any third party who is harmed as a result of such use. No warranty is made by the Consultant as to the accuracy or completeness of the information herein. The Consultant disclaims any liability for any damages, including consequential damages, arising out of the use of the materials herein.



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