



Planning Report

To: Township of Huron Kinloss Council

From: Julie Steeper, Planner

Date: October 13, 2021

Re: Zoning Bylaw Amendment Application - Z-2021-049 (MacGregor)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2021-049 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The application proposes a site-specific zoning provision to permit an accessory structure greater than 5.9 sq. m. and to permit an accessory structure on-site prior to the construction of a main building (dwelling). The applicant is proposing an accessory structure that is 148.59 sq. m. in area. This exceeds the maximum permitted area for the accessory building by 142.69 sq. m. If approved, the application would allow the existing 12.19 m X 12.19 m garage to remain on site permanently at 196 Carloway Trail.

The property is located west of Highway 21 and north of Concession 12 and east of Lake Huron. The property is South of Municipality of Kincardine and is surrounded by residential uses.

An aerial photograph of a residential area. A property is highlighted with a red rectangular outline. The property contains several buildings, including a large house with a brown roof and a smaller structure. A red car is parked on the street to the left of the property. The street is labeled 'Carlway Trl (pvt)'. To the right of the property is a road labeled 'Lakerange Dr'. The surrounding area includes other houses, a grassy field, and a body of water in the bottom left corner.

LOT SQUARE METERS = 1246 m²

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), public comments (attached) and planning policy sections.

Official Plans

The subject lands are designated Secondary Urban Communities in the Bruce County Official Plan. The property is designated Lakeshore Residential Special Policy Area 3.7.4.7 in the Township of Huron Kinloss Official Plan. The proposed development complies with both Official Plan policies as accessory structures are permitted in both designations.

Zoning Bylaw

The subject property is zoned Lifestyle Community Residential Special (LCR-25.100) in the Township of Huron Kinloss Zoning By-law. The property is considered a residential lot that is 1,267.42 sq.m. in size. The Huron Kinloss Zoning By-law defines “accessory” as any use, building or structure subordinate to the principal use located on the same lot. No accessory building or structure shall be erected until the principal building has been erected. The proposed building is consistent with surrounding land uses and would comply with all required setbacks. The proposed accessory structure would be sited in a suitable location on the property and would be of a scale that is appropriate in relation to the size and dimensions of the site.

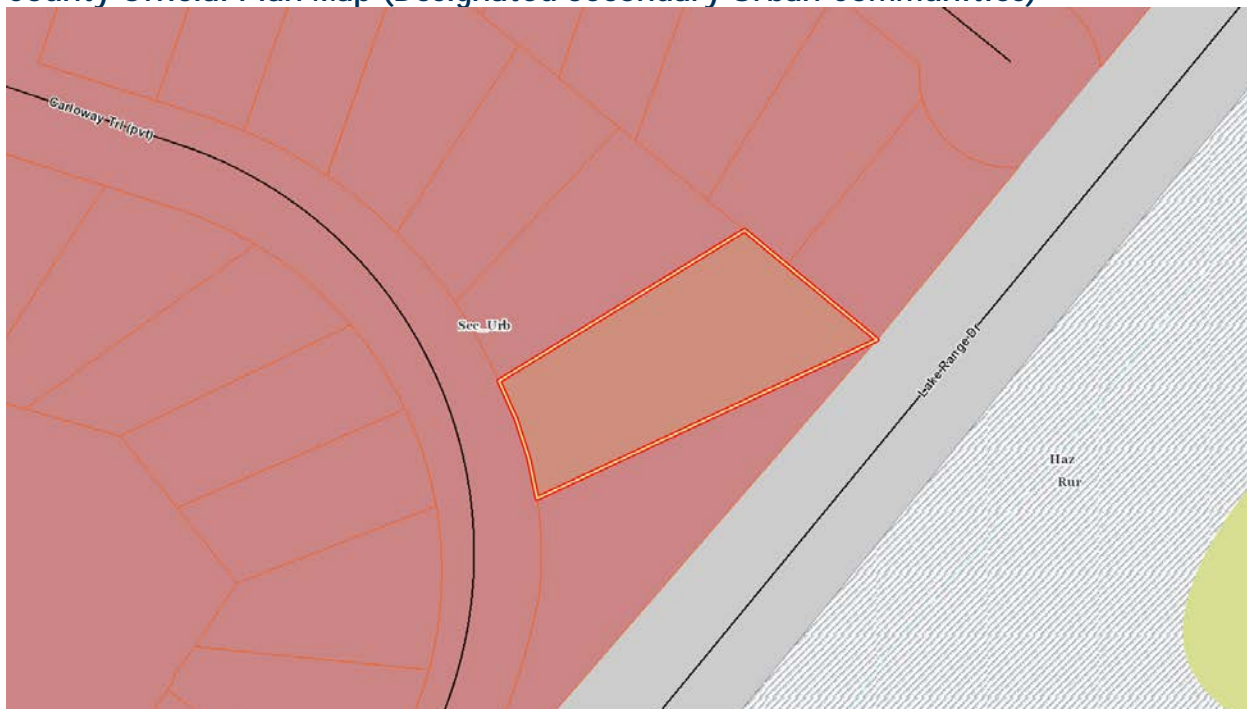
The subject lands have an office and a garage that were built for temporary purposes as the subdivision was being developed and are currently being used for administrative purposes and storage of construction materials. The existing accessory building was permitted under Section 4.5 of the Township of Huron-Kinloss Comprehensive Zoning By-law as a Construction Use. It was understood that the buildings were to be temporary and to be used for only the duration of the construction of the Subdivision. The applicant is requesting that the accessory building remain on site as a permanent structure accessory to residential purposes as vehicular storage. The other structures such as the office and small shed will be removed.

The current use of the garage for material storage and machinery relating to MacGregor Enterprises Limited will cease once a new proposed dwelling has been constructed. The machinery currently used inside the garage and materials outside the building will be removed. The existing building will be accessory to a residential use, as a dwelling is proposed to be built on the lot in the future. The applicant considered other options in order to comply with the provisions of the Zoning By-Law such as attaching the existing building to a new residence, but they struggled with access issues. The proposed dwelling is to be placed in a manner that would provide screening from the street at the front of the lot. The applicant has intentions of planting cedar trees along the rear and side of structure in the future which would provide natural screening.

Appendices

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

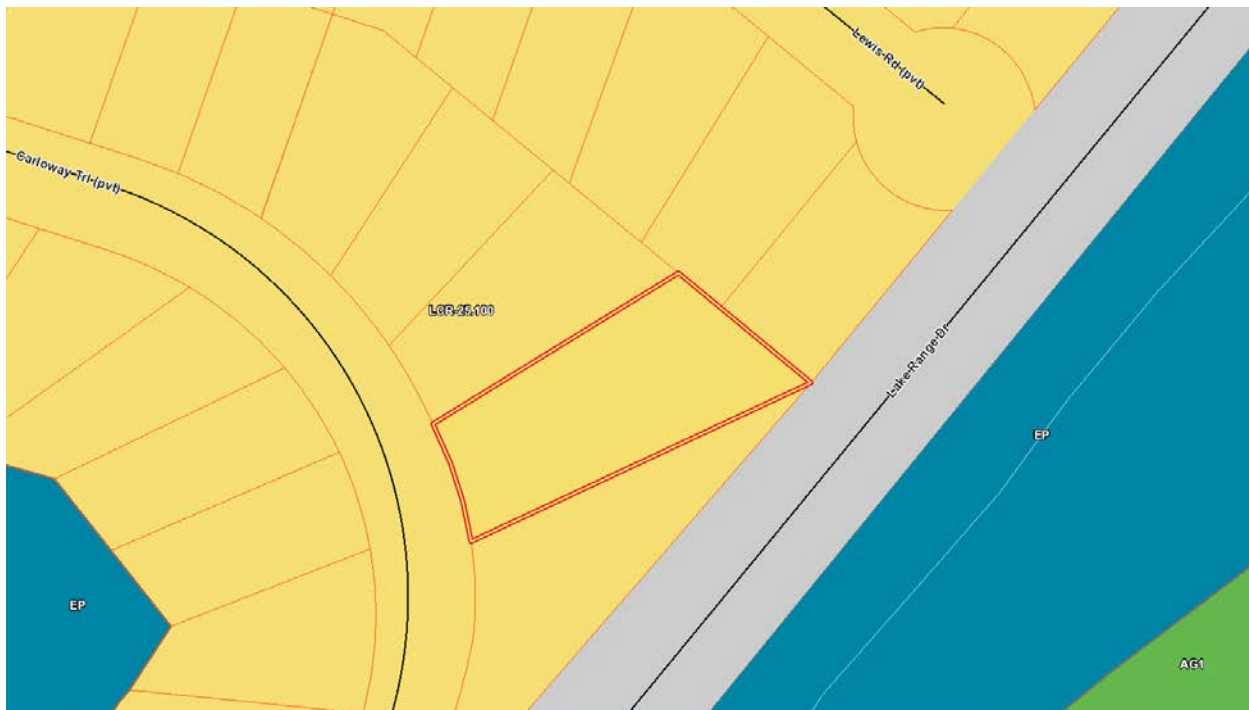
County Official Plan Map (Designated Secondary Urban Communities)



Local Official Plan Map (Designated Lakeshore Residential - SPA 3.7.4.7)



Local Zoning Map (Zoned LCR-25.100 - Lifestyle Community Residential)



Agency Comments

Township of Huron Kinloss: The Township of Huron-Kinloss is aware that there are residents of Inverlyn Estates that have voiced concerns over the placement of the building and sales office stating that they are not in keeping with the other properties in the Subdivision and go against current zoning regulation. This was discussed at the March 1, 2021 Township of Huron-Kinloss Committee of the Whole meeting with the understanding that the sales office would be removed and the accessory building be brought into compliance. The current building was permitted under Section 4.5 of the Township of Huron-Kinloss Comprehensive Zoning By-law as a Construction Use, the Township has never permitted it as a permanent structure. It was understood that the buildings were to be temporary and to be used for only the duration of the construction of the Subdivision. The Township of Huron-Kinloss Comprehensive Zoning By-Law does not permit the construction of an accessory building prior to the erection of a single detached dwelling. The proposed amendment may set an unintended precedent for future applications. If the zoning amendment is unsuccessful, the building will have to be removed in a time frame determined by the Township. If the amendment is successful, the existing building is still not considered permitted until the dwelling is constructed. The Township requests appropriate controls be in place to ensure a dwelling is constructed on the property in the near future.

BM Ross, Township of Huron Kinloss Engineers: No concerns.

Risk Management (Source water): No concerns.

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



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

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

October 5, 2021

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

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Proposed Zoning By-law Amendment Z-2021-049 (MacGregor Enterprises)
196 Carloway Trail
BVLCP 19 Level 1 Unit 124
Roll No.: 410716000914325
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 applications have also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose of the application is to permit an accessory structure greater than 5.9 square metres (sq. m.) and to permit an accessory structure on-site prior to the construction of a main building (dwelling). The applicant is proposing an accessory structure that is 148.59 sq. m. This exceeds the maximum coverage by 142.69 sq. m. If approved the application would facilitate the existing 12.19 m X 12.19 m temporary structure to remain on site permanently.

Recommendation

The proposed application is acceptable to SVCA staff.



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Recommendation

SVCA staff find the application acceptable. The subject property does not contain any natural hazard features or significant natural environment features, other environmental features of interest to SVCA. As such, it is the opinion of SVCA staff that the application is consistent with the Natural Hazard and Natural Heritage Policies of the PPS, 2020 and the County of Bruce Official Plan (OP) and Township of Huron-Kinloss OP. Additionally, the property is not subject to Ontario Regulation 169/06, or to the policies of SVCA at this time, and as such, permission (permit) from the SVCA is not required for development on the property.

Please inform this office of any decision made by the Township of Huron-Kinloss and/or the County of Bruce with regards to the applications. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

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

From: [REDACTED]
To: [Bruce County Planning - Inland Hub](#)
Subject: Public Notice for File number: Z-2021-049
Date: Thursday, September 23, 2021 3:27:59 PM

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We, Wiliam and Myrna Currie, owners of BVLCC 187 Carloway Trail, 19 Level 1 Unit 32,

We have reviewed the application for a variance for the lot mentioned in the subject of this e-mail. When we bought our property in 2014 at 187 Carloway Trail, we were told that when the building of all Inverlyn Estates homes were completed, the sales office and storage shed would be removed and a house would be built on that lot.

Reid Homes advertise 55 single-family units with 2-3 bedrooms. Inverlyn Estates advertised that this is a new family-home development. Inverlyn Lake Estates also states on their web page, "Inverlyn Lake Estates is a distinctive community of fine bungalow homes nestled in a scenic, natural setting in Kincardine." How scenic would this shed be to everyone on Lewis and Carloway?

Inverlyn Lakes site plan shows the sales office and no other buildings on the site in question. Where is the building on the official site plan? It is not there. Where is the building permit for its erection and its inspection approval? It would be interesting if the corporation had called this a permanent building or one that would be removed eventually.

In the picture included with the public notice, why are all of the current homes not included such as lots 121, 122, 123 and those lots on Lewis that are adjacent to the lot in question?

We feel that the approval of this variant would cause excessive noise, truck traffic, danger to seniors and grand-children on Carloway, an eye-sore for all that live near by. We believe it would be totally irresponsible of the Bruce County Planning and Development Dept. to approve this variance for this RESIDENTIAL community.

We have owned 187 Carloway Trail for 7 years and it is right across from the sales office and large shed. At this time, we own and live at 213 Carloway Trail. Our renters in 187 are leaving in April after living there since our move. Our plans are to sell the property in April and this eye sore would be a detriment to the price and quality of life there.

Concerned Owners of Inverlyn Lakes Estates,

William and Myrna Currie

From: [REDACTED]
To: [Bruce County Planning - Inland Hub](#)
Subject: File Number Z-2021-049 Accessory Structure on 196 Carloway Trail
Date: Monday, September 27, 2021 1:50:09 PM

**** [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

To whom it may concern,

We reside at Unit 128, which is 323 Lewis Road and partially backs onto the property in question. We have a full view of this structure from our rear windows and backyard. While this building is presently used for storage of construction material and equipment for the Development of the Condominium, this will be coming to a close shortly.

The building in question has been finished nicely on the exterior and is not an eyesore. The benefit of the structure to our property is that it blocks lights and dampens noise from the adjacent traffic on Lake Range Drive. We have no objection to the structure remaining as an accessory structure to the future dwelling on the property so long as the zoning remains residential and does not permit commercial use on the property.

Regards,

Robert and Karen Crawford
323 Lewis Road
Township of Huron-Kinloss, Ontario

Sent from [Mail](#) for Windows

From: [REDACTED]
To: [Bruce County Planning - Inland Hub](#)
Subject: File Number: Z-2021-049
Date: Monday, September 27, 2021 5:23:26 PM

**** [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Julie Steeper

It has come to our attention that an application to have a "temporary structure" remain permanently on Unit 124 of Inverlyn Lake Estates.

We have objections to having the status of the structure changed from temporary to permanent. We have outlined our concerns below.

As per the Inverlyn Lake Estates Bruce Vacant Land Condominium Plan No.19 Rules, specifically Rule 31, "Storage Sheds situated on Units shall not exceed 2.5 meters x 2.5 metres x 2.5 meters and their siding shall match the siding of the home on the Unit and shall be placed within 1 meter of the home and in the rear yard area of the Unit and there is only one allowed per unit."

The structure on Unit 124 exceeds not only the size listed above it is bigger than the size allowed for the particular lot it sits on. Your documents indicate the structure "exceeds the maximum coverage by 142.69 sq. m." That is a substantial deviation from the acceptable size. There are no other units in Inverlyn Lake Estates that have sheds that even come close to 148.59 sq. m that is on Unit 124. It should be noted also that the rules allow for only 1 shed per unit. There is also another smaller shed behind the building finished like the garage is.

The temporary structure was intended to assist MacGregor Enterprises Limited (MEL) with the construction of homes within the boundaries of the vacant land condominium. MEL used the site while building homes "outside" of the condo property and except for a few houses still under construction, Unit 124 is the only property left to have a home built on it. We would like confirmation there was a permit received to build this structure and that it had been inspected.

If this structure was said to be only temporary and to be torn down after the condo was built out, why did they put garage doors on the front and back, pour a huge concrete pad on the front and the back and sod behind the structure up to the property line of the house behind it? We are not allowed to have fences. The home owners (behind and beside the structure) will have little privacy. Not to mention the impact this property will have on property values in Inverlyn Lake Estates, especially those within sight of it.

There are no detached garages in Inverlyn Lake Estates. We feel the home to be built should have an attached garage to accommodate the vehicle(s) of the homeowner who owns Unit 124. We are concerned that if the application is approved it will send a message that other structures (here and perhaps in other areas) might receive a similar approval. As well the power of other rules and regulations for our subdivision may be compromised.

The application dated March 1st, 2021 was penned by MEL and we believe they still retain

ownership. Debbie MacGregor-Brindley signed the application. It is common knowledge however, as to who will actually own the property. He (Bud) is currently an employee of MEL. It is of great concern he will continue to operate a construction business out of this property. As far as we are aware, the vacant land condo is classed as a residential area, not a commercial area. What assurance do we have that any construction business he continues will not be run out of this unit and what recourse do we have if in the future it is found that he is?

We have attached a couple photos that were taken Sept. 25, 2021 and are a much more updated version of the property than is included in the Notice to Public Meeting.

We strongly object to this structure being given "permanent" status and appreciate this opportunity to express our concerns.

We look forward to your response. We plan to take part in the Public Meeting and would like to "be notified of the decision of the approval authority on the proposed application". Please consider this our written request for the same.

Holly McAdam
Michael Dupuis
Unit 111
[REDACTED]





From: [REDACTED]
To: [Bruce County Planning - Inland Hub](#)
Subject: Re: File Z-2021-049
Date: Monday, September 27, 2021 6:38:27 PM

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This email is to voice my concerns regarding the potential plan to allow the large temporary building on Lot 124 to become permanent.

I am Aileen McKay and live at 186 Carloway Trail (Lot 119) just down the street from the lot in question. I have been here for over 10 years and have put up with the ongoing noise, dust, unsightly heavy equipment used in the construction business on Lot 124. At this time, the condo development is almost complete. As a senior, I have been looking forward to the peace and quiet that Inverlyn Lake promised.

I fear that allowing this large building to stay permanently, it will become a commercial enterprise. Our condo rules state that there should be no business activities in the development. Such a large building on a small residential lot will look awkward. One of the amenities in this development is the use of a workshop for the residents. It happens to be located right beside Lot 124 so the request to use this large building as a workshop seems unnecessary.

Please leave Inverlyn Lake Estates as a residential zone only. I strongly object to allowing that huge building to stay permanently on Lot 124. Thank you for your thoughtful consideration of this matter.

Sincerely, Aileen McKay

From: [REDACTED]
To: [Bruce County Planning - Inland Hub](#)
Subject: Re File Z-2021-049
Date: Tuesday, September 28, 2021 9:22:05 AM

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attention: Julie Steeper

Good morning.

I would like to register the following comments with regard to file Z-2021-049

1. The size and appearance of the storage barn does not fit at all with the residential character of the rest of the subdivision.
2. It offers a very unappealing view from the surrounding houses on lots 123,126,127, 128, 31 and 32 and consequently devalues those properties.
3. The proposed use of the building as a “detached shop/garage” indicates a potential for the continued use of noisy machinery and vehicular traffic, which nearby residents have already tolerated for the past 8 years in support of MacGregor Enterprises construction activities, while believing the situation to be temporary.
4. Although the applicant states that the neighbours have been or will be spoken to about their concerns, no such public consultation has taken place. In fact, residents who asked for information were misled by assurances that the building would be removed once construction of the subdivision was complete.
5. Since Inverlyn Lake Estates is a condominium, the requested minor variance, if approved, may also impact the authority of the board to enforce its Rules and Declaration on current and future residents. The Rules restrict the size of sheds to 2.5 m x 2.5 m and the Declaration forbids any “business or use which disturbs the tranquility of Inverlyn Lake Estates.”

Thank you for this opportunity for input. I would also like to be informed of the approval authority’s decision on this file; please let me know if this requires a separate letter.

Regards, Irene Holmes.

Address: 181 Carloway Trail, Kincardine. N2Z 0A4

From: [REDACTED]
To: [Emily Dance; jsteeper@brucecounty.com](mailto:jsteeper@brucecounty.com); [Bruce County Planning - Inland Hub](#)
Subject: Objection To: Planning Act Application Re: 196 Carloway Trail, Kincardine (file Z-2021-049)
Date: Tuesday, September 28, 2021 9:49:51 AM

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As owners in the condominium of Inverlyn Lake Estates Huron Kinloss we *object* to the "status of a 40"x40' temporary building to be changed to permanent" at 196 Carloway Trail Kincardine.

When we purchased our home six years ago we were informed that when construction of Inverlyn Lake Estates was completed it would be removed as no building permit was issued and it does not conform with other structures in our development. Since Inverlyn Lake Estates is a condominium, the requested minor variance will also impact the authority of the board to enforce its Rules and Declaration. The Rules restrict the size of sheds to 2.5 m x 2.5 m and the Declaration forbids any "business or use which disturbs the tranquility of Inverlyn Lake Estates."

If this application is approved and this building is used (now or in the future) for purposes other than stated ("detached shop") it will be almost impossible for Huron Kinloss By-Law enforcement or our own Condo Board to do anything if the owner refuses to comply.

Fred / Debbie Cornish
537 Stornoway,
Lot #56
Kincardine, On
N2A 0A4

Sept 28 / 2021

Regarding the application for a minor variance on lot 1024 on Bruce Vacant Land Condominium, Plan 19, I, as a property owner in said condominium wish to oppose this application.

As I understand it, this building was constructed as a temporary work station while the area was being developed, and that it would be removed on completion of the project.

I suspect also that no building permit was obtained. I was also told that Bruce County planning was informed that this was a temporary structure to be removed at a later date.

Since it doesn't conform with the rules of the declarant and our board of directors there should be no discussion.

(2)

in the first place

Since there has been, in the past, off site construction jobs done from this site, what is to prevent this from continuing.

Also the building described in the application is different from the existing structure.

There is no outside storage space on the back side. It now has large doors.

If allowed to stay, this could be responsible for much heavy equipment and the related noise, which is not welcome in an adult life style community.

I remain,
respectfully yours

Jim Shaw

Candace Hamm

Subject: FW: MacGregor file #Z-2021-049

From: Ted wand [REDACTED] >

Sent: Thursday, September 30, 2021 10:26:56 AM

To: jsteeper@brucecounty.com <jsteeper@brucecounty.com>; Emily Dance <edance@huronkinloss.com>

Subject: MacGregor file #Z-2021-049

As unit owners and residents of Inverlyn Lake Estates, we oppose this application.

The rules for our community were established by the declarant, MacGregor Enterprises Ltd.who are now asking Bruce County Planning and Development and ultimately Huron-Kinloss council for approval to break their own rules.

This building does not conform to the declarant's own vision for this community, a vision their rules were meant to protect. This application, if approved, opens the door for all remaining rules to be broken by those unit owners choosing to do so, with little, if any, threat of recourse by our own Board of Directors.

Interestingly enough, MEL has forced at least one unit owner to partially tear down their garden shed which exceeded their rules for size and rebuild correctly.

In our opinion, this decision should be determined by a vote of Inverlyn Lake Estates unit owners and not Bruce Planning and Huron-kinloss council. Let us be judge and jury insofar as our rules are concerned, we have to live with the results.

Quite possibly. Mel has chosen not to let the unit owners decide the outcome as they have realized the majority of owners would vote to uphold our condo's rules.

To the members of Huron-Kinloss council, put yourselves in our position when voting on this ridiculous application.

Yours truly

Edward and Joan Wand
188 Carloway Trail

From: [REDACTED]
To: [Bruce County Planning - Inland Hub](#)
Subject: Public Meeting Notice - File # Z-2021-049
Date: Thursday, September 30, 2021 8:00:11 PM

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it may concern:

I am Jill Armstrong and I live at 203 Carloway Trail, BVLCC 19 Level 1 Unit 24, Township of Huron Kinloss. I have lived here for 9 years.

Inverlyn Estates was surveyed by D A Culvert in 207, in accordance with the instructions of Declarant: MacGregor Enterprises Ltd. It was approved under the Condominium Act and under section 51 of the Planning Act signed by Planning Committee, County of Bruce. This survey shows Inverlyn Estates as a private Condominium existing of 150 lots, with the intention of single detached homes. As Condominium owners, we own our lot and home, but must adhere to all rules and restrictions set out by the Declarant: MacGregor Enterprises, and must have their approval for such things as exterior paint colors, landscaping, sheds and planting of trees, and if a home was built by someone else, MEL would have to approve the plans.

I have carefully read MEL's reasons as to why this structure on lot #124 should be deemed as a permanent building and be allowed to remain on the property and converted to permanent private usage where it would become a "detached garage" for the proposed home. I understand from Huron Kinloss Municipality, that it wasn't until the beginning of 2021, that permits were actually taken out for the remaining homes to be built, which started this past spring and is slowly coming to an end with the exception of lot #124. It was also stated once homes were nearing completion, they would be asking that both "temporary" buildings on lot #124, be removed. Their claims to "have or intend to" talk with neighbors about this plan never happened.

It seems coincidental that approximately a little over a year ago, MEL was making changes to the building, and as stated in their application, finished it in such a way that it could be deemed a permanent structure. They even went to the extent of putting on a "3rd" garage door on the back of the building, and pouring large concrete pads on 3 sides of the building. And all this was done "without" a permit? To think that for the past 10 years, residents have been told by MEL, that the 2 buildings would be removed upon completion of homes, just like the municipality said. Now, they have put in this application that would be not only breaking your rules, but also those set by the Declarant himself, which he expects us to follow, does not sit well with me. Regardless of the size of lot #124, the fact remains that a 5.9 sq m shed is the size permitted on a residential lot, and this building is 40' x 40' (148.59 sq m), exceeding the maximum coverage by 142.69 sq m. If this application was accepted and approved, it would mean that the building - or as MEL refers to it as "Detached Residential Shop", would become the only lot of 150 units, allowed to have 2 large permanent buildings on a lot, the

garage/storage area being larger in sq footage than some of our homes, and would actually have a driveway, 3-4 times the length of the rest of us. And that alone does not seem right. So much for uninterrupted street scape.

The bottom line: granting MEL's application to allow 2 large permanent structures on said lot #124, would not conform with what Inverlyn Estates should be upon completion, and certainly not part of the "Declarant's Vision" that he set out from Inverlyn's beginning. It does not belong in this condominium community and would be a detriment to the price of our homes and quality of life stye.

Please take these facts into consideration when making your decision. I would appreciate notification via my e-mail, of the decision made by council.

With Thanks

Jill Armstrong

From: [REDACTED]
To: [Bruce County Planning - Inland Hub](#)
Subject: Planning Meeting Notice - File #-2021-049
Date: Friday, October 1, 2021 11:30:23 AM

** [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am submitting this for my neighbor Shirley Fraser, as she does not have a computer.

On behalf of Shirley Fraser - 205 Carloway Trail, BVLCC 19 Level 1 Unit 25, Township of Huron Kinloss.

I have read the MacGregor Enterprises Ltd. application and strongly object to the minor variance request.

The building should be removed from 124.

With Thanks,

Jill Armstrong per Shirley Fraser

As introduction my name is Henry Robert Hicks known in the community of Inverlyn Lake Estates as Bob Hicks. I live at 189 Carloway Trail- BVLCP 19 Level 1 unit 31 (Huron) Township of Huron-Kinloss Roll 410716000914232.

My wife and I own and live right across the street from this site. Just before the first cement was being poured for this building a representative of the declarant and builder MEL came running up to me and said don't worry this is only a temporary structure and it will be removed when we are done building. We have therefore endured a constant flow of noisy trucks and equipment ever since this building has been built just to allow developer to finish subdivision.

The building as it now stands was added onto in stages. The front of the building was as it was originally built with 2 overhead garage doors. The back 2 and 1/2 meters was open with racks to hold building materials. It also now has large garage door installed and the back has now been closed in and sided. Finally last year thousands of dollars of cement pads were poured all around 3 sides of the structure. I presume this was an effort to make it more permanent. This building looks like a Barn and does not fit in this subdivision. I was told this building was to facilitate building the Inverlyn estates subdivision and it was used for this commercial construction activity. It was also however used as a base of operations to build Homes at 42 and 44 Penatangore Row S in Huron Township of Huron - Kinloss the next year a very large home was built at 798 Huron Terrace in the Municipality of Kincardine. Those 3 homes all built outside the subdivision which was not the intended purpose of the building. The structure was built without a building permit and not inspected at various stages of construction. This huge barn is 142.69 sq. meters larger than it should be and it dwarfs the shed built to condominium standards on the adjoining lot.

In reading through the application for this minor variance it seems the MEL firm had no

intention of ever removing this temporary building why would you use the best materials you could when this building was only supposed to be temporary(Quote "Existing Accessory Building, consisting of 2 garage/storage bays and a 10' x 40' storage area was constructed to a superior quality, meeting or exceeding

Provincial Building Codes including an insulated concrete slab, Structural Insulated Panel framing, Engineered roof trusses, Board and Batten Vinyl siding with vinyl shake gable accents similar to many of the homes build in the vacant land condominium.

As well, the building was situated within the rear portion of the longest land unit in the condominium, immediately neighbouring the condominium woodworking shop/storage building so as to provide an 'uninterrupted street scape should the building eventually be converted to permanent private usage once home sales and construction was completed.

You will see within the attached information that the existing accessory building would sit behind the proposed home and would become a detached garage for the personal use of the home owner.) MEL stated they intended to talk to the neighbors. They have never talked to my wife or myself about plans for this temporary building. As for plans for building being for car storage what is wrong with attached garage like every other place in here has.

This building has been built on a zoned residential building lot in Inverlyn Estates Condominium Subdivision where it also does not meet the 2.5X 2.5 Meter auxiliary building size limits of the condominium declaration strictly administered to all sheds built in the condominium. This administration was by MEL who are now wanting to make this zoning change so it means they do not want to follow the declaration they wrote. The building has always been used for commercial purposes. To comply with standards for a residential site this building should be removed. The message this sends to me is go ahead and build whatever you want and after ask for a minor variance this is a mockery of the purpose of zoning bylaws. Do not approve Minor Variance and require removal of building so this and all future owners cannot conduct business from this residential lot.

I would like to receive notification of decision made by council. Use my email address [REDACTED]

-Bob Hicks

From: [REDACTED]
To: [Bruce County Planning - Inland Hub](#)
Subject: OBJECTION comments to file Z-2021-049
Date: Sunday, October 3, 2021 10:51:00 AM

**** [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

ATTENTION: Julie Steeper

Regarding: file Z-2021-049 - minor variance to 196 CARLOWAY TRL - BVLCP 19 LEVEL 1 UNIT 124 (Huron) Township of Huron-Kinloss, Roll Number 410716000914325

As all fellow owners and shareholders in the Bruce Vacant Land Condominium, Plan 19, we are required to abide by the Rules and Declaration of our said condominium. The Rules restrict the size of sheds to 2.5 m x 2.5 m, and the Declaration forbids any "business or use which disturbs the tranquility of Inverlyn Lake Estates".

The 40' x 40' building in question has always been said by the owner to be a "temporary work building" to facilitate in the building of homes in our condominium, and as such would be removed once the proposed 150 homes were completed. As such, we have tolerated construction vehicles and sand mounds and unsightly piles of materials for the six years of our ownership.

Over these six years, this "temporary" structure has taken on a decidedly permanent aspect with the addition of a garage door and siding to the formerly open storage area in the rear, and a poured concrete slab surrounding it. Now to learn of this application for a minor variance to allow this structure to remain on a residential lot causes us great concern.

We fear that If this application is approved and this building is allowed to remain its current size, against the very Rules and Declaration set by the current owner, you will have restricted the power of our elected Condo Board to enforce this and other Rules regarding size and Declaration usage on current and future owner/shareholders in our entire condominium.

Please add our opposition to this minor variance to the appropriate file. We would also like to be informed of the approval authority's decision on this file. An e-mail response is acceptable.

Ken and Laurel Sturman
162 Carloway Trail, Lot 125
519 396-3243

From: [REDACTED]
To: [Bruce County Planning - Inland Hub](#)
Subject: 196 Carloway Trail unit 124
Date: Sunday, October 3, 2021 11:20:58 AM

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello.

Further to receiving the public meeting notice regarding the proposed change to unit 124, 196 Carloway Trail, we are objecting to the existing structure remaining permanently on site. This structure far exceeds the allowed accessory structure for the Inverlyn community. When we bought in 2020, we were told at that time once all house construction was completed the building would be removed. It isn't something we want to look at when we either look out our back windows or sit out on our back patio. Therefore, we disagree and are opposed to the proposal.

Thank you.
Paul and Trudy Catto
--
Trudy

From: [REDACTED]
To: [Bruce County Planning - Inland Hub](#)
Cc: Steeper@brucecounty.on.ca
Subject: Re File Number: Z-2021-049 (application for variance)
Date: Sunday, October 3, 2021 8:58:32 PM

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is in response to the application for a variance by MacGregor Enterprises Limited (MEL) to the property:

196 CARLOWAY TRL - BVLCP 19 LEVEL 1 UNIT 124 (Huron)
Township of Huron-Kinloss, Roll Number 410716000914325

From: Albert and Elaine Gostick, 163 Carloway Trail, Kincardine, ON; Unit #44, Inverlyn Lakes

Position: we would like to register **our opposition** to the variance being applied for.

The reasons we are in opposition are as follows:

1) **the accessory building is significantly difference in size, style and character** than that of any other homeowner's accessory building in our condo complex; this development was intentionally planned to have homes of similar style and size throughout it and having an accessory building of this size and type (i.e. with garage doors, cement pads front and back etc.) is not in keeping with the style guidelines of our community complex. A building of this size is approximately 25 times larger than any other accessory shed allowed in our complex.

2) our condo complex **does not allow fencing along any of the lot lines** between homes and therefore the homes that are adjacent to this property do not have any ability to shield the view of this garage from their properties; this is in contrast to most towns or cities in Bruce county where the homeowners would be able to erect a high fence (if not already existing); **please note that the aerial view shown in the Public Meeting notice is significantly out of date and does not show clearly how close the accessory building is to the new homes being built behind it.**

Note that the 2 homes to the north (back) of this property are not yet finished/sold and so the future homeowners will have had no say regarding this variance and yet they are the ones who would be most affected by this accessory building.

3) even though the applicant has stated that the future use of the garage is only supposed to be for "classic cars" (or so we have been told verbally), the building has been set up as a garage/shop. There is nothing to prevent a future owner from carrying out significant business activities within it that detract from the rest of the homes here.

4) our condominium rules and landscaping/exterior rules ("**Bruce Vacant Land Condominium #19, Guidelines for Landscape Design and/or Exterior Alterations**" - see attached) have stated that "**Shed dimensions must be no more than 2.5m x 2.5m x 2.5m**". These have been **strictly enforced by the applicant** (the declarant, MEL) who is seeking the variance; since they themselves have vigorously enforced this rule since the beginning of the development of this complex (as anyone who has been here any length of time will attest), does it not seem incongruent that they would be granted a variance where the accessory building will be 25 times larger than that which is allowed for any other homeowner?

5) If you grant this variance, you will be setting a precedence such that our Board of Directors will not be able to enforce our existing rules and exterior guidelines. It would also be morally incongruent for MEL to continue to enforce this rule in the future when they themselves have not followed it.

Thank you for your consideration,

Albert and Elaine Gostick

163 Carloway Trail, Kincardine, ON

BRUCE VACANT LAND CONDOMINIUM # 19

GUIDELINES FOR LANDSCAPE DESIGN AND/OR EXTERIOR ALTERATIONS

As a general guideline, additions or changes should conform to the established high standard of this development. Consultation with your immediate neighbours is strongly advised prior to finalizing your plans, so as to avoid any potential conflicts or complaints.

FLOWER BEDS:

- Should be located a sufficient distance from lot lines and driveway so as not to impede grass cutting or snow-removal. (*Note that there is an easement at the front of each lot.)
- Should not interfere with the approved grading plan for the lot.
- Preferably use curves rather than angles for ease of mowing.
- Preferably use flat edging to provide a border between the bed and the lawn.
- Show precise measurements on a diagram of your lot.

FENCES/HEDGES:

- No perimeter fencing or hedging is allowed.
- Privacy fences should be no more than 6ft high and coordinate with the colour scheme of the house.
- Privacy fences must be placed close to the house.

PATIOS:

- Show exact dimensions on a diagram of your lot and identify the materials to be used.

SUN-ROOM/PORCH/PATIO ENCLOSURE:

- Show exact dimensions & materials to be used (a computer rendition or photo of similar addition is helpful).
- Colours should coordinate with the house.

PAINT COLOURS:

- Include paint chip or photo of intended colour.

AWNINGS:

- Include a picture or photo to show how the awning will be affixed to the house.
- Provide a fabric sample or photo; colours to coordinate with the house.
- Include the awning dimensions and position on the house.

SHEDS:

- Shed dimensions must be no more than 2.5m x 2.5m x 2.5m. Please show placement of door & windows.
- Show location on a plan of entire yard. Shed should be positioned similarly to others in the immediate neighbourhood.
- Sheds on lakeside properties must be located within 3 ft of the house.
- Materials used must match those of the house.

HEAT PUMP/GENERATOR/PROPANE TANKS:

- Placement should be as unobtrusive as possible and should not cause disturbance to neighbours.

SIGNS/FLAGS/GARDEN ORNAMENTS:

- Signs and ornaments should be placed within a flower bed; flags attached to the house.

From: [REDACTED]
To: [Bruce County Planning - Inland Hub](#)
Subject: re: File # Z-2021-049 Lot 124, BVLCC19
Date: Monday, October 4, 2021 3:10:13 PM

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attention: Julie Steeper

As a close neighbour of this location (lot 124), I feel the Application for a Minor Variance to allow the large structure (148.59 sq. m) to remain on this lot should be denied.

The building was erected without close neighbours being informed, and we have been subjected to the noise of heavy equipment and trucks at all times of the day from 7 a.m. until 6 - 7 p.m. Knowing this building was to be removed when construction was completed in Inverlyn Lake Estates meant this extra unpleasant noise and clutter would end. It is of a size larger than that of a "garage" to house private vehicles. So: for what is the building really going to be used? continued construction equipment housing with continued noise/traffic??

The Declaration for the Condominium forbids any "business or use which disturbs the tranquility of Inverlyn Lake Estates", and also rules were established to restrict size of outbuildings on lots to 2.5 X 2.5 m.

The presence of this building, and especially the potential traffic/noise/confusion will no doubt affect the value of nearby properties.

Therefore, please add my name to those opposing this application for a "minor variance". If granted, I feel it will undermine the effectiveness of our Condominium Board as well as detract from the esthetics of our neighbourhood.

I request to be informed of the approval authority's decision on this file, An email response is acceptable.

Sheila Elliott
Lot 34, 183 Carloway Trail
Kincardine, ON N2Z 0A4



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



September 14, 2021

File Number: Z-2021-049

Public Meeting Notice

You're invited:

On-line Public Meeting

Wednesday, October 13, 2021 at 7:00 pm

A change is proposed in your neighbourhood: The purpose of the application is to permit an accessory structure greater than 5.9 sq. m. and to permit an accessory structure on-site prior to the construction of a main building (dwelling). The applicant is proposing an accessory structure that is 148.59 sq. m. This exceeds the maximum coverage by 142.69 sq. m. If approved the application would facilitate the existing 12.19 m X 12.19 m temporary structure to remain on site permanently.



196 CARLOWAY TRL - BVLCP 19 LEVEL 1 UNIT 124 (Huron)
Township of Huron-Kinloss, Roll Number 410716000914325

Learn more

You can view more information about the application at <https://brucecounty.on.ca/living/land-use> or 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. Comments received after October 4, 2021 may not be included in the Planning report but will be considered and included in the official record on file.

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 Council for its consideration.

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

How to access the public meeting

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

For information on how to participate in the public meeting, 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 October 13, 2021 (edance@huronkinloss.com or 519-395-3735 ext. 123) if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

Know your rights

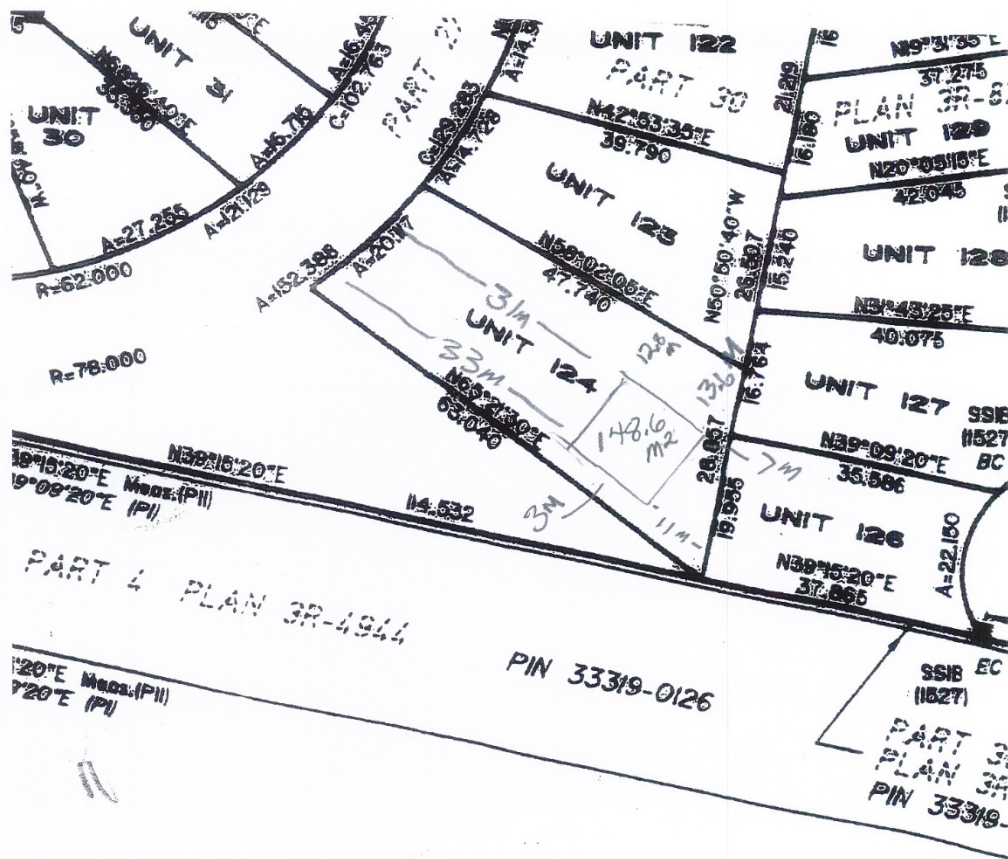
Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Township of Huron-Kinloss to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

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

Site plan



ACCESSORY BUILDING 148.6 M²
LOT SQUARE METERS = 1246 M²
ACCESSORY BUILDING IS 12% OF LOT