



Planning Report

To: Township of Huron Kinloss Committee of Adjustment

From: Julie Steeper, Planner

Date: July 11, 2022

Re: Minor Variance Application - A-2021-061 (Cousins)

Recommendation:

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

That Committee approve Minor Variance A-2021-061 as attached subject to the conditions on the decision sheet.

Summary:

The purpose of the application is to seek relief from the required interior side yard setback and rear yard setback for a detached garage. The proposed interior side yard setback is 1.5m, whereas the required setback in the Zoning bylaw is 3m. The proposed rear yard setback is 1.5m, whereas the required setback in the Zoning bylaw is 3m. The applicant is requesting to reduce both setbacks by 1.5m for an accessory building with a maximum building height of 6.0 m. If approved, this application would facilitate the construction of a detached garage at 916 Victoria Road.

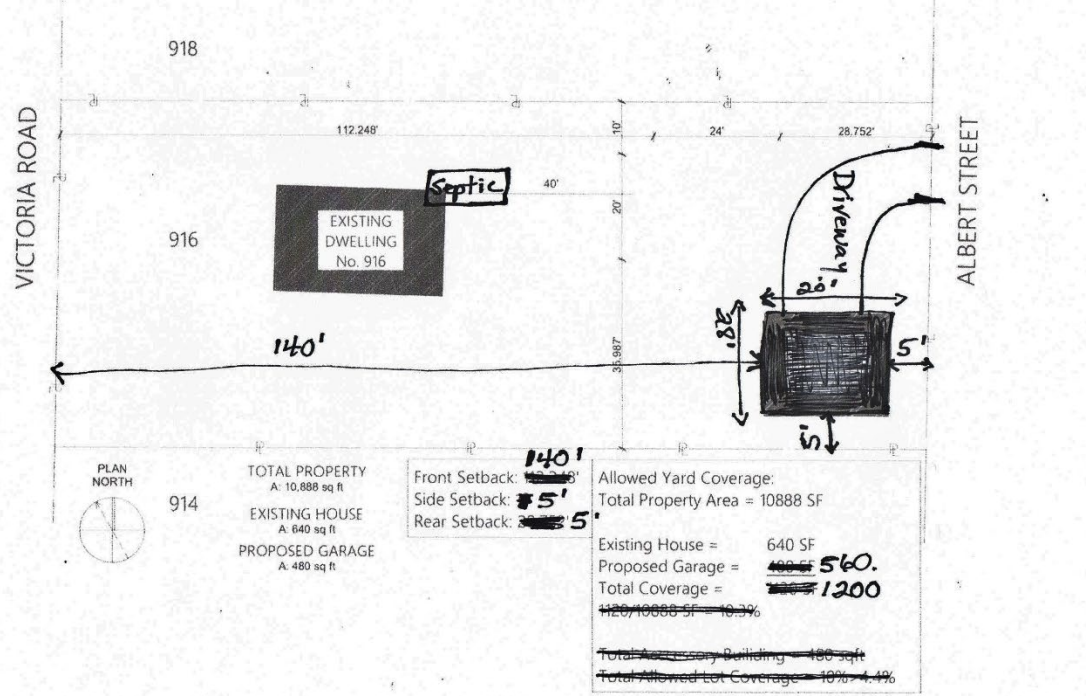
The property is located west of Lake Range Drive and South of Concession 4. The property is east from Lake Huron and is surrounded by residential uses.

Airphoto



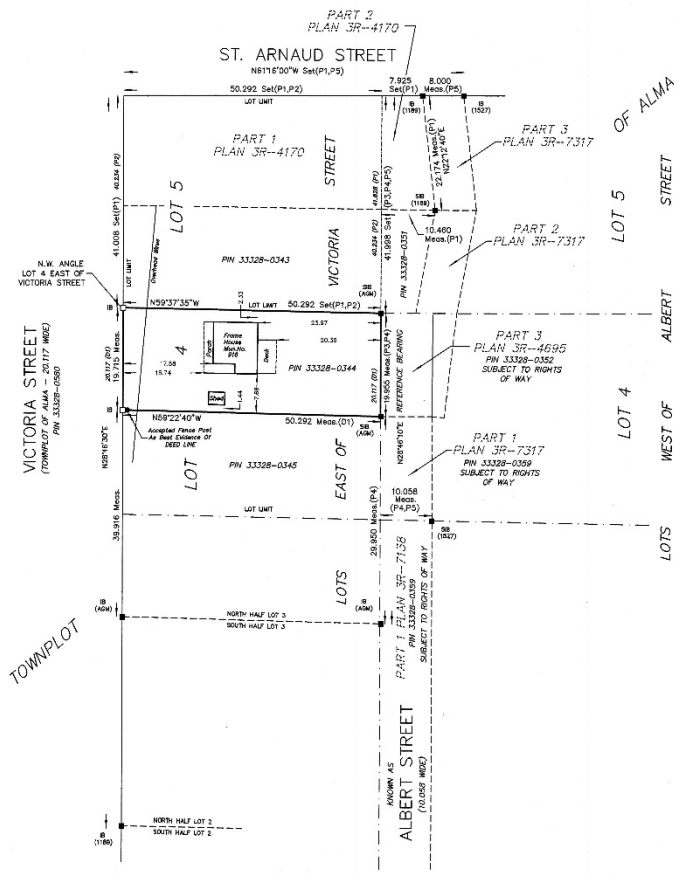
Site Plan

PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION



Client Name	Cousins
Project Number	21
Project Name	Two Storey Garage
Scale	1:180
Drawing Title	Site Plan
Sheet Number	A002

Survey



SURVEYOR'S REAL PROPERTY REPORT

PART A

PLAN OF PART OF LOT 4 EAST OF VICTORIA STREET TOWNPLOT OF ALMA GEOGRAPHIC TOWNSHIP OF HURON TOWNSHIP OF HURON-KINLOSS COUNTY OF BRUCE

SCALE 1:500

2022 D. CULBERT LTD. ONTARIO LAND SURVEYOR

NOTES AND LEGEND

BEARINGS ARE ASTROGNOMIC AND ARE REFERRED TO THE EAST LIMIT OF LOTS 3, 4 AND 5 TOWNPLOT OF ALMA -AVING A BEARING OF N28°46'10"E AS SHOWN ON 124

- DENOTES MONUMENTATION FOUND
- DENOTES MONUMENTATION PLANTED
- SB DENOTES 2.5cm sq. STANDARD IRON BAR
- SSB DENOTES 2.5cm sq. SHORT STANDARD IRON BAR
- IB DENOTES 1.6cm sq. IRON BAR
- AGM DENOTES ARCHIBALD GRAY & MCKAY LTD., O.L.S.
- 1189 DENOTES J.C. WOOD, O.L.S.
- 1527 DENOTES D. CULBERT LTD., O.L.S.
- DENOTES R330188
- DENOTES PLAN SR-4170
- DENOTES TOWNPLOT OF ALMA
- DENOTES PLAN SR-4695
- DENOTES PLAN SR-7138
- DENOTES PLAN SR-7317

ALL PINS ARE SUFFIXED (L) UNLESS NOTED (R)

PART B

SURVEY REPORT

- DATE: MARCH 29, 2022
- THE FOUNDATION IS WHOLLY SITUATE WITHIN THE LOT LIMITS.
 - SITUATE ON THE PARCEL IS A FRAME -OUSE AND SHED
 - OVERHEAD HYDRO WIRES CROSS THE WEST SIDE OF THE PARCEL
 - THE PARCEL IS TOGETHER WITH A RIGHT OF WAY OVER WHAT IS KNOWN AS ALBERT STREET DESCRIBED AS 10.038 WIDE IMMEDIATELY ADJOINING THE EAST SIDE OF THE SUBJECT LAND, EXTENDING TO ST. ARNAUD STREET.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:
 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS' ACT AND THE SURVEYORS' REGULATIONS AND THE REGULATIONS MADE UNDER THEM.
 2) THE SURVEY WAS COMPLETED ON THE 29TH DAY OF MARCH, 2022

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
2186758

THIS PLAN IS NOT VALID UNLESS IT IS AN UNDISBURSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 102E, SECTION 24(3)

MAY 20, 2022
 GODERICH, ONTARIO
 D. A. CULBERT
 ONTARIO LAND SURVEYOR

© COPYRIGHT 2022
D. CULBERT LTD.
 ONTARIO LAND SURVEYOR
 GODERICH, ONTARIO PHONE: 519-524-5321

ONTARIO
OCL
 LAND SURVEYOR

THIS REPORT WAS PREPARED FOR KEN COUSINS

DRAWN BY: BDCS
 CHECKED BY: DMC
 DIGITAL FILE: 11220701
 FILE NO: HUR-ALMA-02-13

PLAN NO:
2-GA-1057

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.

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. The Township of Huron-Kinloss Official Plan designates the property Lakeshore Residential. The proposed detached garage is accessory to the existing residential use and permitted within the residential designations. 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 property is zoned Residential (R1) and the Zoning By-law identifies the minimum interior side yard setback and rear yard setback for accessory buildings shall be 3 m. The applicant is requesting a side yard and rear yard setback of 1.5 m. The proposed garage will have a setback that exceeds the requirement at the north east side of the property boundary. Staff are satisfied that access to the rear yard will be maintained. 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 variances will enable the property owner to build an 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.

A neighbouring property owner across the street has expressed concerns regarding the accuracy of the property boundaries, and lack of access from the rear. The applicant has provided a survey of the property and has deeded access from the rear which addresses the concerns. The proposed accessory building will be completely contained within the applicant's property boundaries

The proposed variances will also allow for the construction of a garage in a suitable location, and of a scale that is appropriate in relation to the size and dimensions of the property. The proposed development is consistent with surrounding land uses, and would comply with all required setbacks, with the exception of the interior side and rear yard setbacks. 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.

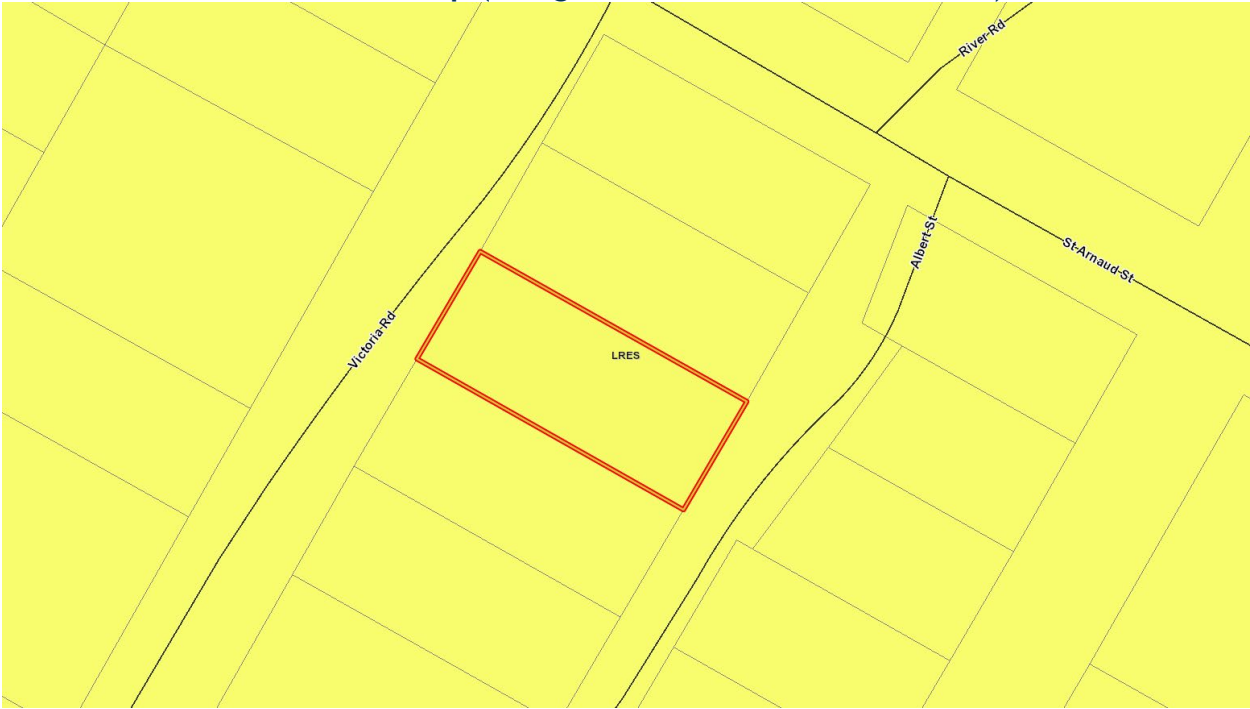
Appendices

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

County Official Plan Map (Designated Secondary Urban Communities)



Huron-Kinloss Official Plan Map (Designated Lakeshore Residential)



Huron-Kinloss Zoning Map (Zoned Residential One (R1))



Agency Comments

Township of Huron Kinloss: No concerns.

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

Saugeen Ojibway Nation: If at any point anything of archeological interest is revealed on site, please contact the SON Environment Office immediately.

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: jstepper@brucecounty.on.ca and bcplwa@brucecounty.on.ca

October 15, 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-2021-061 (Cousins)
916 Victoria Road
Part Lot 4 E Victoria Street Townplot of Alma
Roll number: 410716000623000
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.

Purpose

The purpose of this application is to allow a minimum interior side yard setback and a minimum rear yard setback of 1.5 m (5 feet) where the Zoning By-law identifies minimum setbacks of 3.0 m (10 feet) for accessory buildings with a maximum building height of 6.0 m. If approved, this application would facilitate the construction of a detached garage.

Recommendation

SVCA staff find the application acceptable. The subject property does not contain any natural hazard features or other environmental features of interest to SVCA or as per our MOA with the County of Bruce. 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 Township of Huron-Kinloss Official Plan.



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

County of Bruce Planning & Development Department
Proposed Minor Variance A-2021-061 (Cousins)
October 15, 2021
Page 2 of 2

Additionally, the property is not within the SVCA Regulated Area, and is not subject to Ontario Regulation 169/06, or to the policies of SVCA at this time, and as such, permission from the SVCA is not required for development on the property.

Please inform this office of any decision made by the planning approval authority with regards to the 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
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)

County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0

November 1, 2021

Attention: Julie Steeper
Via email: bcplwa@brucecounty.on.ca

Re: File Number: A-2021-061

We would like to provide feedback relating to the Public Hearing Notice we received in the mail, dated October 25, 2021 regarding File Number: A-2021-061. We have a few concerns with the application and Site Plan.

We own the property at 424 Albert Street, Point Clark. The property is registered under the name Andrea Fronchak.

There is currently an Easement in place for the road, Albert Street, that runs through the front of our property but the property line extends a number of feet beyond Albert Street which is currently a treed portion of the lot (the 'front' of our lot is therefore adjacent to the back of the applicant's lot). We are concerned that the application and Site Plan are not properly reflecting this. The Site Plan is showing a 5ft distance from the road for the proposed garage which is not accurate to the lot ownership. In addition, the drawing shows the proposed access via a driveway from the rear of the property to Albert Street. This would run directly over part of our property and there is currently no approved access to that portion of our lot.

We would therefore recommend that the application be revised to include more specific lot details potentially via a survey to ensure the building and access is clearly within the owners lot which can then be considered for comments and approval.

Please feel free to reach out if you have any questions or would like to discuss any further prior to the Public Hearing. Contact details below:

Andrea Fronchak: [REDACTED]
Dan Fronchak: [REDACTED]
Email: [REDACTED]

Kind regards,

Dan and Andrea Fronchak



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



June 10, 2022

File Number: A-2022-061

Re-Scheduled Public Hearing Notice

You're invited

**Monday, July 11, 2022 at 7:00 pm, Council Chambers,
Township of Huron-Kinloss, 21 Queen Street, Ripley, ON**

A change is proposed in your neighbourhood: The purpose of this application is to allow a minimum interior side yard setback and a minimum rear yard setback of 1.5 m (5 feet) where the Zoning By-law identifies minimum setbacks of 3.0 m (10 feet) for accessory buildings with a maximum building height of 6.0 m. If approved, this application would facilitate the construction of a detached garage.



916 VICTORIA RD - ALMA TOWNPLOT PT LOT 4 E; VICTORIA ST (Huron)
Township of Huron-Kinloss, Roll Number 410716000623000

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwa@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed 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 July 4, 2022 may not be included in the Planning report but will be considered if received prior to a decision being made, and included in the official record on file.

1. Please contact us by mail (address above) or bcplwa@brucecounty.on.ca if you have any questions, concerns or objections about the application.
2. You can speak at the Public Hearing.

For information on how to participate in the public hearing, please visit the Township of Huron-Kinloss website at: <https://calendar.huronkinloss.com/meetings>, or contact the Township by 4:30 pm on July 11, 2022 (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, you must make a written request to the Bruce County Planning Department on behalf of the Secretary-Treasurer for the Committee of Adjustment.

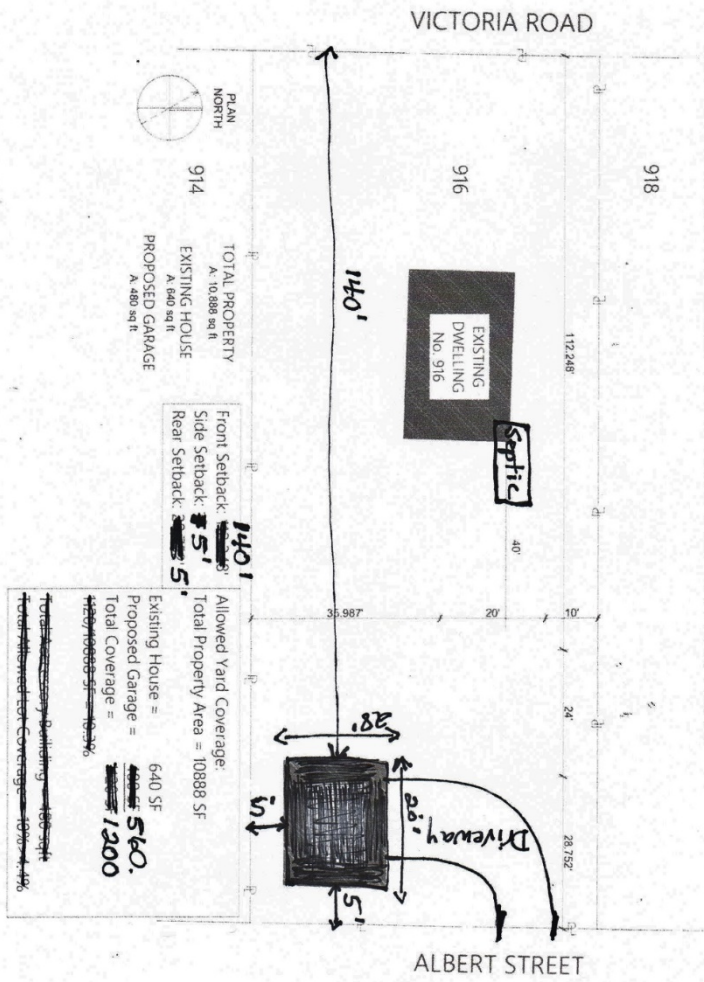
Know your rights

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 payment to the secretary-treasurer of the fee charged by the Tribunal under the Ontario Land Tribunal Act, 2021 as payable on an appeal from a committee of adjustment to the Tribunal, in accordance with Section 45(12) of the Planning Act

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan

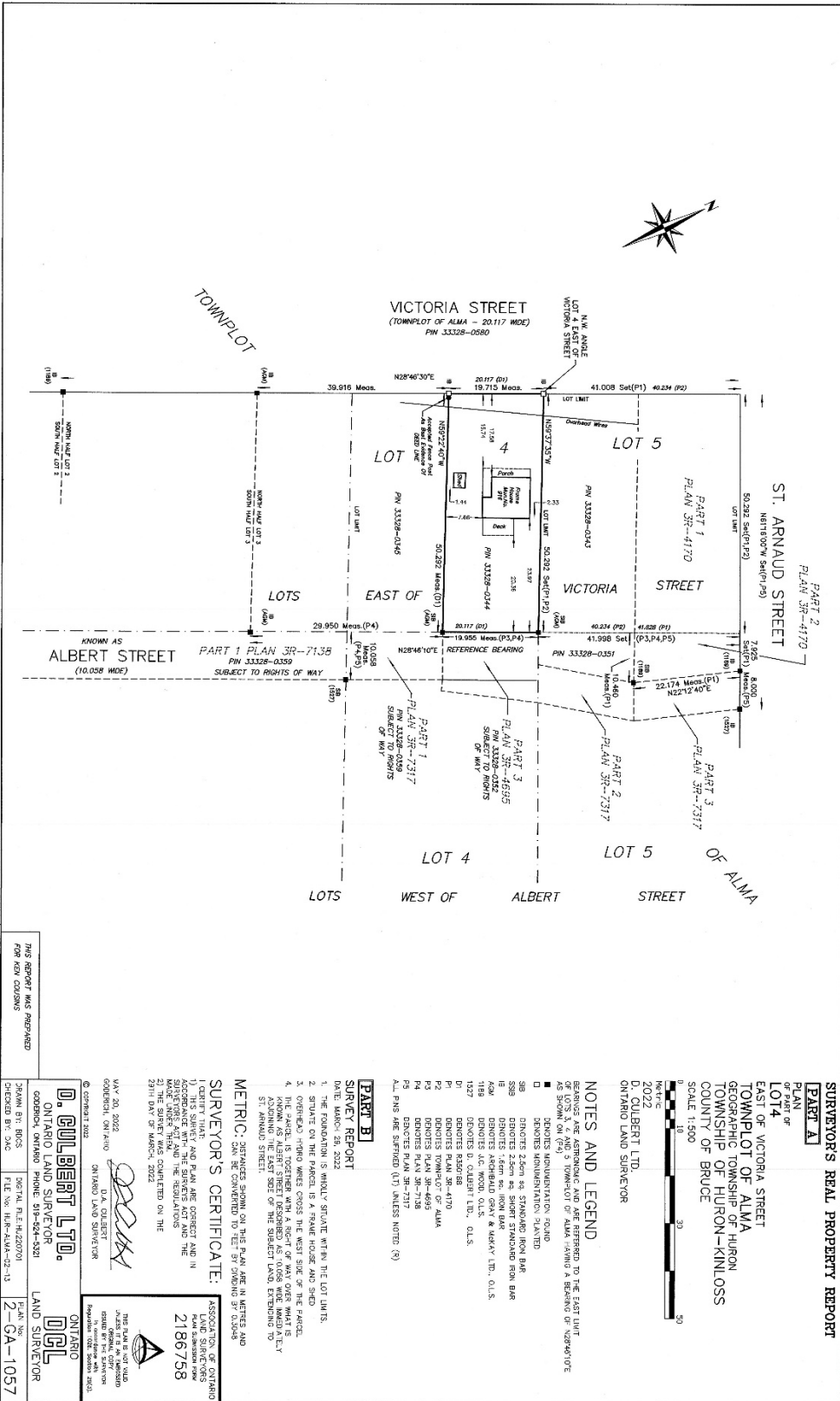
PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION



1
A002
Site Plan
SCALE 1/8" = 1'-0"

PROJECT TITLE	
OWNER	COOKS
PROJECT NUMBER	88
PROJECT NAME	Two Storey Garage
DATE	
SCALE	1/8" = 1'-0"
DRAWN BY	
CHECKED BY	
DATE	
PROJECT TITLE	
PROJECT NUMBER	
PROJECT NAME	
DATE	
SCALE	
DRAWN BY	
CHECKED BY	
DATE	

Site plan - survey



PART A
SURVEYOR'S REAL PROPERTY REPORT
 PLAN OF PART OF LOT 4 EAST OF VICTORIA STREET TOWNPLOT OF ALMA GEOGRAPHIC TOWNSHIP OF HURON COUNTY OF BRUCE

NOTES AND LEGEND
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EAST LIMIT AS LOCATED ON THE TOWNPLOT OF ALMA HAVING A BEARING OF 102°00'00" E. DISTANCES ARE METRIC.
 DENOTES INDENTIFICATION PLANTED
 DENOTES 2.5cm x 2.5cm STANDARD IRON BAR
 DENOTES 2.5cm x 2.5cm SHORT STANDARD IRON BAR
 DENOTES ANGLEHEAD GRAY & MCKAY LTD. O.L.S.
 DENOTES I.C. WOOD. O.L.S.
 DENOTES D. COLBERT LTD., O.L.S.
 DENOTES PLAN BR-4170
 DENOTES PLAN BR-4693
 DENOTES PLAN BR-4170
 DENOTES PLAN BR-2115
 ALL ENDS ARE SUFFICED (U) UNLESS NOTED (S)

PART B
SURVEY REPORT
 DATE: MARCH 28, 2022

1. THE FOUNDATION IS WHOLLY SITUATE WITHIN THE LOT LIMITS.
2. SITUATE ON THE PARCEL IS A FRAME HOUSE AND SHED.
3. OVERHEAD POWER LINES CROSS THE WEST SIDE OF THE PARCEL.
4. THE PARCEL IS TOGETHER WITH A RIGHT OF WAY OVER WHAT IS KNOWN AS ALBERT STREET AND THE RESOLUTIONS 21) THE SURVEY WAS COMPLETED ON THE 29TH DAY OF MARCH, 2022.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND METRIC CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT THE FOUNDATION IS WHOLLY SITUATE WITHIN THE LOT LIMITS. I HAVE SURVEYED THE PARCEL AND THE FOUNDATION THEREON AND I HAVE FOUND THE FOUNDATION TO BE SITUATE WITHIN THE LOT LIMITS. I HAVE ALSO SURVEYED THE ADJACENT LOT AND THE RESOLUTIONS 21) THE SURVEY WAS COMPLETED ON THE 29TH DAY OF MARCH, 2022.

MAY 20, 2022
 GODFRICH, ON AFO
 D.A. COLBERT
 ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO LAND SURVEYORS
 2186758

ONTARIO D.L.
 LAND SURVEYOR

2-GA-1057

THIS REPORT WAS PREPARED FOR PLAN BR-4693/94

PLAN BR-4693/94
 DIGITAL FILE # H2020701
 FILE NO. HR-ALMA-02-13