



## Planning Report

**To:** Township of Huron Kinloss Committee of Adjustment

**From:** Julie Steeper, Planner

**Date:** July 11, 2022

**Re:** Minor Variance Application - A-2022-025 (MacNaughton)

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### Recommendation:

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

That Committee approve Minor Variance A-2022-025 as attached subject to the conditions on the decision sheet.

### Summary:

The purpose of the application is to allow an accessory building in the front yard and to permit a reduction to the required front yard setback for a detached garage. The applicant is requesting a front yard setback of 3.5 m whereas the Zoning Bylaw requires 7.5 m. The applicant is requesting relief for 4 m. If approved, the application would facilitate the new construction of a 10.9 m x 8.5 m detached garage at 822 Annie's Crescent.

The property is located west of Lake Range Drive and north of Concession 10. The property is south of Concession 12 and is surrounded by residential uses.

Airphoto





## 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. 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 front yard setback for accessory buildings shall be 7.5 m. The applicant is requesting a front yard setback of 3.5 m. The intent of front yard setback is to ensure there is ample room for parking and to ensure that the building is at an appropriate and reasonable safe distance from the road. The proposed front yard setback would fulfil this purpose and is considered reasonable in nature to allow. The proposal would 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 vehicular storage.

The subject lands have septic tanks which results in challenges particularly for siting a detached garage in compliance with the front yard setback. As noted above, the proposed front setback still maintains the intent and purpose of the by-law, while allowing the owner to build an accessory building that has a functional depth for garage purposes.

The proposed variance 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 front yard setback. The variance represents an appropriate form of development for the use of the land.

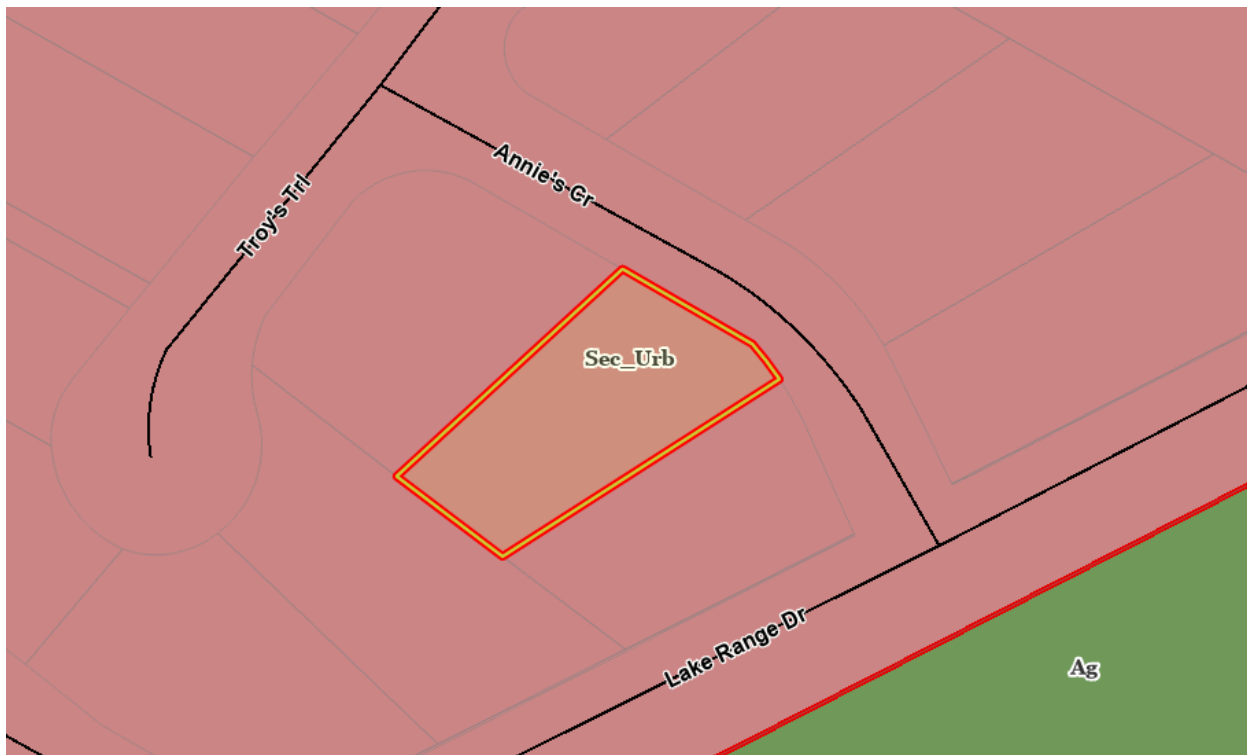
### Is the application minor in nature?

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 variance is considered minor in nature.

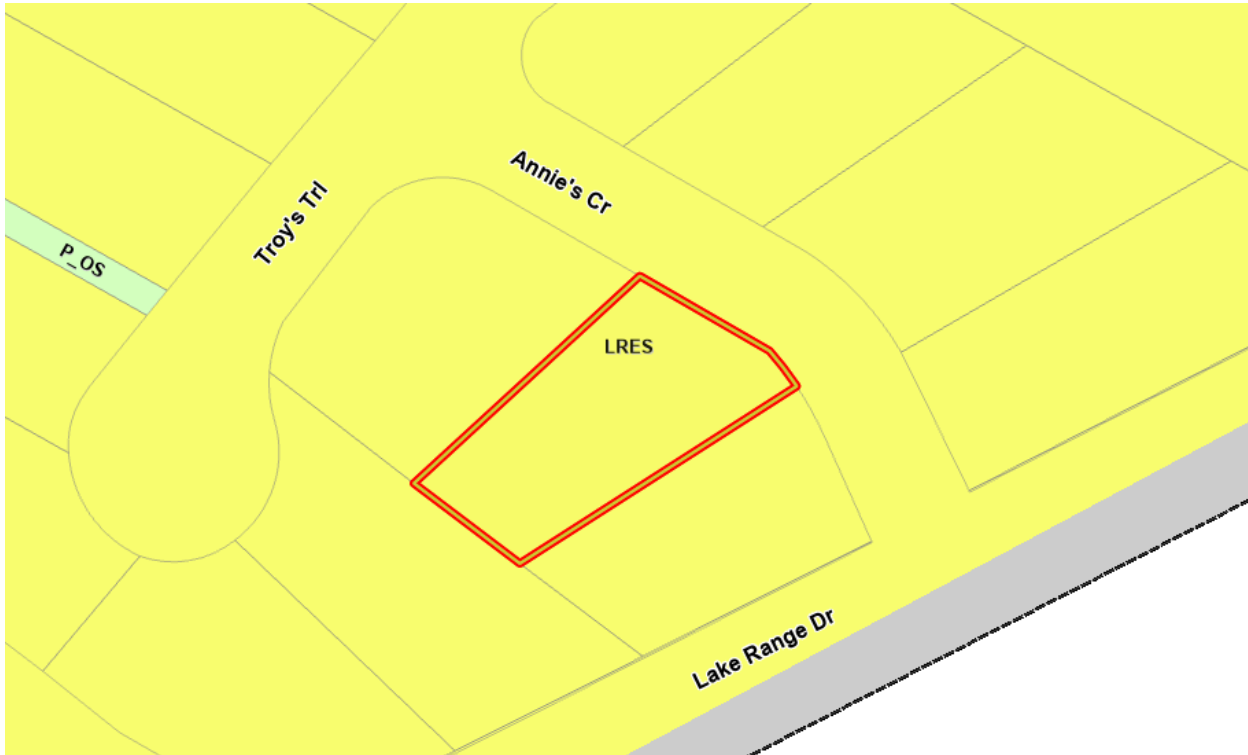
### Appendices

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

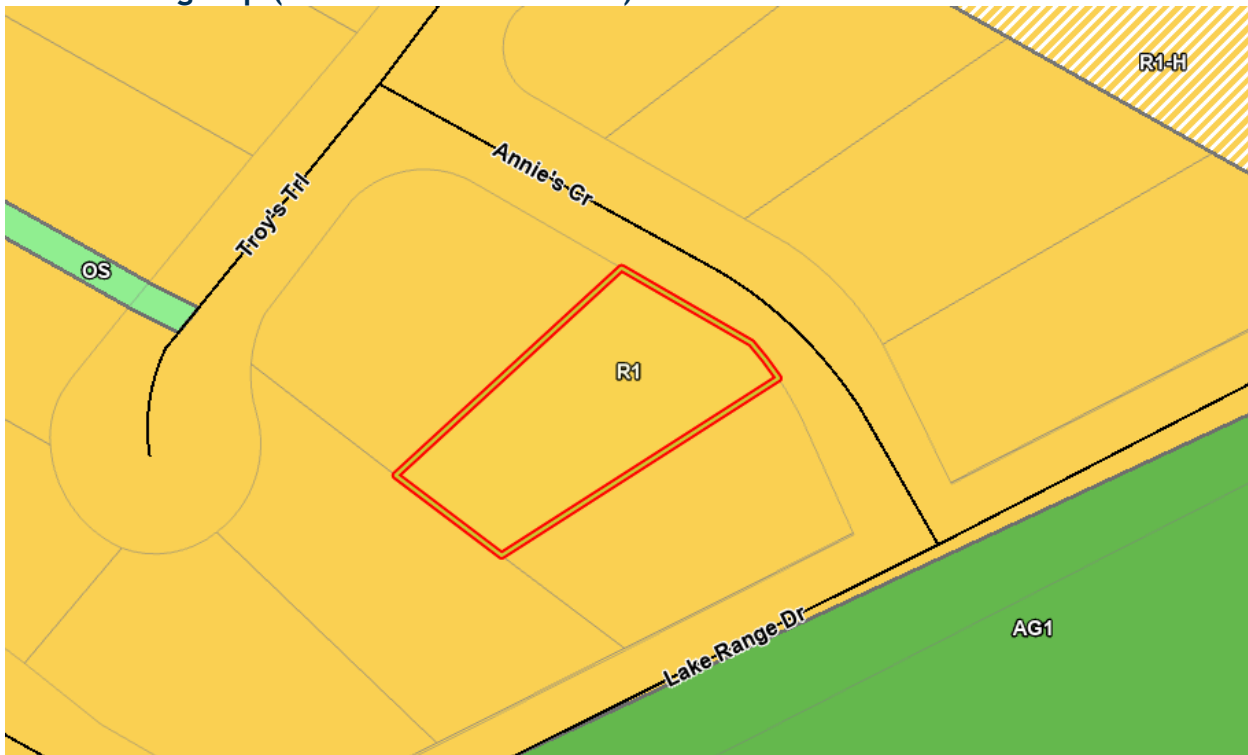
### County Official Plan Map (Designated Secondary Urban Communities)



**Local Official Plan Map (Designated Lakeshore Residential)**



**Local Zoning Map (Zoned Residential 'R1')**



## Agency Comments

Township of Huron Kinloss: No concerns.

Saugeen Ojibway Nation (SON): Formal comments on the merits of the application have not been received from the Saugeen Ojibway Nation. SON has provided instructions regarding their preferred method of request for consultation. We do not anticipate receiving comments prior to the public meeting.

Historic Saugeen Métis (HSM): The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Minor Variance as presented.

Saugeen Valley Conservation Authority: SVCA staff find the application acceptable, and its comments are provided in full below.

SENT ELECTRONICALLY ONLY: [jstepper@brucecounty.on.ca](mailto:jstepper@brucecounty.on.ca) and [bcplwa@brucecounty.on.ca](mailto:bcplwa@brucecounty.on.ca)

June 8, 2022

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-2022-025 (MacNaughton)  
822 Annie's Crescent  
Part Lot 51 Con A, Lot 23 Plan 3M139  
Roll Number: 410716000900833  
Geographic Township of Huron  
Township of Huron-Kinloss

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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 the application is to allow an accessory building in the front yard and to permit a reduction to the required front yard setback. The applicant is requesting a front yard setback of 3.5 m whereas the Zoning Bylaw requires 7.5 m. If approved, the application would facilitate the new construction of a 10.9 m x 8.5 m detached garage.

#### Recommendation

SVCA staff find the application acceptable. The subject property does not contain any natural hazard features such as floodplains, watercourses, shorelines, wetlands, valley slopes 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. Additionally, the property is not subject to Ontario Regulation 169/06,



Corporation of the County of Bruce Planning & Development  
Application for Minor Variance A-2022-025 (MacNaughton)  
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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 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  
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  
brucecounty.on.ca  
226-909-5515



June 6, 2022

File Number: A-2022-025

## 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 the application is to allow an accessory building in the front yard and to permit a reduction to the required front yard setback. The applicant is requesting a front yard setback of 3.5 m whereas the Zoning Bylaw requires 7.5 m. If approved, the application would facilitate the new construction of a 10.9 m x 8.5 m detached garage.



822 ANNIE'S CR – CON A PT LOT 51 PLAN 3M139; LOT 23 SEC 3M-139 PCL 23-1 (Huron)  
Township of Huron-Kinloss, Roll Number 410716000900833

## 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](mailto: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](mailto: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](mailto: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

