

CORPORATION OF THE TOWNSHIP OF HURON-KINLOSS
PLANNING ADVISORY COMMITTEE

July 28th, 2014 7:00 p.m.
Council Chambers

Mayor	Mitch Twolan	(A)
Deputy Mayor	Wilfred Gamble	(P)
Councillors	Lillian Abbott	(P)
	Jeff Elliott	(P)
	Jim Hanna	(P)
	Don Murray	(P)
	Carl Sloetjes	(P)
Clerk	Sonya Watson	(P)
Chief Building Official	Matt Farrell	(P)

OTHERS PRESENT: Bruce Stickney, Roger & Vicky Morrison, Kevin & Cathy Ackert, David Weber, Douglas & Carolyn McLellan, John Meyers, Brian McNichol,

MINUTES

1.0 CALL TO ORDER

Deputy Mayor Gamble called the meeting to order at 7:19 p.m.

2.0 DISCLOSURE OF PECUNIARY INTEREST

<u>Name</u>	<u>Item</u>	<u>Nature of Interest</u>
<i>None disclosed</i>		

3.0 ADOPTION OF MINUTES

Moved by Elliott
Seconded by Abbott

ADOPT
PLANNING
ADVISORY
MINUTES

4

THAT The Planning Advisory Committee hereby adopts the March 24th, 2014 Meeting Minutes as written.

Carried.

4.0 PUBLIC MEETINGS REQUIRED UNDER PLANNING ACT

4.1 Roger and Vicky Morrison

Part of Lots 37 and 38, Concession 1, Township of Huron-Kinloss, Geographic Township of Kinloss

760 Bruce Road 86

Zoning By-Law Amendment Application #Z-26-14.11

The applicants propose to rezone the property from 'AG-68-H-General Agriculture Special with Holding', 'AG-General Agriculture' and 'EP-Environmental Protection' to 'AG-105-General Agriculture Special', 'AG' and 'EP' to permit farm tours; a farm market and café; an event centre with commercial kitchen for cooking classes, food preparations for the café or catering weddings or other events and a health and beauty spa.

Planning Report

Aerial Map

Morrison Draft By-Law

STAFF COMMENTS: Bruce Stickney will be in attendance to present the report.

ACTION: Bruce Stickney presented the details of the report for the Committees review.

The Committee questioned the type of washrooms that would be used for wedding events. The applicant responded that most of the events they hosted would be smaller in size but additional porta potties would be brought in if required. They would have to meet the requirements of the building code for the change of use.

Moved by Sloetjes
Seconded by Elliott

APPROVE
APPLICATION
FOR
MORRISON

5

THAT The Planning Advisory Committee hereby reviews the recommendations included in the planning report for Roger and Vicky Morrison File Z-26-14.11 prepared by the County of Bruce Planning Department and as such recommends approval by the Township of Huron-Kinloss Council.

Carried.

4.2

Kevin and Cathy Ackert

Part of Lot 10, Concession 7, Township of Huron-Kinloss, Geographic Township of Kinloss
2349 Bruce Road 6
Zoning By-Law Amendment Application #Z-27-14.11

The applicants propose to use the existing barn to house livestock. The application would rezone a portion of the lands from 'AR – Restricted Agriculture' to 'AR-4 – Restricted Agriculture Special' to permit the use of the existing barn as a livestock facility.

Planning Report

Aerial Map

Ackert Draft By-Law

STAFF COMMENTS: Staff have provided the Committee with some additional information from 2001 as background on Council's intent and purpose for establishing the AR zone. Bruce Stickney will be in attendance to present the report.

Report and Minutes 2001

ACTION: Bruce Stickney reviewed the report and details for the Committee. He suggested there were recent legal cases pertaining to barns that suggested if a legal non-conforming status pre dates the by-law it should be upheld by the municipality. There is nothing on file or documented that has established a change of use for this barn. The Planning Act clearly defines that uses that pre date the by-law may continue. This AR-4 zoning would recognize and legalize the legal non-conforming use of the barn. He feels the barn was well maintained and is in a state of readiness to house livestock. The original purpose of this barn has not ceased. His recommendation of approval is the best solution with the least amount of legal ramifications to re-establish the legal use of the barn to house livestock.

The Committee questioned if there was a time frame that would see the new AR-4 zoning expire should animals units not be housed in the barn. Bruce Stickney responded that the courts have been very clear that if the use ceases or stops for a period of time it still maintains the legal non-conforming use if the original integrity of the structure is maintained. If the barn had been renovated and a mini storage unit was created with stables being removed the situation may have been different. Even if a part of the barn is used for a varying purpose but the stable area is still maintained then the barn maintains its original intended use and purpose. There was further discussion regarding the type of animal units permitted with the AR-4 zoning. Within the Hamlet area and AR-4 zone, expansion or renovations for a change of use are not permitted. The intended use of the barn is for the purpose of cattle. However it was further noted that if the barn can accommodate horses, goats, pigs etc. in its current state with no renovations or expansion required than alternate animals units could be housed in this barn.

If the type and number of animal units drastically changes then the MDS would be impacted and this would not be a permitted use in the AG-4 zone.

David Weber spoke and supported the application and animal units in the barn.

Moved by Abbott
Seconded by Sloetjes

APPROVE
APPLICATION
FOR
ACKERT

- 6 THAT The Planning Advisory Committee hereby reviews the recommendations included in the planning report for Kevin and Cathy Ackert File Z-27-14.11 prepared by the County of Bruce Planning Department and as such recommends approval by the Township of Huron-Kinloss Council.

Carried.

4.3 **Doug and Carolyn McLellan**

Part of Lot 15, Concession A (being Part 16 RP 3R-3750), Township of Huron-Kinloss, Geographic Township of Huron
613 Lakeside Trail
Zoning By-Law Amendment Application #Z-24-14.16

The applicant proposes to construct a new cottage to replace existing 'Cottage B' and to remove the existing shed. A new detached garage is proposed on the portion of lands east of Lakeside Trail, a private road. The proposed Zoning By-Law Amendment would permit a reduction of the minimum interior side yard setback from 3.0 m (10 ft) to 1.22 m (4 ft) on the north side with the replacement of 'Cottage B' and increase the height for a detached accessory building from 4.0m (13.1 ft) to 5.33m (17.6 ft).

The proposed Zoning By-Law Amendment would also require that the setback to buildings and structures on the west side of Lakeside Trail shall be 6 meters and the setback to buildings and structures on the east side of Lakeside Trail be 4.5 meters.

Planning Report

Aerial Map

McLellan Draft By-Law

STAFF COMMENTS: Bruce Stickney will be in attendance to present the report. Township staff noted concerns with this application. The current situation of two cottages on one lot is a permitted legal non-conforming use. However, if the cottage is removed or the use ceased the most current zoning by-law provisions prevail. The placement of two residential units on one lot is not a permitted use in the Consolidated Zoning By-Law.

ACTION: Bruce Stickney reviewed the application for the Committee. This was originally known as 613 and 616 Lakeside Trail. Bruce Stickney suggest the Impact of the original and additional cottage is already felt and the applicant has noted that neighbors are in agreement with the application. The new cottage will improve upon the existing situation. Stickney suggest the best option going forward would be to move the cottage onto the lot in a more desirable manner with some side yard and front yard setbacks. Setbacks have also been proposed from the private road Lakeside Trail.

Bruce Stickney reviewed all comments received from the agencies in circulation.

The Committee requested some clarity on the current condition of the cottages and the proposed improvements. Staff reiterated the concerns with approving the application and legally permitting two cottages to exist on one lot. Staff further explained that once the cottage is torn down the legal non-conforming use ceases even if a wall remained.

The owners confirmed they do not rent either cottage, both are used for family purposes only.

There was further discussion regarding permitting two cottages. Staff suggested it was an option to have the applicant remove the residential use (plumbing, kitchen, water) from the second cottage then the new build would be the legal and conforming residence.

The Committee felt that gaining the setbacks to Lakeside Trail and the side lot line and a new septic system would only improve upon the current situation. The Committee also felt that since the two houses already existed they supported the replacement of the one residence.

The Committee questioned the increase in height for the shed and the effects on neighbouring property owners. The applicant and staff confirmed the location of the proposed shed does not impede any site lines and it will be surrounded by trees.

Moved by Hanna
Seconded by Sloetjes

APPROVE
APPLICATION
FOR
MC LELLAN

7

THAT The Planning Advisory Committee hereby reviews the recommendations included in the planning report for Doug and Carolyn McLellan File Z-24-14.16 prepared by the County of Bruce Planning Department and as such recommends approval by the Township of Huron-Kinloss Council.

Carried.

5.0 ADJOURN

Moved by Murray
Seconded by Elliott

ADJOURN

8

THAT the Planning Advisory Committee does now adjourn.

Carried.

Original Signed by Mitch Twolan
Chair

Original Signed by Sonya Watson
Clerk