The Corporation of the Township of Huron-Kinloss

Committee of Adjustment Meeting Minutes

Council Chambers

March 2nd, 2015

2:00 p.m.

Mitch Twolan, Mayor	Present
Wilfred Gamble, Deputy Mayor	Present
Lillian Abbott, Councillor	Present
Jeff Elliott, Councillor	Present
Jim Hanna, Councillor	Present
Don Murray, Councillor	Present
Carl Sloetjes, Councillor	Present
Mary Rose Walden, Administrator	Absent
Sonya Watson, Clerk	Present
Matt Farrell, Chief Building Official	Present

Others Present: David Smith, Alvery Hayes, Pat & Harvey Livingston, Joan McLaughlin, Paul & Debbie Currie

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1. **Call to Order**

   Chair Twolan called the meeting to order at 2:00 p.m.

2. **Disclosure of Pecuniary Interest**

   Name: Councillor Murray Item: 4.1 Nature of Interest: relative

3. **Adoption of Minutes**

   Motion Number: 1

   Moved by: Sloetjes Seconded by: Elliott

   That the Township of Huron-Kinloss Committee of Adjustment hereby adopts the November 24th, 2014 Committee of Adjustment Meeting minutes as written.

4. Public Meetings Required Under the Planning Act

Councillor Murray declared a conflict, vacated his seat and left the room

4.1 Gloria Murray (Estate) by Patrick Murray

Continuation for a Similar Purpose as a Legal Non-Conforming Use

A-73-14.12

610 Inglis Street

Lots 21 to 23, Plan 20, Inglis Geographic Village of Lucknow.

The application is to permit the use of the subject lands and buildings for a similar non-conforming use (Industrial).

Planning Report

Public Comment

Mr. Smith presented the details of the report and explained how the application continues a use that was similar to the previous similar legal non-conforming use.

Alvery Hayes questioned with the passage of a zoning by-law permitting this use what in the by-law regulates the commercial use and expansion of the commercial use. He also expressed concern with the future use of the building and how expansions of the business operations could negatively affect the neighbourhood and the river. Mr. Hayes also raised concern with the notice provisions.

The Clerk and David Smith noted that the County follows minimum notification requirements. Any property owners within 60 meters or 200 feet were notified. Mr. Smith responded that the application is to permit a legal non-conforming use to continue. Enlargement of the building would be a separate application. This application is only for the existing building envelop and any enlargement of the operation would require an amendment and/or a building permit.

Motion Number: 2

Moved by: Hanna Seconded by: Abbott

That the Township of Huron-Kinloss Committee of Adjustment hereby accepts the recommendations provided by the County of Bruce Planning Department and as such grants **approval** for application file A-73-14.12 for Gloria Murray (Estate) by Patrick Murray to permit the continuation for a similar purpose as a Legal Non-Conforming use subject to the conditions outlined on the decision sheet.

Carried.

4.2 **Brian and Joan McLaughlin**

Minor Variance

A-04-15.16

123 Bruce Beach Road

Lt 123, Plan 343, Part 4 on 3R2334, (being Part 3 on RP 3R-6858), Geographic Township of Huron.

The application is to permit the construction of a new year round cottage on an existing lot with a reduction of the side yard setback on the north side from 3.0 metres (9 ft. 10in) to 2.11 metres (6ft. 11 in). The reduction is to accommodate the proposed sewage disposal system.

Planning Report

Ground Floor Plan

David Smith presented the information in the planning report. He detailed the reasons why the County could not support a zero set-back for the septic system. At the movement the application does not meet the four tests for a minor variance as presented for the septic system.

The Committee had various questions pertaining to the application. setbacks were a concern and building into the dynamic beach hazard line. There were concerns and discussion regarding the setbacks. There was further information sought on the inclusion of window wells in the setbacks and the dynamic beach hazard line. Mr. Smith responded to the committees questions. Window wells are within the setback area.

The proponent was given the opportunity to speak. The septic is permissible on the adjacent lands however they have worked very hard to keep it on their own property. She said the home is being built to accommodate her husband's disability and the floor area is required.

Paul Currie- 124 Bruce Beach owns property to the North. Doesn't make sense for Council to plan to break the rules. Needs to be a change in this application to accommodate the home and the sewage disposal system. He has issues with the setback to the North and quoted areas of the Official Plan that state development should occur in a cohesive manner for the enjoyment of all properties. It should also maintain the character of the neighbourhood with new developments. He reiterated Mr. Smith's comments that trying to "shoehorn" the home onto a lot that really does not fit it is not good planning. He feels the present proposal does not maintain the intent of the area and will impede air movement and raises concerns with water movement. He felt Council should consider not breaking the rules for the building that does not fit the lot.

Mayor Twolan summed up the comments and suggested the dynamic beach provisions were put in place to accommodate buildings in that area

that were properly sited and developed. There were concerns with the septic and that would have to be reworked by the applicant. But replacement of cottages in this area was expected and planned for in the planning documents.

Motion Number: 3

Moved by: Elliott Seconded by: Hanna

That the Township of Huron-Kinloss Committee of Adjustment hereby accepts the recommendations provided by the County of Bruce Planning Department and as such grants **approval as modified** for application file A-04-15.16 for Brian and Joan McLaughlin for a minor variance subject to the conditions outlined on the decision sheet.

Carried.

5. Adjournment

Motion No.4

Moved by: Gamble Seconded by: Elliott

That the Township of Huron-Kinloss Committee of Adjustment does now adjourn.

Carried.

Original Signed by Mitch Twolan	Original Signed by Sonya Watson
Mayor	Clerk