



Planning Report

To: Municipality of Kincardine Committee of Adjustment

From: Gillian Smith, Consulting Planner

Date: July 10, 2023

Re: Minor Variance Application A-2023-015 (Machan)

Recommendation:

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

That Committee approve Minor Variance A-2023-015 as attached subject to the conditions on the decision sheet.

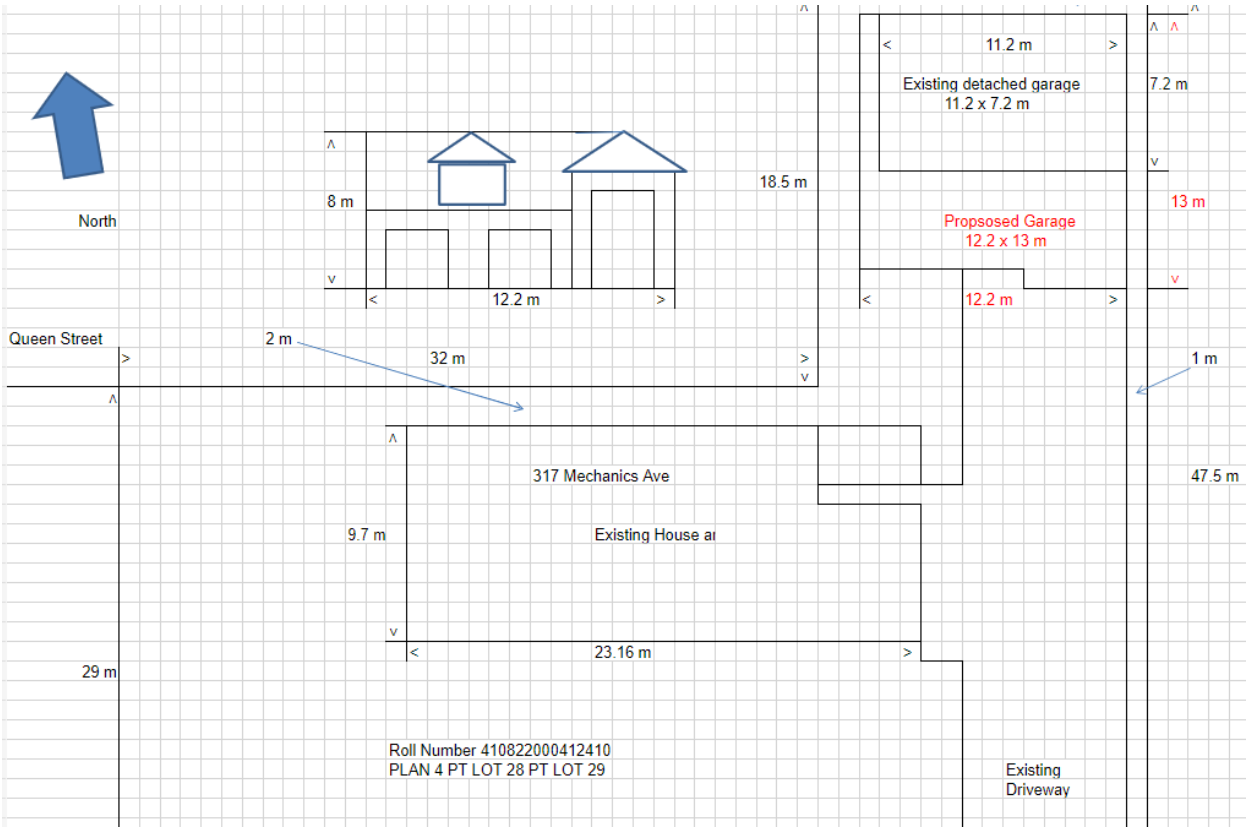
Summary:

The application is seeking to increase the maximum height permissions for an accessory structure. Whereas the Zoning By-law permits a maximum height of 4.5m, the applicant is proposing a height of 7m. Approval of the minor variance would facilitate the re-construction of an accessory garage to accommodate a mobile home. The existing property is located at 317 Mechanics Avenue, Kincardine.

Airphoto



Site Plan



Rendering



Site Photos





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* provides for the granting of minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Relief may only be granted if the Variance passes four tests (“Four Tests of a Minor Variance”). The Committee must be satisfied that the application has satisfied all four tests to approve the Minor Variance.

Does the variance maintain the intent and purpose of the Official Plans?

The subject property is designated Primary Urban Communities in the Bruce County Official Plan. The designation is intended to be the principal area of the County for growth and development, providing the widest range of land uses. Both permanent and seasonal residential uses are permitted.

The property is designated Residential in the Kincardine Official Plan. This designation is intended to provide a range of housing accommodation. Detached dwellings are the prominent form of development in this area. Accessory buildings and uses are also permitted within the Residential designation.

The subject property is occupied with an existing all year-round dwelling and detached single storey garage, both of which are permitted uses in the Official Plans. The owner is proposing to re-develop a new three bay garage. The third bay door is proposed to be larger than the other two to accommodate a mobile home. The proposed height of the garage at 7m will allow for the secure storage of the mobile home and provide sufficient space within the garage to complete repairs as needed.

Given these considerations, the application maintains the intent and purpose of the Bruce County Official Plan.

Does the variance maintain the intent and purpose of the Zoning By-law?

The subject property is zoned Residential One (R1) in the Kincardine Zoning By-law. Permitted uses include single detached dwellings as well as accessory structures. Section 6.4 of the Zoning By-law provides regulations for accessory buildings. In all residential zones, the maximum height for accessory structures is 4.5m. The applicant is proposing to increase the maximum permitted height of the accessory structure to 7m. The proposed increase in height is to accommodate a mobile home.

The intent of height requirements is to maintain orderly development and reinforce the character of the area. The proposed variance is a 2.5m increase, which deviates from the zoning requirements. Accessory structures in the form of a garage are common among residential areas and often vary in scale. The maximum permitted height for a single

detached dwelling is 10.5m. The proposed garage height will remain less than the primary dwelling height and is generally consistent with the residential intent of the property. Considering that the garage will reinforce the residential use of the property, provide convenient storage of the owner's vehicles, and that all other regulations will be met, the application maintains the overall intent and purpose of the Zoning By-law.

Is the application desirable for the appropriate development of the land, building or structure?

The proposed development associated with the variance application is appropriate for the property and is compatible with the residential intent of the lands and the surrounding neighbourhood. There is already an existing garage on the property. The proposal is not introducing a new use to the property. The function of the lands as residential will be maintained should the variance be approved. The variance represents an appropriate form of development for the use of the land.

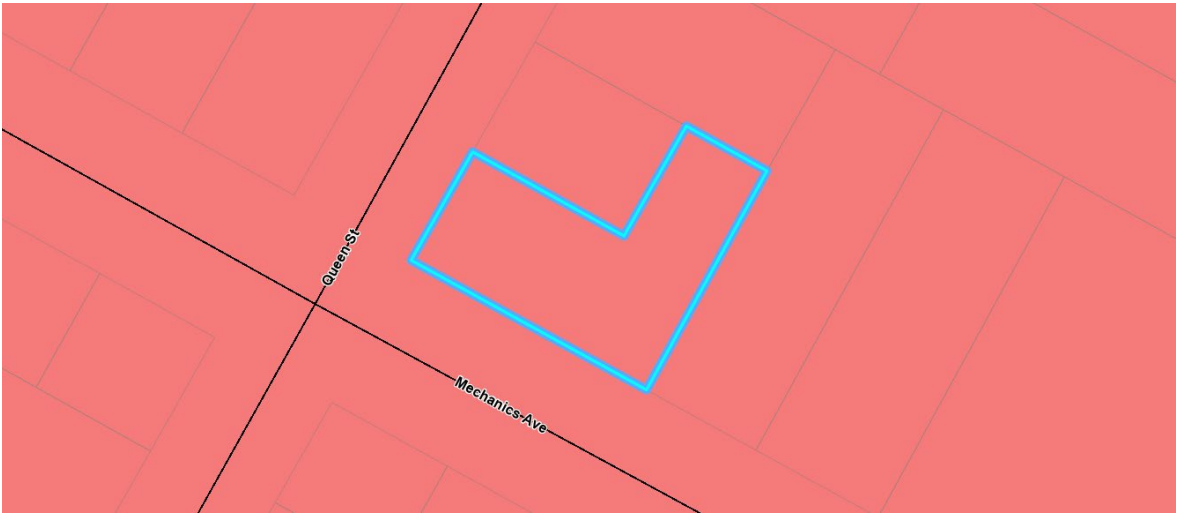
Is the application minor in nature?

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 an increased height of a garage will have an impact on the ability of adjacent property owners to use their properties for permitted uses. The height at 7m will still be below the permitted height of primary dwellings. The proposed garage will maintain the use of the property as residential. The variance is considered minor.

Appendices

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

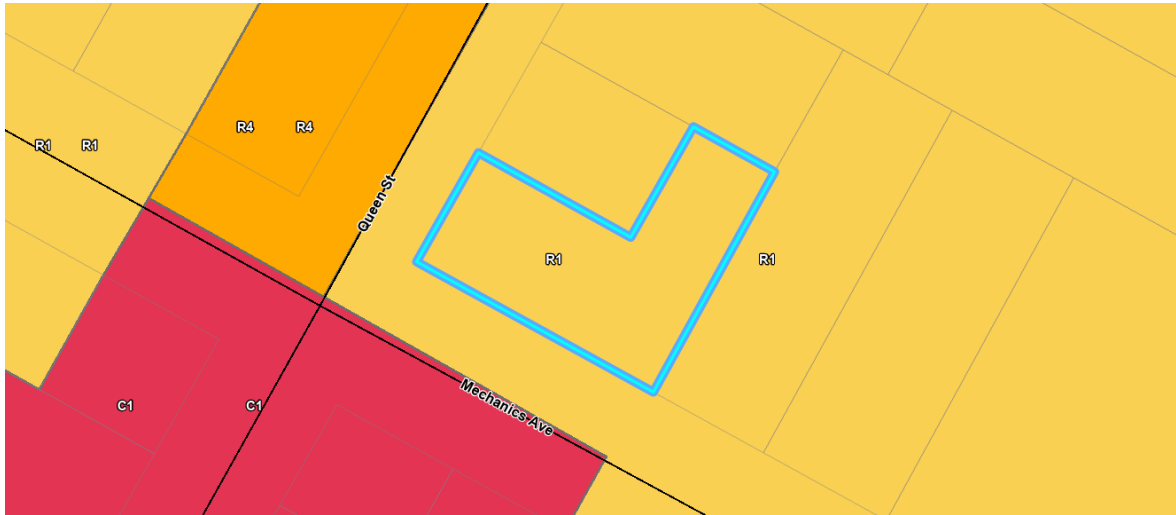
County Official Plan Map (Primary Urban Communities)



Local Official Plan Map (Residential)



Local Zoning Map (Zoned Residential One 'R1')



Agency Comments

- Saugeen Valley Conservation Authority: No objection.
- Historic Saugeen Métis (HSM): No objection.
- Kincardine Chief Building Official: No objection.
- Risk Management Office: No objection.

Public Comments

Neighbouring property owners have objected to the proposal. The concerns are related to the building height and its incompatibility with the character of the area. The garage will loom over their rear yard and impact the enjoyment of their property.

Staff note that the character of the area is residential and that the proposed height will maintain this character. The maximum permitted height for a primary dwelling is 10.5m, which is still larger than the 7m proposed for the garage. Staff note that no windows will be located at the rear or side of the garage, therefore privacy on the abutting property's rear yard will be maintained.

June 22, 2023

Chair and Members of the
Committee of Adjustment

Dear Members:

Re: Minor Variance—A-2023-015

We wish to express our opposition to the requested minor variance for 317 Mechanics Avenue (File No. A-2023-015).

The west property line of our residential property at 319 Mechanics Avenue is beside the proposed 7 metre high detached garage.

We are concerned that the proposed garage will overwhelm our property due to its excessive height and associated massing. The building height (8 metres to ridge line) is effectively two storeys, while the zoning by-law has a 4.5 metre height limit that restricts such accessory buildings to one storey in height.

The proposed garage building will loom over our rear yard and the back of our house, adversely affecting the quiet use and enjoyment of our property. This requested variance is of a height and scale similar to buildings and structures used to store construction vehicles and farm machinery.

The proposed garage building should be reduced to a height of 4.5 m maximum in keeping with zoning by-law requirements for the character of the neighbourhood.

There are more suitable locations for the storage of large recreation vehicles such as motorhomes away from a residential neighbourhood.

In summary, the requested height variance to store a large motor home is not minor in nature, is not desirable in a residential neighbourhood, and is not in keeping with the intent of the zoning by-law. The variance should therefore be refused.

Yours truly,

James, Ken and Sandy McEwan

James McEwan
Ken McEwan
Sandy McEwan

319 Mechanics Avenue



County of Bruce
Planning & Development Department
1243 MacKenzie Road
Port Elgin, ON N0H 2C6
brucecounty.on.ca
226-909-5515



June 13, 2023

File Number: A-2023-015

Public Hearing Notice

**You're invited to participate in a Public Hearing
to consider Minor Variance File A-2023-015
July 10, 2023 at 5:00 p.m.**

The Public Hearing will be held in a hybrid format (virtual meeting or in-person at the Municipal Administration Centre located at 1475 Concession 5, Kincardine). Please contact the Municipality of Kincardine at clerk@kincardine.ca or 519-396-3468 if you have any questions about how to participate in the meeting.

A change is proposed in your neighbourhood: This applicant seeks relief from Section 6.4.4(i) Height of the Zoning By-law which requires a height limit of 4.5 m. The applicant proposes a height of 7 m for the detached garage. The exception is to allow the storage of an "A" class motorhome with enough height to allow motorhome roof access while in storage.



317 MECHANICS AVE - PLAN 4 PT LOT 28 PT LOT 29;RP 3R7444 PART 2
Municipality of Kincardine (Kincardine Town)
Roll Number 410822000412410

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 emailing bcplpe@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: Gillian Smith

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 **June 28, 2023** 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 email bcplpe@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.
2. You can participate in the public hearing. For information on how to participate in the public meeting, please contact the Municipality of Kincardine at clerk@kincardine.ca or 519-396-3468.

Stay in the loop

If you'd like to be notified of the decision of the Committee of Adjustment on the proposed application(s), 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

Only the applicant, the Minister, a specified person (being a utility and transportation company) or public body that 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. Appeals must be accompanied by payment of the fee charged by the Tribunal as payable on an appeal from a Committee of Adjustment decision to the Tribunal. For more information, please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan

