



## Planning Report

**To:** Municipality of Kincardine Council

**From:** Jack Van Dorp, Manager of Land Use Planning

**Date:** September 27, 2023

**Re:** Zoning By-law Amendment Application Z-2022-134 (Gamble)

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### Recommendation:

That Zoning By-law Amendment Z-2022-134 for lands described as CON 2 PT LOT 22 RP 3R535 PT; PART 1 Municipality of Kincardine (Bruce Township) to permit an Additional Dwelling Unit (ADU) within the existing main dwelling be approved;

That the detached additional dwelling unit (ADU) not be approved for the following reasons:

- 1) Does not meet the Minimum Distance Separation (MDS I) requirement,
- 2) Could potentially impact livestock operations on the adjacent farm property,
- 3) Does not conform to the Bruce County Official Plan.

And that the by-law as attached be adopted.

### Summary:

The County Official Plan permits one additional dwelling unit (ADU) in the 'Agriculture' designation. ADUs are not as of yet permitted in the Kincardine Zoning By-law.

There are currently two additional residential units which were established in contravention to the comprehensive Zoning By-law and the County Official Plan. Although permits may have been obtained for the structures, the applicant did not obtain building permits to establish residential use of the structures.

Setback variance was obtained for the accessory buildings as a workshop and storage area. Residential use would require relief from Minimum Distance Separation (MDS I) setbacks to the adjacent McKay farm (541 concession 2, Bruce Township), from 93 metres to approximately 18.8 metres from the nearest facility and from 174 metres to approximately 123.2 metres from a second facility.

The applicant was directed by the Municipality to cease the use or file applications to seek an opportunity to bring the uses into conformity with the Official Plan and Zoning By-law.

The applications proposed to permit an additional residential unit in the existing dwelling and another unit in the detached building. A site-specific Amendment to the Bruce County

Official Plan, to permit the detached residential unit, was refused by Bruce County's Planning and Development Committee on May 18, 2023 ([link to meeting](#)) as it is too close to livestock facilities on an adjacent farm property.

The Zoning By-law Amendment Application is required to permit the unit in the dwelling, and to provide some site specific setbacks for existing accessory buildings.

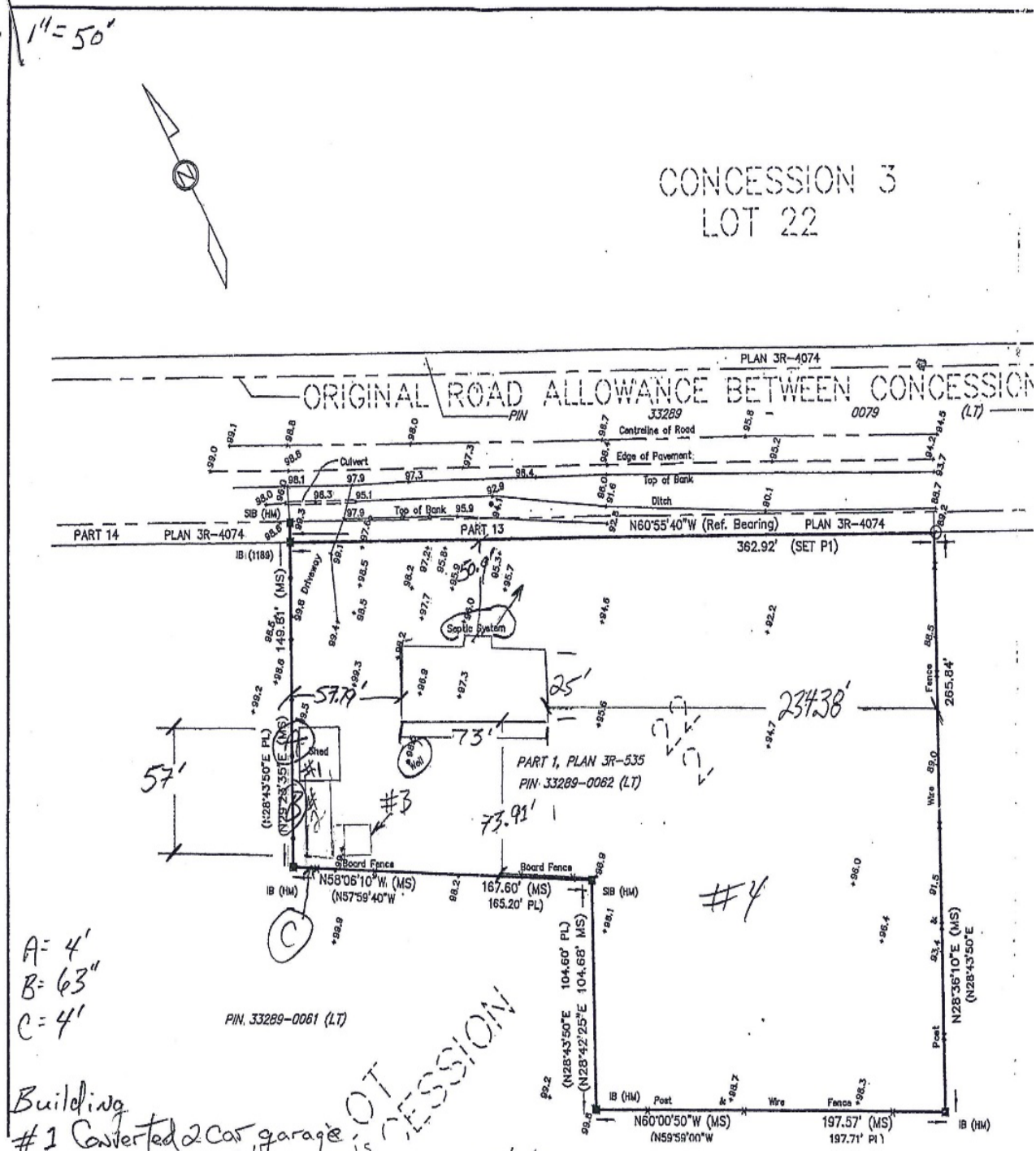
Given the refusal of the County Plan Amendment, approval of a second ADU on the lands would not conform to the County Official Plan. Council decisions must conform to the Official Plan in effect.

A public meeting originally scheduled for this file on May 8, 2023 had to be rescheduled due to technical difficulties.

### **2020 Airphoto**



# Site Plan



- A= 4'  
B= 63"  
C= 4'
- Building  
#1 Converted 2 car garage built in the 1970's 22'W x 23'4'  
#2 Accessory building built 2012 17'W x 34'4'  
#3 Garden Shed bldg built 2012 15'W x 18'4'  
#4 " built 2009 25'W x 73'4'

Zone A1

## 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.

### Agricultural Areas

The Provincial Policy Statement (PPS) states that prime agricultural areas shall be protected for long-term use for agriculture. Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible. The proposal was evaluated against this intent for lands within the Agricultural Areas designation.

The PPS allows an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. The policy provides for all types of residential intensification, including additional dwelling units (ADUs). ADUs may be located within the main dwelling or in a building or structure that is ancillary to the main residential building.

The PPS emphasizes the primacy of agricultural uses rather than housing supply in agricultural areas. Recognizing this direction, and the typically greater distances to services associated with residential uses, the County Official Plan permits only one Additional unit on a lot.

The basement ADU within the main dwelling represents an adaptation of the existing structures. It increases occupancy level but does not increase or create new impacts to the agricultural area. MDS calculations are not required associated with the renovation of the existing primary dwelling.

The ADU within the ancillary structure is located nearer to existing agricultural operations and thus increases potential for land use conflict. This is discussed further below.

### Zoning By-law Review

In any Agriculture Zone, a maximum of one dwelling may be erected on a lot. The comprehensive Zoning By-law is currently under review and will be updated to align with the Official Plan. Until then, special zoning is required to permit an ADU on a Non-Farm Lot in the Agricultural Areas (A1) Zone.

The ADU in the dwelling meets all required setbacks.

Setbacks for accessory buildings that are not used or occupied for residential purposes are often significantly smaller, reflecting the typical scale of these buildings, intensity of use and potential for impacts between properties. A structure could be established as an accessory building and meet required zoning setbacks for storage etc, but not meet required setbacks to support a change to a residential use.

The detached building location was approved by minor variance in 2011, in relation to the use as a workshop / storage area. It does not meet the required yard setbacks for a dwelling and also does not meet required required yard setbacks.

The associated outdoor summer kitchen / sugar shack has a deficient rear yard setback of 1.2 m. A small section with a utility structure mounted on the rear wall of the garage/Quonset hut has a 1.1 m setback to the rear lot line. The utility box protects water lines from freezing. Minor encroachments from a structure are permitted.

Acknowledging these existing yard setbacks relative to unoccupied structures will not exacerbate the existing ground situation nor create new impacts.

The deficient interior side yard setback of 0.61 m for the original detached garage built in the 1970s is not of concern.

### Minimum Distance Separation (MDS) Formulae

The keeping of livestock is a permitted use on a Farm Lot within the Agricultural designation. The Minimum Distance Separation (MDS) Formulae seek to reduce the effect of objectionable odours in a neighborhood by determining minimum distances between nearby dwellings and livestock facilities and manure storages that are on separate lots.

All new land uses including lands to be rezoned to permit a residential or non-farm dwelling use are required to comply with the Provincial Minimum Distance Separation I (MDS I) Guidelines (Section 6.36 Minimum Distance Separation).

For relief to be granted to permit the detached ADU having reduced MDS setbacks, there must be careful consideration to impact on the adjoining farm operations.

No 'livestock facility' or 'manure storage structure' shall be erected, permitted, and/or expanded/enlarged unless it complies with the Minimum Distance Separation II (MDS II) Guidelines (as amended from time to time).

### Development history and MDS on the subject lands

The subject land is a Non-Farm Lot that was created from the adjacent McKay farm (543 Concession 2, Bruce Township) in December 1973.

At the time it was severed from the farm, the nearest barn (17.6m to the lot line) existed; however, Minimum Distance separation was only beginning to emerge as a concept through the 1970 *Suggested Code of Practice*.

The 2006 airphoto (below) illustrates what was at that time a larger barn, and a previously existing dwelling on the subject lands:





In 2008 the pre-existing dwelling on the property was replaced with a new dwelling following a fire. Although Minimum Distance Separation Guidelines were in effect, the new dwelling was replacing a previously existing use as a result of a catastrophe. The new dwelling is evident in the 2010 airphoto, as is the deteriorating condition of part of the old barn:



By 2015, the barn had been reduced in size and an additional livestock facility had been constructed to the southwest as shown in the image below. Accessory buildings had also been constructed on the subject lands. There were no identified changes relative to Minimum Distance Separation since 2015.



MDS Setbacks for new livestock or manure storage facilities are smaller than the setbacks required for new sensitive uses like dwellings. This is to provide more flexibility for agricultural activities in agricultural areas.



The new livestock facility constructed in 2014 is intended for 35 cows with calves. It is 122 m from the subject land, and 123 metres from the accessory buildings. It required a 123m setback to the dwelling on the subject lands, and provided approximately 148 metre setback.

MDS setbacks were not required relative to the accessory building as it is not a residential use, however it appears that the new barn would meet the MDS 2 setback.

The conversion of an accessory building to permit a residential use does require a review of MDS. The detached building does not meet the greater MDS setbacks that are required to establish a residential use. The MDS (1) setback for a new sensitive use is 93 metres from the older barn, based on a capacity of 12 bred heifers, and 174 metres from the newer barn.

The owner of the adjoining farm property has confirmed that the livestock barns are currently vacant, however they have previously housed livestock and there is a possibility to resume livestock operations in the future.

Permitting the detached ADU would introduce a new residential use that is closer to the livestock facilities than the existing principal dwelling on the subject land.

Although the existing setbacks are such that the farmer may already have difficulty expanding the existing livestock facilities, the MDS 1 setback is intended to protect agriculture from complaints associated with livestock facilities. In agricultural areas, agricultural uses have precedence over housing supply. For these reasons the County Official Plan Amendment was refused, and permitting the detached ADU is not eligible for consideration through the Kincardine Zoning By-law Amendment.

Planning staff do however support the ADU within the principal dwelling on the subject land. Any existing impact on the neighboring livestock facility will not be exaggerated. The amending by-law would recognize the deficient MDS setback of the main dwelling.

### Other Considerations

The septic system is designed for the single detached dwelling and may require upgrades or an additional structure to service the ADU. Details will be worked out at the building permit stage.

Structural renovations may also be required to meet building and fire code requirements.

Approval of the use through the zoning by-law amendment creates an opportunity for permits to be issued for these works.

### Additional Public Comments

Twenty-four (24) individuals signed a letter of support for the subject Application (attached).



The owner of the neighbouring farm submitted comments (attached) and participated together with his solicitor in the public meeting in respect of the County Official Plan Amendment on May 18, 2023.

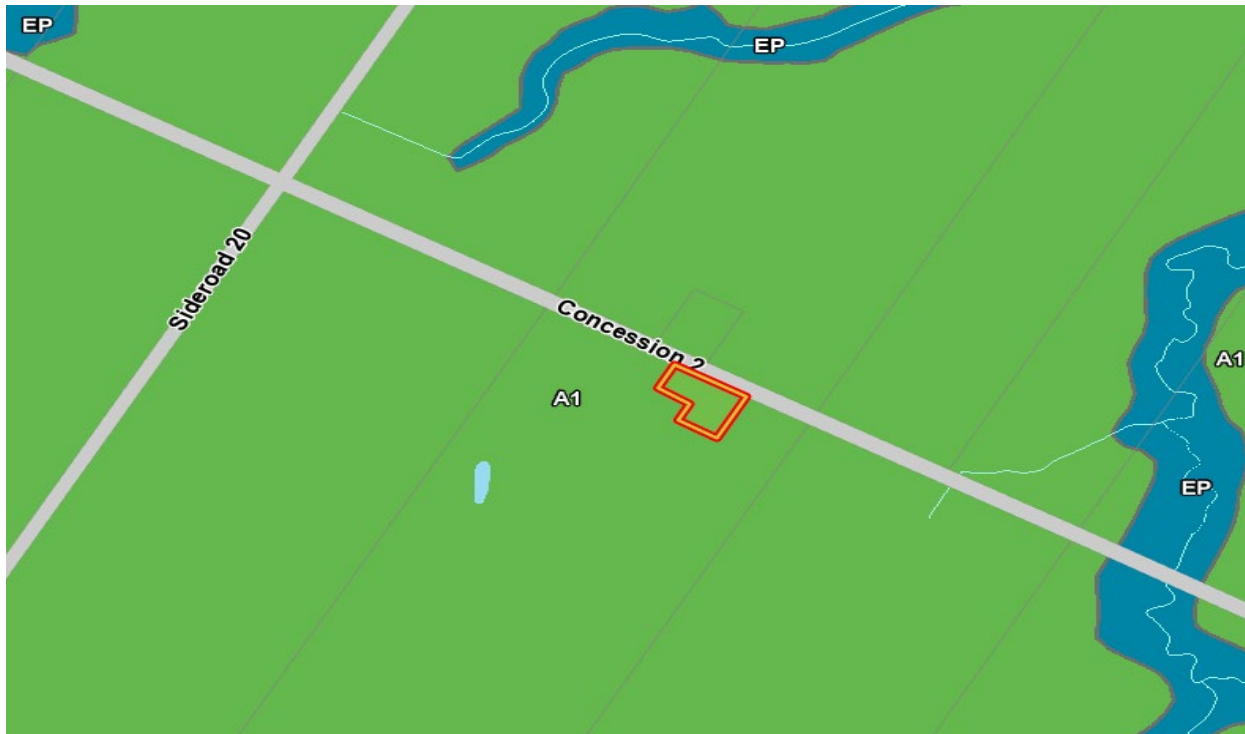
## Appendices

- County Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Comments
- Public Notice
- Minutes Report and Decision Sheet from 2011 Minor Variance

## County Official Plan Map (Designated Agricultural Areas)



## Local Zoning Map (Zoned General Agriculture “A1”)



### Agency Comments

Bruce Grey Catholic District School Board: No objection.

Director of Development and Infrastructure: No concerns with the proposal. All Building Code requirements will need to be met.

Chief Building Official:

- i. With the establishment of 2 additional ADU's, the owner will need to confirm that (a) the existing septic system is sized appropriately (b) sufficient lot area exists for the expansion of the existing septic system or (c) the installation of an auxiliary new Class 4 sewage system can be accommodated to on the lot for the additional daily design flows from the Accessory Residential Unit (ADU). This includes verifying clearances from private wells (15 m from drilled wells, 30 m from dug wells). (Planning staff note these servicing matters will be addressed in consultation with the Building Department).
- ii. The CBO has clarified that a building permit will be required.
- iii. Minimum Distance Separation (MDS) 1 identified which relief would need to be sought or recognized for a reduction between an ADU and Livestock Facility/ Manure Storage. (Planning staff have discussed MDS requirements above. MDS formulae requires specific information about type of livestock, quantity, and manure to calculate the minimum separation distance required between the ADU

and the barn. The nearest barn is vacant; however, has not been commissioned and could house livestock again in the future. The amending by-law can only specify the physical distance from the nearest barn of 17.7 m and prevent future barn expansions from coming any closer to the subject land).

**Fire Chief:**

Kincardine Fire Chief requested confirmation of the maximum number of persons exchanging remuneration for lodging in each building before we can provide comments regarding this application. Based on the applicant's response, there are 3 tenants in the basement apartment and 3 tenants within the ancillary dwelling unit, a total of 6 tenants. Rental fees are around \$250 / week.

Based on this information, the Fire Chief's subsequent comments are as follows:

- i. The primary residence must be compliant with Ontario Fire Code Section 9.5 Retrofit as section 9.5 applies to (9.5.1.1 (1) buildings up to and including 6 storeys in building height with residential occupancies and containing (d) one or two dwelling units in combination with boarding, lodging or rooming accommodation for two, three or 4 persons, excluding the operator's residence. This is based on the basement being a single suite with 3 bedrooms.
- ii. As for the ancillary structure converted to a residential suite, I would defer to the CBO if it is set up as a single suite with 3 bedrooms. If it is 3 separate suites, it may also fall under Ontario Fire Code Section 9.5.

**Historic Saugeen Métis (HSM):**

- i. Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed County Official Plan and Zoning By-law Amendment as presented.

**Director of Community Services:** No objection.

**Bruce Grey Catholic District School Board:** No objection.

**Saugeen Valley Conservation Authority (SVCA):**

- i. The applications are acceptable. The subject property does not contain any natural hazard features or other environmental features of interest to the SVCA.

I have no issues with the Gambles renting rooms

NAME	ADDRESS	DATE
NICHELE LANTHIER	297 CONC 2	OCT 17/2019
Larry Gilchrist	257 Con 2	Oct 17/2019
GLENN & JOANNE RUSHTON	59 CON 2	OCT 17/2019
Edna Wolsk	#15, 2nd CONC.	OCT 17/2019
Pat Gras	3273 Bruce Rd. 1	Oct. 17/2019
BRIAN GILCHRIST	#491 CON 2	OCT. 17/2019
Charlin Taylor Charlin Taylor	861 CON 2	OCT 17/2019
Michael Wood	1403 Con 2	Oct. 17 2019
Michael Wood		
JACK MEURS J.M.	544 Conc 2	Oct 17/2019
Lowilla Brown	Con 2 677	Oct. 17/2019
Roy Sut	Con 2" 945	OCT 17/2019
Roy Tu FT		
SON TRAVIS for Fred	Con. 2 1043	17 OCT 2019
JENNIFER ALEXANDER Jennifer Alexander	488 CONC 2	17 OCT 2019
Low MARTIN	664 BRUE CON 3	17 Oct 2019
Gerry Gras	3273 Bruce Rd 1	19 Oct. 2019.



NAME

ADDRESS

DATE

Dylan Tylar  
~~John H. H.~~

784 Con 2

OCT 19 2019

Tim Preston  
~~Tim R.~~

192 Con 2

OCT 19 2019

October Twenty First at 6:38 P.M. with  
witness presented this to neighbour  
Kevin MacKay or Kevin McKay not sure of  
last name spelling. He refused to sign  
Per: Brian Lumble 541 Con. 2 Oct 21. 2019

## **Objective**

*To oppose and stop the proposed zone change: County Official Plan Amendment File C-2022-015 and Zoning By-law Amendment File Z-2022-134*

### **Building Code Criteria Concerns:**

- 1) *Do the outlying buildings meet the fire code?*
  - a. I have been informed by a fire inspector that there were multiple deficiencies following a walk-down circa 2019.
- 2) *Is the septic system built for multiple dwellings?*
- 3) *Did the owner get building permits for out-buildings/proposed ARU?*
  - a. Building #2: *Accessory Building* (proposed ARU)
    - i. Yes, built in 2012. However, building permit was not for occupancy but rather for a shed (Wonder steel building).
  - b. Building #3: *Garden Shed*
    - i. No. Stated as built in 2012 however it was built in 2019 (photo available). The building permit in the window of this building is the 2012 permit for building #2. There does not seem to be a building permit for this building.
    - ii. There is less than 4' between the back of this building and the lot line, despite the measurements stated in the site plan. This distance has been reduced due to the addition of a 2' x 6' wall to prevent freezing in the building (photo available).
  - c. Building #4: *Garden Shed*
    - i. No. This 8' x 8' building was placed on my property without my permission or any warning. I was rightfully upset by this and removed the building from *my property*, returning it to the neighbour's property.
    - ii. There were never any building permits obtained for this building (confirmed by the building department) and there have since been additions to this building.

### Personal Concerns:

- 1) *I have a bank barn that was built in ~1903 that is 58' from the lot line (aerial photo available).*
  - a. Will I receive excessive complaints from tenants regarding the smell and noise that are inherently part of keeping livestock?
- 2) *My neighbour has had up to five dogs.*
  - a. What if all the proposed tenants brought dogs?
  - b. There is no *complete* fence around the property and the dogs currently do their business on my property.
- 3) *Increased traffic.*
- 4) *Previous workers/tenants have questioned me about my manure spreader, asking if I could move it farther away from the lot line.*
  - a. The manure spreader in question was broken.
  - b. The break had not even been during use as a manure spreader. It had broken while placing topsoil around my house.
- 5) *Will this rezoning affect my property value? If I choose to sell my property, will this rezoning affect the sale value of my home and agricultural land?*
- 6) *Tenants often party and these buildings are near the property line.*
  - a. My three daughters have felt uncomfortable walking on *my* driveway which is near these buildings and the partying tenants.
  - b. Concerns regarding increased noise due to partying.
- 7) *Will the rezoning lead to renting and/or selling to people of questionable character?*
  - a. Specific concerns due to the value of my farming machinery, equipment, and inventory.
- 8) *Will rezoning affect me from future farm expansion?*

**Conclusion:**

If the zoning change is refused, how will it be enforced? For almost five years I have been told that by-laws do not allow my neighbour to have these tenants. Despite bringing my concerns to by-law officers, tenants have remained with no repercussions. I have concerns about the safety and legality of the proposed additional residence units and worry that they will continue to be used this way regardless of the result of the application. How would it be enforced this time?

Thank you,

Kevin McKay

*Photos available to document timeline.*





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



August 29, 2023

File Number: Z-2022-134

## Public Meeting Notice

**You're invited: Public Meeting to consider  
Zoning By-law Amendment File Z-2022-134  
September 27, 2023 at 5:00 p.m.**

A change is proposed in your neighbourhood: This application originally requested a County Official Plan Amendment and Zoning Amendment to establish two Additional Residential Units (ARU), one basement unit in the primary dwelling and another within a detached building (building #2 on site plan).

The Official Plan Amendment which was required in order to permit the second additional unit was not approved by Bruce County Council, due to insufficient Minimum Distance Separation setbacks to an existing livestock facility on a separately owned adjacent parcel of land.

The zoning by-law amendment therefore considers only the approval of one additional residential unit, located within the existing primary dwelling.



541 CONCESSION 2 - CON 2 PT LOT 22 RP 3R535 PT;PART 1  
Municipality of Kincardine (Bruce Township)  
Roll Number 410826000110301

## 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](mailto: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: Jack Van Dorp

## 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

**September 18, 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.

**Before the meeting:** You can submit comments by email [bcplpe@brucecounty.on.ca](mailto:bcplpe@brucecounty.on.ca), mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application. Comments will be provided to the Committee for its consideration.

## How to access the public meeting

The Public Meeting will be held in a hybrid format (virtual or in-person) at the Municipal Administration Centre located at 1475 Concession 5, Kincardine.

For information on how to participate in the public meeting, please visit the municipal website at [www.kincardine.ca/en/municipal-office/agendas-and-minutes.aspx](http://www.kincardine.ca/en/municipal-office/agendas-and-minutes.aspx) under "Agendas and Minutes."

Please contact the Municipality of Kincardine at [clerk@kincardine.ca](mailto:clerk@kincardine.ca) or 519-396-3468 if you have any questions about how to participate in the meeting.

## Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

## Know your rights

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

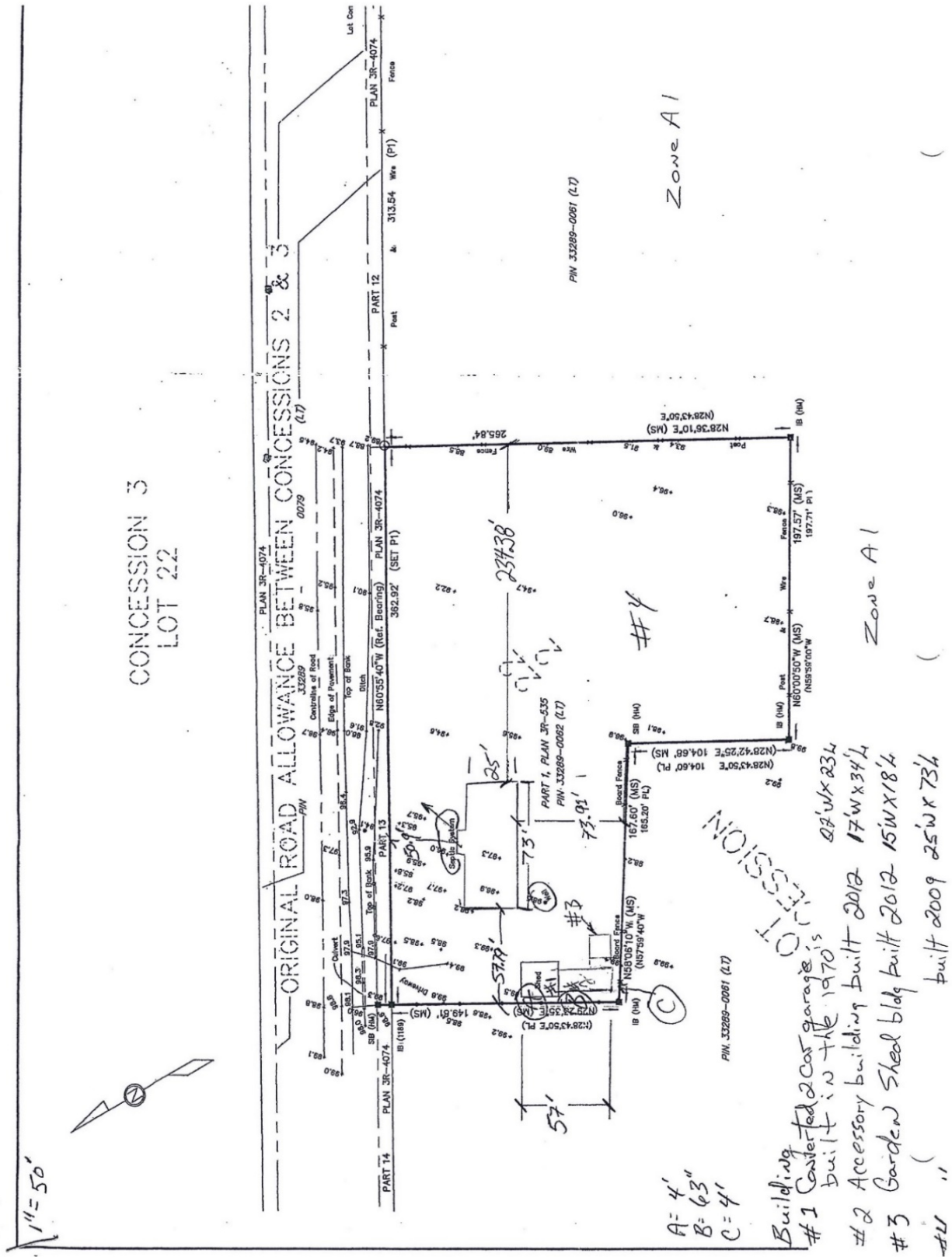
If a person or public body would otherwise have an ability to appeal the decision of the Council of municipality to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to municipality before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the municipality before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Ontario Land Tribunal website at

<https://olt.gov.on.ca/appeals-process/>.

## Site plan





## THE MUNICIPALITY OF KINCARDINE

Committee of Adjustment

Page 2 of 3

November 21, 2011

10:00 am

### 3.0 MINOR VARIANCE APPLICATIONS

3.1 **APPLICANT:** Brian Gamble

**PROPERTY:** Part of Lot 22, Concession 2 (being Part 1, RP 3R-535)  
Municipality of Kincardine  
(geographic Township of Bruce)  
**541 Concession 2**

**Planning Report #: A-28-11.26**

The Planner will explain the report and recommendation.

**Agency Comments:**

Any comments received by the time of writing the report are in the written report.

**Public Comments:**

Any comments received by the time of writing the report are in the written report.

**Presentations from the Public:**

None

**Committee Comments:**

- Requested clarification on dwelling location.

**MOTION #COA 11- 29**

**Moved by:** Mel Lyons

**Seconded by:** Athina Gatos

THAT the Committee of Adjustment approve the Minor Variance request from Brian Gamble, for the property described as Part of Lot 22, Concession 2 (being Part 1 on RP 3R-535) Municipality of Kincardine (geographic Township of Bruce) to permit a reduced rear and side yard setback to allow an addition to an accessory building.

Carried



## Municipality of Kincardine Planning Report

**Application:** Minor Variance  
**File No.:** A-28-11.26  
**Date:** November 15, 2011.



**FROM:** **Bruce Stickney, Planner for the Municipality of Kincardine**  
County of Bruce Planning & Economic Development Department

**SUBJECT:** Application is submitted by **Brian Gamble** to facilitate construction of an addition to an accessory building (shed).

### REASONS FOR AND NATURE OF THE APPLICATION:

The Bylaw requires a minimum rear or side yard setback of 2 metres for an accessory building. The applicant wishes to construct an addition to an accessory building that will connect to a second accessory building. The existing sheds are setback +/-1.2 metres from the interior side yard (Shed # 1) and +/- 1.2 metres from the rear yard (Shed # 3). One shed (Shed # 2) will be removed and an addition will connect the remaining two resulting in a +/- 1.2 metres side yard and rear yard setback to the combined structure. The applicant wishes to use the enlarged accessory structure as a workshop/leisure and storage area.

### SUMMARY:

The applicant wishes to construct an addition to an accessory building (shed). The owner has applied for a reduction of the side and rear yard setbacks to 1.2 metres to facilitate the proposed development.

### CONCLUSION:

The Planning Department did not receive any objections from any of the circulated agencies or from surrounding property owners.

The application is consistent with the policies of the Official Plan, and is not expected to have a negative impact on surrounding property owners, the environment or on municipal functions.


In my opinion the application represents good land use planning.

### PRELIMINARY RECOMMENDATION:

Subject to review of objections and submissions arising from the Public Hearing, I recommend that the Application **BE APPROVED**, in accordance with the attached Decision Sheet.

### I. CONTEXT:

Related File(s)	N/A
Owner	Brian Gamble
Applicant	Same
Agent	N/A
Legal Description	Part of Lot 22, Concession 2 (being Part 1, RP 3R-535), geographic Township of Bruce
Municipal Address	541 Concession 2
Lot Description:	Frontage +/- 92.6m (303.8 ft) Depth +/- 45.6 m (149.6 ft) Irregular Area +/- 0.69 ha (1.71 acres)
Uses	Existing Residential Proposed No Change
Structures	Existing Single detached dwelling, garage and sheds Proposed Addition to existing accessory building (shed)
Access	Concession 2, a year-round municipal road
Servicing	Private water and private septic
Planning Policies	County Official Plan Agricultural Areas Local Official Plan N/A Zoning By-law 'A1- General Agriculture' Zone (Municipality of Kincardine By-law No. 2003-25)

	
<b>Surrounding Land Uses</b>	Agricultural uses surround the subject lands.
<b>Development Proposal</b>	No Amendment required to the Local Official Plan
<b>Proposed OP</b>	The zoning will remain unchanged.
<b>Proposed Zoning</b>	The applicant proposes to construct an addition onto the shed (accessory building) on the subject lands. The application is to request a reduction in the side yard setback and rear yard setback from +/- 2 m (6.56 ft) to +/- 1.2 m (3.93 ft)

**II. MATTERS ARISING FROM AGENCY CIRCULATION**

Municipality of Kincardine: None.

Saugeen Valley Conservation Authority (SVCA): The SVCA has no objection to the approval of this proposed minor variance given there is no natural hazards or significant natural heritage features affected by this proposal.

Historic Saugeen Metis: No objection/opposition to the proposed minor variance.

**III. MATTERS ARISING FROM PUBLIC CIRCULATION**

None

**IV. MATTERS ARISING FROM PROVINCIAL INTERESTS, POLICY STATEMENTS OR PLANS**

None

**V. MATTERS ARISING FROM COUNTY OFFICIAL PLAN**

None.

**VI. MATTERS ARISING FROM LOCAL PLANNING DOCUMENTS**

1. Does the variance maintain the intent and purpose of the Official Plan?  
Yes. The proposed use of the property is permitted within the 'Agricultural' designation.

2. Does the variance maintain the intent and purpose of Zoning By-law?  
Yes. The lands are zoned 'A1 – General Agriculture' which permits accessory buildings on non-farm lots. The shed is proposed to provide storage and a workshop/leisure area for the owner.

**VII. OTHER ISSUES / MATTERS**

3. Is the variance requested desirable for the appropriate and orderly development and use of the lands and buildings?  
Yes. It will provide enclosed storage and leisure/work area.

4. *Is the variance minor in nature?*

Yes. The proposed construction will extend an existing accessory building that is +/- 1.2 metres from the side lot line to connect with a second existing accessory building that is +/-1.2 from the rear lot line. The current buildings have not created problems on the owner's property or raised concern with neighboring properties owners. The proposed addition is not expected to impact municipal functions or the environmental, and in my opinion is minor in nature.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Bruce Stickney". The signature is fluid and cursive, with the first name "L." and last name "Stickney" clearly distinguishable.

L. Bruce Stickney, MCIP, RPP



**APPENDIX 'A'**  
**Planning Policies**

**I. County of Bruce Official Plan**

**5.5 AGRICULTURAL AREAS**

**5.5.5 General Policies**

- .1 In the Agricultural areas, a range of farming sizes will be encouraged to ensure that agriculture remains a long term sustainable economic activity, and also to encourage the establishment of new farm businesses in the County.
- .2 Development within the Agricultural Areas will occur in a manner which provides for large continuous areas of prime farm land free from conflicting and incompatible land uses. An area may be excluded from prime agricultural areas only if it complies with Section 2.3.5 of the Provincial Policy Statement (PPS).
- .3 The Agricultural Areas of the County are intended to permit primarily agricultural uses, uses which are supportive of agriculture, and limited non-farm development by the severance of surplus dwellings.

**II. Municipality of Kincardine Zoning By-law**

**SECTION 9 – GENERAL AGRICULTURE – A1**

**6.4 ACCESSORY BUILDINGS AND STRUCTURES**

**6.4.2 Use of Accessory Buildings and Structures**

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include: (i) any occupation for gain or profit conducted within or accessory to a dwelling unit except as defined as home occupations in this By-law; or (ii) any building used for human habitation.

**6.4.3 Location of Accessory Building or Structure**

- .1 Except as otherwise provided herein, any accessory building or structure may be erected in any yard except a front yard or exterior side yard, and shall comply with the yard requirements of the zone in which such building or structure is situated.
- .3 Notwithstanding any other provisions of this By-law to the contrary, on a 'Non-Farm Lot' in a Agricultural Zone an accessory building or structure may be erected and used in an interior side or rear yard but shall be located no closer than 2 metres to the interior side and rear lot lines.

**6.4.4 Height**

Except as otherwise provided herein, the maximum height for all accessory buildings and structures shall be as follows:

- i) All Residential Zones, 4.5 metres;
- ii) In all other zones, no accessory building shall contain more than two storeys.

**SECTION 9 – General Agriculture – A1**

**9.1 PERMITTED USES**

No person shall within the A1 – General Agriculture Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

**NON-FARM LOT**

A 'Residential Non-Farm Detached Dwelling' existing on the date of passing of this By-law in accordance with Section 8.1	Home Occupation – Professional Use in accordance with Section 6.13
Bed and Breakfast Establishment in accordance with Section 6.17	Home Occupation – Household and Domestic Arts in accordance with Section 6.14
Conservation Area	Home Occupation – Trades Persons in accordance with Section 6.16
Group Home Type 1	Kennel in accordance with Section 6.37

**FARM LOT**

'Accessory Detached Dwelling' in accordance with Section 8.1	Group Home Type 1
Agriculture, General	Home Occupation – Professional Use in accordance with Section 6.13
Agritainment	Home Occupation – Household and Domestic Arts in accordance with Section 6.14

	6.14
Agriculture, Specialized	Home Occupation – Agricultural Business in accordance with Section 6.15
Bed and Breakfast Establishment in accordance with Section 6.17	Home Occupation – Trades Persons in accordance with Section 6.16
Conservation	Kennel in accordance with Section 6.37

**9.2 ZONE PROVISIONS**

No person shall within any A1 – General Agriculture Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

PROVISIONS	FARM LOT	NON-FARM LOT
Minimum lot area	39 hectares	0.5 hectares
Maximum lot area	N/A	4.0 hectares
Minimum lot frontage	100 metres	24 metres
Minimum side yard	20 metres	3 metres
Minimum rear yard	20 metres	7.5 metres
Minimum front yard	20 metres	6 metres
Minimum ground floor area	Not applicable	70 square metres
Maximum lot coverage (Principal Building)	15%	10%