

Decision of the Committee of Adjustment With Reasons

(Section 45(1), Planning Act, 1990)

Municipality	Municipality of Kincardine
File Number	A-2023-032
Related File(s)	None
Date of Hearing	November 8 th 2023
Owner / Applicant / Agent	Ahmad Harb / Cuesta Planning Consultants Inc.
Legal Description	CON A PT LOT 52
Municipal Address	27 Red Cedar Drive South
Purpose of Application	To facilitate the reconstruction of an existing single detached dwelling on the subject parcel. This application seeks relief from Section 12.2.1 of the Municipality of Kincardine Comprehensive Zoning By-law 2003-25 which requires a minimum front yard setback of 6 m for single detached dwellings in the R1 Zone and a maximum lot coverage of 15%. The application proposes a front yard setback of 1.58 m and a lot coverage of 25%. Although relief is required, the proposed variance will bring the reconstructed dwelling into greater compliance with the required front yard setback than the existing residence, which is located closer than 1.58 m to the front lot line.
Variances Granted	To permit a dwelling with a front yard setback of 1.58 m, a lot coverage of 25% and relief from the EP Zone provisions to permit the installation of a Class 4 residential septic system.
Effect of Submissions	Any submissions relating to this application were considered by the Approval Authority in making its decision on this matter.

The application for Minor Variance from Comprehensive Zoning By-law 2003-25 is hereby **granted** subject to the following conditions:

1. Any future development on the property must conform to the provisions of the zoning bylaw.
2. That the decision applies only to the proposed development indicated on Schedule 'A', which is attached to and forms part of the decision.
3. That the Owner shall submit a Sewage Disposal Suitability Report to the satisfaction of the Municipality, which demonstrates that the proposed septic system can be accommodated within the site configuration (min 5m from any structure including decks and 3m from all lot lines), including completion of a nitrate analysis as per the D-5-4 MOE Guidelines (max 10mg/L), a soil characterization (percolation time), 15m clearance from Lake Huron and that such system shall also ensure proper loading and mantle provisions.- From the design provided, the Septic analysis will need to include provisions for the

installation of a Tertiary quality septic system based on initial reviews of loading areas and clearances available on the lot.

4. That an Acknowledgement Letter from the Ministry of Citizenship and Multiculturalism be submitted to the satisfaction of the Municipality, confirming that the report prepared by ARA dated May 2, 2023 has been accepted and filed in the Ontario Public Register of Archaeology Reports in accordance with the Ontario Heritage Act.
5. The owner must enter into an agreement with the Municipality which addresses limited municipal services.
6. That a permit shall be obtained from the Saugeen Valley Conservation Authority for the installation of the proposed septic system.

Reasons:

1. The variance maintains the intent and purpose of the Official Plan.
2. The variance maintains the intent and purpose of the Zoning By-law.
3. The variance requested is desirable for the appropriate and orderly development and use of the lands and buildings.
4. The variance is minor in nature.

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Effect of Submissions	Any submissions relating to this application were considered by the Approval Authority in making its decision on this matter.

The application for Minor Variance from Comprehensive Zoning By-law 2003-25 is hereby **refused**.

Reasons (check all that apply):

- The variance does not maintain the intent and purpose of the Official Plan.
- The variance does not maintain the intent and purpose of the Zoning By-law.
- The variance requested is not desirable for the appropriate and orderly development and use of the lands and buildings.
- The variance is not minor in nature.
- The variance is not consistent with the Provincial Policy Statement.

Concurrence of Committee Members for Minor Variance A-2023-032 Harb

We, the **undersigned, concur in the Decision and reasons** given for the Decision of the Committee of Adjustment for the Municipality of Kincardine on November 8th, 2023.

Signature	Title & Name	Absent	Present
	Committee Member, (Amanda Steinhoff-Gray)	()	()
	Committee Member, (Bill Stewart)	()	()
	Committee Member, (Doug Kennedy)	()	()
	Committee Member, (Beth Blackwell)	()	()
	Committee Member, (Jennifer Prenger)	()	()
	Committee Member, (Mike Hinchberger)	()	()
	Committee Member, (Rory Cavanagh)	()	()
	Committee Member, (Andrea Clarke)	()	()
	Committee Chair, (Kenneth Craig)	()	()

Certification of Committee's Decision

I, **Jennifer Lawrie**, being the Secretary-Treasurer of the Committee of Adjustment for the Corporation of the **Municipality of Kincardine**, certify that this is a true copy of the Committee's Decision of **November 8th, 2023**.

Date

Secretary-Treasurer

Notice of Last Date of Appeal

Notice is hereby given that the last date for appealing this decision to the

Ontario Land Tribunal is November 28th, 2023.

See appeal information on reverse of this form.

Notice That No Appeals Have Been Received

When signed, this certifies that no appeals have been received.

Date

Secretary-Treasurer

Appeal Information

Not later than 20 days from the Date of Decision, 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 appeal to the Ontario Land Tribunal (OLT) against the decision of the Committee. If no notice of appeal is given within 20 days, the decision of the Committee is final and binding.

Anyone wishing to appeal the decision is required to submit a notice of appeal in accordance with the OLT guidelines and Appeal Form A1, available at <https://olt.gov.on.ca/appeals-process/> setting out the objection to the decision and the reasons in support of the objection.

Appeals must include a certified cheque or money order in the amount specified by the OLT payable to the Minister of Finance.

Appeals are filed with the **Secretary-Treasurer of the Committee** at:

Municipality of Kincardine
1475 Concession 5
RR 5
Kincardine, ON N2Z 2X6
www.kincardine.ca

The OLT may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under Section 45(17) [Dismissal without hearing], as it considers appropriate.

For more information about this application **phone 226-909-5515**, from 8:30 a.m. to 4:30 p.m. Monday to Friday; or visit on-line at **www.brucecounty.on.ca** under 'Living Here', 'Housing and Property', 'Land Use Planning' by Municipality and File Number; or email bcplpe@brucecounty.on.ca.

Schedule 'A'

