



Planning Report

To: Committee of Adjustment for the Municipality of Kincardine

From: Dave Welwood, Planning Consultant

Date: November 8, 2023

Re: Minor Variance - A-2023-043 (Watson)

Recommendation:

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

That Committee approve Minor Variance A-2023-043 as attached subject to the conditions on the decision sheet.

Summary:

The minor variance application requests relief from Section 6.4.3. and Section 12.2.1 of the Kincardine Zoning By-law to permit an accessory structure in the front / exterior yard of the subject lands. This will permit the owners to construct a new detached garage on the subject lands in the front / exterior yard, with a reduced side yard setback of 5.8 metres instead of the required setback of 6 metres.

Currently, Section 6.4.3 prohibits accessory structures in the front or exterior side yard. The current dwelling is located closer to the rear lot line of the subject lands and does not allow for the space to build a garage in this portion of the lot. As well, as the lot is a corner lot, the proposed detached garage is located what the Zoning By-law defines as the exterior yard and access to the garage will continue from the driveway, located in the exterior side yard off Lois Street. To allow flexibility in siting of the building, relief is being requested to allow the accessory structure to be in the front or exterior yard.

The subject lands are located within the Tiverton settlement area in the Municipality of Kincardine. The subject lands are municipally addressed as 3 Lois Street. The surrounding uses include other single detached dwellings.

The subject lands are currently occupied by a single detached dwelling. As described above, the applicant proposes to construct a new detached garage as an accessory use on the

subject lands. No changes are proposed to the existing single detached dwelling. The subject lands will continue to be serviced by municipal sanitary and water and will be accessed by Lois Street.

Airphoto



Site Plan

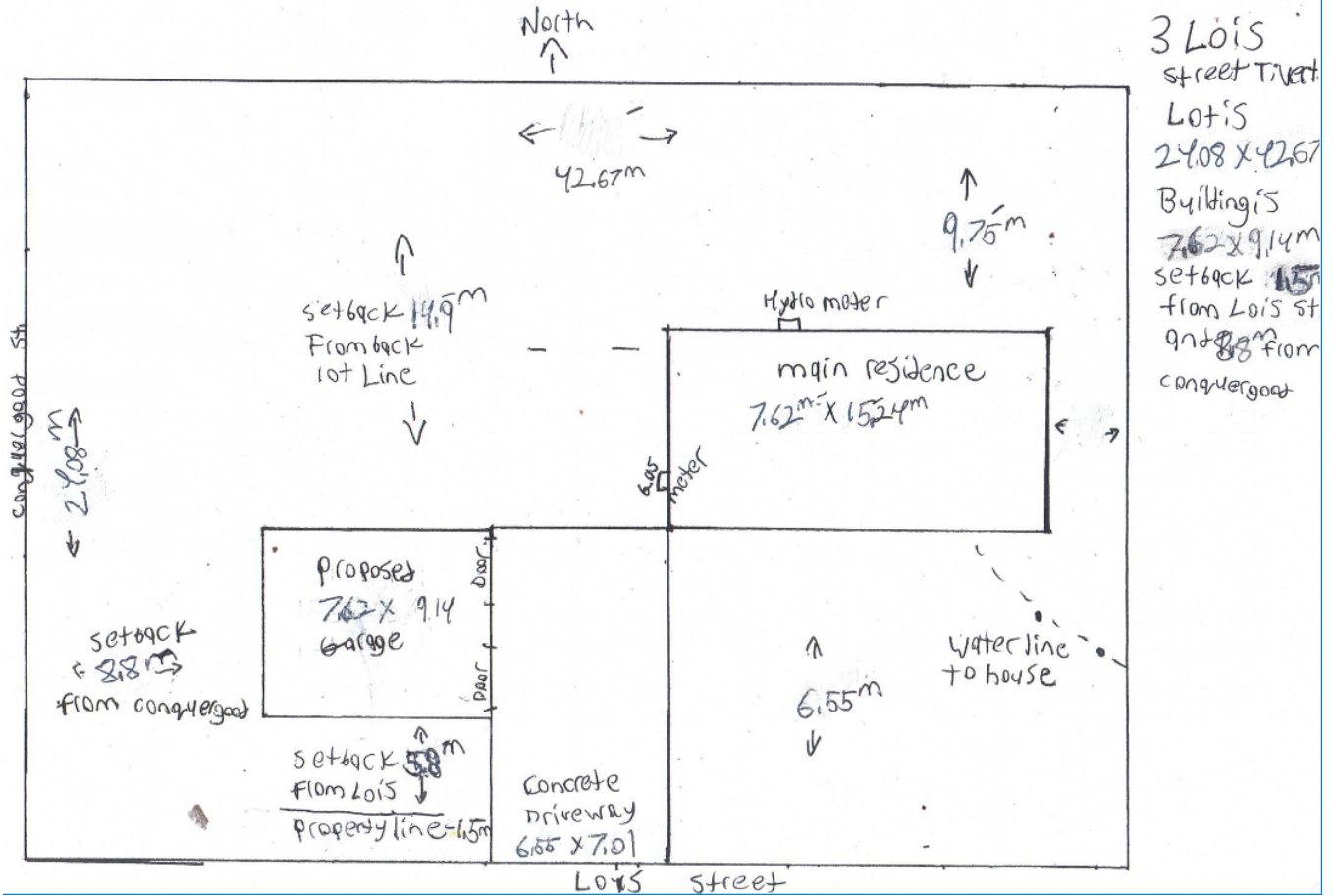


Image of Existing Structure and Proposed Garage Location



Planning Analysis:

For a successful Minor Variance, the four (4) tests of Section 45(1) of the Planning Act, R.S.O. 1990, c.P.13 must all be satisfied. The four tests are addressed below.

In addition to the four tests, the following sections provide an overview of planning considerations that were factored into the staff recommendation for this application.

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 as Primary Urban Community in the Bruce County Official Plan (BCOP). The Primary Urban Community allows a broad range of residential dwellings, including infill and intensification residential development. It is the goal of these areas to serve as regional service centres within the County, accommodating a broad range of all uses, including new residential development. These urban areas shall be serviced with municipal sewer and water.

The subject site is designated as Residential in the Municipality of Kincardine Official Plan (KOP) and located within the settlement area of the Municipality. A variety of uses, including single-detached dwellings, are permitted in the Residential designation. The goal of the Residential Designation is to provide an ample of supply of housing in terms of both type and location for the municipality's present and future residents. This also includes a variety of densities that make efficient use of existing infrastructure and services.

The Application is required in order to permit the proposed accessory building (garage) in the front / exterior yard, with a reduction in the required exterior side yard setback. The proposed garage is an example of an accessory building to a permitted residential use.

Therefore, the application maintains the general intent and purpose of the BCOP and KOP.

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

The subject property is zoned Residential One (R1) in the Municipality of Kincardine Comprehensive Zoning By-law (2003-25). The R1 Zone permits a variety of lower density residential uses, including single detached, semi-detached and duplex dwellings. The R1 Zone permits these uses on private services, partial municipal services and full municipal services.

The Application is required to permit the construction of an accessory detached garage on the subject property. Section 6.4.2 of the Zoning By-law states that no accessory structure may be used for gain or profit conducted within the accessory structure except when defined as a home occupation and no accessory structure shall be used for human habitation. Section 6.4.3 of the Zoning By-law States that no building or structure may be erected in a front yard or exterior side yard.

The application proposes a new accessory garage in the front / exterior yard on the subject lands, with a reduced exterior side yard setback. The applicant does not propose the use for gain or profit and no dwelling unit is proposed within the proposed detached garage. The existing single detached dwelling complies with the provisions of the R1 Zone and the proposed detached garage complies with the requirements of the R1 Zone, save and except for the exterior side yard setback. There is no other alternative location on the subject property for the proposed garage given the location of the existing dwelling close to the rear and interior side lot lines. The proposed location of the garage minimizes the physical impact of buildings and structures along the street, and ensures that adequate site lines are maintained at the intersection of Lois Street and Conquergood Avenue. The requested

variance also separates street activity from the existing residential use and provides amenity space. Therefore the application does not impact the intended function of the residential use or yard setbacks.

Therefore, the application maintains the general intent and purpose of the Municipality of Kincardine Zoning By-law.

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

The area surrounding the subject property has the same zoning, and similar residential uses within the former village of Tiverton. There are other nearby residential uses with detached and attached garages. The application will permit a new detached garage, to be used as an accessory structure, in the front / exterior yard and with a reduced exterior side yard setback. Due to the placement of the existing dwelling, it is not possible to construct a garage in the rear yard of the property. This garage is desirable for the subject lands as it will improve the existing residential development by providing off-street storage of vehicles and other items. The proposed garage is similar in size and footprint to existing garages located within the residential area and will not overcrowd the existing lot, which has an area over 1000m².

Therefore, the application is desirable for the appropriate development of land building or structure.

Is the application minor in nature?

Consideration of whether a variance is minor is not solely reviewed based on the numerical value of the requested relief but as well as the impact a development is anticipated to have on the surrounding area. In the case of the subject property, the requested relief to the front / exterior yard restriction on accessory buildings is minor in nature as any new accessory structure would need to be located in the front / exterior yard on the property given the location of the dwelling. Furthermore, the existing lot has sufficient frontage along Lois Street and Conquergood Avenue where the construction of the new garage can be accommodated without negatively impacting the character of the street.

Similarly, relief is sought from the exterior side yard setback to be reduced from 6 metres to 5.8 metres. This relief is sought to construct the garage in a location where it can be accessed from the existing driveway off Lois Street. This relief is considered minor in nature as the garage is still setback sufficiently from Lois Street and outside of the sight triangle that is required at the corner of Lois Street and Conquergood Avenue. The proposed accessory garage complies with the remaining provisions set out in the Zoning By-law for the R1 Zone.

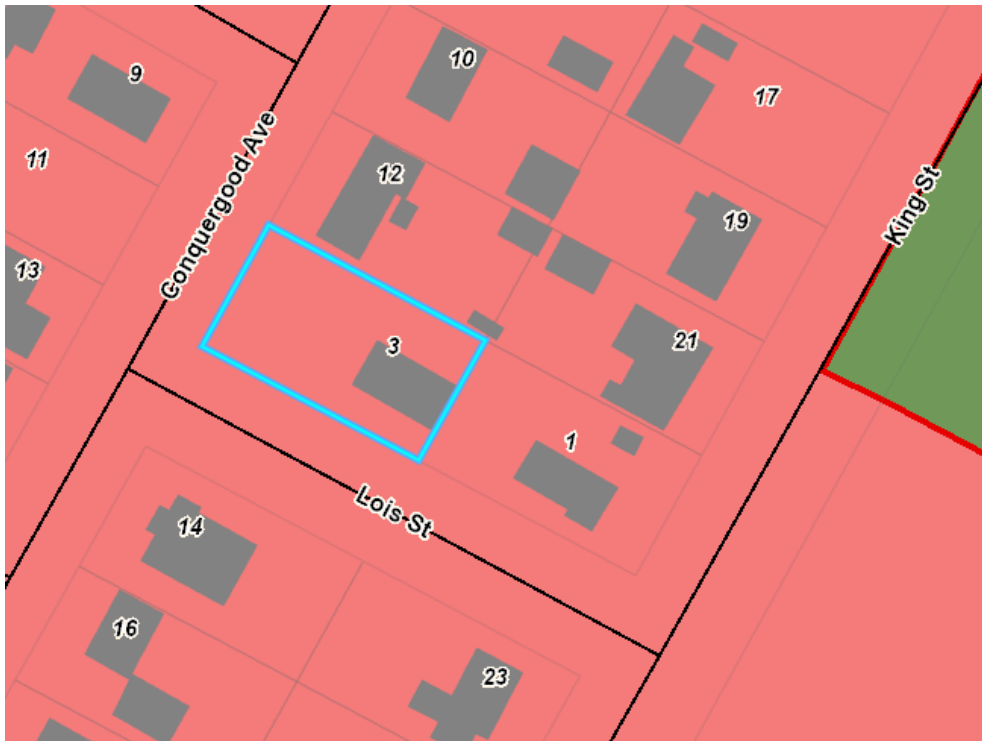
Therefore, the application is considered to be minor in nature.

Appendices

- County Official Plan Map

- Local Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Notice
- Elevation Drawings

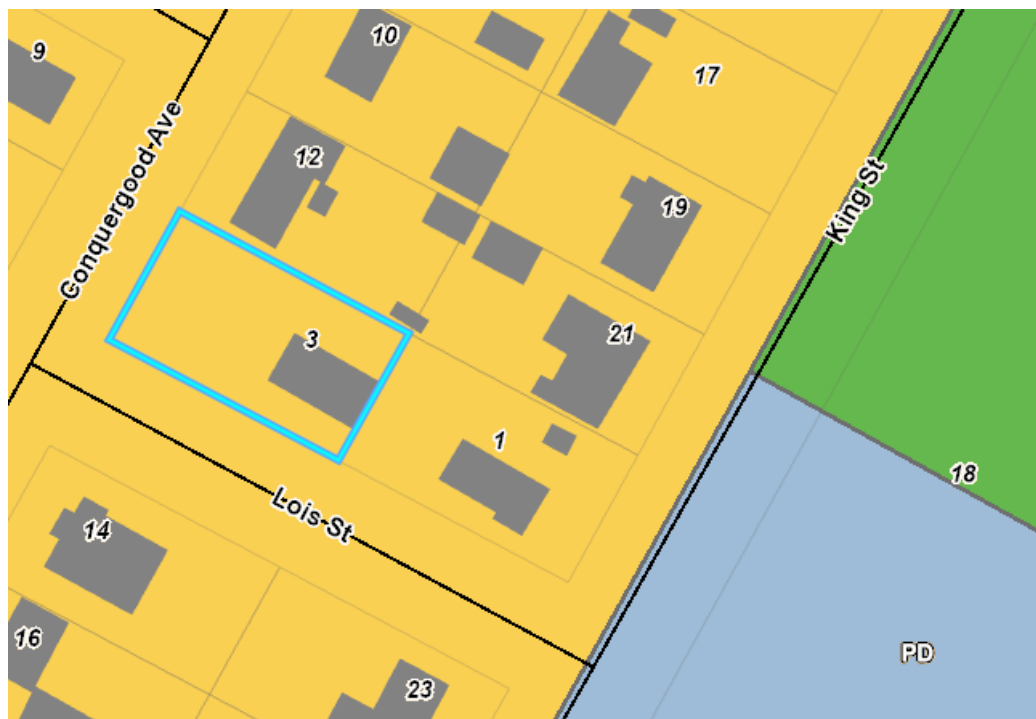
County Official Plan Map (Designated Primary Urban Community)



Local Official Plan Map (Designated Residential)



Local Zoning Map (Zoned Residential One 'R1')



Agency Comments

Municipality of Kincardine Chief Building Official, October 11, 2023:

- “Ensure location of new garage maintains all clearances from sight triangles, min 7.5m setbacks from intersection corner lot lines”

Staff Response - Staff received confirmation from the applicant’s agent that the proposed garage would be more than 7.5 metres away from the intersection corner of the lot lines and outside of the sight triangle.

Saugeen Valley Conservation Authority - see attached comments in full.

Mortgage Holder (Scotiabank) - No concerns.

Historic Saugeen Métis - No concerns.

SENT ELECTRONICALLY ONLY: bcplpe@brucecounty.on.ca and dwelwood@brucecounty.on.ca

October 10, 2023

Corporation of the County of Bruce Planning & Development
1234 Mackenzie Road
Port Elgin, Ontario N0H 2C6

ATTENTION: David Welwood, Planner

Dear Mr. Welwood,

RE: A-2023-043 (Watson)
3 Lois Street
Part Lot 59 Plan 210 King W/S, Part 50 Plan 3R196
Roll Number: 410826000604550
Geographic Village of Tiverton
Municipality of Kincardine

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The application seeks relief from section 6.4.3 of the Kincardine Comprehensive Zoning By-law 2003-25 in order to permit the construction of a detached garage. The By-law states that an accessory building cannot be erected in a front or exterior side yard. The setback proposed is 5.8 m.

Recommendation

SVCA staff find the applications acceptable. The subject property does not contain any natural hazard features or other environmental features of interest to SVCA or as per our MOA with the County of Bruce. As such, it is the opinion of SVCA staff that the application is consistent with the Natural Hazard Policies of the PPS, 2020 and the County of Bruce Official Plan (OP) and the Municipality of Kincardine OP. Additionally, the property is not subject to Ontario Regulation 169/06, or to the

Corporation of the County of Bruce Planning & Development
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policies of SVCA at this time, and as such, permission (SVCA permit) from the SVCA is not required for development on the property.

Finally, the subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan.

Please inform this office of any decision made by the planning approval authority with regards to the application. We request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO\

cc: Jennifer Lawrie, Clerk, Municipality of Kincardine (via email)
Jennifer Prenger, SVCA Authority Member (via email)
Bill Stewart, SVCA Authority Member (via email)



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



October 13, 2023

File Number: A-2023-043

Public Hearing Notice

**You're Invited to Participate in a Public Hearing
to consider Minor Variance File A-2023-043
November 8, 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 application seeks relief from section 6.4.3 of the Kincardine Comprehensive Zoning By-law 2003-25 in order to permit the construction of a detached garage. The By-law states that an accessory building cannot be erected in a front or exterior side yard. The setback proposed is 5.8 m.



3 LOIS ST - PLAN 210 PT LOT 59 KING W/S;RP 3R196 PART 50
Municipality of Kincardine (Tiverton Village)
Roll Number 410826000604550

Learn more

Additional information about the application is available online at <https://brucecounty.on.ca/living/land-use>. 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: David Welwood

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 **October 30, 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.

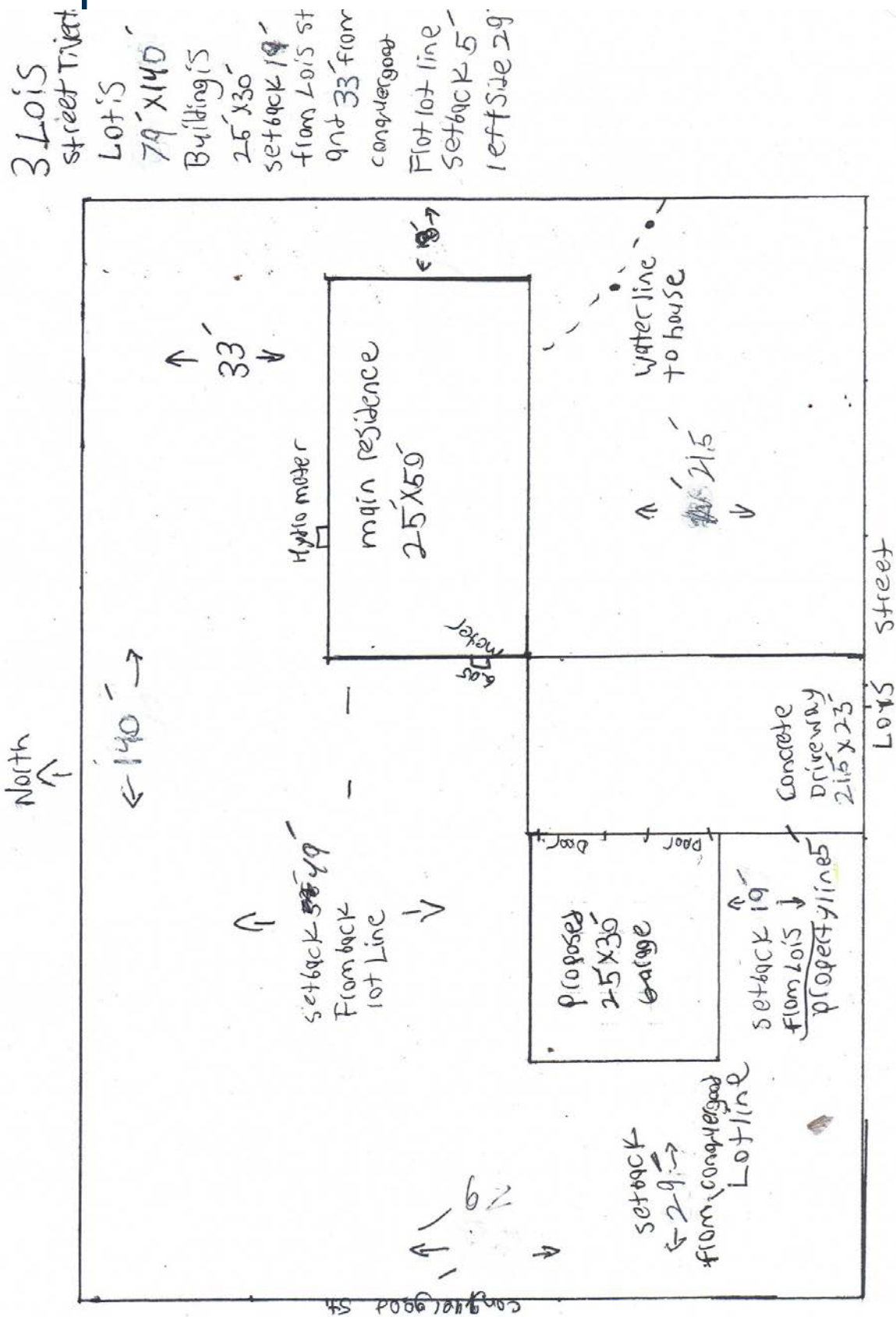
Stay in the loop

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

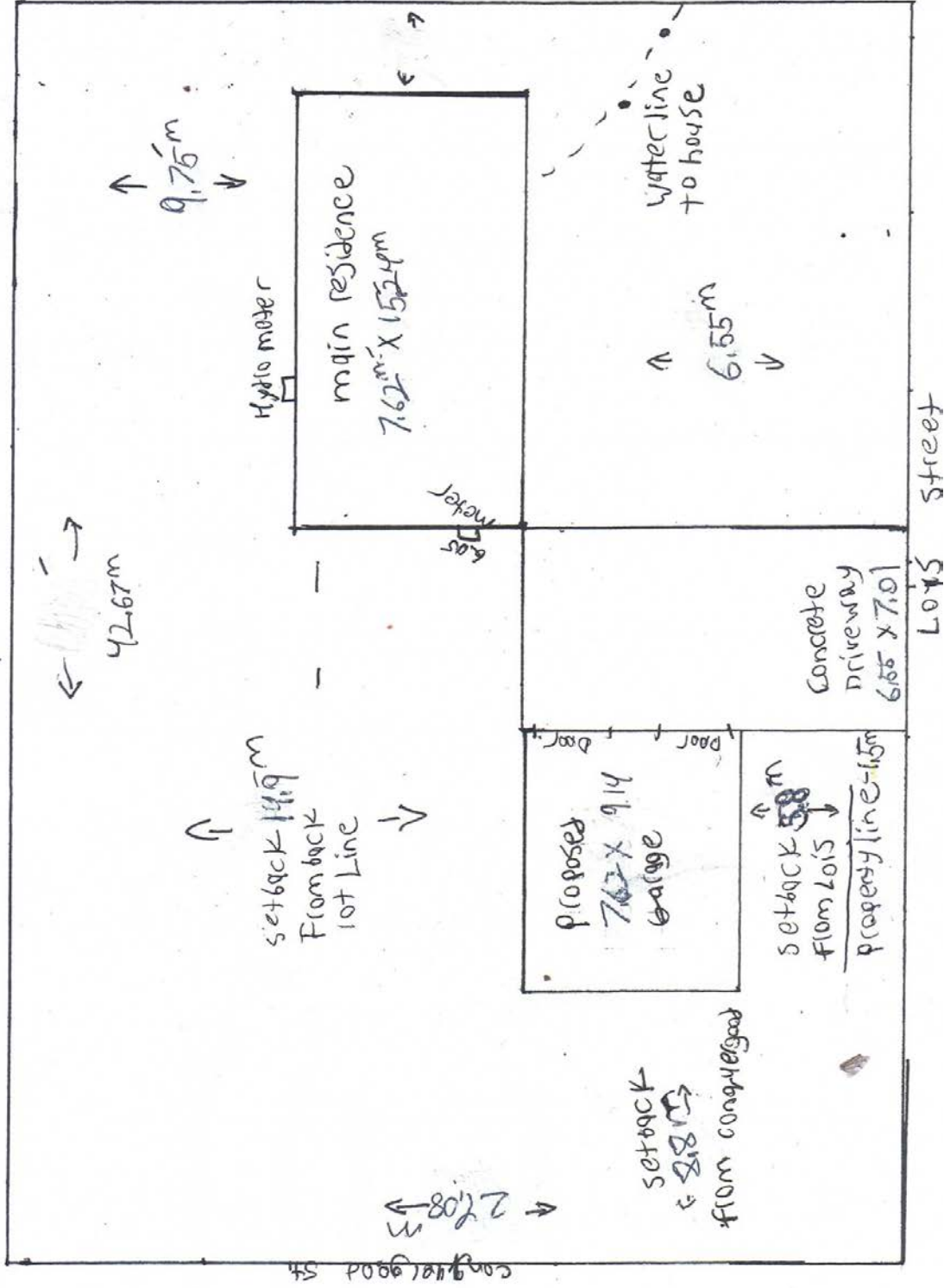
Only the applicant, the Minister, a specified person (being a utility and transportation company) or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the Committee by filing with the Secretary-Treasurer of the 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/>.

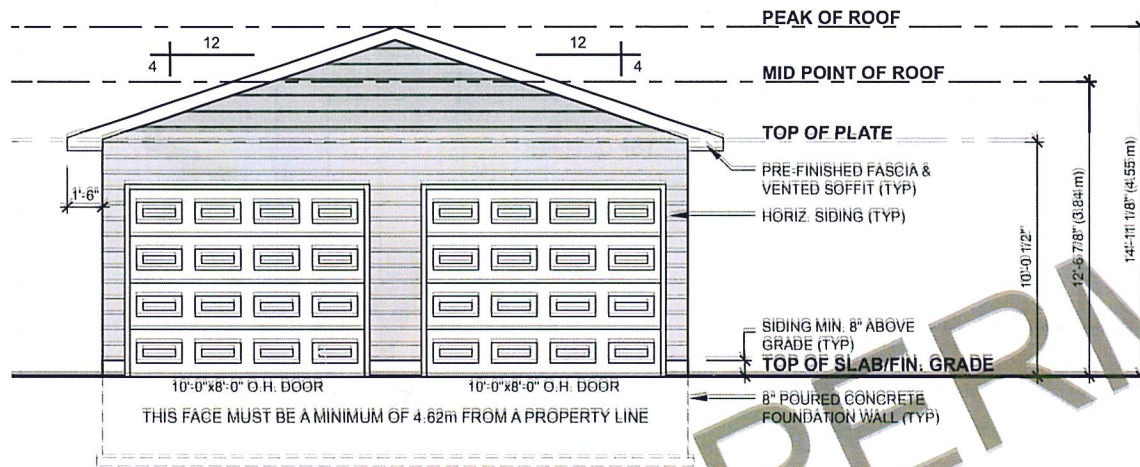
Site plan



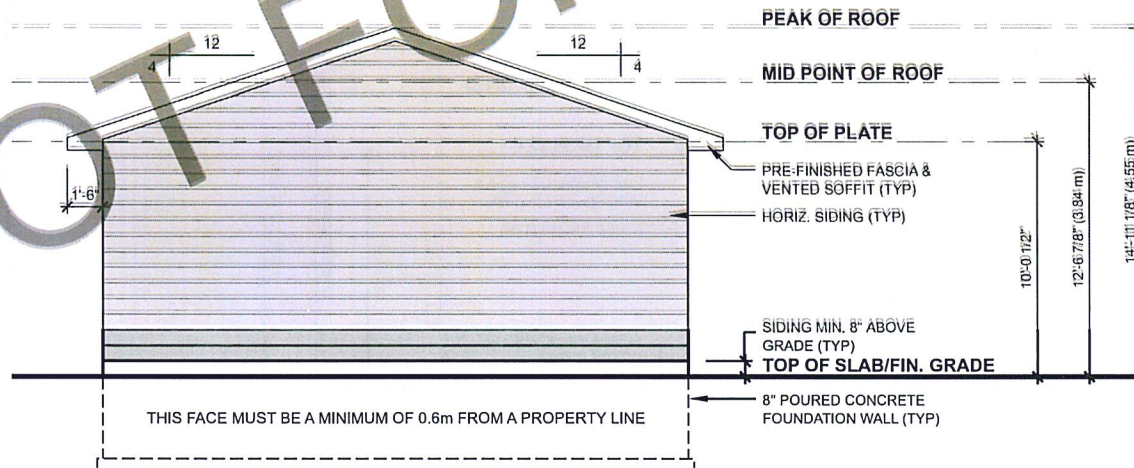
North
↑

3 Lo's
street front
Lot's
2408 X 42.67
Building's
762 X 9.14m
setback 15
from Lo's st
97.88m from
convergence





FRONT ELEVATION
SCALE: 3/16" = 1'-0"



REAR ELEVATION
SCALE: 3/16" = 1'-0"

GENERAL NOTE: These drawings are not to be scaled. All dimensions must be verified by contractor prior to commencement of any work. Any discrepancies must be reported directly to the designer.



PORT ELGIN HOME HARDWARE BUILDING CENTRE
(519) 389 4545

IBD remains in possession of the original drawing as purchased. It is a criminal offence to electronically alter our pertinent design information in any way. If you are the municipality issuing the permit and require an unlocked PDF for review purposes please contact brian@bdweb.ca.

Ty Harvey 3 Lois Street
Tiverton
None
None, Ontario

Date of Issue: July 20, 2023

Scale: 3/16" = 1'-0"

FRONT & REAR ELEVATIONS

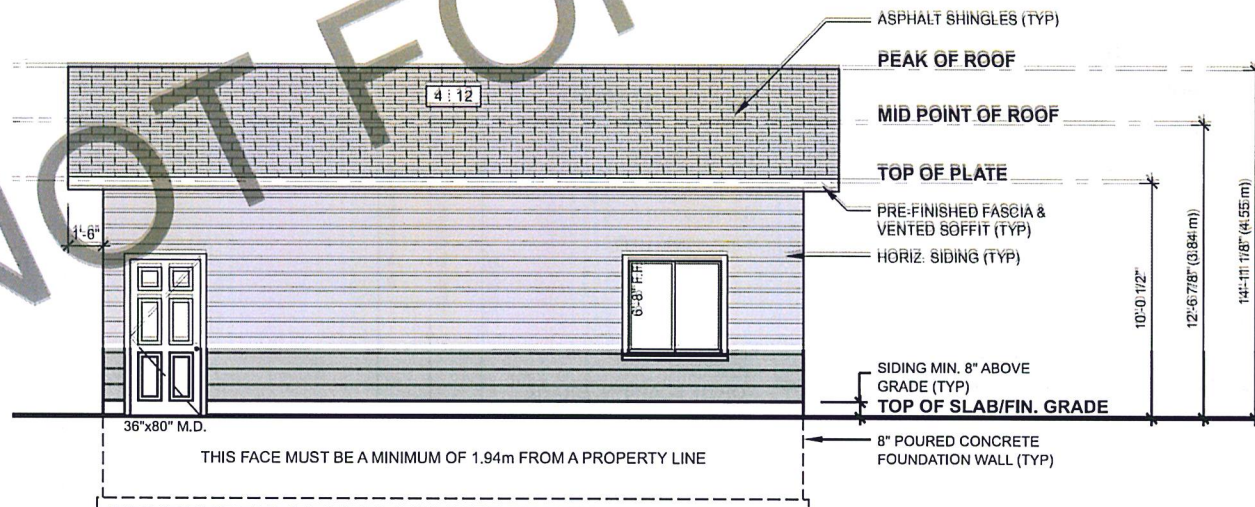
Report No:
GP-23-39196

Drawing No:
A-5



LEFT ELEVATION

SCALE: 3/16" = 1'-0"



RIGHT ELEVATION

SCALE: 3/16" = 1'-0"

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Ty Harvey 3 Lois Street
Tiverton
None
None, Ontario

Date of Issue: July 20, 2023

Scale: 3/16" = 1'-0"

LEFT & RIGHT ELEVATIONS

Report No:
GP-23-39196

Drawing No:
A-6

GABLE END WALL BRACING:
2"x4" ON TOP OF BOTTOM
CHORDS, BACK THREE TRUSS
SPACES (6 FEET) @ 48" C/C (TYP)

TYPICAL WALL ASSEMBLY
HORIZ. SIDING
AIR BARRIER
7/16" OSB SHEATHING
2"x6" STUDS @ 16" C/C

SIDING MIN. 8"
ABOVE GRADE (TYP)

4" CONC. SLAB ON
5" GRANULAR BASE

SELF SEALING ASPHALT SHINGLES
7/16" OSB SHEATHING MIN. W/ H-CLIPS
APPROVED ROOF TRUSSES (8" HEEL)
DESIGNED BY SUPPLIER W/ TRUSS CLIPS

PEAK OF ROOF

MID POINT OF ROOF

TOP OF PLATE

PRE-FINISHED FASCIA &
VENTED SOFFIT (TYP)

BOTTOM PLATE ON
FOAM GASKET (TYP)

TOP OF SLAB/FIN. GRADE

8" POURED CONCRETE
FOUNDATION WALL (TYP)

GENERAL NOTE: These drawings are not to be scaled. All dimensions must be verified by contractor prior to commencement of any work. Any discrepancies must be reported directly to the designer.

PORT ELGIN
Home
hardware
building centre

PORT ELGIN HOME HARDWARE BUILDING
CENTRE
(519) 389 4545

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Ty Harvey 3 Lois Street
Tiverton
None
None, Ontario

Date of Issue: July 20, 2023

Scale: 3/16" = 1'-0"

BUILDING SECTION

Report No:
GP-23-39196

Drawing No:
A-7

Sheet Size: 11x17