



## Planning Report

**To:** Municipality of Kincardine Committee of Adjustment

**From:** Julie Steeper, Planner

**Date:** September 13, 2023

**Re:** Minor Variance Application - A-2023-031 (Manteiga)

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### Recommendation:

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

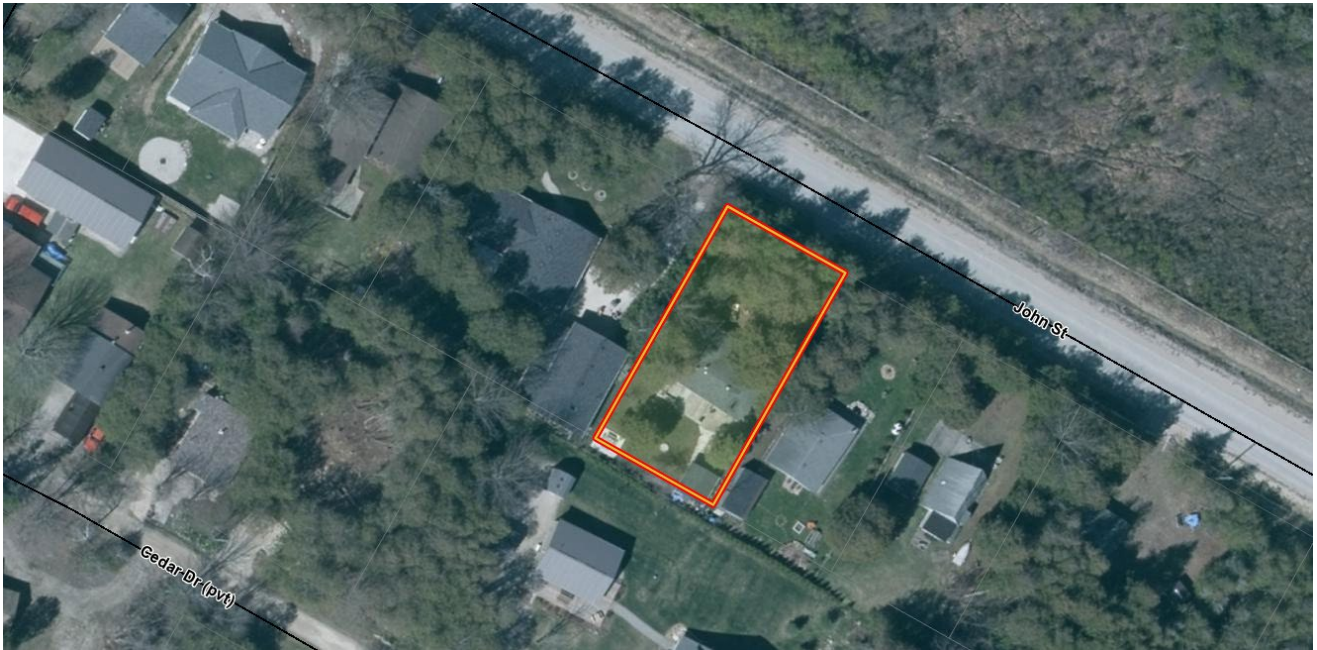
That Committee approve Minor Variance A-2023-031 as attached subject to the conditions on the decision sheet.

### Summary:

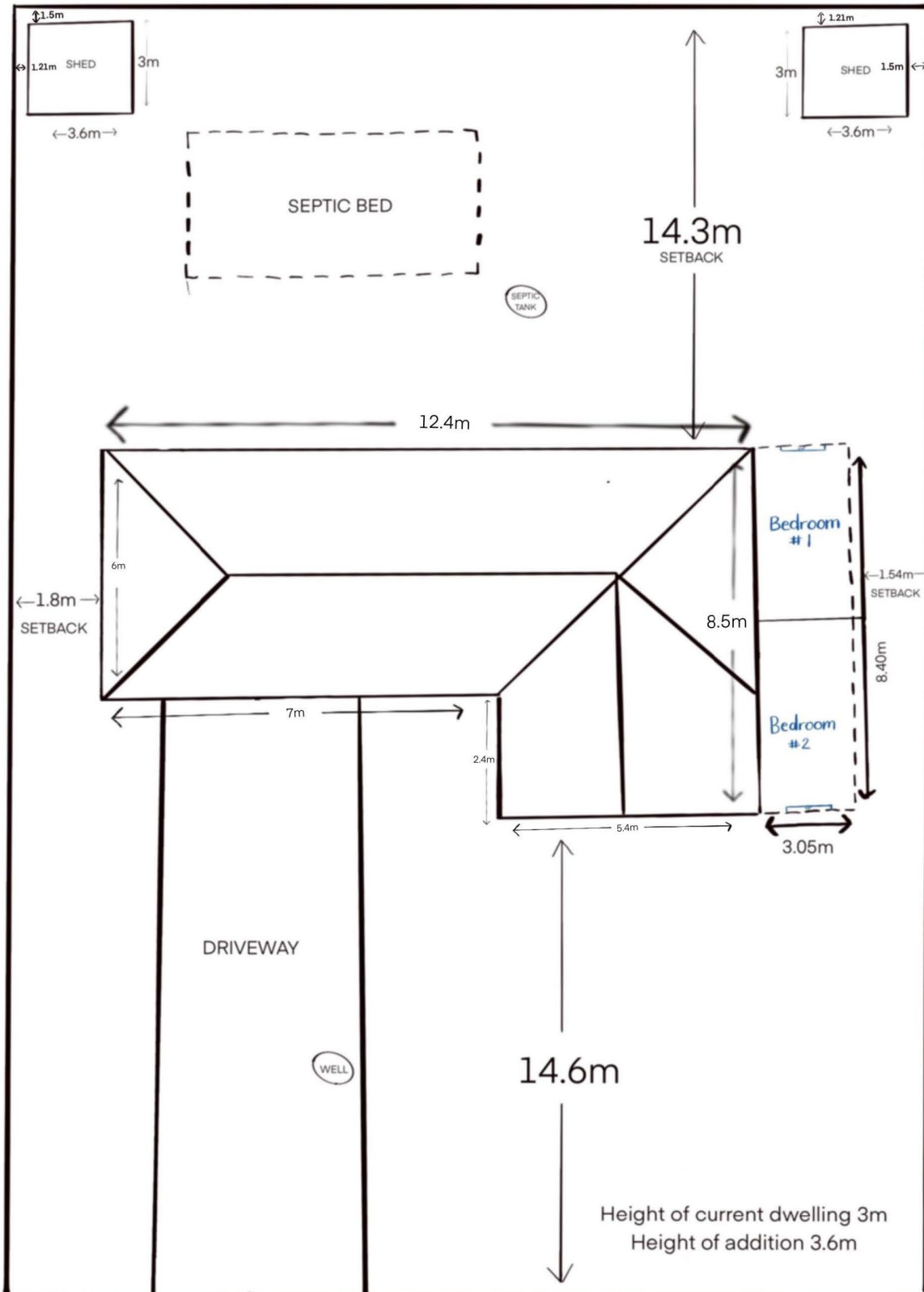
The purpose of the application is to seek relief from the maximum lot coverage and minimum side yard setback. The proposed site coverage is 22% whereas the maximum site coverage permitted in the Zoning By-law is 15%. The Applicant is requesting to exceed the maximum lot coverage by 7%. The applicant is also requesting relief for the minimum side yard setback. The required setback is 2.4 m whereas the applicant is proposing 1.54 m. If approved, the application would facilitate the new construction of a 26 sq m addition to the existing single detached dwelling.

The property is located within Inverhuron, north of Bruce Road 15, and west of Bruce Road 23. The site is surrounded by residential uses.

Airphoto



# Site Plan



Survey

# JOHN STREET

(TOWNPLOT OF INVERHURON - 20.117 WID.)

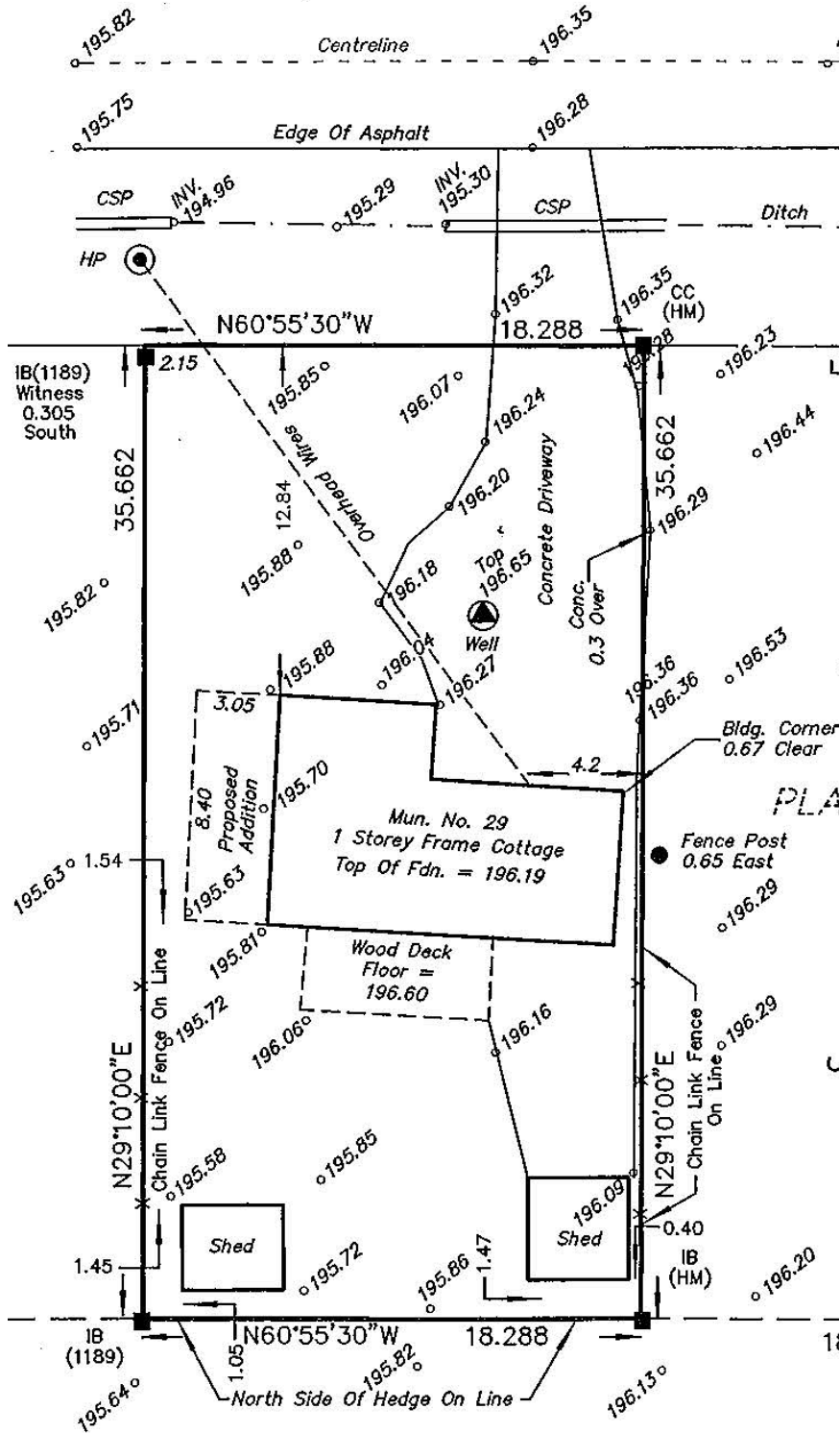




Image of Existing Structure





## 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), 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. 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 Bruce County Official Plan designates the property Secondary Urban Communities. The Municipality of Kincardine Official Plan designates the property Shoreline Development. The proposed addition to the dwelling is an existing residential use and permitted within the residential designations. Therefore, the application does maintain the intent and purpose of the Official Plans.

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

The property is zoned Residential Special (R1-p) and the Zoning By-law identifies the minimum interior side yard setback shall be 2.4 m on one side and 1.2 m on the other. The applicant is requesting a side yard setback of 1.54 m. The proposed addition will have a setback that exceeds the requirement at the west side of the property boundary. Side yard setbacks provide separation between buildings and uses on adjacent properties, space for maintenance and landscaping, and buffering. The applicant has provided a letter from a septic installer to confirm that maintenance or replacement of the existing septic system can be achieved with the proposal. The proposed setback will still allow adequate space for maintenance, landscaping, and buffering.

The applicant has provided a survey of the property and in consultation with the Municipality of Kincardine it was determined that the existing 0.67 m setback of the dwelling on the east side did not need to be addressed with this application as it is an existing condition and no changes are proposed on this side of the building.

Lot coverage as a percentile allows for a balance between lot size and the size permitted for structures (i.e., a larger lot can permit a larger building; smaller lot, smaller building) rather than setting a maximum size. Lot coverage is aimed at ensuring there is enough permeable surfaces on the lot for proper drainage, space for amenities and green space. In this instance, the applicant is proposing to increase the total lot coverage from 15% to 22%. The applicant has confirmed the lot coverage percentage includes the deck located at the rear of the dwelling. The front and rear yards on this property are large and there will be enough permeable surfaces maintained to allow for drainage, amenity space and green landscaping.

The variances maintain the intent and purpose of the Zoning By-law.

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

Over time, it can be expected that a property owner will grow and replace, add to, or build new structures on their property which allow them to maximize the benefit, value and use of their property. The variance will enable the property owner to build an addition to their current dwelling to meet their current needs. The dwelling will continue to be used for residential purposes. The variances represent an appropriate form of development for the use of the land.

The proposed variances will allow for the construction of an addition in a suitable location, and of a scale that is appropriate in relation to the size and dimensions of the property. The proposed development is consistent with surrounding land uses, and would comply with all required setbacks, with the exception of the interior side setbacks. The variances represent an appropriate form of development for the use of the land.

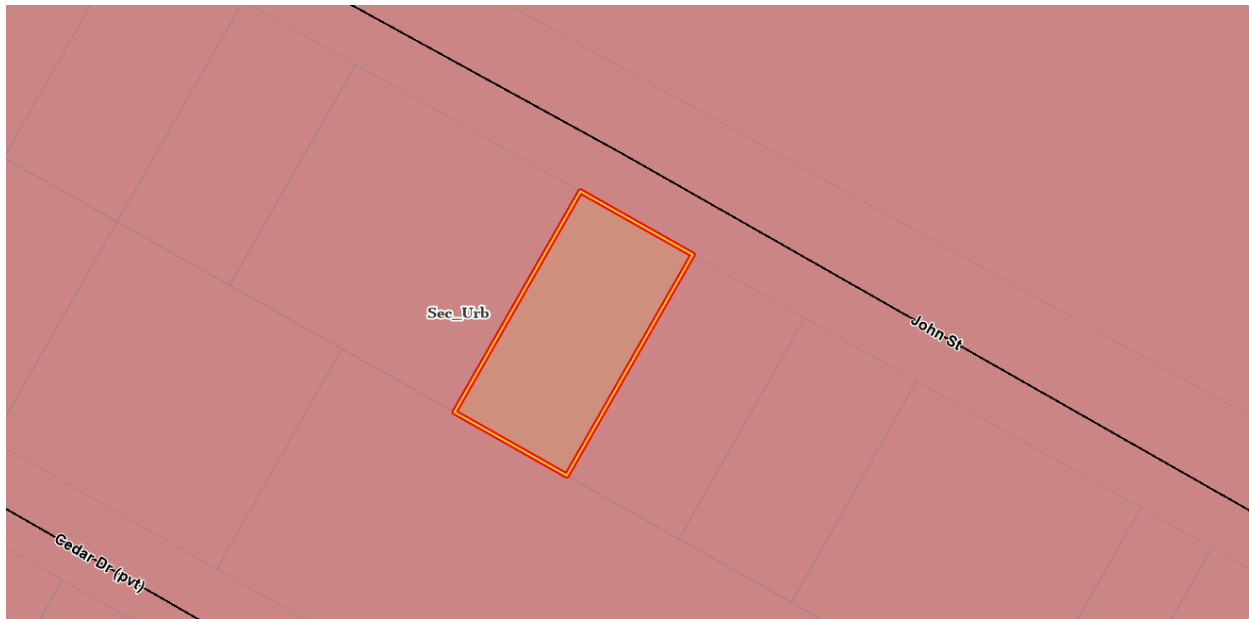
Is the application minor in nature?

Whether variances are 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 the variance will have any impact on the character of the area or impact the ability of adjacent property owners to use their property for permitted uses. The variances are considered minor in nature.

## Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Notice

### County Official Plan Map (Designated Secondary Urban Communities)



### Local Official Plan Map (Designated Shoreline Development)





## Local Zoning Map (Zoned Residential One Special 'R1-p')



### List of Supporting Documents and Studies

- Letter from a Septic Installer

### Agency Comments

Municipality of Kincardine, Chief Building Official: 1 - Property is zoned R1 and the structure is a single storey residence. Section 12.2 of ZBL requires sideyards to be 2.4m and 1.2m. Report indicates that 1.8m is required where it should be 1.2m - Please confirm sideyard reduction request.

2. - Lot coverage is 22% and 15% is permitted - Request for variance should be for 7% and not 5% as indicated on the report.

3.- On the survey provided by the owner, a wood deck is proposed off the rear of the house. Please confirm if the deck is included in the overall lot coverage for the main building.

4. - Owner needs to confirm number of existing bedrooms in the residence. If bedroom count increases or fixture unit count exceeds 20FU, septic must be replaced.

Municipality of Kincardine, Manager Environmental Services: No comments.

Municipality of Kincardine, Fire Chief: No comments.

Municipality of Kincardine, Director of Infrastructure and Development: No comments.

Municipality of Kincardine, Manager of Operations: No comments.

Historic Saugeen Metis (HSM): The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Minor Variance as presented.

Saugeen Valley Conservation Authority: The application is acceptable to SVCA staff and their comments are provided in full below.

SENT ELECTRONICALLY ONLY: [jsteeper@brucecounty.on.ca](mailto:jsteeper@brucecounty.on.ca) and [bcplpe@brucecounty.on.ca](mailto:bcplpe@brucecounty.on.ca)

September 5, 2023

County of Bruce Planning & Development Department  
1243 Mackenzie Road  
Port Elgin, Ontario N0H 2C6

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: A-2023-031 (Manteiga)  
29 John Street  
Roll No.: 410826000420500  
Park part Lot 2 John S Inverhuron  
Geographic Township of Bruce  
Municipality of Kincardine

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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 CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

## Purpose

The purpose of the application is to seek relief from the maximum lot coverage and minimum side yard setback. The proposed site coverage is 22% whereas the maximum site coverage permitted in the Zoning By-law is 15%. The Applicant is requesting to exceed the maximum lot coverage by 5%. The applicant is also requesting relief for minimum side yard setbacks. The required setbacks are 2.4 m and 1.8 m whereas the applicant is proposing 1.8 m to 1.54 m. If approved, the application would facilitate the new construction of a 280 sq m addition to the existing single detached dwelling.

## Recommendation

The application is acceptable to SVCA staff.

### **Delegated Responsibility and Advisory Comments - Natural Hazards**

According to SVCA mapping, there are no natural hazard features on the property. We note that wetlands/swamps may be located on lands on the north side of John Street.

### **Provincial Policy Statement – Section 3.1**

Section 3.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and c) hazardous sites. It is the opinion of SVCA staff that the application generally complies with Section 3.1. of the PPS, 2020.

### **County of Bruce OP and Municipality of Kincardine OP Policies**

The Bruce County OP and Municipality of Kincardine OP generally directs development to be located outside of Hazardous Land Area/Natural Environment (NE) designation. It is the opinion of SVCA staff that the application appears to be consistent with the policies of the Bruce County OP and Municipality of Kincardine OP.

### **Drinking Water Source Protection**

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. To confirm, please contact the Drinking Water Source Protection Risk Management Official.

### **SVCA Regulation 169/06**

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The northerly part of the property is within the SVCA Approximate Screening Area because of the wetlands/swamps that may exist on the north side of John Street. As such, development and/or site alteration within the SVCA Approximate Screening Area may require permission from SVCA, prior to carrying out the work.

“Development” as defined under the *Conservation Authorities Act* means:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*
- c) *site grading; or,*



d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And;

“Alteration” as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the property, please refer to the SVCA’s online mapping program, available via the SVCA’s website at <http://eprweb.svca.on.ca>.

However, it appears that the existing dwelling, and based on the site plan, the addition proposed for the dwelling will be more than 30 metres from any wetland/swamp and so an SVCA permit will not be required as part of this application.

## **Summary**

SVCA staff has reviewed the application in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The application is generally acceptable to the SVCA.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated; and
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the Municipality of Kincardine and/or the County of Bruce with regard to the application. We respectfully request to receive a copy of the decisions and notices 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 Member representing the Municipality of Kincardine (via email)  
Bill Stewart, SVCA Member representing the Municipality of Kincardine (via email)



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



August 16, 2023

File Number: A-2023-031

## Public Hearing Notice

**You're invited to participate in a Public Hearing  
to consider Minor Variance File A-2023-031  
September 13, 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](mailto: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: The purpose of the application is to seek relief from the maximum lot coverage and minimum side yard setback. The proposed site coverage is 22% whereas the maximum site coverage permitted in the Zoning By-law is 15%. The Applicant is requesting to exceed the maximum lot coverage by 5%. The applicant is also requesting relief for minimum side yard setbacks. The required setbacks are 2.4 m and 1.8 m whereas the applicant is proposing 1.8 m to 1.54 m. If approved, the application would facilitate the new construction of a 280 sq m addition to the existing single detached dwelling.



29 JOHN ST - INVERHURON PARK PT LOT 2; JOHN S  
Municipality of Kincardine (Bruce Township)  
Roll Number 410826000420500

## 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: Julie Steeper

## 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 4, 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](mailto: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](mailto: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

