

Decision of the Committee of Adjustment With Reasons

(Section 45(2), Planning Act, 1990)

Municipality	Municipality of Kincardine
File Number	A-2023-045
Related File(s)	n/a
Date of Hearing	February 14 th , 2024
Owner / Applicant / Agent	E.S. Fox Limited c/o Bill Stark
Legal Description	CON 1 NDR PT LOT 21 RP 3R843; PARTS 3 4 AND 7
Municipal Address	5568 Highway 9
Purpose of Application	The application seeks to expand the existing warehouse facility to accommodate receiving equipment and material for quality inspection prior to shipping to the Bruce Power site. This is an application to alter/expand a legal non-conforming use.
Variances Granted	To permit a 1,486m ² expansion of the warehouse in the rear yard as shown on the attached Site Plan.
Effect of Submissions	Any submissions relating to this application were considered by the Approval Authority in making its decision on this matter.

The application to expand an existing legal non-conforming use is hereby **granted** subject to the following conditions:

1. That construction of the proposed expansion shall incorporate the recommended grading, stormwater management and sediment/erosion controls outlined in "Functional Servicing & Stormwater Management Report" prepared for E.S. Fox Limited - Proposed Addition to Existing Warehouse Facility, dated September 28, 2023, and prepared by NA Engineering Associates Inc., as may be amended, to the satisfaction of the Municipality of Kincardine.
2. That the applicant shall obtain a Building and Land Use Permit from the Ministry of Transportation prior to any development or site alteration of the subject lands.

Reasons:

1. The application is desirable for appropriate development of the subject property; and,
2. The application will not result in undue adverse impacts on surrounding properties or the neighbourhood.

Decision of the Committee of Adjustment With Reasons

(Section 45(2), Planning Act, 1990)

Municipality	Municipality of Kincardine
File Number	A-2023-045
Related File(s)	
Date of Hearing	February 14 th , 2024
Owner / Applicant / Agent	E.S. Fox Limited / Bill Stark
Legal Description	CON 1 NDR PT LOT 21 RP 3R843; PARTS 3 4 AND 7
Municipal Address	5568 Highway 9
Purpose of Application	The application seeks to expand the existing warehouse facility to accommodate receiving equipment and material for quality inspection prior to shipping to the Bruce Power site. This is an application to alter/expand a legal non-conforming use.
Effect of Submissions	Any submissions relating to this application were considered by the Approval Authority in making its decision on this matter.

The application to expand an existing legal non-conforming use is hereby **granted**.

Reasons (check all that apply):

- The application is not desirable for appropriate development of the subject property; and
- The application will result in undue adverse impacts on the surrounding properties and neighbourhood.

Concurrence of Committee Members for Application A-2023-045 E.S. Fox Limited

We, the **undersigned, concur in the Decision and reasons** given for the Decision of the Committee of Adjustment for the Municipality of Kincardine on February 14th, 2024.

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 **February 14th, 2024**.

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 March 5th, 2024.

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'

