

Municipality of Kincardine Planning Report

To: Committee of Adjustment

From: Tessa Fortier, Planner for the Municipality of Kincardine

Date: January 21, 2020

Application: Minor Variance

File: A-80-19.22 'Jarvis'

Recommendation

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

That Committee approve Minor Variance A-80-19.22 as attached subject to the conditions on the decision sheet.

Summary

The application proposes to permit a reduced front yard and rear yard setback. If approved, the proposed amendment would facilitate the construction of a new cottage on the subject property.

The applicants are proposing to demolish their existing cottage on the property at 212 Goderich Street and building a new dwelling. In order to accommodate the proposed dwelling on the lot, a reduced front yard and rear yard are required.

The EP lands on the property are proposed to be modified to reflect the existing hazard as shown through the applicant's Shoreline Hazard Report.

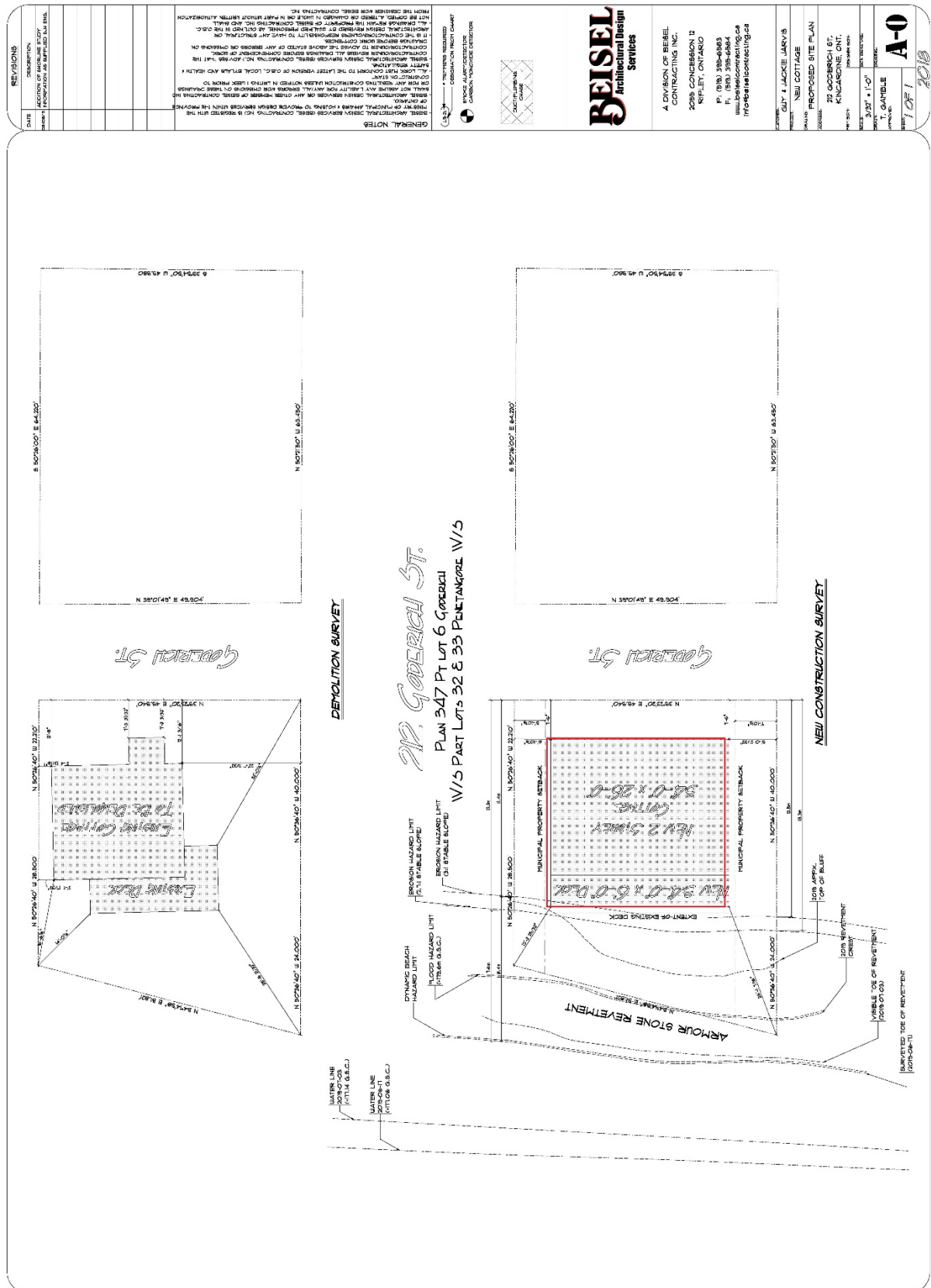
The following considerations have been reviewed in the Planning Analysis section of this report:

- Natural Hazards
- Four Tests of a Minor Variance

The application is consistent with the Provincial Policy Statement and conform to the County Official Plan, the local Official Plan and the intent and purpose of the local zoning by-law.

Planning staff recommend to approve of the proposed Minor Variance.

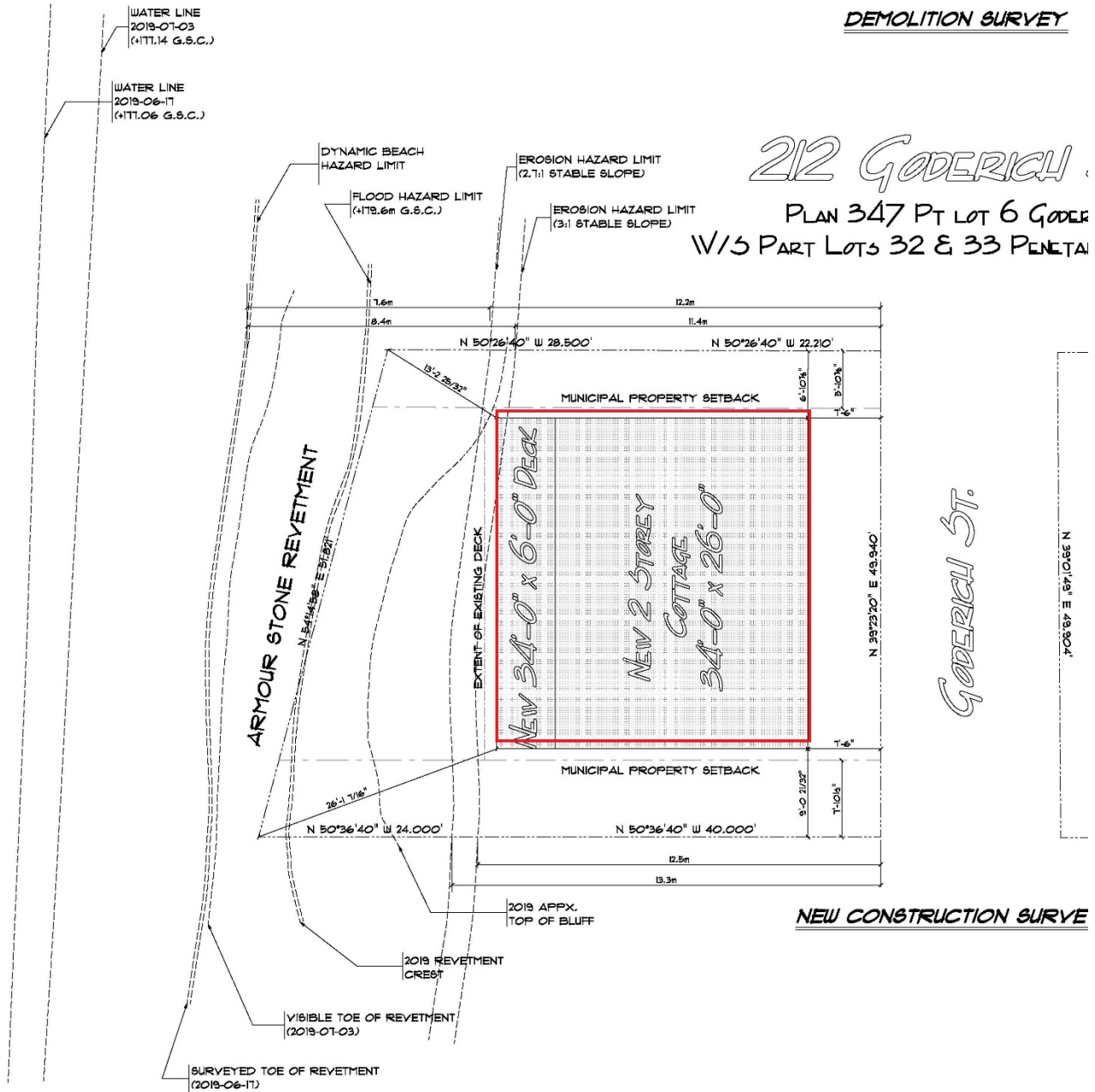
Site Plan



DEMOLITION SURVEY

212 Goderich

PLAN 347 PT LOT 6 GODERICH
W/5 PART LOTS 32 & 33 PENITENT



NEW CONSTRUCTION SURVEY

Planning analysis

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant planning policy sections.

Supporting information submitted with the application includes:

- Shoreline Hazards Assessment, SJL Engineering Inc., dated July 19, 2019.

Natural Hazards

The subject property is located along the shores of Lake Huron and is subject to the hazards associated with the lake. The Provincial Policy Statement directs development outside of hazardous lands in order to ensure that property and people are not put at risk.

The current zoning shows the entirety of the property as 'Environmental Protection (EP)' and would not permit development. The applicant has provided a Shoreline Hazard Assessment, prepared by a Professional Engineer, that refines the hazard mapping on the property.

The new cottage is shown to be outside of the hazardous mapping. The EP zone will be redrawn on the property to coincide with the Erosion Hazard Limit (2.7:1 Stable Slope) on the recommendation of the applicant's engineer and the agreement of the SVCA. Minor revisions to the mapping of the Environmental Protection (EP) zone based on new information are permitted without an amendment.

As no development is proposed within hazardous areas, Planning Staff are satisfied that the proposal meets the requirements of the PPS and the Kincardine Official Plan.

Four tests of a minor variance

Does the variance maintain the intent and purpose of the Official Plan?

The property is designated as Residential (RES) in the Kincardine Official Plan. The existing and proposed seasonal residential uses are permitted.

The proposal conforms to the Official Plan.

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

The property is zoned Environmental Protection (EP) in the Kincardine Zoning by-law. The Shoreline Hazard Assessment has indicated that the proposed dwelling would be located outside of any hazards associated with the Lake Huron shoreline. A permit from the SVCA will still be required for development.

The property is constrained by its small size in its ability to meet the require setbacks under the zoning by-law. The side yard setbacks will be met but relief is required for the front yard and rear yard.

The proposed front yard setback is 2.2 metres. The existing setback is approximately 3.7 metres. The required setback is 6 metres. The reduced front yard will allow the dwelling to be moved away from the hazardous areas. The reduced setback is also in keeping with other dwellings along this part of Goderich St with lake frontage. By shifting the dwelling slightly north to be in line with the minimum northern side yard, there is enough room to provide parking along the southern side of the cottage for two vehicles. The reduced front yard setback is acceptable.

The reduced rear yard is proposed at 6 metres. The required setback is 7.5 metres. The proposal shows the dwelling with a setback of 6.1 metres and the deck with a setback of 4.3 metres. Section 6.24 of the Zoning By-law allows decks to project into the rear yard provided that a minimum setback of 1 metre is maintained from the rear lot line. The deck on this property is limited by the hazardous areas as it must be outside of these areas. The rear wall of the dwelling will need to be located 6 metres from the rear property line.

Is the application minor in nature?

Yes. The reduced front and rear yard setbacks are unlikely to have any major impacts on adjacent property owners or municipal functions. The reduced front yard is in line with other dwellings along the street and road work in this area already need to contend with a reduced right of way. It is not expected that the proposal will further hinder the constrained circumstances along Goderich St.

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

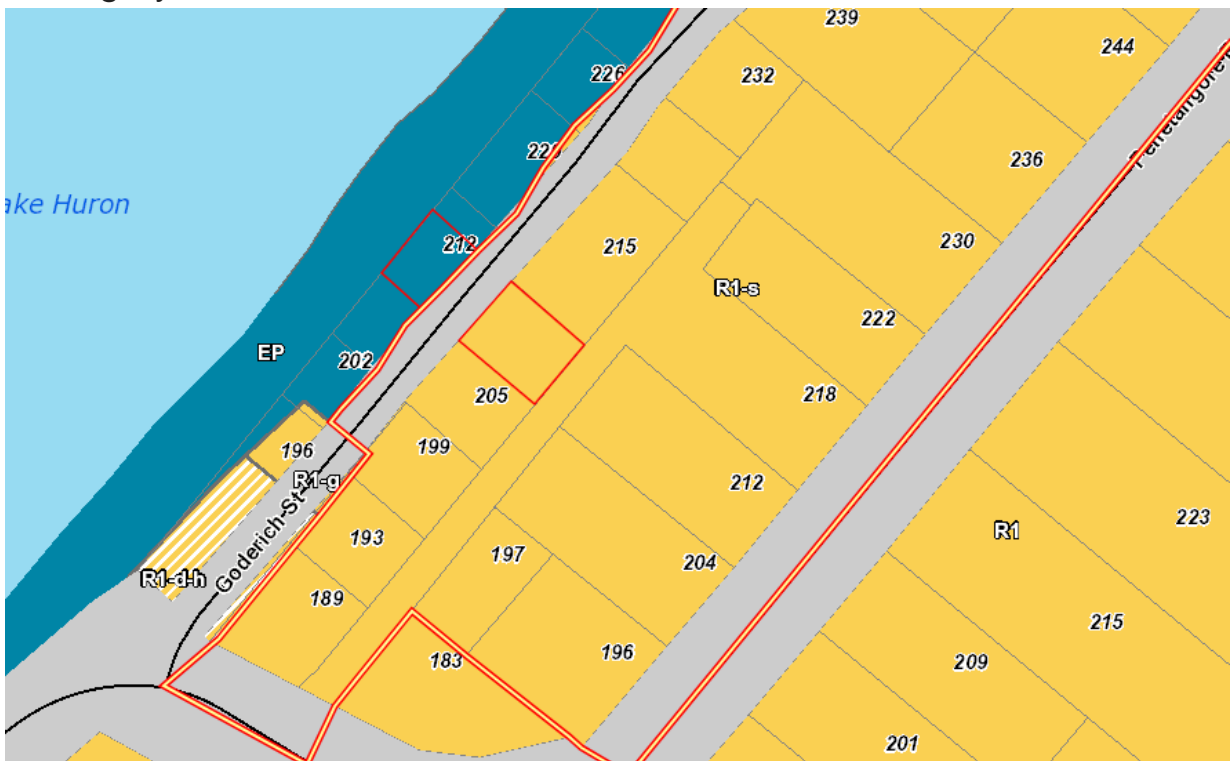
Yes. The proposal locates the dwelling outside of the hazard lands on a constrained lot while continuing to meet the side yard setbacks and parking requirements. It will allow the owners to rebuild on their existing parcel without any undue impacts on others.

Appendices

Local Official Plan



Zoning By-law



Property Details

Related Files	N/A
Owner	Guy Jarvis & Jackie Mann
Applicant	N/A
Agent	N/A
Legal Description	Pt Lot 6, Goderich St W/S, Plan 347, Pt Lots 32 & 33, Penetangore W/S, Municipality of Kincardine (geographic Town of Kincardine)
Municipal Address	212 Goderich St.
Lot Dimensions	Entire Lot
Frontage	+/- 15 m
Depth	Irregular +/- 16.5 m
Area	+/- 603 sq. m
Uses Existing	Residential
Uses Proposed	No change
Structures Existing	2 – Single detached dwelling, shed
Structures Proposed	1 – Single detached dwelling
Servicing Existing	Municipal water & sewer
Servicing Proposed	No change
Access	Year-round municipal road – Goderich St
County Official Plan	Primary Urban Community
Local Official Plan	Residential
Zoning By-law	Residential One Special (R1-s), Environmental Protection (EP)
Proposed Zoning By-law	Modified EP boundary to reflect updated hazard mapping
Surrounding Land Uses	Residential, Lake Huron

Agency Comments

Municipality of Kincardine

- **CBO:** No comment
- **Public Works:** No concerns

Historic Saugeen Metis: No objection or opposition

