

# Decision of the Committee of Adjustment With Reasons

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

<b>Municipality</b>	Municipality of Kincardine
<b>File Number</b>	A-2024-031
<b>Related File(s)</b>	None
<b>Date of Hearing</b>	October 9, 2024
<b>Owner / Applicant / Agent</b>	Alex and Rebecca Austman
<b>Legal Description</b>	KINCARDINE TP PENETANGORE PT; LOT 21 W HURON TERRACE RP; 3R10861 PART 2
<b>Municipal Address</b>	558 Huron Terrace
<b>Purpose of Application</b>	The subject property is considered a through lot, thus accessory structures must be set back from the rear lot line by a distance equal to the front yard setback for the zone (in this case 6 m). The applicant is seeking a reduction in this setback to 2m.
<b>Variances Granted</b>	A reduction in the rear yard setback for an accessory structure on a through lot from 6m to 2m.
<b>Effect of Submissions</b>	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. That any future development on the property conforms to the provisions of the Zoning By-law.
2. That the decision applies only to the proposed development as indicated on Schedule 'A' attached to and forming part of this decision.

## 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.

# Decision of the Committee of Adjustment With Reasons

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

<b>Municipality</b>	Municipality of Kincardine
<b>File Number</b>	A-2024-031
<b>Related File(s)</b>	None
<b>Date of Hearing</b>	October 9, 2024
<b>Owner / Applicant / Agent</b>	Alex and Rebecca Austman
<b>Legal Description</b>	KINCARDINE TP PENETANGORE PT; LOT 21 W HURON TERRACE RP; 3R10861 PART 2
<b>Municipal Address</b>	558 Huron Terrace
<b>Purpose of Application</b>	The subject property is considered a through lot, thus accessory structures must be set back from the rear lot line by a distance equal to the front yard setback for the zone (in this case 6 m). The applicant is seeking a reduction in this setback to 2m.
<b>Effect of Submissions</b>	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 does not conform to the Provincial Policy Statement.

# Concurrence of Committee Members for Minor Variance A-2024-031 Austman

We, the undersigned, **concur in the Decision and reasons** given for the Decision of the Committee of Adjustment for the Municipality on October 9, 2024

Title & Name	Absent	Present
Committee Member, (Amanda Steinhoff-Gray)	( )	( )
Committee Member, (Bill Stewart)	( )	( )
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 **October 9, 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 **October 29, 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

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](http://www.brucecounty.on.ca) under 'Living Here', 'Housing and Property', 'Land Use Planning' by Municipality and File Number; or e-mail [bcplpe@brucecounty.on.ca](mailto:bcplpe@brucecounty.on.ca).

# Schedule 'A'

