



Planning Report

To: Municipality of Kincardine Committee of Adjustment

From: Jake Bousfield-Bastedo, Intermediate Planner

Date: August 14, 2024

Re: Minor Variance Application A-2024-016 (Woodward)

Recommendation:

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

That Committee approve Minor Variance A-2024-016 as attached subject to the conditions on the decision sheet.

Summary:

The application is seeking to change the location requirements for an accessory structure. Whereas the Zoning By-law permits an accessory structure in any yard except the front yard, the applicant is proposing to locate the structure in the front yard. Approval of the minor variance would facilitate the construction of a detached garage in the front yard. The property is located at 478 Concession 6, Kincardine (Bruce Township).

Airphoto



Site Plan

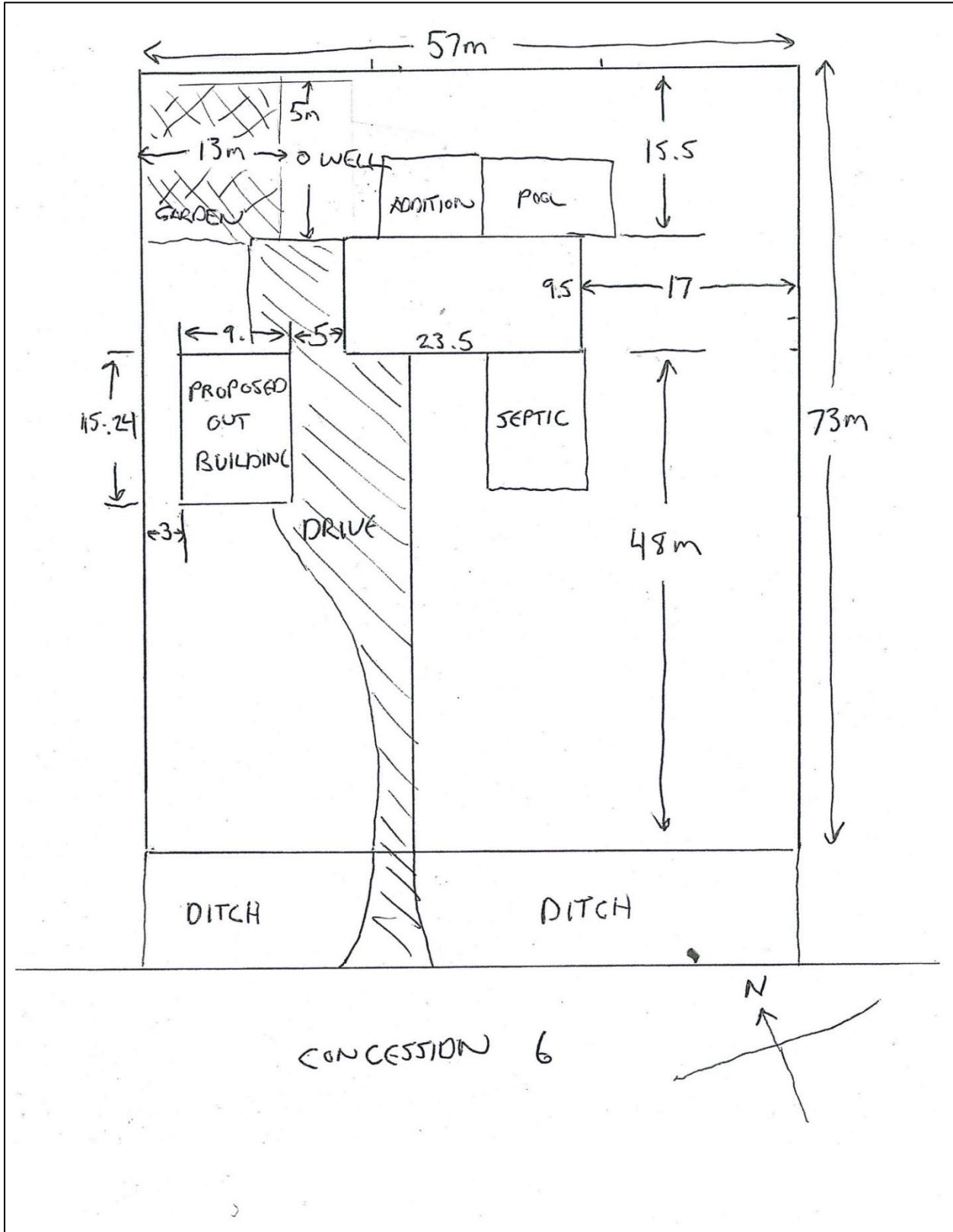


Image of Existing Structure



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 (“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 Agricultural Areas in the Bruce County Official Plan. The designation is intended to protect and strengthen the agricultural Community. A residence and accessory building are permitted uses within the Agricultural Areas, so the application maintains the intent and purpose of the Bruce County Official Plan.

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

The subject property is zoned General Agriculture ('A1') in the Kincardine Zoning By-law and considered a non-farm lot. Permitted uses for non-farm lots within the A1 zone include single detached dwellings as well as accessory structures as per section 6.4 of the Zoning By-law. Section 6.4.3 specifies where on a lot accessory structures may be permitted, and prohibits placement in the front yard (defined as the space between the front lot line and the nearest part of any principal building). Generally speaking the intention of requiring accessory structures to be in line with or behind principal buildings is to maintain a strong streetscape character.

The owners are unable to accommodate the proposed garage in the rear or westerly side yard due to the placement of the principal dwelling and the location of other elements such as a proposed addition, pool, garden and well, nor in the easterly side yard due to the orientation of the existing driveway. The front of the proposed outbuilding will continue to greatly exceed the minimum front yard setback for non-farm agricultural lots (minimum 6m, 32m is provided); as such, the requested variance maintains the overall intent and purpose of the Zoning By-law.

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

The proposed garage is appropriate for the property and is compatible with the agricultural intent of the lands and the surrounding rural area. Outbuildings are common within agricultural areas and the proposal is not introducing a new use to the area. The variance represents an appropriate form of development for the use of the land.

Is the application minor in nature?

Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on its surroundings. It is not expected that permitting a garage in the front yard will have an impact on the ability of adjacent property owners to use their properties for permitted uses. Given the low density nature of the area and the large setback maintained from Concession 6, the placement of the garage is not anticipated to impact the streetscape or character of the area.

The variance is considered minor.

Appendices

- County Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Comments
- Public Notice

County Official Plan Map (Designated Agricultural Areas)



Local Zoning Map (Zoned A1 - General Agriculture)



Agency Comments

Historic Saugeen Métis: No comments.

Municipality of Kincardine: No comments.

Saugeen Valley Conservation Authority: Provided in full below.

Public Comments

No comments were received from the public at the time of writing this report.

SENT ELECTRONICALLY ONLY: JBousfield-Bastedo@brucecounty.on.ca and bcplpe@brucecounty.on.ca

July 17, 2024

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

ATTENTION: Jake Bousfield-Bastedo, Planner

Dear Mr. Bousfield-Bastedo,

RE: A-2024-016 (Woodward)
478 Concession 6
Roll No.: 410826000215401
Part Lot 24, Concession 7
Geographic Township of Bruce
Municipality of Kincardine

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted proposals as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 (SVCA's Prohibited Activities, Exemptions and Permits Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing natural hazards. The applications have 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. Finally, we have screened the applications to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

Purpose

The purpose of this application is to seek relief from Section 6.4.3 of the Zoning By-law which requires that no accessory buildings be located in a front yard. A 138 m² detached garage is proposed to be located in front of the existing dwelling.

Drinking Water Source Protection

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

Summary

SVCA staff find the application acceptable. The subject property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes 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 Bruce County Official Plan. Additionally, the property is not subject to Ontario Regulation 41/24, or to the policies of SVCA at this time, and as such, permission from the SVCA is not required for development on the property.

Please inform this office of any decision made by the Municipality of Kincardine and/or the County of Bruce with regard to the proposal. Should you have any questions, please contact the undersigned.

Sincerely,



Vivian Vanceeder
Environmental Planning Technician
Saugeen Conservation
VV/

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



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



June 27, 2024

File Number: A-2024-016

Public Hearing Notice

**You're invited to participate in a Public Hearing
to consider Minor Variance File A-2024-016
August 14, 2024 at 5:00 p.m.**

The Public Hearing will be held in a hybrid format (virtual or in-person) at the Municipal Administration Centre located at 1475 Concession 5, Kincardine.

For information on how to participate in the public meeting, please visit the municipal website at www.kincardine.ca/en/municipal-office/agendas-and-minutes.aspx under "Agendas and Minutes." 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 Zoning By-law which requires that no accessory buildings be located in a front yard. A 138 m² detached garage is proposed to be located in front of the existing dwelling.



478 CONCESSION 6 - CON 7 PT LOT 24 RP 3R2569;PART 1
Municipality of Kincardine (Bruce Township)
Roll Number 410826000215401

Learn more

Additional information about the application is available online at <https://www.brucecounty.on.ca/active-planning-applications>. 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: Jake Bousfield-Bastedo

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 **July 18, 2024** 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.

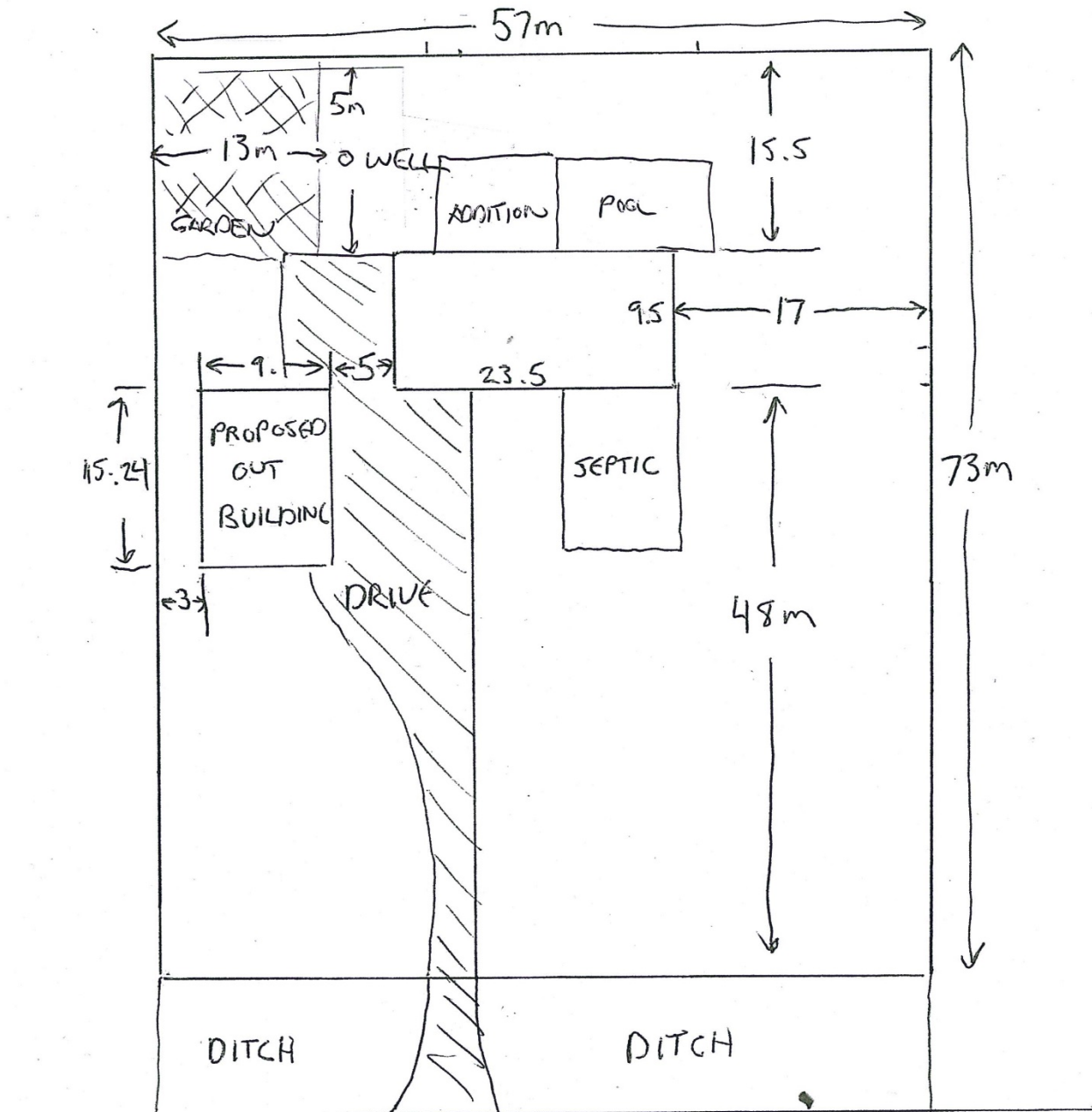
Stay in the loop

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



CONCESSION 6

