



Planning Report

To: Municipality of Kincardine Committee of Adjustment

From: Britt Gregg-Wallace, Intermediate Planner

Date: March 12, 2025

Re: Minor Variance Application A-2024-039 (Finnie)

Recommendation:

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

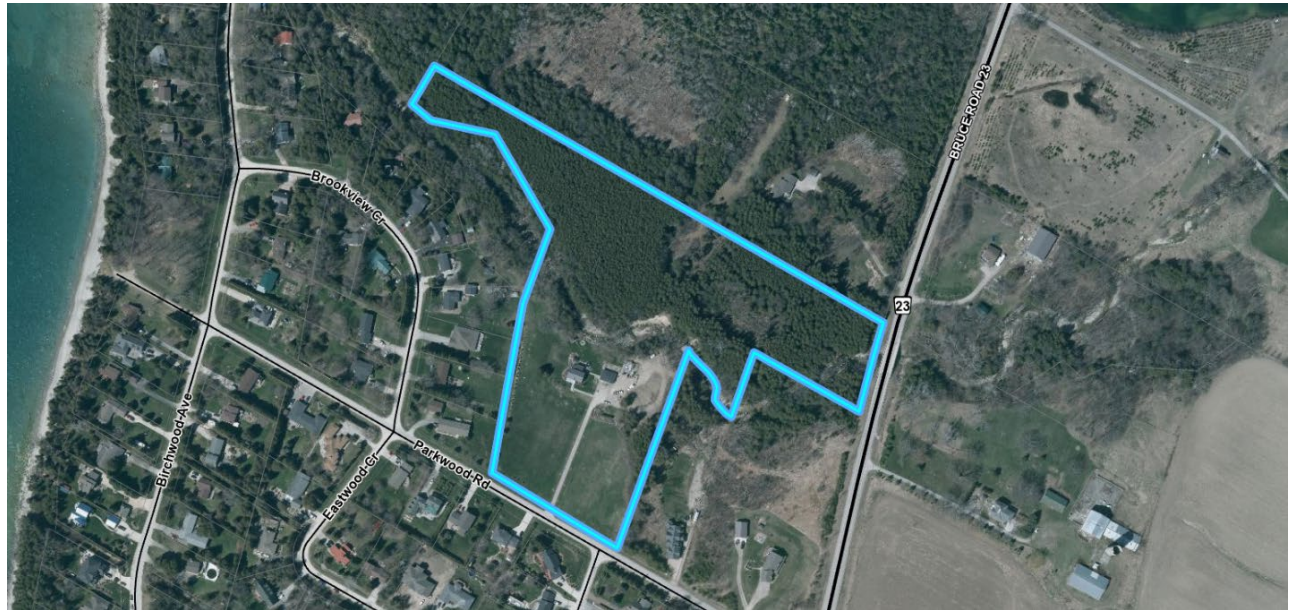
That the Committee approve Minor Variance A-2024-039 (Finnie) as attached subject to the conditions on the decision sheet.

Summary:

The purpose of this application is to permit a reduced lot frontage for a proposed lot and an increased height for an accessory building. The proposed lot frontage is 25.59m when the required minimum frontage in the special (R1-bx) zone is 26m. The applicant is requesting relief for 0.5m. The proposed height for the accessory building is 6.7m when the maximum height in the Zoning By-law is 4.5m. The applicant is requesting relief for 2.2m. If approved, the application would facilitate the creation of a residential lot (Part 2 on the site plan) and the new construction of an accessory building on the retained lot (Part 5 on the site plan) at 26 Parkwood Road.

The property is located west of Bruce Road 23, north of Concession 7, and south of Lorne Beach Road. The site is surrounded by residential and agricultural lands.

2020 Airphoto

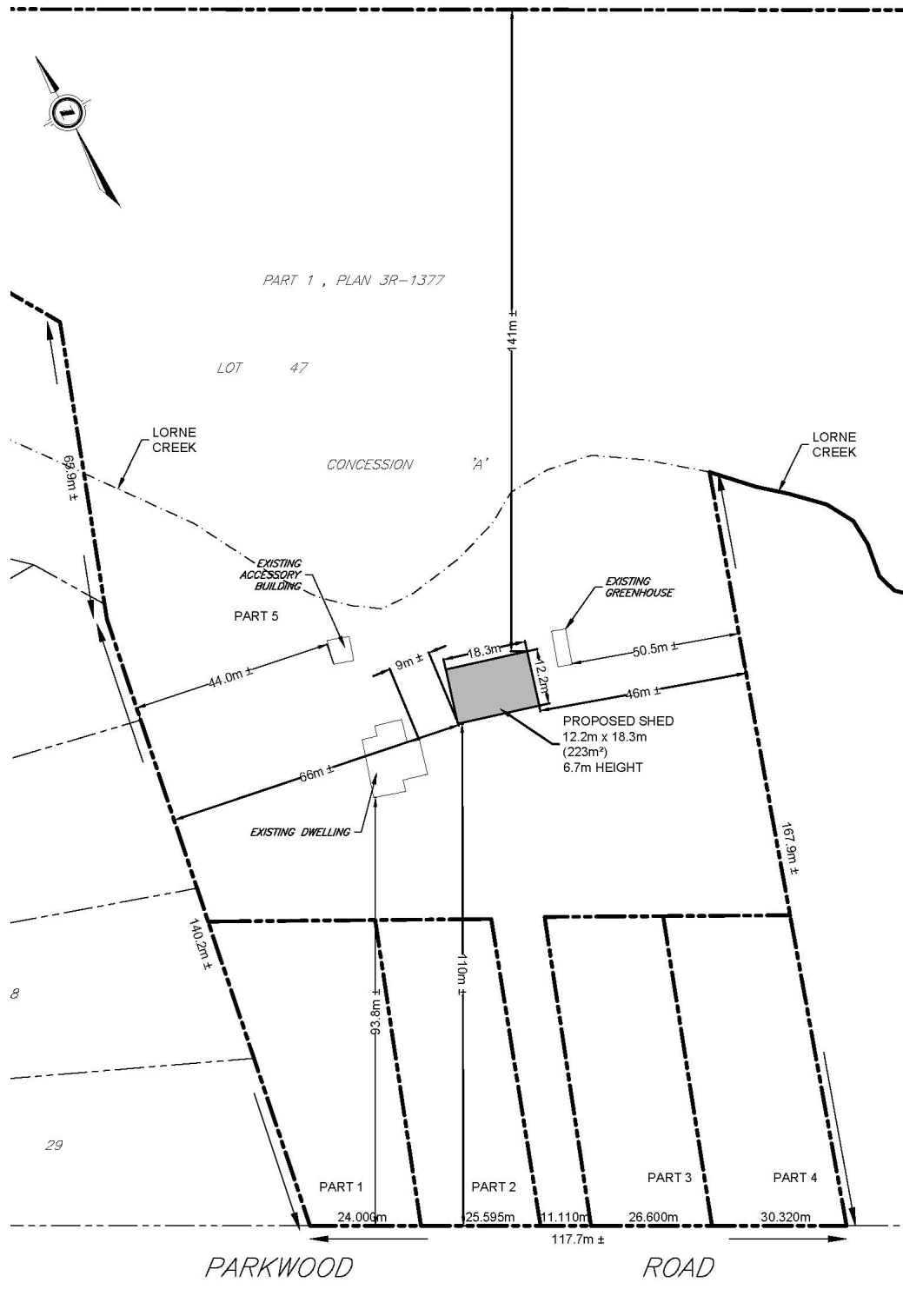


26 PARKWOOD RD - CON A PT LOTS 47 AND 48 RP;3R1377 PT PARTS 2 AND 3
Municipality of Kincardine (Kincardine Township)
Roll Number 410821000501500

Image of the Subject Property



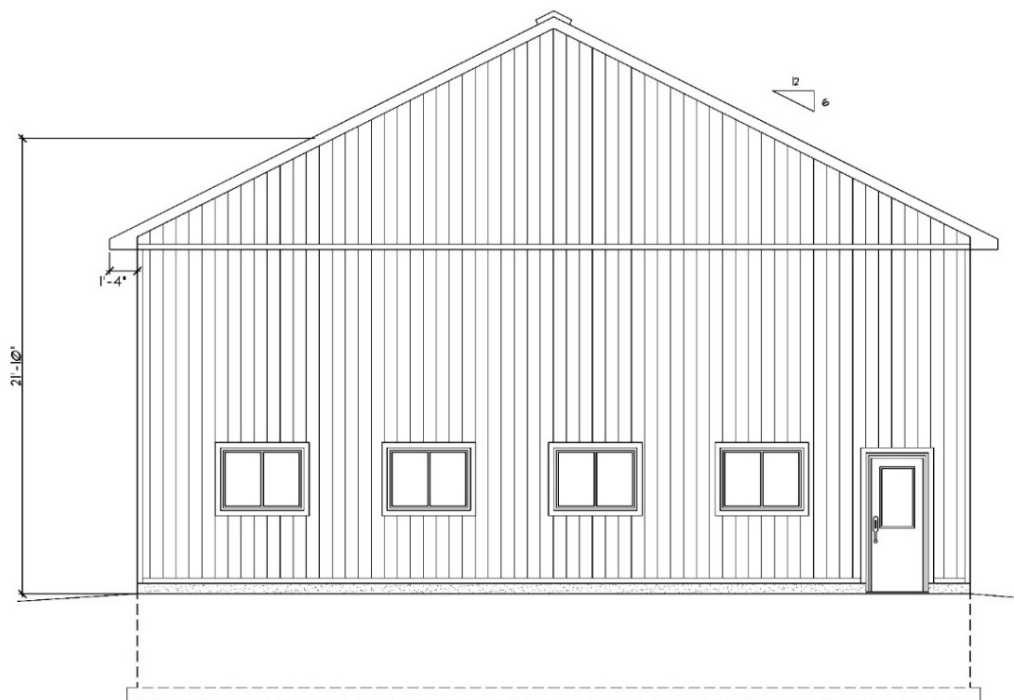
Site Plan



Proposed Lot Requiring a Reduced Lot Frontage



Accessory Building Elevation Plan



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.

Background

The site was subject to previous consent applications B-2023-071, B-2023-072, B-2023-073 and B-2023-074 and zoning by-law amendment application Z-2023-073 to facilitate the severance of four residential lots from a larger retained parcel (referred to as Parts 1 through 5 respectively on the above site plan). The zoning by-law amendment was approved by Kincardine Council on December 13, 2023 and is in full force and effect. The consent applications were conditionally approved by Bruce County on March 5, 2024. Based on a survey prepared for the lot creation to satisfy one of the consent conditions, it was determined that further relief is required for the frontage of one of the new proposed lots (Part 2). The height variance is for a proposed accessory structure on the retained lot (Part 5).

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 Secondary Urban Community in the Bruce County Official Plan and Shoreline Development and Natural Environment in the Municipality Kincardine Official Plan.

It is proposed that the lot which requires relief from the frontage requirement (referred to as Part 2 on the site plan) be permitted a 0.5m reduction from 26m to 25.59m. This proposed frontage is in keeping with the average lot frontage of 30m in the Shoreline Development designation of the local Official Plan, and the lot frontages previously approved for Parts 1 through 4 which range from 24m to 30m.

On the retained parcel (Part 5 on the above site plan), the proposed building is accessory to the existing residential use and permitted within the Secondary Urban Community and Shoreline Development designations of the County and local Official Plans respectively. The applicant is seeking to increase the permitted height of the accessory structure from 4.5m to 6.7m. The proposed accessory structure will be located close to the existing dwelling, away from the road and the proposed lots on Parts 1 through 4. The bulk and height of the proposed structure are in keeping with adjacent developments and the general intent of the provisions of the Zoning By-law (discussed in the next section), thus conforming with the policies of the local Official Plan. The proposed building will also be sited outside of the natural hazards and natural heritage features on the retained lot.

The application maintains the intent and purpose of the Official Plans.

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

Part 2 of the subject lands is zoned Residential One Special (R1-bx). This zoning outlines the minimum lot frontage (26m) and minimum lot area (0.17ha) for the proposed severed lot and a requirement to service the parcel with a tertiary sewage disposal system. The intent of the minimum lot area is to ensure there is a large enough building envelope on the site to accommodate a residential dwelling and septic system. Lot frontage helps ensure there is suitable access and a reasonable space for a buildable area. The applicant has indicated that there is adequate room on the lot to site a tertiary septic system and to construct buildings, while respecting the side yard setbacks. It is not anticipated that the 0.5m reduction in lot frontage to address the survey accuracy for Part 2 will impact the proposed entrance to the severed lot. The 25.59m frontage is considered adequate.

The zoning on Part 5 is Residential One Special Holding (R1-ca-H1), recognizing a reduced frontage on Parkwood Road to allow for driveway access to the proposed retained lot. There are also areas on Part 5 zoned Environmental Protection (EP) and Planned Development (PD). The accessory structure is proposed in the area zoned R1-ca and outside of the EP and PD zones. The R1 zone permits a variety of lower density residential uses, including single detached dwellings and accessory structures.

There is an existing dwelling on Part 5 measuring approximately 6.7m from grade to the mid point of the roof. The applicant is proposing to construct a detached accessory structure with a height of 6.7m when the maximum height permitted in the Zoning By-law is 4.5m. The purpose of the height restriction on accessory structures is to ensure that accessory structures remain secondary to the primary use on the property, which in this case is residential. The accessory structure is proposed to locate further from the front property line than the main dwelling, the parcel itself is quite far from the street and is obscured by trees. The proposed similar height to the principal dwelling, the distance from other residential parcels, the location of the accessory structure and the visual screening provided by trees retains the residential character of the area.

A holding provision (H1) requiring completion of an Archaeological Assessment prior to development for the lands containing high archaeological potential was previously approved for the retained lot (Part 5). The holding will be required to be removed by Council prior to construction of the accessory building. An Archeological Assessment has been conducted on the retained lands and accepted by Saugeen Ojibway Nation (SON), but the holding will remain in place until the assessment is registered by the Ministry.

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?

The proposed reduced frontage on Part 2 is considered appropriate development of the land. The lot area adheres to the recommendation of the Sewage System Impact Assessment

submitted with the previous applications and there is sufficient space on the lot to accommodate a tertiary sewage disposal system. The proposed 25.59m frontage also aligns with the previous consent and zoning approvals which facilitate the creation of four similarly sized lots, the smallest of which has a 24m frontage. For these reasons, the reduction is considered appropriate for the property and is compatible with the residential intent of the lands and the surrounding area.

The proposed increased height for an accessory structure is considered desirable for the appropriate development of the land as it will allow the applicants to build an accessory structure that suits their need to house a recreational vehicle. The proposed location for the structure and existing landscaping serve to reduce the impact of the proposal on neighbouring parcels. 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.

The reduction in the minimum lot frontage for Part 2 from 26m to 25.59m is in keeping with similar lots in the neighbourhood and the previous approvals on this site.

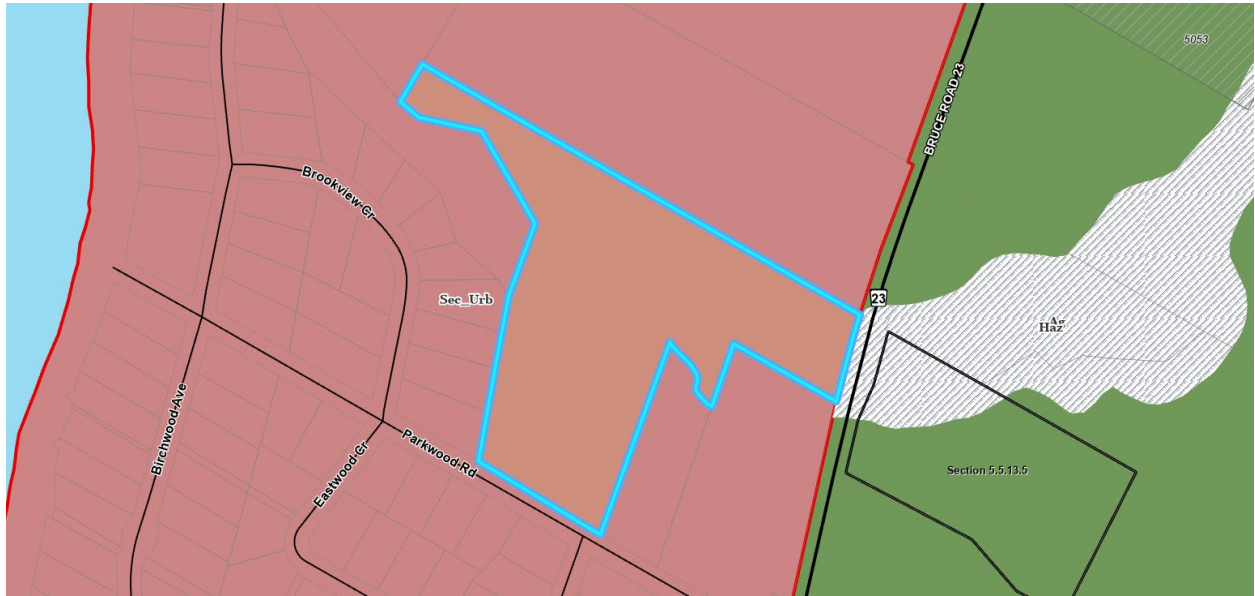
The increase in the height of the proposed accessory structure on the retained parcel from 4.5m to 6.7m is considered minor in nature because of the location on the lot and the site conditions, which mitigate any potential impacts to neighbouring properties.

It is not expected that permitting a slightly smaller frontage and a taller than permitted accessory structure will have an impact on the ability of adjacent property owners to use their properties 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 Comments
- Public Notice

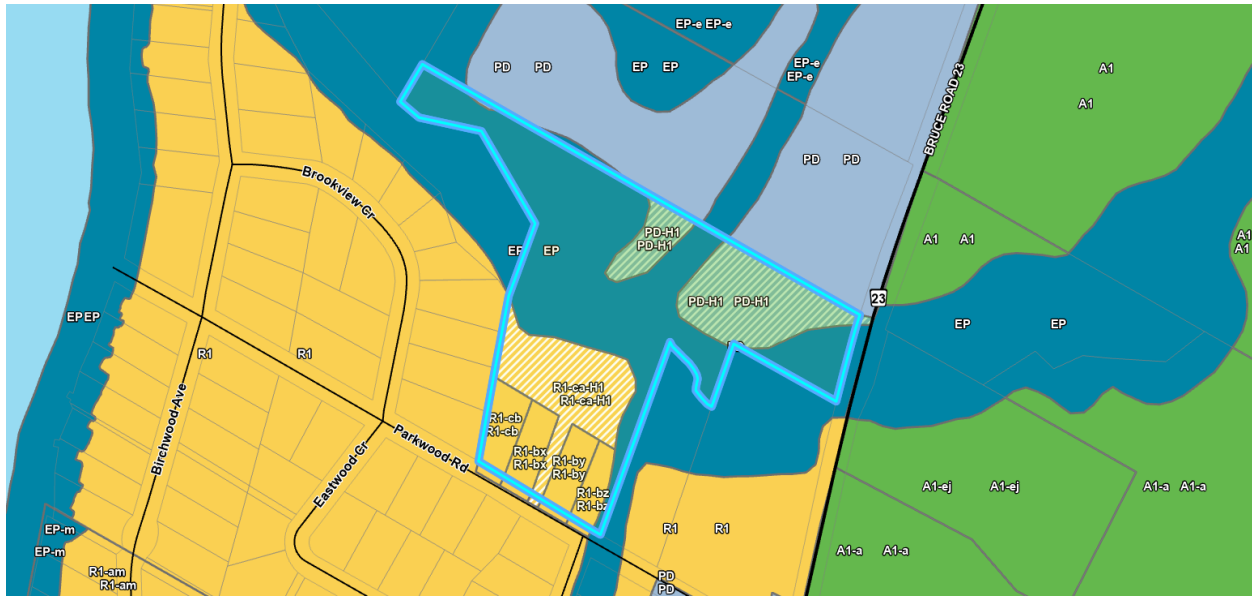
County Official Plan Map (Designated Secondary Urban Communities, Hazard Land Area)



Local Official Plan Map (Designated Shoreline Development, Natural Environment)



Local Zoning Map (Zoned R1-bx - Residential One Special, R1-by - Residential One Special, R1-bz - Residential One Special, R1-cb - Residential One Special, R1-ca-H1 - Residential One Special Holding, PD-H1 - Planned Development Holding, EP - Environmental Protection)



List of Supporting Documents and Studies

The following documents can be viewed in full at [Planning Kincardine | Bruce County](#):

- Cover Letter, prepared by Cobide Engineering, September 16, 2024
- Draft Survey, Prepared by D. Culbert Ltd, May 13, 2024
- Site Plan, prepared by Cobide Engineering, November 2024
- Floor Plans, Prepared by Blakestyle Design and Drafting, June 12, 2024

Agency Comments

Municipality of Kincardine:

- Development of the property zoned R1-bx shall be serviced by an advanced tertiary sewage disposal system that achieves at least 50% nitrate removal and meets the specifications of the CAN/BNQ 3680-600 standard, as amended from time to time or by connection to a Municipal sewage disposal system. The developer should confirm that the reduction in frontage/ lot area does not impact the ability to house a tertiary septic system on the property.
- No issue with the height adjustment - height is measured to the mid-point of the roof line.
- Municipal water is available on Parkwood Road. They will need to service each of the parcels with municipal water.

Bruce County Transportation Services:

- No comment.

Historic Saugeen Métis (HSM):

- The HSM Lands, Waters and Consultation Department has reviewed the relevant documents and has no objection to the proposed Minor Variance as presented.

Saugeen Valley Conservation Authority:

- Comments provided in full in the appended letter.

Public Comments

The County received one request from a member of the public to be informed of the decision on this application. They have been added to the notice circulation list.



1078 Bruce Road 12 | P.O. Box 150 | Formosa ON
Canada | N0G 1W0 | 519-364-1255
www.saugeenconservation.ca
publicinfo@svca.on.ca

SENT ELECTRONICALLY: BGreggWallace@brucecounty.on.ca and bcplpe@brucecounty.on.ca

February 20, 2025

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

ATTENTION: Britt Greg-Wallace, Planner

Dear Britt Greg-Wallace,

RE: A-2024-039
26 Parkwood Road
Roll No.: 410821000501500
Part Lots 47 and 48 Concession A, Part Parts 2 and 3 Plan 3R1377
Geographic Township of Kincardine
Municipality of Kincardine

The above-noted application has been received by the Saugeen Valley Conservation Authority (SVCA) in accordance with the Mandatory Programs and Services Regulation (Ontario Regulation 686/21) made under the *Conservation Authorities Act* (CA Act). SVCA staff have reviewed the proposal for consistency with SVCA's environmental planning and regulation policies (https://www.saugeenconservation.ca/en/permits-and-planning/resources/Environmental-Regulations/January-2019-Consolidated-Manual_Interim.pdf) made in conformance with the Provincial Planning Statement, CA Act, O. Regulation 41/24, and associated provincial guidelines. Where a Memorandum of Agreement (MOA) exists between a planning partner and the SVCA, staff have reviewed the applications for conformity with the natural hazard policies of the County of Bruce Official Plan (OP) and Municipality of Kincardine OP.

The purpose of the application is to permit a decreased frontage for a proposed lot and increased height for a proposed accessory building. Increased height from 4.5 m to 6.7 m for the R1-ca zone and decreased frontage from 26 m to 25.5 m for the R1-bx zone.

Recommendation

The application is generally acceptable to SVCA staff.



Background

As part of the pre-submission consultation process for development on the property, SVCA provided pre-submission consultation comments dated December 16, 2021. SVCA staff conducted a site inspection of the property on November 22, 2023. Finally, SVCA provided comments dated November 25, 2023 to the related files: Z-2023-073, B-2023-071 to B-2023-074 (Finnie).

Documents Reviewed by Staff

Staff have received and reviewed the following documents submitted with this application:

- 1) Request for Agency Comments, dated January 30, 2025;
- 2) Application; and
- 3) Planning Brief by Cobide Engineering Inc. dated September 16, 2024.

Provincial Planning Statement (PPS, 2024)

In accordance with s. 7 of O. Regulation 686/21, SVCA shall act on behalf of the Province or as a public body under the *Planning Act* (PA) to ensure municipal decisions made under the PA are consistent with the natural hazards policies of the PPS, Chapter 5.

Chapter 5.2 of the PPS, 2024 states in part that development shall generally be directed to areas outside of hazardous lands and hazardous sites.

SVCA mapping indicates that the existing dwelling and proposed shed as part of this application will not be located within any natural hazard features.

It is the opinion of the SVCA that the proposal will be consistent with Chapter 5.2 of the PPS, 2024.

Bruce County Official Plan Policies

The following comments are made in accordance with the MOA with the County of Bruce.

Section 5.8 of the Bruce County OP and Section D7 of the Municipality of Kincardine OP states in part that development should not be located within the Hazard Lands designation and/or Natural Environment designation. It is the opinion of SVCA staff that the application is consistent with the natural hazard policies of the Bruce County OP and the Municipality of Kincardine OP.

Conservation Authorities Act and O. Regulation 41/24

Within SVCA's regulated areas and in accordance with the CA Act and O. Regulation 41/24, a permit from the SVCA is required to change or interfere with watercourses or wetlands and for development activities in or adjacent to hazardous lands, wetlands, river or stream valleys, Great Lakes and inland lake shorelines. When reviewing an application, SVCA staff must assess the proposal for impacts to the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock, and ensure the activity will not create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property. Provided staff are satisfied the proposal is consistent with SVCA's policies, designed to mitigate these risks, a permit can be issued.

Areas of the property are within the SVCA Approximate Screening Area associated with the SVCA's Prohibited Activities, Exemptions and Permits Regulation (Ontario Regulation 41/24).

For the property, the SVCA Approximate Screening Area includes the natural hazard features located on the property including Lorne Creek and its related floodplain and erosion hazard and valley slope, the shoreline bluff/slope, as well as any wetlands/swamps located within the floodplain and an offset distance outwards from those features.

To determine the SVCA Approximate Regulated Area on the property, please refer to the SVCA's online mapping, available via SVCA's website (<https://camaps.maps.arcgis.com/apps/webappviewer/index.html?id=f0ec744c8d6d4e499895aaaab3d83761>.) Should you require assistance, please contact our office directly.

SVCA Permit

In accordance with SVCA's policies made under the CA Act and O. Regulation 41/24, the proposed shed as part of this application will require a SVCA permit, as it is proposed to be within the SVCA Approximate Screening Area. The landowner should be in contact with Michael Oberle (m.oberle@svca.on.ca) at the SVCA to continue with the SVCA permit process.

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.

Summary

SVCA staff have reviewed the proposal for consistency with SVCA's policies made in conformance with the Provincial Planning Statement, CA Act, O. Regulation 41/24, and associated provincial guidelines. Where a Memorandum of Agreement (MOA) exists between a planning partner and the SVCA, staff have reviewed the application for conformity with the natural hazard policies of the County of Bruce OP and Municipality of Kincardine OP.

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

- 1) Consistency with the Natural Hazard policies of the PPS, Chapter 5 has been demonstrated.
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the County of Bruce regarding the application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, or require this information in an accessible format, 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)

From: [REDACTED]
To: [Bruce County Planning - Lakeshore Hub](#)
Subject: File Number-2024-039
Date: Monday, February 17, 2025 11:15:37 PM

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

** [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

Could you please notify us about any decision being made to the proposed application.

Our email : [REDACTED]
Or mailing address:
G.S Demski
22 Brookview Cres.
Tiverton , On

Thank you
Sent from my iPhone



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



January 30, 2025

File Number: A-2024-039

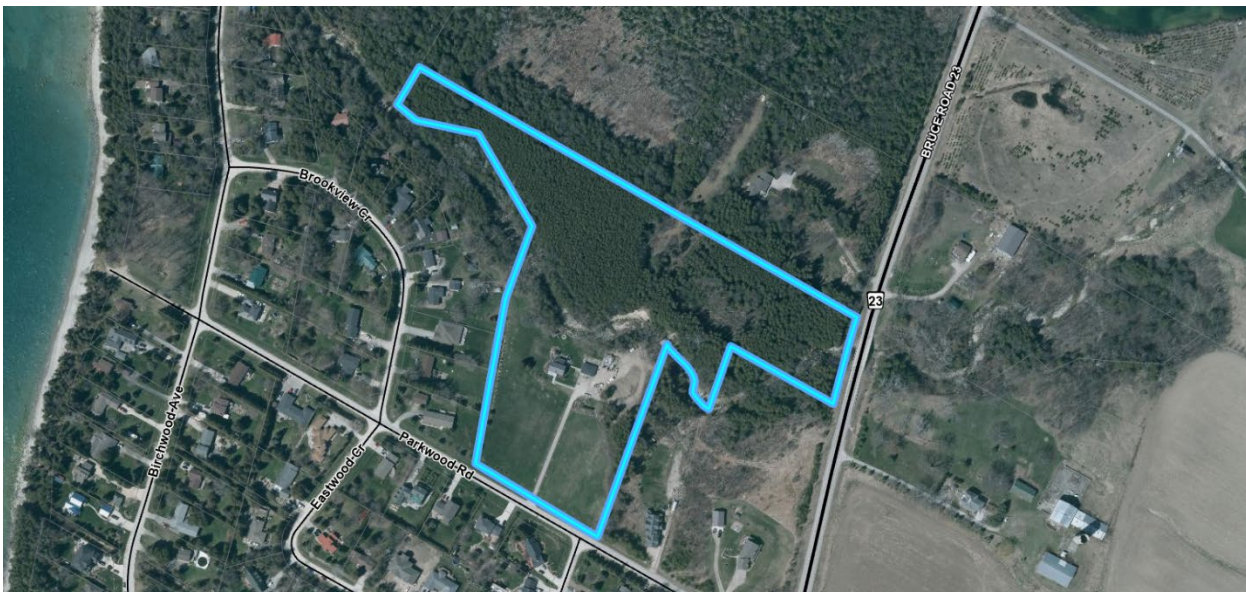
Public Hearing Notice

**You're invited to participate in a Public Hearing
to consider Minor Variance Application File A-2024-039
March 12, 2025 at 5:00 p.m.**

The Public Meeting 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: To permit a decreased frontage for a proposed lot and increased height for a proposed accessory building. Increased height from 4.5 m to 6.7 m for the R1-ca zone and decreased frontage from 26 m to 25.5 m for the R1-bx zone.



26 PARKWOOD RD - CON A PT LOTS 47 AND 48 RP;3R1377 PT PARTS 2 AND 3
Municipality of Kincardine (Kincardine Township)
Roll Number 410821000501500

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: Britt Gregg-Wallace

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 **February 20, 2025** 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.

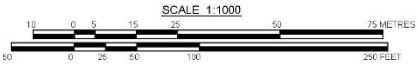
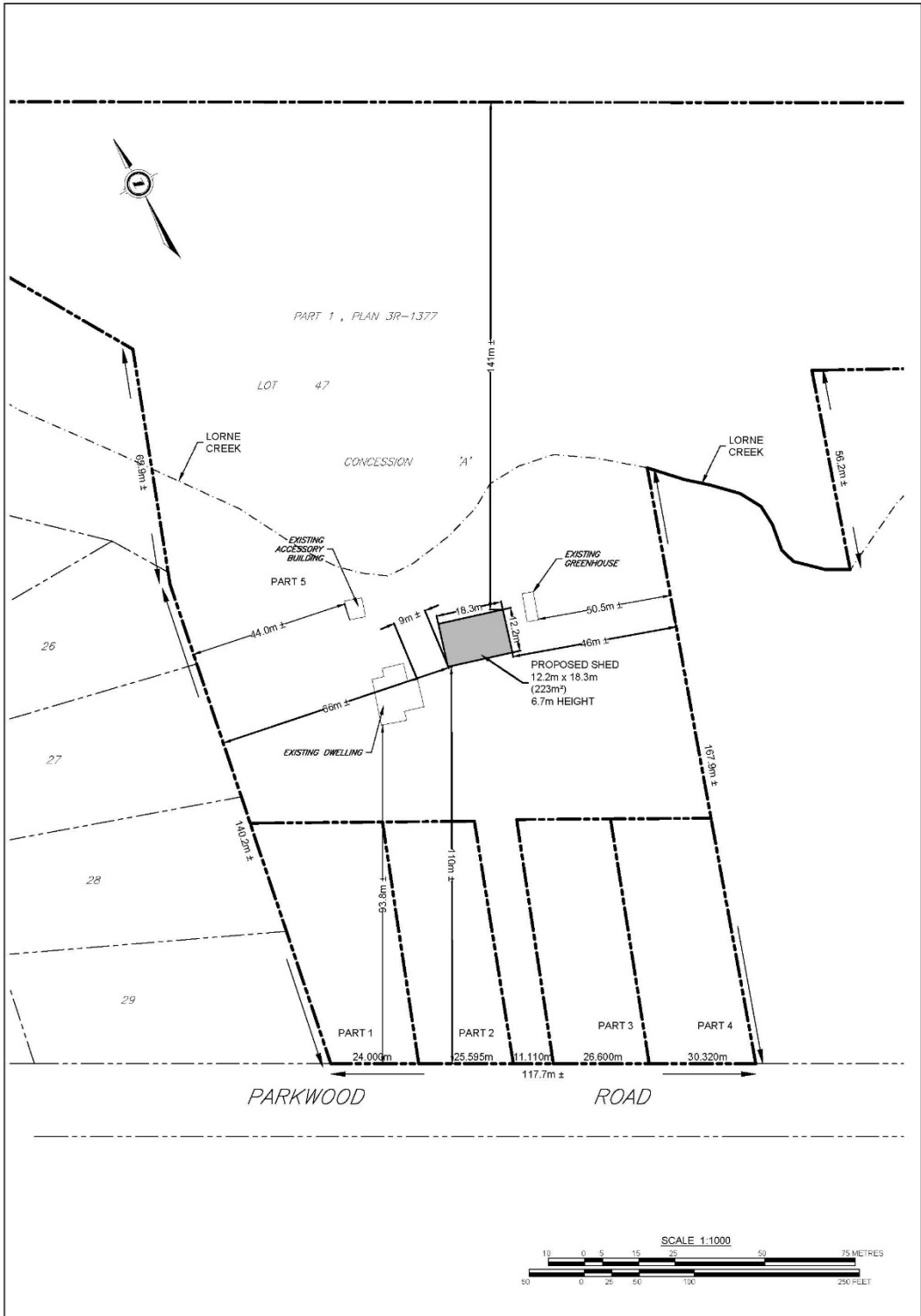
Stay in the loop


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



 <p>COBIDE ENGINEERING INC</p> <p>517 - 10th STREET, Hanover, Ontario N4N 1R4 Telephone: (519) 506-5959 www.cobideeng.com</p> <p><small>ORIG. FILE - 114.rvt H:\Files\02028 - Final Services\Drawings\Submissions\2025-01-14 Site Plan\02028 - Base - 2025-01-14.dwg</small></p>	Design: JHL Drawn: JHL Checked: DK Date: NOV 2024	Scale: AS NOTED Approved: _____ Design Engineer	Client/Project: PART OF LOTS 47 & 48, CONCESSION A GEOGRAPHIC TOWNSHIP OF KINCARDINE MUNICIPALITY OF KINCARDINE (26 PARKWOOD ROAD)
			Figure No. SP1
			Title SITE PLAN SKETCH