

Decision of the Committee of Adjustment With Reasons

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

Municipality	Municipality of Kincardine
File Number	A-2025-006
Related File(s)	B-2024-023
Date of Hearing	May 14, 2025
Owner / Applicant / Agent	Bartley Murphy
Legal Description	BRUCE RANGE LAKE PT LOT 54;PLAN 770 LOTS 1 TO 4 (Bruce Township)
Municipal Address	246 Sunset Drive
Purpose of Application	The purpose of the application is to sever a +/- 0.46 ha parcel with frontage on Sprucedale Drive and White Pine Avenue from an existing +/- 1.31 ha parcel, leaving a +/- 0.85 ha retained parcel with frontage on Sunset Drive and White Pine Avenue. The frontage of the severed parcel onto Sprucedale Drive is under the required minimum width of 30 m in the Zoning By-law and a minor variance application is required to permit the reduced frontage of +/- 27.7 m.
Variances Granted	To permit a reduced frontage on the proposed severed lot on Sprucedale Drive of +/- 27.7 m when 30m is the required minimum.
Effect of Submissions	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 and its successors 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.

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Effect of Submissions	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 and its successors 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-2025-006 Murphy

We, the undersigned, **concur in the Decision and reasons** given for the Decision of the Committee of Adjustment for the Municipality on May 14, 2025.

Title & Name	<u> </u> 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 Member, (Stellina Williams)	()	()
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 **May 14, 2025**.

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 **June 3, 2025**.

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.

Appeals are filed with the **Secretary-Treasurer of the Committee** at:

Take notice that an appeal to the Ontario Land Tribunal in respect to all or part of this Zoning By-law Amendment may be made by filing a notice of appeal with the Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service> by selecting **Kincardine (Municipality of)** as the Approval Authority or by mail Municipality of Kincardine, 1475 Concession 5, RR 5, Kincardine, ON N2Z 2X6, no later than 4:30 p.m. on June 3, 2025. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of \$1,100 can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to clerk@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.

