



The Corporation of the Town of Kingsville
Committee of Adjustment and Appeals
Agenda

Tuesday, July 16, 2024, 6:00 p.m.

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

Accessible formats or communication supports are available upon request. Contact the Clerk at the atoole@kingsville.ca or by calling 519-733-2305.

Pages

A. Call to Order

B. Disclosures of Pecuniary Interest

When a member of the Committee has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of the Committee (or that was the subject of consideration at the previous Meeting of the Committee at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

C. Adoption of Minutes

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Recommendation

That the Minutes of the Committee of Adjustment and Appeals meeting dated June 18, 2024, **BE ADOPTED** as presented.

D. Committee of Adjustment Hearings

Hearings held under this heading are subject to the provisions of the *Planning Act*, and the Committee shall make decisions respecting applications for minor variance, consent and permissions to extend or enlarge legal non-conforming uses.

1. Requests for Withdrawal or Deferral
2. Current Applications

- a. A-2024-6 - Minor Variance Application

Location of Application: 174 County Road 34 East

Application To: allow relief from the maximum height limit for an accessory structure, allowing for a 7.22 m (23.7 ft) height, exceeding the 5 m (16.40 ft) maximum accessory height as per Kingsville's Comprehensive Zoning By-law (1-2014) subject to certain conditions.

E. Court of Revision

No Court of Revision at this time.

F. Property Standards Appeal Hearings

No Hearings at this time.

G. By-law Appeal Hearings

No Hearings at this time.

H. Next Meeting Date

The next regularly scheduled meeting of the Committee of Adjustment and Appeals is August 20, 2024 at 6:00 p.m. at the Unico Community Centre.

I. Adjournment

Recommendation

That the meeting be **ADJOURNED** at _____ p.m.



The Corporation of the Town of Kingsville

Minutes of the Committee of Adjustment and Appeals of the Town of Kingsville

Tuesday, June 18, 2024

6:00 p.m.

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

Members Present:

Gord Queen, Chair

Thomas Neufeld, Councillor

Nicole Hackett-Winkels

Russell Horrocks

Phil Caruana

Administration Present:

Richard Wyma, Director of Planning and Development

Yuxi Liu, Acting Office Support

Matthew Ducharme, Recording Secretary

A. Call to Order

The Chair called the meeting to order at 6:00 p.m.

B. Disclosures of Pecuniary Interest

The Chair asked members if there were any disclosures of pecuniary interest.

None were noted.

C. Adoption of Minutes

Moved By: Russell Horrocks

Seconded By: Thomas Neufeld, Councillor

That the Minutes of the Committee of Adjustment and Appeals Meeting dated May 21, 2024, **BE ADOPTED** as presented.

Carried

D. Committee of Adjustment Hearings

D.1 Requests for Withdrawal or Deferral

None noted.

D.2 Current Applications

D.2.1 A-2024-5 - Minor Variance Application

Richard Wyma, Director of Planning and Development, presented the application.

The applicant was present and available for questions from the members.

Thomas Neufeld, Councillor, asked Administration about the differences between minor variances in residential and agricultural zones. Richard Wyma, Director of Planning and Development, noted the various factors used in determining when a variance is considered minor.

Russell Horrocks inquired of the applicant the intended use of the second story of the proposed structure. The applicant noted that it will be exclusively used for storage, not housing.

Phil Caruana noted that he had the same question as above regarding intended use.

Moved By: Russell Horrocks

Seconded By: Nicole Hackett-Winkels

That the Committee of Adjustment **APPROVE** minor variance application A-2024-5, to allow relief from the maximum height limit for an accessory structure, allowing for a 7.29 m (23.92 ft) height, exceeding the 5 m (16.40 ft) maximum accessory height as per the Kingsville Comprehensive Zoning By-law (1-2014).

Carried

E. Court of Revision

No Court of Revision at this time.

F. Property Standards Appeal Hearings

No Hearings at this time.

G. By-law Appeal Hearings

No Hearings at this time.

H. Next Meeting Date

The next regularly scheduled meeting of the Committee of Adjustment and Appeals is July 16, 2024 at 6:00 p.m. at the Unico Community Centre.

I. Adjournment

Moved By: Thomas Neufeld, Councillor

Seconded By: Nicole Hackett-Winkels

That the meeting be **ADJOURNED** at 6:06 p.m.

Carried

Chair

Recording Secretary



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
planning@kingsville.ca

Date: July 16, 2024
To: Town of Kingsville Committee of Adjustment
From: Vitra Chodha, Town Planner
Re: Application for Minor Variance A-2024-6 for 174 County Road 34 East

RECOMMENDED ACTION

That the Committee of Adjustment:

1. **APPROVE** minor variance application A-2024-6, to allow relief from the maximum height limit for an accessory structure, allowing for a 7.22 m (23.7 ft) height, exceeding the 5 m (16.40 ft) maximum accessory height as per the Kingsville Comprehensive Zoning By-law (1-2014) subject to the following conditions:
 - a. The applicant raises the height of the existing main house as noted on the building permit application number BP-2024-180.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the West Side of County Road 34 East (see location map attached as Appendix A). The subject parcel is designated 'Rural Residential' in the Official Plan and zoned 'Residential Zone 2 Rural Urban (R2.2)' on the Town of Kingsville Comprehensive Zoning By-law.

The subject land is a 3,358.89 m² (36,154.8 ft²) residential lot containing a residential dwelling and three accessory structures. One of the existing barns is not in good condition and the applicant would like to demolish it and construct a new barn with an Additional Dwelling Unit (ADU).

The applicant is proposing the construction of a barn with ADU with a height of 7.22 m (23.7 ft) (see plans attached as Appendix B). Detached barns are subject to Section 4.2 Accessory Buildings and Structures which states,

- h) Accessory buildings and structures shall not exceed the following heights:
 - i) in all residential zones or lots with a total area of less than 2 ha where the accessory building does not contain a dwelling – 5m (16.4 ft).

The Applicant is requesting a minor variance to exceed the maximum height by 2.2 m (7.3 ft) for a total maximum height of 7.22 m (23.7 ft). All other zoning regulations are proposed to be met.

DISCUSSION

1.0 Provincial Policy Statement

The subject property is located within the Town of Kingsville settlement area. There are no issues of provincial significance raised by the proposed variance.

2.0 Comprehensive Zoning By-law- Town of Kingsville

By-law regulations establish minimum and maximum requirements for various types of development within specific zones. When considering a change or variance from these regulations, it is not determined only as a numeric change, but the possible change from the policy direction of the Official Plan, a change from the intent of the Comprehensive Zoning By-law, or the desirability of the proposed development. For the variance to be considered minor, the tests of Section 45(1) of the Planning Act must all be satisfied. They are, with comments, as follows:

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

The subject property is designated 'Rural Residential' in the Official Plan for the Town of Kingsville. Matters such as building and accessory structure heights are not specifically addressed by the Official Plan and are more appropriately addressed in Section 2.2 below. The requested minor variance seeks to receive approval for a difference in the maximum height of the Applicant's proposed detached barn with ADU in order to comply with Town provisions. As such, it maintains the intent and purpose of the Official Plan.

2.2 Does the variance maintain the intent and purpose of the Comprehensive Zoning By-law for the Town of Kingsville?

The subject parcel is zoned 'Residential Zone 2 Rural Urban (R2.2)' in the Zoning By-law for the Town of Kingsville. Maximum heights of accessory structures are meant to maintain clear site lines and views from the right-of-way and to ensure neighbouring properties are not negatively affected by abutting development. Based on the location of the proposed barn with ADU, the allowance of 2.2 m (7.3 ft) to the height of the proposed accessory structure has no impact on the remaining or abutting land's development or enjoyment. All other zoning regulations are met, and setbacks are more than the minimum required. Therefore, the requested variance maintains the intent and purpose of the Zoning By-law.

3.3 Is the requested variance desirable for the appropriate use of the lands and buildings?

The 2.2 m (7.3 ft) increase in accessory structure height will have no impact on the surrounding lands or their ability to develop. The subject property is surrounded by Agricultural and Rural Urban Residential land use and structures of this height are generally prevalent in the abutting agricultural parcels. As such, the requested variance is desirable for the appropriate use of the lands and buildings.

3.4 Is the variance minor in nature?

As noted earlier, the requested variance is for an increase of 2.2 m (7.3 ft) in height. Based on the location of the subject site and adjacent Agricultural and Rural Urban residential land use the requested variance is acceptable. The applicant has applied for a building permit to increase the height on part of the main house to the same height as the proposed barn with ADU to meet zoning requirements and keep the curb appeal of the property.

FINANCIAL CONSIDERATIONS

There are no financial considerations resulting from the requested variance.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations resulting from the requested variance.

CONSULTATIONS

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60m of the subject land. To date, no comments have been received. The required notice sign was provided to the property owner and has been posted on the subject lands.

1) Town of Kingsville Technical Advisory Committee

- There is no technical objection to the proposed variance.

Prepared By:



Vitra Chodha
Planner

Reviewed By:



Richard Wyma, CSLA
Director of Planning and Development



Legend

Essex Municipalities

<all other values>

Kingsville

— Street

□ Kingsville Assessment

Notes

Appendix A

THIS MAP IS NOT TO BE USED FOR NAVIGATION
Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 21.24 42.5 Meters

1: 1,274



6/25/2024

Appendix B

PRELIMINARY SET - NOT FOR PERMIT APPLICATION



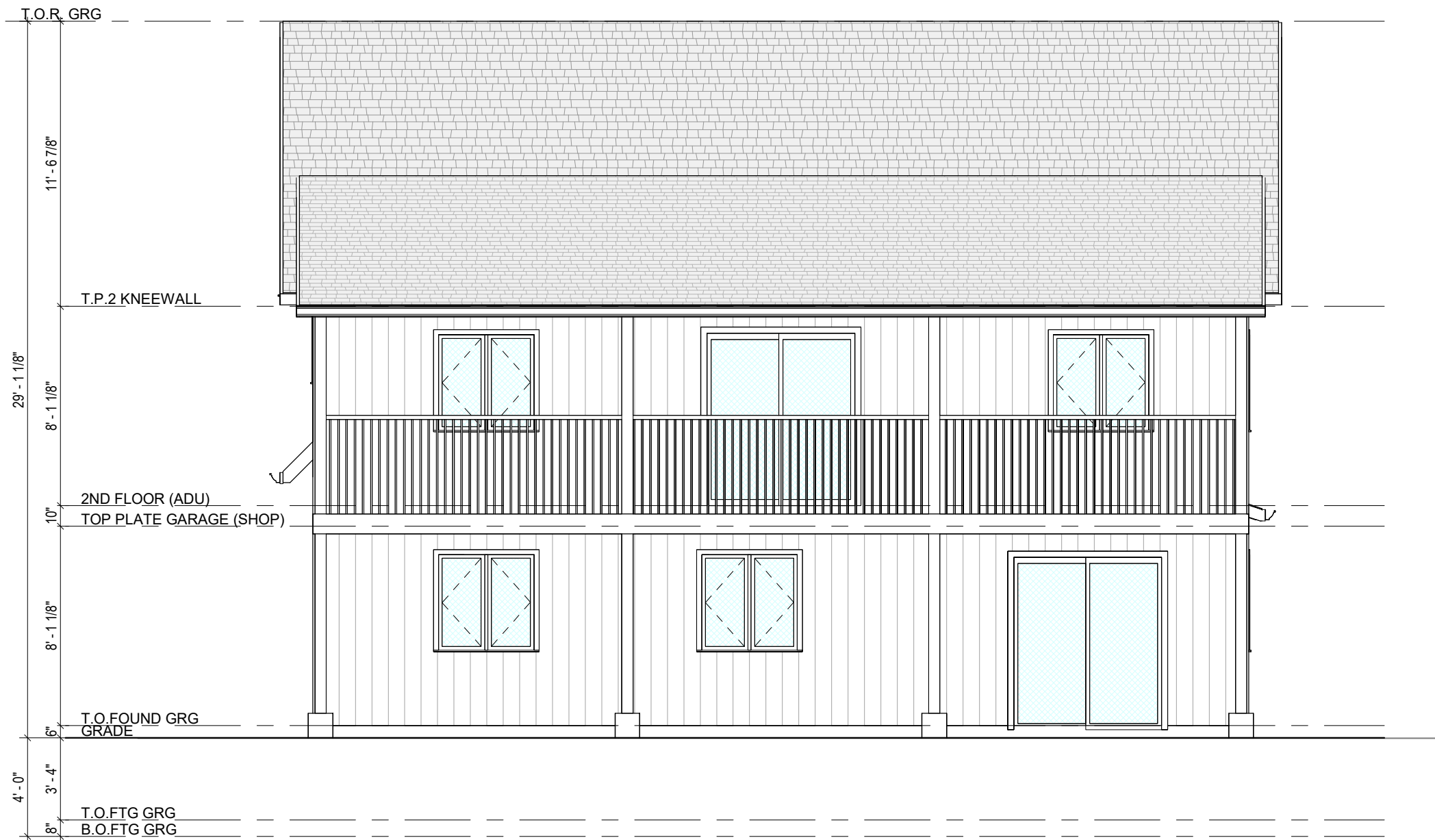
1 B - 1 - FRONT ELEVATION
3/16" = 1'-0"



2 B - 2 - RIGHT ELEVATION
3/16" = 1'-0"



3 B - 3 - LEFT ELEVATION
3/16" = 1'-0"



4 B - 4 - REAR ELEVATION
3/16" = 1'-0"

PRELIMINARY SET - NOT FOR PERMIT APPLICATION