



Date: May 20, 2025

To: Committee of Adjustment and Appeals

Author: Vitra Chodha, Town Planner

RE: Application for Minor Variance (A-2025-3)
426 Road 10

RECOMMENDED ACTION

That the Committee of Adjustment and Appeals **approve** minor variance application A-2025-3, for the property known as 426 Road 10 in the Town of Kingsville, to allow relief from Section 4.35.1 of the Kingsville Comprehensive Zoning By-law (1-2014) for an additional dwelling unit to have a maximum floor area of 107.8 square metres (1,160 square feet).

BACKGROUND

The Town of Kingsville has received the above noted application for 458 Road 10, located on the south side of Road 10, (see location map attached as Appendix A). The subject property is designated 'Agricultural' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is approximately 0.78 hectare (1.92 acres) rural residential lot containing a residential dwelling with multiple accessory structures. The applicant is proposing to replace the accessory structure located in the rear yard with an additional dwelling unit having a floor area of 107.8 square metres (1,160 square feet) (site plan attached as Appendix B). As a result, the applicant is requesting relief from Section 4.35.1 of the Kingsville Comprehensive Zoning By-law that prevents Additional Dwelling Units (ADUs) from having a floor area over 100 square metres (1076 square feet). The applicant is requesting a relief of 7.8 square metres (84 square feet). All other zoning provisions are proposed to be met.

DISCUSSION

1. Provincial Planning Statement

The subject property is located outside of the Town of Kingsville Official Plan but has access to municipal water and on-site sanitary management. The applicant is proposing an additional dwelling unit with access to servicing, the provincial government encourages this form of development. Therefore, no issue of

provincial significance is raised by the proposed variance for an Additional Dwelling Unit.

2. 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. In order 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 as ‘Agricultural’ in the Official Plan for the Town of Kingsville. ADUs are defined in the Official Plan as separate and self-contained dwelling units with kitchen and bathroom facilities that are created within a single detached, semi-detached or townhouse dwelling or dwelling unit or within an existing or new detached accessory building. Under the Official Plan, ADUs are only permitted within residential and agricultural zones, which is upheld by this application. The Official Plan defers to the Comprehensive Zoning By-law to regulate the size of an ADU building on a lot. As such, the variance 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 ‘Agricultural (A1)’ in the Zoning By-law for the Town of Kingsville. ADU’s are permitted within Residential and Agricultural zones with an existing residential dwelling. The proposed ADU is a permitted use on the subject site but does not meet the restriction on floor area. Section 4.35.1(e) sets a maximum floor area of 100 sq. m (1076 sq. ft), where the applicant is proposing a 107.8 m² (1,160 ft²) detached ADU. The intent of the floor area restriction is to ensure ADUs remain secondary and subordinate to the main use of the land, while allowing flexibility in how the space is used. The applicant has planned the proposed ADU on the site to meet all other zoning regulations except the floor area restriction. It is administration’s opinion that the requested variance maintains the intent and purpose of the Zoning By-law and is considered minor.

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

The location and size of the accessory ADU structure has no impact on the remaining lands or their ability to develop or to retain their use for agricultural purposes. The subject lands are adjacent to rural residential and agricultural lots on all sides. The proposed ADU structure does not infringe on the use and enjoyment of surrounding property owners. The ADU provides additional housing flexibility in an agricultural context. As such, the requested variance can be considered desirable for the appropriate use of the lands and buildings.

2.4 Is the variance minor in nature?

The applicant is requesting a relief of 7.8 square metres (84 square feet). This translates to a roughly 7.8% increase in floor area for the proposed ADU. Although the *Planning Act* does not indicate what may be considered minor or provide direction on this matter, a 7.8% increase can generally be considered minor.

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

Town of Kingsville Technical Advisory Committee

- There is no technical objection to the proposed variance.

PREPARED BY:



Vitra Chodha
Town Planner

REVIEWED BY:

A handwritten signature in black ink, consisting of several loops and a trailing line, ending with a period.

Richard J.H. Wyma
Director of Planning & Development