



Date: May 20, 2025

To: Committee of Adjustment and Appeals

Author: Haris Wilkinson, Planning Student

RE: Application for Minor Variance (A-2025-2)
100 Michelle Drive

RECOMMENDED ACTION

That the Committee of Adjustment and Appeals **approve** minor variance application A-2025-2, to allow a reduced front yard depth of 4 metres (13.1 feet), from the required depth of 5.5 metres (18 feet), and a reduced rear yard depth of 5 metres (13.1 feet), from the required depth of 6 metres (19.7 feet), as per the Kingsville Comprehensive Zoning By-law (1-2014).

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the South Side of Michelle Drive, as shown on the attached location map (Appendix A). The subject parcel is designated 'Lakeshore Residential West' in the Official Plan and zoned 'Lakeshore Residential with exception 35 (LR-35)' on the Town of Kingsville Comprehensive Zoning By-law.

The subject land is a 799 square metres (8,602 square feet) vacant residential lot. The applicant is proposing to build a single detached dwelling with an area of 110.9 square metres (1,194 square feet) alongside two Accessory Dwelling Units (ADUs) of areas 98.4 square metres (1,060 square feet) and 97.5 square metres (1,050 square feet), respectively. The proposed dwellings extend into the minimum required front yard setback and rear yard setback for the 'Lakeshore Residential with exception 35' zone. The minimum required front yard setback is 5.5 metres (18 feet) and the applicant is requesting a front yard setback of 4 metres (13.1 feet). In addition, the minimum required rear yard setback is 6 metres (19.7 feet) and the applicant is requesting a rear yard setback of 5 metres (13.1 feet) (see proposed Site Plan in Appendix B). All other requirements of the proposed development are in compliance with the zoning requirements.

The proposed development will not be constructed prior to the municipality placing the plan of subdivision under maintenance.

DISCUSSION

1. Provincial Policy Statement and Official Plan

The subject property is located within the Town of Kingsville's primary settlement area (Lakeshore Residential West). The Town's growth management strategy directs the majority of growth and development to the Primary Settlement Areas to strengthen the Town's settlement structure, and provide for development patterns that efficiently use land, resources, infrastructure, and public service facilities. The proposed residential development is consistent with the directions of Kingsville's Official Plan.

The proposed new residential unit meets the direction of Provincial Policy Statement by allowing development of new housing in locations where appropriate levels of infrastructure and public service facilities are available to support the proposed development. There are no issues of provincial significance raised by the proposed variance.

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 'Lakeshore Residential West' in the Town of Kingsville's Official Plan. Front yard setback and rear yard setbacks are not specifically addressed by the Official Plan and are more appropriately addressed in Section 2.2 below.

The Official Plan provides high-level policy direction for development which enhance the existing character of the surrounding area and promotes cost effective development patterns which will minimize land consumption and reduce servicing costs. The proposed development is consistent with 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 'Lakeshore Residential with exception 35 (LR-35)' in the Comprehensive Zoning By-law for the Town of Kingsville. There are several reasons to maintain setbacks on residential lots. Maintaining setbacks provides consistency within the character of the neighbourhood, offers outdoor area and amenity space, as well as ensures separation between neighbouring properties and structures. The requested variances for reduced front and rear yard setbacks do not change the overall characteristic of the proposed property. The lot's location on the south side of Michelle Drive exists where a slight bend in the road results in a reduction in lot depth compared to the properties to the west. This irregular lot shape limits the buildable area, further justifying the need for the proposed setback reductions.

Therefore, the requested variance does maintain the intent and purpose of the Zoning By-law.

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

As the proposed use of the property is residential and the surrounding area is comprised of residential uses, the proposed variances will not negatively affect the character of the area. The reduction in the front yard and rear yard setback has had no impact on the adjacent lands or their ability to develop. As such, the requested variance is desirable for the appropriate use of the lands and buildings.

2.4. Is the variance minor in nature?

The proposed reductions in front and rear yard setbacks will not impact the surrounding area from a visual or functional standpoint. As noted above, the proposed front and rear yard reduction would be consistent with the proposed structures in the neighborhood. Specifically, the minimum required front yard setback is 5.5 m (18 ft), and the applicant is requesting a front yard setback of 4 m (13.1 ft). Additionally, the minimum required rear yard setback is 6 m (19.7 ft), and the applicant is requesting a rear yard setback of 5 m (13.1 ft). As such, the requested variance can 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

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60 metres of the subject land. To date, no comments have been received.

Town of Kingsville Technical Advisory Committee

1) Public Works / Engineering

- a. Ensure that both the main dwelling and the additional dwelling unit share a single municipal service connection. All other connections to be disconnected.
- b. Ensure that no additional driveway is constructed, as the property will remain a single lot.

2) Fire Department

- a. Ensure that any relief granted from the minimum front yard and rear yard setbacks does not impact fire department operations, including but not limited to the effective use of ground ladders.

3) Building Department

- a. Ensure that the site plan designer assesses surrounding lands to confirm that the proposed development does not adversely impact surface drainage or stormwater management on neighbouring properties.
- b. Ensure that all Ontario Building Code (OBC) requirements are met at the time of building permit application.
- c. Ensure that all required documentation, including a complete application and permit drawings, is submitted for further review. Future comments may be provided upon receipt of these documents.

PREPARED BY:

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