



RURAL MUNICIPALITY OF KINKORA

Established 1835, Incorporated 1956

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The Island Regulatory
and Appeals Commission

The Island Regulatory and Appeals Commission
Attn.: Philip Rafuse, Appeals Administrator
National Bank Tower
Suite 501
134 Kent Street
PO Box 577
Charlottetown PE C1A 7L1

July 16, 2018

Re: Appeal Filed By: Marlene E. Waddell and Ronald E. Thomson, for PID#s 1080811, 1080829 and 1080837, McGuigan Lane, Somerset Estate Subdivision in the Community of Kinkora for a proposed change in the Zoning By-law from R3 to R4.

Dear Mr. Rafuse:

The applicant Town n Country Holdings Inc. / David MacLeod on April 4, 2018 applied to change PID#s 1080811, 1080829 and 1080837, McGuigan Lane, Somerset Estate Subdivision in Kinkora from (R3) Multiple Family Residential Zone to (R4) Multiple Family Residential Zone to allow for two tri-plex buildings.

Marlene M. Waddell and Ronald E. Thomson on June 11, 2018 submitted a Notice of Appeal to IRAC with respect to the above proposed zoning by-law amendment.

The proposal is to amend the zoning bylaw to change the zoning from (R3) Multiple Family Residential Zone to (R4) Multiple Family Residential Zone to allow for two tri-plex buildings. The land was originally zoned R1 Single Family Residential Restricted Zone but was amended by Bylaw 2015-2 to change the zoning to R3 – Multiple Residential Zone. The bylaw was given third reading and adopted on November 19, 2015. The Hon. Robert Mitchell, Minister of Communities, Land and Environment approved Bylaw 2015-2 on January 26th, 2016. The R3 zone permits on each of the three lots; one a single detached dwelling or a semi-detached dwelling. In total the three lots if developed as semi-detached dwellings would permit a maximum of six dwelling units. The proposal is to merge the three lots and then divide the total parcel into two lots. The amendment to the zoning bylaw is to change the zoning from (R3) Multiple Family Residential Zone to (R4) Multiple Family Residential Zone to allow for two tri-plex buildings. The total number of dwellings will remain at six units.

The land is designated on the Official Plan General Land Use Plan as Residential. This designation will not change. The Official Plan encourages single family housing and multi-unit housing. In the

Residential Objectives in section 4.3 of the Plan it states:

- “ • To encourage a broad range of residential development opportunities in the Community.
- To maintain an adequate supply of serviced residential land within the boundaries of the Community.
- To target the specific housing needs of seniors, young families and other housing market segments.
- To offer better protection to established residential areas.
- To impose residential development standards which stress safety, efficiency, aesthetic appeal, land use compatibility and fostering of healthy lifestyle.”

The proposal does not increase the number of units that can go on the total holding. So the impact with respect to the number of units is unchanged. The majority of the housing within Kinkora is single family houses that are primarily owner occupied. There is limited units that provide accommodation for those who choice not to own or are unable to afford home ownership. This includes young families and seniors who wish to downsize and live in rental accommodation. The proposed triplexes offer this type of accommodation which is limited in Kinkora. To provide this type of accommodation is in keeping with the objectives of the official plan.

With respect to land use compatibility, the abutting land to the south is zoned R4 Multiple Family Residential which permits: Semi-Detached Dwellings; Row or Townhouse Dwellings up to five units; and Apartments up to 12 units. To the west is one lot that would serve as access to the lands to the south zoned R4. To the east is a storm water detention pond. To the north the land is zoned R1 Single Family Residential (Restricted) and is currently undeveloped.

The residents who have objected or expressed concerns are located on Shamrock Crescent. Those who reside on the west side of Shamrock Crescent would have their rear lots backing onto the storm water pond that abuts the proposed development or on the land that is already zoned R4. From an aesthetic and land use compatibility perspective the impact of the proposed development should be minimal or non-existent. It is also has a maximum number of dwellings of three units per lot or a total of six units. The lands to the south of the proposed development could have up to 12 units on it in the form of an apartment building. Attached to this submission is a copy of the approved zoning map (February 2016).

In summary, the proposed rezoning would be in compliance with the Official Plan and does provide a form of housing that is very limited in Kinkora and in fact the Official Plan encourages a diversity of housing types to meet specific housing needs of seniors and young families.

Although this matter has been appealed, there are over twenty submissions in support of the rezoning.

When Council reviewed this request for a rezoning they concurred with the request to rezone the property in keeping with the Official Plan.

Although the By-law that pertains to this property makes reference to amending the Official Plan by By-law 2018-4, no change is required to the Official Plan and the Zoning By-law only needs to be amended with respect to By-law 2018-2.

Attached is a listing of the material that is being submitted in conjunction with this letter. If you have any questions or require additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Derek A. French". The signature is written in a cursive style with a large initial 'D'.

Derek A. French
Development Officer
Rural Municipality of Kinkora