



TOWN OF CORNWALL

RESOLUTION

DATE: September 25, 2024
COMMITTEE: Planning Committee
MOTION NUMBER: PL-33-2024
91 Kingston Road - Variance Application

MOTION CARRIED 16-0

MOTION LOST _____

MOTION WITHDRAWN _____

Moved by Councillor  **Corey Frizzell**

Seconded by Councillor  **Steven Campbell**

Whereas: Permits #C-143-23 and #C-158-23 were issued on September 14, 2023, for two (2) Accessory Buildings, both permits were subsequently revoked by the Town’s Development Officer for non-compliance. Written Notice of revocation and an order to demolish or remove the structure, dated April 3, 2024 was provided (via email and registered mail) to the Applicant;

And Whereas: The Applicant submitted revised plans for a portion of the Accessory Building to remain and a Variance Application requesting an 8% rear lot line setback variance, in an attempt to bring the development into compliance;

And Whereas: In consideration of the 8% Variance Application and revised plans, the Accessory Building remains non-compliant pursuant to Accessory Buildings & Structures requirements under Section 4.1 of the *Zoning & Subdivision Control (Development) Bylaw #422* (the “Bylaw”);

And Whereas: Council has considered the tests for justifying variance approval under Section 21.1.4 of the Bylaw;

And Whereas: Council has considered the criteria for granting variances where the matter is the result of intentional or negligent conduct, or where the difficulty can be remedied in some other reasonable manner under Section 21.1.6 of the Bylaw;

Therefore, be it Resolved: That the Variance Application is denied and that the Accessory Building shall be demolished or removed from the property pursuant to the Notice of Revocation and order to demolish or remove dated April 3, 2024;



And, be it Further Resolved: That should the Accessory Building not be removed from the property by October 31, 2024, the Town of Cornwall Council, among any other actions available to the Town at law, authorizes Town of Cornwall Administration to issue a *Notice* pursuant to Part VII of the *Property Maintenance Bylaw #221*, containing all necessary particulars pursuant to s.21 of the *Property Maintenance Bylaw #221*, to the Owner requiring the Building to be demolished or removed.