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Date: August 1, 2018

To: Mayor and Council

Author: Kristina Brcic, Town Planner

RE: Zoning By-Law Amendment 'H' Removal ZBA/13/18
Diane Balen, Andrea Shaughnessy, Tom Lawrence & Anthony Burrell
169 Prince Albert Street North
Part of Lots 1 & 2, Concession 1, Western Division

Report No.: PDS 2017-042

AIM

To provide Council with information regarding the request to remove the Holding (h) symbol from a portion of the property from lands known as 169 Prince Albert Street North, Part of Lots 1 & 2, Concession 1, WD, as a condition of consent under file B/08/18.

BACKGROUND

The subject land is a vacant 14,023 sq. m (150,942 sq. ft.) residential parcel with approximately 71.75 sq. m (235.41 ft.) of frontage. At the July 17, 2018 Committee of Adjustment meeting, provisional consent (B/08/18) was given to sever the property (see Appendix B) as follows:

1. Severed Parcel (Part 1 on applicants' sketch): Area – 4697.8 sq. m (50,566.4 sq. ft.); 23.92 m (78.48 ft.);
2. Severed Parcel (Part 2 on applicants' sketch): Area – 4594.8 sq. m (49,458.1 sq. ft.); 23.92 m (78.47 ft.);
3. Retained Parcel (Part 3 on applicants' sketch): Area – 4634.6 sq. m (49,886.3 sq. ft.); 23.92 m (78.47 ft.).

As a condition of the consent, it was required that the applicant file an application for a zoning by-law amendment in order to establish appropriate building envelopes for potential new dwellings and to ensure future protection of the woodlot located at the rear of the property.

DISCUSSION

When considering a request for a Zoning By-law Amendment, it is important to review the request on the basis of the following documents to determine whether the request is appropriate:

1) Provincial Policy Statement, 2014 (PPS)

PPS, Section 2.1.7 states that “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.”

Comment: At the rear of the property is a wooded area which is considered a natural heritage feature. As part of the development of this property the feature must be assessed to determine how best to not negatively impact on the ongoing function of this feature. The property has been reviewed and the Ontario Ministry of Natural Resources and Forestry (MNRF) has outlined conditions to be placed on the lands to address protection of the feature and any possible species at risk.

2) Essex County Official Plan

The County OP is very similar to that of PPS in terms of applicable policies and encouragement of intensification of development within the Settlement Area boundaries. The proposed development would be consistent with the County Official Plan.

3) Town of Kingsville Official Plan

The subject property is designated Residential in the Kingsville Official Plan. The proposed application to rezone the parcel conforms to the Kingsville Official Plan policies and goals.

4) Comprehensive Zoning By-law 1-2014

The subject parcel is currently zoned ‘Residential Zone 1 Urban (R1.1)’ with the eastern portion of the property zoned ‘Residential Zone 1 Urban (holding) (R1.1(h))’ as shown on Appendix C.

The Ministry of Natural Resources and Forestry (MNRF) requires the owners to install snake fencing along the edge of the wooded area for the protection of any potential species at risk.

With the installation of the fencing, the zoning on the property can be amended to move the limit of the R1.1 to match that of the location of the proposed fence. The lands to the east of the new fence will remain ‘Residential Zone 1 Urban (holding) (R1.1(h))’ and continue to prohibit development, thus providing added protection to the lands as per MNRF requirements, as shown on Appendix C.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

The zoning amendment to remove the H-Holding symbol will move the lands one-step closer to development and the issuance of permits for construction will result in increased assessment on the subject lands.

CONSULTATIONS

In accordance to O. Reg 545/06 Subsection 8 of the *Planning Act*, property owners within 120 m of the subject site boundaries received the Notice of Intention to Remove the Holding Zone symbol from a portion of the subject lands by mail. The request for lifting of the Holding symbol is subject to Town review and satisfactory completion of the conditions for removal but is not an appealable application under the *Act*.

RECOMMENDATION

It is recommended that Council approve zoning by-law amendment application ZBA/15/18 for removal of the H-Holding symbol, from a portion of the subject lands, as shown on the amending by-law, as a condition of consent File B/08/18 on lands known as Part of Lots 1 & 2, Concession 1, WD, also known as 169 Prince Albert Street North, Town of Kingsville and adopt the implementing by-law.

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