



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: November 10, 2020

To: Mayor and Council

Author: Kristina Brcic, MSc, BURPI
Town Planner

RE: Zoning By-law Amendment File ZBA/07/17 by
Amy Smith and Wendy MacVicar
158 County Road 34 E
Part Lot 269, Concession TRS
Roll No. 3711 560 000 02900

Report No.: PS 2020-064

AIM

To provide the Mayor and Council with information regarding the requested Zoning By-law Amendment for lands known as, 158 County Road 34 East, in the Town of Kingsville.

BACKGROUND

The subject property is a 0.22 ha (0.54 ac.) lot with two multiple residential dwellings containing a total of 6 dwelling units. Currently, the dwelling at the front contains 4 units while the dwelling at the rear contains 2 units. (See Appendix A) The subject property is designated 'Rural Residential' by the Official Plan and zoned 'Residential Zone 4 Rural/Urban Exception 4 (R4.2-4)' under the Kingsville Comprehensive Zoning By-law.

Prior to 1992 the property contained only a single building. In 1992 the owner moved a second building onto the lot without the approval of, at the time, Gosfield North. The owner was required to make application for a zoning amendment to permit the second building and a total of eight units, later reduced to six. The amendment was denied by Council and subsequently appealed by the owner. The Board however dismissed the appeal and the use on the property has affectively remained a non-conforming use since that time.

The owner is in the process of trying to sell the property however this has proven difficult with the outstanding compliance issue. The owner has requested what actions can be taken to resolve the issue. Since the current zoning permits a total of four units in one building it was suggested that a zoning amendment be submitted to permit a maximum of

four units on the lot, regardless if they are within one or 2 buildings. This would still maintain the intent of Council's decision that was upheld by the Ontario Municipal Board, to not more than four units, thus bringing the property into compliance.

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

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS): "The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment."

Section 1.1.3.2 states that "Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment".

Section 1.4.3 states that "Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;"

Comment: The proposed zoning by-law is consistent with Provincial Policy Statement as it provides opportunity to expand the type and variety of housing in the subject area.

2) County of Essex Official Plan

The County Official Plan includes the subject property within a Settlement Area. 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.

Comment: The application conforms to the County of Essex Official Plan since the property is identified within the Settlement Area Boundary.

3) Town of Kingsville Official Plan

The subject land is designated 'Rural Residential' within the Official Plan for the Town of Kingsville. Section 3.6.5 include goals for areas designated 'Rural Residential' such that

the Town, “recognize pockets of existing residential development along both sides of County Road 34 between the Town of Essex and Cottam”. The structures and their use of the subject property were existing at the time of the adoption of this Official Plan.

Comment: The requested Zoning By-law Amendment conforms to the relevant policies of the Official Plan for the Town of Kingsville.

4) Comprehensive Zoning By-law

The subject property is currently zoned ‘Residential Zone 4 Rural/Urban Exception 4 (R4.2-4)’. An amendment to the current zone ‘Residential Zone 4 Rural/Urban Exception 4 (R4.2-4)’ would permit those uses in the current zoning while making changes to the permitted buildings and structures by permitting four units total on the property within the two existing buildings.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There are no financial impacts as a result of a zoning amendment.

CONSULTATIONS

In accordance to O. Reg 545/06 of the Planning Act, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail. At the time of writing no comments had been received from members of the public.

Agency & Administrative Consultation

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email.

When the application was originally to be presented in 2017 the Town did receive comment from the neighbour at 160 County Rd 34 E. (Appendix B) While the letter does raise valid issue the purpose of the zoning amendment is bring the property in to compliance with all code requirements and limit the use to that which was originally approved.

Essex Region Conservation Authority (ERCA)

- ERCA has no objection to the Application for a Zoning By-Law Amendment.
- See full comment in Appendix C.

Town of Kingsville Management Staff

- Building Department comment was related to compliance of the buildings and use with applicable code and any necessary change of use. A septic system review

was also requested. This resulted in the installation of a new septic system to address the needs of the two buildings.

- A final inspection will also need to be conducted to ensure compliance with the 4-unit limitation on the subject property.

RECOMMENDATION

That Council:

Approve Zoning By-law Amendment ZBA/07/17 to amend the current 'Residential Zone 4 Rural/Urban Exception 4 (R4.2-4)' zone on lands known as 158 County Road 34 East, to permit four residential units total on the subject lands within the two existing buildings, and adopt the implementing by-law.

Prepared by:

Kristina Brcic

Kristina Brcic, MSc, BURPI
Town Planner

Reviewed By:

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services