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**Date:** December 15, 2020

**To:** Mayor and Council

**Author:** Robert Brown, H. Ba, MCIP, RPP  
Manager, Planning Services

**RE:** Application for Zoning By-law Amendment by  
Margaretha Ketler  
255 County Road 14 E,  
Part of Lot 19, Concession 9

**Report No.:** PS 2021-001

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## **AIM**

To provide the Mayor and Council with information regarding a request to permit a secondary dwelling unit on lands known as 255 County Road 14 E.

## **BACKGROUND**

The subject parcel is 39.6 ha (97.8 ac.) farm parcel with an existing dwelling and outbuildings. The owner is proposing to redevelop the site over several years. The existing dwelling will remain on the site. The long-term plan on the property is to construct a new main dwelling and remove the existing home. In the short-term the applicant would like to develop a new multi-use building that would contain storage, recreation space and a dwelling unit. Secondary dwelling units are permitted in the Town however on properties without full servicing a site-specific zoning by-law amendment is required to add a secondary dwelling as a permitted use. The secondary dwelling unit is for the use of the applicant and their family and not worker housing. The applicant is also seeking some expansion to the secondary dwelling unit limitation on bedroom numbers and overall size.

## **DISCUSSION**

### **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 policy direction for

appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.”

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: There are two principle reasons for the limitation of secondary dwelling units to urban areas. First is the availability of full municipal services, sanitary, water and storm drainage. Second, and more specific to agricultural areas, is taking a guarded approach to adding residential uses. However, with both of these in mind there is also a need in agricultural areas to provide additional housing. With a balanced approach in mind the requested zoning by-law amendment is consistent with Provincial Policy.

## **2) Essex County Official Plan**

The Official Plan for Essex County Section 3.2.8 Affordable Housing f) indicates that “The County generally permits *second dwelling units* [within]... an accessory structure...” Further, it is indicated that local municipal Official Plans and implementing Zoning By-law will further detail policies and provisions of second dwelling units.

Comment: There are no issues raised as a result of the proposed zoning by-law amendment.

## **3) Town of Kingsville Official Plan**

The Official Plan for the Town of Kingsville designates the subject properties as ‘Agriculture’. The Policies of Section 2.10 Secondary Dwelling Units, provides a definition for the use and further outlines the requirement for a zoning by-law amendment since the subject property is not on full servicing, as outlined in subsection f). The applicant will need to demonstrate the ability to adequately service the secondary dwelling unit to the satisfaction of the Town.

Comment: The applicant has applied for the Zoning By-law Amendment as a result of the requirement outlined in the Official Plan. The subject property is 39.6 ha (97.8 ac.), long-term provision of sanitary service via private septic does not present an issue. The owner has ample space to provide for septic installation to accommodate the additional living quarters of the proposed secondary dwelling unit. This application meets the Goals and Policies of the Official Plan.

#### **4) Town of Kingsville Comprehensive Zoning By-law**

The subject parcel is currently zoned 'Agriculture (A1)'. The Comprehensive Zoning By-law Section 4.35.1 provides that secondary dwelling units are permitted in residential zones on full municipal servicing.

The owner is proposing to build a large accessory structure, which will contain a large storage area at the rear and two storey secondary dwelling unit at the front. (See Appendix A)

Comment: The proposed zoning by-law amendment in relation to the secondary dwelling unit is a requirement of the Official Plan policies due to the lack of municipal sanitary servicing on the property. Secondary dwelling units are also limited to 40% of the total building area on the lot and one bedroom. The applicant is proposing a three-bedroom unit, which would be approximately 43% of the total building area on the lot. The amending by-law would include the following provisions:

- i) Permit a secondary dwelling unit in an accessory building on a farm parcel not serviced with full municipal services;
- ii) Increase the permitted number of bedrooms from one to three;
- iii) Increase the permitted maximum of the total building area from 40% to 43%, and
- iv) Require that the property be serviced with municipal water.

#### **LINK TO STRATEGIC PLAN**

Manage growth through sustainable planning.

#### **FINANCIAL CONSIDERATIONS**

There will be an increase in assessment as a result of the new development on the property once completed.

#### **CONSULTATIONS**

##### **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. At the time of writing, the following comments have been received.

##### **1) Essex Region Conservation Authority (ERCA)**

- The property is impacted by ERCA regulated area on three sides. The Lovelace Drain, Graham Side Road Drain and the Ruscom River. Setback will be required from these drains along with a permit from ERCA.
- ERCA has no objection to the application for a zoning by-law amendment.
- See full comment in Appendix B.

## **2) Town of Kingsville Technical Advisory Committee**

- Building Dept. indicated no objection to the proposal
- All Ontario Building Code requirements will be reviewed at the time of permit submission
- If a septic system design exceeds 10,000L per day it will require MECP approval
- The property has access to municipal water but is not connected, it is recommended that the property install a new water service, at the owner's expense, at the time of development because of the addition of a secondary dwelling unit

## **3) County of Essex**

- Any change to existing access points will require permit from the County
- New construction on the property will also require a County permit

## **RECOMMENDATION**

That Council:

Approve Zoning By-law Amendment application ZBA/14/2020 to rezone the subject lands at 255 County Road 14 E, Part of Lot 19, Concession 9, in the Town of Kingsville from 'Agriculture (A1)' to a site-specific 'Agriculture Exception 82 (A1-82)' and adopt the implementing by-law.

*Robert Brown*

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