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Date: May 31, 2021

To: Mayor and Council

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Town Planner

RE: Application for Zoning By-law Amendment ZBA/06/21 by
Leonard Fitch
VL County Rd 8 & 403 County Rd 27PT Lot 11 & 12, Con 11
Roll # 3711 670 000 03210 & 3711 670 000 02900

Report No.: PS 2021-031

RECOMMENDED ACTION

That Council approve Zoning By-law Amendment application ZBA/06/21 to rezone the subject lands at 403 County Rd 27 and VL County Rd 8, PT Lot 11 & 12, Concession 11, in the Town of Kingsville from 'Agriculture (A1)' to 'Agriculture - Exception 83 (A1-83)' to permit a secondary dwelling unit, and adopt the implementing by-law.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the west side of County Rd 27, and south County Rd 8, shown on the Location Map in Appendix A. The subject property is designated 'Agriculture' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The property consists of 403 County Rd 27 and vacant land fronting on County Rd 8 with a total area of approximately 46.5 ha (115 ac.). The property contains several outbuildings, one of which contains a dwelling unit on the upper level. The dwelling unit was legally built for one of the owner's parents to live in at the time. Later, the main house was severed off of the farm and the current owners moved into this dwelling unit above the barn. For the last 30 years, the owner has been living in this dwelling unit at 403 County Rd 27.

Unbeknownst to the owner, 403 County Rd 27 and the vacant farm parcel fronting on County Rd 8 merged on title. The owner originally hoped to re-establish the lots and continue to live at 403 County Rd 20 and sell the vacant farm property however, neither parcel is large enough based on the minimum lot area requirements outlined in the

Official Plan and Comprehensive Zoning By-law. As a result, the owner found a purchaser willing to allow Mr. Fitch to continue to live in the dwelling unit over the barn. The purchaser would like to build a new house on the vacant farm land. As such, Mr. Fitch is applying for a Zoning By-law amendment to deem the existing dwelling unit as a secondary dwelling unit. This would then allow for the construction of a single detached dwelling on the subject lands.

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 for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built 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: The Planning Act requires that secondary dwelling unit policies to be implemented across all municipalities as a way to support affordable and attainable housing and increasing housing choice. As a result, the Provincial Policy Statement supports second units in all areas. Therefore, the application is consistent with the Provincial Policy Statement.

2) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject property 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).

Comment: The existing dwelling unit is serviced by an approved private septic system. The applicant has applied for the Zoning By-law Amendment as a result of the requirement outlined in the Official Plan. Due to the large size of the property the owners have ample space to provide for septic improvements if needed for future

development. The application conforms to the goals and policies outlined in the Town's Official Plan.

3) Town of Kingsville Comprehensive Zoning By-law

The subject parcel is currently zoned 'Agriculture (A1)' where residential uses are permitted. Secondary dwelling units are permitted to be located on lots zoned to permit a residential use, that are fully serviced.

The owner is requesting that the existing dwelling unit be classified as a secondary dwelling unit. Then a single detached dwelling can be constructed on the property.

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. The proposed zoning by-law amendment will not alter the character of the property as the secondary dwelling unit has been in existence for over 30 years. The existing dwelling unit complies with the Secondary Dwelling Unit policies. Therefore, the proposed amendment has been determined to be good planning.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

Link to Council 2021-2022 Priorities

- ☐ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☒ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw
- ☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance

- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☐ No direct link to Council priorities

FINANCIAL CONSIDERATIONS

There are no direct financial impacts as a result of the zoning by-law 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 the report, there have been no comments received.

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)

- ERCA has no objection to the Application for a Zoning By-Law Amendment.
- the applicant must obtain a Section 28 Permit and/or Clearance
- See full comment in Appendix B.

2) Town of Kingsville Management Staff

- For a new house to be built along County Rd 8, water service will be obtained through the Town of Lakeshore

3) Essex County

- No comments received

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