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**Date:** July 13, 2021

**To:** Mayor and Council

**Author:** Kristina Brcic, MSc, BURPI  
Town Planner

**RE:** Application for Consent B/11/21 by  
Willy & Donna Jean Krahn – Owners  
Brotto Investments Inc. – Authorized Agent  
183 Main St. E.  
Part of Lot 2, Concession 1 ED  
Roll No. 3711 210 000 00700

**Report No.:** PS 2021-052

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## RECOMMENDED ACTION

That Council:

Approve Consent Application B/07/21 to:

Create one lot, shown as Lot 1 on the applicants' sketch, having 26.3 m (86 ft.) of frontage on Main St E, and lot area of 1,155 sq. m (12,431 sq. ft.), from Part of Lot 2, Concession 1 ED, known as 183 Main St E, in the Town of Kingsville, subject to the following conditions:

That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town;

That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes;

That as a result of the severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date of certification of the deed;

That the necessary deed(s), transfer or changes be submitted in triplicate, signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification;

That the applicant provide confirmation of service connection locations and install new sanitary sewer, water and storm sewer connections to the applicable parcel to the satisfaction of the Town;

That all buildings and structures located on the retained lands (Lot 2) be removed;

That cash-in-lieu of parkland (\$1,500), be paid to the Town;

The conditions imposed above shall be fulfilled by July 26, 2022 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

Establish a permanent right-of-way over the retained lands in favour of the severed lands for the purpose of shared access, subject to the following conditions:

That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town;

That the necessary deed(s), transfer or changes be submitted in triplicate, signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification;

The conditions imposed above shall be fulfilled by July 26, 2022 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

## **BACKGROUND**

The Town of Kingsville has received the above-noted application for lands located on the south side of Main St. E, east of Santos Drive, as shown in Appendix A. The subject parcel is designated 'Residential' by the Official Plan and is zoned 'Residential Zone 1 Urban (R1.1)' under the Kingsville Comprehensive Zoning By-law.

The parcel is a 0.43 ha (1.05 ac.) residential lot with an existing single detached dwelling and a detached garage. In March of 2021 a development proposal (zoning by-law amendment) was presented to Council that included the severance of the existing dwelling on a separate lot in order to preserve the home. The balance of the property was intended for the development of a three storey, 22-unit apartment. Council denied the zoning amendment and an appeal has been filed with the Ontario Land Tribunal (OLT).

Despite this, the applicant wishes to move forward with a consent application to establish the existing dwelling on a separate lot. The proposed severed lot would have a frontage of 26.3 m (86 ft.) and lot area of 1,155 sq. m (12,431 sq. ft.), as shown in Appendix B. The retained lands on which the development was proposed will have a frontage of 16.2 m (53 ft.) and lot area of 3,050 sq. m (32,830 sq. ft.). The consent would also require the establishment of a right-of-way over the retained parcel for shared access purposes.

## **DISCUSSION**

When considering a severance request, it is necessary to review the application in context of the following documents to determine the appropriateness of the request:

### **1) Provincial Policy Statement**

Provincial Policy is supportive of development within the settlement areas, as specifically stated in Section 1.1.3.

Comment: There are no issues of Provincial significance raised by the requested application for consent as the creation of the lot within an identified settlement area is consistent with the Provincial Policy Statement.

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

The property is designated 'Residential' under the Town's Official Plan.

Comment: Lot creation is permitted under Section 7 and infilling is encouraged under Section 3.1. Therefore, the application conforms to the Goals and Policies outlined in the Official Plan.

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

The property is zoned 'Residential Zone 1 Urban (R1.1)' under the Kingsville Comprehensive Zoning By-law.

Comment: There are no proposed zoning amendments as a result of the proposed lot creation and right-of-way. Both the severed and retained parcels will continue to meet the zoning regulations under the R1.1 zone. The right-of-way is proposed for a shared

access over the retained parcel in favour of the severed parcel. The right-of-way will function as the entrance off of Main St. E. serving both the severed and retained lands.

## **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**

The lands will be require reassessment as a result of the proposed lot creation. This may result in a a marginal change in assessment value.

## **CONSULTATIONS**

In accordance to O. Reg 545/06 of the Planning Act, property owners within 60m of the subject site boundaries received the Notice of Public Meeting by mail. At the time of writing no comments have been 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 Consent.
- See full comment in Appendix C.

### **2) Town of Kingsville Management Staff**

- Confirmation that services do not cross property lines
- A new water, storm and sanitary connection will be required to the applicable lot based on current connection alignment.
- Accessory buildings on the retained parcel will need to be removed.

*Kristina Brcic*

Kristina Brcic, MSc, BURPI  
Town Planner

*Robert Brown*

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