



Date: April 11, 2023

To: Mayor and Council

Author: George Robinson, MCIP, RPP

RE: ZBA-2023-5 Application for Zoning By-law Amendment by
Terry Murdoch
V/L County Road 34 West
3711-600-0000-6600

RECOMMENDED ACTION

1. That the zoning by-law amendment application ZBA/2023/05 to amend the zoning for the subject parcel on County Road 34 West (roll number 3711-600-0000-6600) in the Town of Kingsville, from Agriculture (A1) to Agriculture Exemption 81 (A1-81) to permit a Contractor's Yard and Shop on an undersized parcel **BE APPROVED** with the following:
 - i. Reduction of the required lot area minimum from 16 ha (39.5 ac.) to 0.77 ha (1.9 ac.);
 - ii. Permit a Contractor's yard, office and shop as a Main Use; and
2. **By-law 26-2023** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the North side of County Road 34 W (see location map attached as Appendix A). The front portion of the subject parcel is designated 'Rural Residential', and the remainder is designated 'Agricultural' by the Official Plan. The subject site is zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 8.14 ha (20.1 ac.) in size and contains two former chicken barns and two grain bins. It is proposed that existing structures are deemed surplus to the owner and be severed on a new lot. The proposed severed parcel is shown as Part 2 on the applicant's sketch (attached as Appendix B), Part 2 has an area of 0.77 ha (1.9 ac.) and frontage of 42.46 m (139.3 ft.). Part 1 is the retained farm parcel and has an area of 7.36 ha (18.19 ac.), which is to be added to the abutting 4.1 ha (10.1 ac.) of farmland (shown as Part 2 Plan 12R-14357 in Appendix B) creating an

approximate 11.4 ha (28.29 ac.) parcel of farmland, with a frontage on County Rd. 34 W of 7.62 m (25 ft.).

If this Zoning By-law Amendment is approved by Council, a future application for consent for a lot addition will be made to the Committee of Adjustment.

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

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).

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Comment: The application is consistent with the PPS.

2) Town of Kingsville Official Plan

The Official Plan designates front portion of the site as Rural Residential, and the rear portion as Agricultural. The receiving lands for the lot addition share the same designations.

Subsection (h) of Agricultural section of the Official Plan permits ‘dry industrial uses’ in the Agricultural designation located along County Roads, subject to an amendment to the Zoning By-law.

The application can be deemed to comply with Section 7.3.1 of the Official Plan subject to first completing a zoning by-law amendment. The zoning amendment needs to contain the use, and add a site specific provision to reduce the required lot size to 0.77 Ha (1.9 acres) for the parcel abutting County Rd 34 W.

Comment: The request conforms to the Kingsville Official Plan.

3) Comprehensive Zoning By-law

The severed parcel, shown as Part 2 on the applicant’s sketch, has an area of 0.77 ha (1.9 ac.) and frontage of 42.46 m (139.3 ft.). Access to the severed parcel will be off of the existing entrance on County Rd. 34 W.

The vacant retained parcel will have an area of approximately 7.36 ha (18.19 ac.), post severance the retained lot will be added to the adjacent lot to the East and have access off of County Rd. 34 W.

The site specific exemption for lot size and allowing a Contractor's Yard and Shop will resolve the zoning compliance issues required to proceed with a future consent.

Comment: The existing frontage for the agricultural parcel that will be the receiving lands of the lot addition is a legal non-conforming condition. If the zoning by-law amendment is approved, there are no other zoning compliance issues created as a result of the lot addition.

FINANCIAL CONSIDERATIONS

The impact to assessment resulting from the severance of the barns from the farm parcel is anticipated to be minimal.

ENVIRONMENTAL CONSIDERATIONS

Environmental impact from the severance of the barns from the farm parcel is anticipated to be minimal. The Contractor's Yard and Shop is already located in the existing former chicken barns, no new construction or development is anticipated, but any expansion or new construction will likely be subject to Site Plan Control.

CONSULTATIONS

Public 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 this report no comments from the public 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 from circulated agencies.

1) Town of Kingsville Technical Advisory Committee

- Septic review is required to determine if there is an existing septic system on the property and confirm that it meets Ontario Building Code requirements and setbacks. It is recommended that the owner obtains a qualified septic contractor to expose the top of the septic tank and four corners of the weeping bed for a building department inspection. Call the building department minimum 2 business days in advance to schedule the inspection.

- Ensure retained parcel and newly created parcel maintains and manages their own storm water on each lot.
- Ensure all building services are contained within existing property lines and do not cross over into newly established lines.
- New farm access required for new combined agricultural parcel. Encroachment Permit will be required.

PREPARED BY:



George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:



Richard J.H. Wyma, CSLA
Director of Community and Development Services