



Date: December 11, 2023

To: Mayor and Council

Author: Vitra Chodha
Planner

RE: Application for Zoning By-law Amendment (ZBA-2023-18)
by Margaret Newport
165 County Rd 34 W
CON STR PT LOT 270 RP

ARN: 371157000007250

RECOMMENDED ACTION

1. That Zoning By-law amendment application ZBA-2023-18 to amend the zoning on the subject parcels from Residential Zone 2 Rural/Urban- holding, "R2.2(h)" to Residential Zone 2 Rural/Urban, "R2.2" **BE APPROVED**; and,
2. That **By-law 88-2023** 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 the same.

BACKGROUND

The Town of Kingsville has received the above-noted application for the land located on the east side of King Avenue, south of County Road 34 W (see location map attached as Appendix A). The subject parcel is designated 'Residential' by the Official Plan and is zoned 'Residential Zone 2 Rural/Urban - holding (R2.2 (h))' under the Kingsville Comprehensive Zoning By-law.

The subject land contains a shed and a dwelling that is proposed to be demolished and replaced by a new single detached dwelling. The applicant is proposing a zoning by-law amendment to remove the holding symbol on the subject lands to allow for the reconstruction of a single detached dwelling. The holding symbol was placed on the subject site as the site was once part of the larger farm parcel situated right behind the property and was subsequently severed prior to the 2014 consolidation. Additionally, the property owners note that the holding symbol was also in place prior to completion of sanitary sewers along County Road 34 W.

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

There are no issues of Provincial significance raised by the requested removal of the (h) Holding symbol.

2) County of Essex Official Plan

There are no issues of County significance raised by the application as the lands are within the settlement area of Cottam.

3) Town of Kingsville Official Plan

The subject property is designated 'Residential' and complies with the policies outlined under Section 3.6 Residential. The proposed development is to tear down and re-establish a single detached dwelling. The proposed rezoning meets the requirements of the Official Plan.

4) Comprehensive Zoning By-law

The subject property is zoned 'Residential Zone 2 Rural/Urban - holding, '(R2.2(h))'. The H-Holding provision is typically in place on lands that require one or more approvals or requirements to be completed prior to moving forward with development. In this case the hold has been on the site prior to the 2014 consolidation as the subject site was part of the bigger farm parcel situated behind and the holding provision was not lifted when the lot was created, and was put in place prior to sanitary sewer expansion in Cottam. The new house will be required to connect to sanitary sewers. The removal of the holding symbol is in compliance with the Zoning By-law.

FINANCIAL CONSIDERATIONS

There are no financial concerns with the proposed zoning by-law amendment.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental concerns with the proposed zoning by-law amendment.

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.

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.

The Town's Technical Advisory Committee identified the need to confirm that the 'front' and 'rear' properties are separately connected to services and that no services cross lot lines.

PREPARED BY:

Vitra Chodha

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REVIEWED BY:



Richard J.H. Wyma, CSLA
Director of Planning and Development