



**Date:** February 5, 2024

**To:** Mayor and Council

**Author:** Vitra Chodha, Planner

**RE:** Application for Consent B-2024-1, Official Plan Amendment  
OPA-2024-1 & Zoning By-law Amendment Application ZBA-2024-1  
by Kevin Kimball and L Kimball Lumber & Building  
308 & 314 Ro

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## RECOMMENDED ACTION

That Council:

1. **APPROVE** consent application B-2024-1 for the purpose of a lot-line adjustment, shown on the Applicants' Sketch, for the lands known as 308 and 314 Road 8 W, in the Town of Kingsville, subject to the following conditions:
  - a) That a plan of survey be prepared, or a reference plan deposited in the registry office, **both an electronic and paper** copy be provided to the Town for the files of the Secretary-Treasurer.
  - b) That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality including satisfactory proof as to compliance of the location of all buildings on the subject lands, either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favorable minor variances shall have been processed for any non-compliances.
  - c) That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage be established pursuant to the provisions of the *Local Improvement Act* and/or the *Municipal Act*.
  - d) That as a result of 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 the consent is being endorsed on the deeds.

- e) The conditions imposed above shall be fulfilled by **February 5<sup>th</sup>, 2026**, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.
2. Adopt Official Plan Amendment No. 17 (OPA 17) to re-designate parts of lands located at 308 road 8 W being added to 314 Road 8 W., from 'Agricultural' to 'Industrial' in the Town of Kingsville and direct administration to forward the amendment to the County of Essex for final approval.
3. Approve Zoning By-law amendment application ZBA-2024-1, to implement OPA 17, parts of lands located at 308 road 8 W being added to 314 Road 8 W., from 'General Agricultural (A1)' to 'General Light Industrial (M1)' and adopt the implementing by-law subject to final approval of OPA 17 by the County of Essex.

## **BACKGROUND**

The Town of Kingsville has received the above-noted applications for lands located on the east side of County Rd 23, south of Road 8 W as seen on Appendix A – Location Map. The subject properties are designated 'Agricultural' by the Official Plan and zoned 'General Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The Town of Kingsville has received the above-noted applications for consent (severance for lot addition), Official Plan and Zoning By-Law Amendment for lands located on the east side of County Rd 23, south of Road 8 W.

The subject property, located at 308 Road 8, is designated 'Agricultural' in the Official Plan and zoned 'General Agricultural (A1)' in the Kingsville Comprehensive Zoning By-law. It has a total area of 20.60 ac (83,365.4 sq. m), a frontage of 187.71 ft (57.21 m) and contains a barn.

The receiving property (Kimball Lumber), located at 314 Road 8 W, contains multiple buildings and has a total area of 4.9 ac (19,829.6 sq.m) with a frontage of 302.09 ft (92.08 m).

The applicant is proposing to sever a lot with an area of 0.26 ac (1068.3 sq.m) and a frontage of 50 ft (15.24 m) from the subject property (308 Road 8 W) to be conveyed as lot addition to the receiving property (314 Road 8 W as seen as Part 1 on the survey in Appendix B.). The lot addition is required as Kimball Lumber is proposing the construction of a new warehouse building with office spaces. Based on the location of the new building, the expansion requires upgrade to the existing septic system. The proposed lot addition will permit them to expand their septic system.

As a result of the proposed severance for lot addition, the parcel of land being added to 314 Road 8 W will have to be re-designated and rezoned to allow Kimball Lumber to expand their Light Industrial use on the severed parcel. The severed land will need to be re-designated from 'Agricultural' to 'Industrial' in the Town of Kingsville Official Plan

and re-zoned from 'General Agricultural (A1)' to 'General Light Industrial (M1)' in the Town of Kingsville Comprehensive Zoning By-law.

## **DISCUSSION**

### **1) Provincial Policy Statement (PPS), 2020:**

The proposed development is consistent with Section 1.0 of PPS Building Strong Healthy Communities, as it represents an intensification of development. The proposed expansion will support additional employment and a greater mix of land uses. The expansion of the Light Industrial zone and Industrial designation does not negatively affect the existing land uses around the property. As per Section 1.1.1, the proposed development promotes efficient land use patterns by expanding a previously established small-scale manufacturing operation (1.1.1.a and 1.1.1.d). The proposed business expansion aligns with Sections 1.1.4.2 & 1.1.4.3, as it promotes growth and development in a rural area while keeping up with the area's characteristics and ensuring the scale of the development is sustainable to the rural lands.

Section 2.3.1 of the PPS states that prime agricultural lands shall be protected for long-term agricultural use. The proposed consent for lot addition is located in an area that is considered prime agricultural lands. The land at 308 Road 8 W is not currently being used for farming, and instead, it contains a barn and equipment storage. Therefore, the proposal will not take away any land that is currently being farmed. In addition, the expansion of Kimball Lumber will not negatively impact the surrounding agricultural operations since the small-scale manufacturing will be contained on the existing site, and the expanded area will only be used to host a septic system. The application for consent is not resulting in the creation of any new lots and can be considered a minor boundary adjustment in alignment with Section 2.3.4.1.d of the PPS.

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

The development proposal aligns with the objectives mentioned in Section 3.2.2.f of the County OP, which aims to encourage job creation within each municipality by attracting and retaining industries and businesses where County residents reside. The expansion of the current small-scale manufacturing business will contribute to job creation within the county. The business is currently located within a Secondary Settlement area. According to policies 3.2.5.f of the County OP, it is encouraged to follow cost-effective development patterns in this area. Additionally, Section 1.5.l of the County OP encourages the creation of job opportunities in an environmentally sustainable and cost-effective manner. Expanding the existing industrial use can be considered as a cost-effective development pattern.

The County official plan permits minor boundary adjustment within lands designated "Agricultural." the proposed consent for lot addition can be considered minor. Therefore, no concerns about the County Official Plan are raised for the proposed consent. The County is supportive of the proposed OPA.

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

The subject parcel is designated 'Agricultural,' and the receiving parcel (Kimball Lumber) is designated 'Industrial.' In addition to the OPA amendment, the land subject to lot addition requires a zoning by-law amendment to rezone the portion of land to 'Light Industrial (M1)' to permit the expansion of Kimball Lumber.

Section 2.1.1 of the Town's Official Plan recommends accommodating future job creation and employment opportunities in an environmentally sustainable and cost-effective manner; the proposed development aligns with this section.

Section 8.11.1 notes the requirements to amend the Official Plan and Zoning by-law requirements. The proposed development complies with the requirements set out in Section 8.11.1.

The proposed lot addition will be added to 814 Road 8 W, which is a corner lot with frontage on Road 8 W, and County Rd 23 is situated westerly of the site. The proposed warehouse addition is not anticipated to substantially increase traffic on Road 8 W and County Rd 23.

The property has its own well for portable water and an onsite septic system for sanitation. The business is proposed to expand, and the septic system needs to be expanded accordingly. The proposed consent for lot line adjustment is required to accommodate the expansion of the septic system. The new lands that are being added to 314 Road and re-designated to 'Industrial' will be utilized for an improved septic system.

The proposed use will not have a negative impact on the adjoining land uses as the expansion of warehouse and office space will be contained within the site already designated as 'Industrial' at 314 Road 8 W. The lot addition and re-designation is intended to expand the septic system only to support the industrial development within its current property boundaries. This OPA & ZBA amendment is not expected to result in any environmental or physical hazards. The land being severed for lot line adjustment is not located within an area regulated by the Essex Region Conservation Authority.

Section 8.11.2 states, "The intent of the Plan shall, in all cases, be considered flexible, and no strict interpretation of any figure or policy statement is intended. Appropriate variations may be made to these and to the other statements herein where, in the opinion of Council, they are deemed to be necessary for the desirable development of the planning area, provided that the general intent of the Plan is maintained. Amendments to the Plan are not required in order to make minor adjustments to the land use boundaries provided the intent of the Plan is preserved and the land use does not exceed the boundaries of the established settlement area."

The proposed amendment represents a need for additional space to expand an existing, established small-scale manufacturing operation in its existing location. This is

not the introduction of a new, untested use with no history of interaction. The official plan permits minor boundary adjustment within lands designated “Agricultural” and the proposed consent for lot addition can be considered minor. Therefore, no concerns about Kingsville’s Official Plan are raised for the proposed consent.

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

The subject lands are zoned ‘General Agricultural (A1)’ and the receiving lands are zoned ‘Light Industrial (M1)’. The lot addition will result in a split zone with lands that are incompatible for the proposed expansion of Kimball Lumber. The application for Zoning By-law amendment would rezone the parcel that is being added to 314 Road 8 W (Kimball Lumber) to ‘Light Industrial (M1)’. This would allow the existing business to expand and accommodate the upgraded septic-system. All other zoning requirements are met on the receiving and retained parcels. Therefore, no further concerns are identified with the proposed consent for lot addition and Official Plan & Zoning By-law amendment.

The proposed Consent, Official Plan, and Zoning By-law amendment can be considered good planning. If the requested zoning and official plan amendment are approved the applicant will also be required to complete the Site Plan Approval process consistent with the plans included for review with this report. The subject lands will also have to demonstrate that the septic system, to be accommodated on the receiving lands, will not impact any existing septic system required to support the subject lands.

#### **FINANCIAL CONSIDERATIONS**

The proposed development will result in an increase in assessment. The applications support the growth of an existing business. This will continue to maintain existing employment opportunity and potentially lead to additional employment in the future.

#### **ENVIRONMENTAL CONSIDERATIONS**

No environmental concerns

#### **CONSULTATIONS**

##### Public Consultations

In accordance to O. Reg 545/06 of the Planning Act, property owners within a minimum of 120m of the subject site boundaries received the Notice of Public Meeting by mail. The Notice was also posted to the Town’s website on the same date. Comments submitted after the writing of the report will be forwarded to Council as they were received.

## Agency & Administrative Consultations

Outside agencies are circulated at the time the application is submitted. Comments received are included below. In accordance with O. Reg 545/06 of the Planning Act, Agencies also received the Notice of Public Meeting by email.

### **1) Technical Advisory Committee**

- Drainage apportionment required and setback from Municipal drain to be reviewed along with working corridor for municipal drain.
- Septic review is required to determine if there is an existing septic system at 308 Road 8 W. The septic systems at both subject and receiving lands will be required to meet all Ontario Building Code requirements and setbacks.
- 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 property lines.

#### **PREPARED BY:**

*Vitra Chodha*

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Vitra Chodha  
Planner

#### **REVIEWED BY:**



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Richard Wyma, CSLA  
Director of Planning and Development