



Date: September 9, 2024

To: Mayor and Council

Author: Vitra Chodha, Town Planner

RE: Consent (B-2024-18) and Zoning By-law Amendment for 719 Seacliff Drive (ZBA-2024-9)

RECOMMENDED ACTION

1. That Consent application B-2024-18, to create a lot that has an area of 1,954.63 m² (21,039.46 ft²) and a frontage of 22.88 m (74.80 ft) on Seacliff Drive (County Road 20) shown as Part 3 on the draft survey (Attached as Appendix B) and an easement for storm sewer shown as Part 2 on the Plan of Survey, on lands municipally known as 719 Seacliff Drive, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:
 - a. That a reference plan (R-Plan) be prepared and deposited in the registry office; and that a copy of the R-Plan be provided to the Town;
 - b. That a permit be obtained from the County of Essex for a new driveway on the retained parcel and that copy of the permit provided to the Town;
 - c. That the retained and severed properties meet all Ontario Building Code requirements for septic systems; or that the applicant install septic systems on both lots as required subject to Ontario Building Code requirements and setbacks
 - d. That the applicant obtain a permit, including lot grading plan, to connect both the severed and retained lots to a municipal storm sewer from the Town of Kingsville.
 - e. That the applicant provide private locates to confirm that no municipal services cross the property lines of the severed and retained lots.
2. That Zoning by-law application ZBA-2024-2 to amend the Comprehensive zoning by-law for the Town of Kingsville on the retained parcel seen as Part 1 on the applicant's survey in Appendix B for the parcel municipally known as 719 Seacliff Road, from "Lakeshore Residential with exception 2 (LR-2)" to "Lakeshore Residential (LR)", **BE APPROVED**.

3. That the corresponding Zoning By-law Amendment (By-law 69-2024) **BE ADOPTED**, during the By-law section of this Council agenda.

BACKGROUND

The Town of Kingsville has received an application for lands located south of Seacliff Drive (County Road 20) and east of 691 Seacliff Drive (County Road 20), as seen on the attached location map in Appendix A. The property at 719 Seacliff Drive is designated as "Lakeshore Residential East" in the Official Plan and zoned as "Lakeshore Residential with exception 2 (LR-2)" under the Kingsville Comprehensive Zoning By-law.

The property located at 719 Seacliff Road (County Road 20) comprises of a house, an accessory structure and a larger barn used for commercial purposes with a total area of 3,909.96 m² (ft²). The applicant to undergo a severance process to create two lots from the subject site. The retained lot (Part 1 on Appendix B) will contain the house and the smaller accessory structure with a frontage of 22.8 m (74.80 ft) and an area of 1,955.33 m² (21,047.00 ft²) and the severed lot (Part 3 on Appendix B) will contain the larger barn structure that is being used for commercial purposes with a frontage of 22.8 m (74.80 ft) and an area of 1,954.63 m² (21,039.46 ft²). A permanent easement is being established between Parts 1 and 2 for storm sewer connections.

The applicant is seeking a zoning by-law amendment to remove the site-specific exception allowing for commercial uses on the retained lot (Part 1 on Appendix B) as the barn containing the commercial uses is being severed off. The retained parcel will be rezoned from "Lakeshore Residential with exception 2 (LR-2)" to "Lakeshore Residential (LR)" and the severed parcel will remain "Lakeshore Residential with exception 2 (LR-2)".

DISCUSSION

1.0 Provincial Policy Statement (May 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). "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment."

The application is consistent with the PPS as the proposed lots are being created within a settlement area designated "Lakeshore Residential East".

2.0 County of Essex Official Plan (2014)

The subject site is located within the settlement area boundary in the County Official Plan. Section 4.6.4 of the County Official Plan delegates the authority for consent applications to the municipality (Town of Kingsville). Sections 3.0 and 4.0 of this report addresses the municipal policies related to this application. The application is consistent with the County of Essex Official Plan.

3.0 Town of Kingsville Official Plan (2023)

The property located at 719 Seacliff Drive is designated as “Lakeshore Residential East” in the Town of Kingsville Official Plan. The proposed lot creation aligns with the Official Plan policies of the Town of Kingsville. The proposed lot creation is within a settlement area and sufficient connection to municipal services except for municipal sanitary sewer can be established to support the two lots. The applicant is required to confirm that a septic system meeting the requirements of the Ontario Building Code on both the proposed severed and retained lots as a condition of this severance.

The site specific “Lakeshore Residential with exception 2 (LR-2) zoning on the severed lot allows for a commercial use to be undertaken on the property.

4.0 Comprehensive Zoning By-law – Town of Kingsville

The subject property at 719 Seacliff Drive is zoned “Lakeshore Residential with exception 2 (LR-2)” within the Town of Kingsville Zoning By-Law. The proposed retained lot has a frontage of 22.88 m (74.80 ft), an area of 1,955.33 m² (21,047.00 ft²), a lot coverage of 12.5 % and will be rezoned from “Lakeshore Residential with exception 2 (LR-2)” to “Lakeshore Residential (LR)”.

The severed lot has a frontage of 22.8 m (74.80 ft), an area of 1,954.63 m² (21,039.46 ft²), a lot coverage of 23.6% and will remain zoned “Lakeshore Residential with exception 2 (LR-2)”.

The proposed severance meets the requirements of the Town of Kingsville Comprehensive Zoning by-law.

FINANCIAL CONSIDERATIONS

The creation of an additional lot can increase property tax review.

ENVIRONMENTAL CONSIDERATIONS

No environmental consideration identified.

CONSULTATIONS

1) Town of Kingsville - Technical Advisory Committee (TAC)

- 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.
- Owner and/or consultant is required to provide verification that all building services are contained within existing property lines
- Stormwater runoff must be retained within each property.
- Existing water service must not cross the severance property line.

PREPARED BY:



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REVIEWED BY:



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