



Date: February 18, 2025

To: Committee of Adjustment and Appeals

Author: Vitra Chodha, Town Planner

RE: Application for Consent (B-2025-1)
1871 Heritage Road (County Road 50)

RECOMMENDED ACTION

That the Committee of Adjustment and Appeals **APPROVE** consent application B-2025-1 for the lands known as 1871 Heritage Road (County Road 50), in the Town of Kingsville, to create two additional residential lots that are each 1,400 square metres (15,070 square feet) in size and establish three permanent service easements as shown on the Applicant's Draft Survey, subject to the following conditions:

1. Prior to consent being endorsed on the deeds, the property owners provide the following to be reviewed to the satisfaction of the Municipality:
 - i. proof of permits from the County of Essex to establish one driveway on each of the severed parcels, with the existing driveway remaining with the retained parcel;
 - ii. a lot grading plan, submitted at least three months prior to stamping deeds, to serve the lands being conveyed, and the lands being retained, with the cost of such drainage being solely at the expense of the Applicant;
 - iii. a completed building permit or demolition permit to confirm that the existing garage on the property has been demolished or converted into a primary residential dwelling;
 - iv. private locates to confirm that there are no existing municipal services that cross the new property lines;
 - v. extension of the sanitary main to the proposed severed and retained lots, including top-end manhole for Municipal maintenance.
2. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.
3. The conditions imposed above shall be fulfilled by **February 18, 2027**, 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 an application for lands located South of Heritage Road (County Road 50) and 1891 Heritage Road (County Road 50), as shown on the attached location map (Appendix A). The subject sites are designated 'Lakeshore Residential West' and zoned "Lakeshore Residential (LR)".

The subject parcel is 14,868.2 square metres (3.67 acres) in size with a frontage 92.8 metres (304.3 feet). The subject parcel contains a garage; the garage will need to be converted to a residential dwelling or demolished as a condition of this Consent. The applicant is proposing the creation of two additional residential lots resulting in the total of three residential lots:

- The first severed lot with the existing accessory structure, identified as Part 1 and Part 3 on the Applicants' Draft Survey (Appendix B) along with the permanent easement identified as Part 2, has an area of 5,171.9 square metres (1.3 acres) and a frontage of 30.9 metres (101.5 feet).
- The second severed lot seen as Part 8 & 10 with a permanent service easement identified as Part 9 as on the Applicant's Draft Survey (Appendix B) has an area of 4,945.3 square metres (1.2 acres) with a frontage of 30.9 metres (101.3 feet).
- The retained lot seen as Part 4 & 7 along with the permanent easement identified as Part 5 & 6 has an area of 4,751.0 square metres (1.2 acres) with a frontage of 30.9 metres (101.5 feet).

DISCUSSION

1. Provincial Policy Statement (PPS), 2024

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. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

The application is consistent with the PPS in that the proposed lot creation land is located within the secondary settlement area for the Town of Kingsville and County of Essex.

2. County of Essex Official Plan, 2024

The subject site is located within the secondary settlement area on the County of Essex Official Plan.

Section 3.2.5 a) of the County Official Plan permits new development provided it is compliant with the intent of the Provincial Policy Statement, County of Essex Official Plan and the Official Plan for the Town of Kingsville. In accordance with Section 3.2.5 g) ii) permits residential intensification in the secondary settlement area provided it is connected to sanitary sewer and municipal water. This property will have access to both municipal sanitary sewer and water through the permanent easements established as part of this Consent application. As such, the proposed consent application complies with the Official Plan.

3. Town of Kingsville Official Plan, 2023

The Official Plan for the Town of Kingsville designates the subject property 'Lakeshore Residential West'.

Section 3.6.4 e) of the Town of Kingsville Official Plan states that all lot creation will have to follow the land division policies set out in Section 7 of the Plan. Section 7.3 of the Official Plan outlines the circumstances under which a consent can be granted, the proposed application meets the intend of Section 7.3. Further requirements on the required lot dimensions will be reviewed through the Town of Kingsville Comprehensive Zoning By-law in Section 4 of this document.

4. Comprehensive Zoning By-law

The Town's Comprehensive Zoning By-law includes a set of guidelines and provisions for lands within the Town that must conform to the Official Plan.

The subject property is zoned 'Lakeshore Residential (LR) in the Comprehensive Zoning By-law. The two severed parcels and the retained parcel meet the zoning requirements of the Lakeshore Residential zones, including lot frontage and lot size requirements. Therefore, this proposed Consent Application is in compliance with the Comprehensive Zoning By-law.

FINANCIAL CONSIDERATIONS

The creation of two (2) new lots will result in additional tax revenue for the Town of Kingsville.

ENVIRONMENTAL CONSIDERATIONS

The environmental impact resulting from the severance of the dwelling from the farm parcel is anticipated to be minimal.

CONSULTATIONS

In accordance with O. Reg 545/06 of the *Planning Act*, property owners within 120 metres 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.

1) Essex Region Conservation Authority (ERCA)

The Essex Region Conservation Authority comments are included in Appendix C

2) County of Essex

The County of Essex Infrastructure comments are included in Appendix D

3) Town of Kingsville Technical Advisory Committee

The comments obtained from the Technical Advisory Committee has been included in the conditions of approval for the Consent application.

PREPARED BY:



Vitra Chodha
Town Planner

REVIEWED BY:



Richard J.H. Wyma
Director of Planning & Development