



Date: April 15, 2025

To: Committee of Adjustment and Appeals

Author: Vitra Chodha, Town Planner

RE: Application for Consent (B-2025-5)
124 Mill Street West

RECOMMENDED ACTION

That the Committee of Adjustment and Appeals **approve** consent application B-2025-5, to create a new lot with an area of 404.7 square metres (4,356.0 square feet) with a frontage of approximately 9.6 metres (31.5 feet) shown as Part 2 on the Applicant's Survey, for the property known as 124 Mill Street West, in the Town of Kingsville, subject to the following conditions:

1. That the following be provided by the applicant to the satisfaction of the Town:
 - a. confirmation that no services cross the proposed lot lines;
 - b. a registered 12-R Plan; and
 - c. a heritage impact memo outlining the impact of development on 101 Mill Street East, a heritage designated property to the south;
2. That the necessary deed(s), transfer, or changes be submitted electronically, signed and fully executed, including a copy of the reference plan (R-Plan), prior to certification; and
3. The conditions imposed above shall be fulfilled by April 15, 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 the above-noted application for lands located on the North of Mill Street West and east of 116 Mill Street West (see location map attached as Appendix A). The subject parcel is designated 'Sub-Zone 2 – Main Street Neighborhoods' by the Official Plan and is zoned 'Main Street Neighbourhood (MS2)' under the Kingsville Comprehensive Zoning By-law.

The applicant has requested consent to create one mixed use lot on lands known as 124 Mill Street West. The subject property is approximately 663.7 square metres

(7,143.8 square feet) with a frontage of approximately 25.0 metres (82.0 feet). The proposed retained lot will have an area of 623.2 square metres (6,708.24 square feet) with a frontage of 15.4 metres (50.5 feet) (as seen on the Applicant's Draft Survey in Appendix B). The severed lot will have an approximate lot area of 404.7 square metres (4,356.0 square feet) with a frontage of approximately 9.6 metres (31.5 feet) (as seen on the Applicant's Draft Survey in Appendix B). The proposed and retained lots meet the requirements of the 'Main Street Neighbourhood (MS2)' zone.

There is no development proposed at this time on the severed lot; future developments will be limited to the uses permitted within the 'Main Street Neighbourhood (MS2)', without further Planning Act applications.

DISCUSSION

1. Provincial Policy Statement (2024)

a. Section 2.3.1.1

The property is within the primary settlement area for the Town of Kingsville.

b. Section 2.3.1.2

The creation of infill lot encourages efficient use of land and resource, optimizes the use of existing infrastructure, supports active transportation with the property being within the main street corridor.

c. Sections 2.3.1.3 & 2.3.1.4

The proposed lot creation will allow for build up within the areas that are services and encourage complete communities. The proposed lot can be used for mixed use purposes.

d. Sections 2.2.1 & 2.2.1 (b)

Creating smaller lots within the primary settlement area allows for smaller and more affordable homes to be build, in this case a home with a small business can be build as the property is zoned for mixed use. Section 2.2.1 (b) of the PPS encourages the introduction of new housing options within previously development area, a smaller lot will result in smaller and more affordable housing options.

e. Section 3.6.1.2

The subject site has access to municipal sewage services and municipal water services and the proposed severed lot is fully serviceable.

f. Section 5.1 & 5.2

The subject property is not within lands identified as hazard land by the Essex Region Conservation Authority.

g. Section 4.6

The subject property is not designated or listed as a property with heritage interest. Across from the subject site, 101 Mill Street is a recently designated heritage property operating as a commercial business, a Heritage Impact memo is requested as a condition to confirm there are no negative impact to this adjacent heritage designated property.

Based on the analysis of the Provincial Policy Statement (PPS), the proposed development is in compliance with the PPS.

2. County of Essex Official Plan (2014)

The subject site is within a primary settlement area on the County of Essex Official Plan.

a. Section 3.2.1

The County of Essex Official Plan directive is that future growth and development is directed towards the primary settlement area. The Subject site is located within the primary settlement area.

b. Section 3.2.2

The County of Essex Official plans support and promote public and private investments within the primary settlement area and promotes development that is compact, mixed use, pedestrian oriented with a broad range of housing types. The proposed mixed use lot creation complies with policy 3.2.2.

c. Section 3.2.4

The proposed development is within the Town of Kingsville primary settlement area.

d. Section 3.2.6

The County Official Plan supports the provision of housing, which is affordable to low- and moderate-income households, residential intensification within the primary settlement area and promote employment

opportunities that avoid the unnecessary and uneconomical expansion of infrastructure.

e. Section 3.2.7

The County encourages residential intensification and redevelopment, and the county requires that 15% of all new residential development within each local municipality occur by way of residential intensification and redevelopment.

f. Section 4.6.4

The County delegated the approval of consent application to the lower tier municipality based on the policies outlined within the local municipality's Official Plan.

f. Section 2.2

The proposed development is within the primary settlement area of the Town of Kingsville within the County of Essex Official Plan. Compact form and development are supported within the primary settlement area as long as it does not encroach into agricultural or sensitive areas.

g. Section 2.10

As encouraged by the County Official Plan, the proposed lot has access to full municipal servicing.

h. Section 2.7

A heritage impact memo is required as a condition of severance as the property is located across the street from a designated heritage property.

3. Town of Kingsville Official Plan (2023)

The subject site is designated 'Sub Zone 2 – Main Street Neighborhood'.

a. Section 1.6.1

The proposed development is within the primary settlement area of the Town of Kingsville Official Plan and is designated 'Sub Zone 2 – Main Street Neighborhood'. The primary settlement area is the focus for growth as servicing is available and planned for this area. All types of land use are encouraged within the primary settlement area based on designation and zoning and all new development must occur on full servicing. Mixed use development, residential intensification is encouraged. The subject

size is fully services, and the proposed new lot will be as well, and the size is currently zoned for multitude of commercial and residential uses.

b. Section 2.1.1

The creation of a new lot for a potential residential or mixed-use development will create a more compact development and provide for a small housing development that can provide with a wider mix of housing and efficiently use existing services.

c. Section 2.8

The subject site is connected to all three municipal services and the proposed lot has access to all three municipal services. The proposed development is within a well-established neighborhood.

d. Section 2.11

Infill development on vacant or underutilized lands is supported. The proposed development is for an infill lot to be created.

e. Section 6.4

The subject site is connected to all three municipal services and the proposed new lot will have access to all three municipal services.

f. Section 4.1

The subject site is not a listed or designated heritage property, however, there is a designated property across from the subject site that is operating as a commercial business. We do not anticipate any negative impact to this heritage house as a result of the proposed severance, however, a heritage memo is required as a condition of the severance application to ensure that any future development of the site does not interfere with the heritage value of the designated property (101 Mill Street) across the street.

g. Section 7.3

The Town of Kingsville Official Plan allows the creation of up to 3 additional lots through a consent application. The subject site is not within a natural hazard area and meet the requirements of the MS2 zone.

The proposed development complies with the Town of Kingsville Official Plan.

4. Town of Kingsville Comprehensive Zoning By-law (2014)

The subject site is zoned 'Main Street Neighborhood (MS2)' within the Town of Kingsville Comprehensive Zoning By-law.

The Main Street Neighborhood zone does not have minimum required lot sizes and lot area to encourage creation and development of lots. The lot does have a maximum lot size of 3,000 m² and both the severed and retained lot are smaller than 3,000 m². Connection to servicing and creation of a new driveway will be completed at the time of building permit application.

There is no contravention to the Town of Kingsville Zoning By-law as a result of this proposed severance. Should any future development or residential/mixed use construction on the site require any variance or other zoning regulation relief, it will be subject to further Council or Committee approvals.

FINANCIAL CONSIDERATIONS

The creation of new lot will result in additional tax revenue for the municipality.

ENVIRONMENTAL CONSIDERATIONS

The subject site does not contain any identified natural heritage feature and is not adjacent to any identified natural heritage feature. No significant environmental impact is expected from the proposed lot creation.

CONSULTATIONS

Public Consultations

In accordance with O. Reg 545/06 of the *Planning Act*, property owners within 60 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. Town of Kingsville Technical Advisory Committee

Ensure all municipal services are contained within existing property lines and do not cross over into newly established property lines. The owner and/or consultant is required to provide verification that all services are maintained on the retained parcels and do not cross property lines.

The severed parcel must have access to their own driveway

2. Essex Region Conservation Authority (ERCA) – Appendix C

The property is not within an ERCA regulated area. ERCA has no objections.

PREPARED BY:



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REVIEWED BY:



Richard J.H. Wyma
Director of Planning & Development