



**Date:** April 14, 2025

**To:** Mayor and Council

**Author:** Vitra Chodha, Planner

**RE:** Holding Removal (ZBA-2025-1) for 52 Heritage Road (County Road 50)

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## **RECOMMENDED ACTION**

That the Zoning By-law Amendment application ZBA-2025-1, to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, on the subject property municipally known as 52 Heritage Road from 'Residential Zone 1 Urban with Holding (R1.1(h))' and 'Residential Zone 1 Urban' to "Residential Zone 1 Urban (R1.1)" **be approved.**

## **BACKGROUND**

The Town of Kingsville has received the above-noted applications for lands located on the west side of Heritage Road, south of 48 Heritage Road as seen on the location map in Appendix A. The subject property is designated 'Residential' by the Official Plan and zoned 'Residential Zone 1 Urban with Holding (R1.1(h))' and 'Residential Zone 1 Urban' under the Kingsville Comprehensive Zoning By-law.

The subject property has a total area of 3480.3 m<sup>2</sup> (0.86 ac) and a frontage of 33.7 m (110.6 ft). The subject property contains an existing residential building and residential accessory structures. The applicant seeks to remove the holding provisions on a small portion of the property North of the existing residential dwelling and the rear yard to permit the construction of a residential garage.

The holding provision on part of the subject property was put in place as part of a larger development interest that extended across adjacent properties. Since then, that intended development lot has been re-established as backyard for neighbouring properties through a series of severances. At the time of these severances, the holding provision on part of the subject property was not lifted. The intent of this application is to remove the holding provision to allow the property owners to build a residential garage on their property.

Administration recommended the applicant consult with the abutting properties to similarly lift the holding from all properties; but other neighbours declined at this time.

## **DISCUSSION**

### **1) Provincial Policy Statement (PPS), 2024**

The Provincial Policy Statement does not speak directly to the zoning provision of a particular property. Section 4 this report will speak further to the municipal zoning of the property. The intent of this application is only to remove the holding provision, which is no longer needed but remains in place on the subject property, to allow for the construction of a residential garage. As such, the proposed holding removal complies with the Provincial Policy Statement.

### **2) County of Essex Official Plan, 2014**

The subject property is located within a primary settlement area. The proposed changes to the Town of Kingsville Official Plan are in compliance with the County of Essex Official Plan. The property is within the settlement area and is used for residential purposes, the removal of the holding provision will not alter this use. As such, the proposed holding removal complies with the County of Essex Official Plan.

### **3) Town of Kingsville Official Plan, 2023**

The subject property is currently designated as “Residential” on the Town of Kingsville Official Plan. The property is currently used for residential purposes, the removal of the holding provision will not alter this use, therefore the proposed holding removal is in compliance with the Town of Kingsville Official Plan.

### **4) Town of Kingsville Comprehensive Zoning By-law, 2014**

The subject site is currently zoned as ‘Residential Zone 1 Urban with Holding (R1.1(h))’ & ‘Residential Zone 1 Urban’. The applicant is requesting the removal of the holding provision on the part of the property where the holding provision applies and have the entire property zoned ‘Residential Zone 1 Urban (R1.1)’ to facilitate the construction of a residential garage. The holding provisions are no longer required, and as such, the proposed change complies with the comprehensive zoning by-law of the Town of Kingsville.

## **FINANCIAL CONSIDERATIONS**

No changes

## **ENVIRONMENTAL CONSIDERATIONS**

No environmental concerns identified as a result of the holding removal.

## **CONSULTATIONS**

Outside agencies are circulated at the time the application is submitted. In accordance with O. Reg 545/06 of the Planning Act, Agencies also received the Notice of Public Meeting by email. Any comments received are appended to this report. Any additional comments received will be made available prior to the meeting.

### **PREPARED BY:**



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Vitra Chodha  
Planner

### **REVIEWED BY:**



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Richard J.H. Wyma  
Director of Planning and Development

### **REVIEWED BY:**



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John Norton  
CAO