

Date: April 3, 2017

To: Mayor and Council

Author: Kristina Brcic, Town Planner

RE: ZBA/06/17 - Application for Zoning Amendment
Sara & Tina Neufeld
1689 Road 2 East
12R10878, Parts 6 & 12
Roll No. 3711 290 000 38701

Report No.: PDS-2017-014

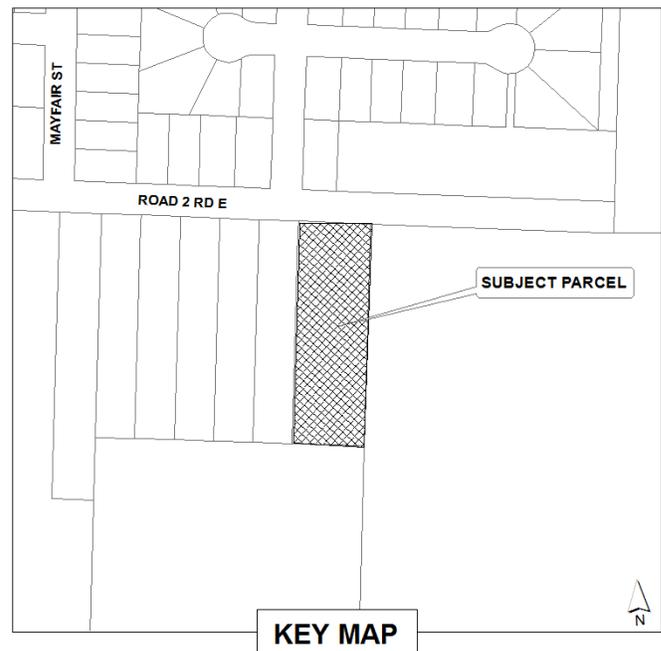
AIM

To provide the Town of Kingsville Council with information regarding the requested Zoning By-law Amendment for lands known as, 1689 Road 2 East, in the Town of Kingsville.

BACKGROUND

The subject property is a 0.64 ha (1.58 ac.) lot with a dwelling and two accessory structures currently zoned 'Rural Commercial Zone 6 Exception 11 (C6-11)' under the Kingsville Comprehensive Zoning By-law. The accessory buildings on the lot are being used to store material and equipment for the landscape and snow-removal business.

The subject property has gone through many zone changes pertaining to the permitted uses. The following paragraph provides a brief background of the property explaining the evolving zoning.



Under the Township of Gosfield South Zoning By-law 1-1989 the property was zoned 'Agriculture Zone 2 Exception 3 (A2-3)' which permitted the property to be used for an equipment rental business. Between 1989 and 1998 ownership changed and the property was rezoned to a residential classification of 'Hamlet Residential Zone 2 Exception 6 (R2-6)' in the Township of Gosfield South Zoning By-law 59-1998. This residential site specific zoning permitted an automobile body shop. The current owners purchased the property in 2011 and utilized the accessory buildings for the storage of vehicles and materials for the existing snow-removal and landscape business, and for a roofing business whose operations have since ceased. During the transition from the three former by-laws to the current comprehensive zoning by-law in 2014, the zoning was changed to a rural commercial classification 'Rural Commercial Zone 6 Exception 11 (C6-11) which limited development to the existing buildings and structures but unintentionally expanded the permitted uses. This zone currently permits all uses found under the C6 zone in addition to residential uses however, the site specific zoning limits the property to the buildings and structures as they existed on the day of the passing of the by-law. It is believed that the intention of the zoning amendment was to limit the property within the same confines as the previous residential zoning, but to be recognized as a commercial property. Unfortunately, the current zoning only limits the buildings and structures on the property and not the permitted uses.

The Hamlet designation in the Official Plan allows for a mix of rural services including residential and small scale commercial (Section 3.6.2 Hamlet) but does not designate specific areas in which these uses are to be located. Thus commercial uses are found amongst residential areas in Ruthven. Being a commercially zoned property amongst residential and agricultural uses does not seem appropriate for the property and a site specific residential zone permitting the current use would be more suitable. Further, the applicants would like to build an additional accessory structure to suit their equipment and material needs, which would be in compliance with the permitted 10% lot coverage for accessory buildings within residential zones. The proposed shed would help the owners maintain their property by providing additional indoor storage for the equipment and materials related to the business.

DISCUSSION

When considering a request for a Zoning By-law Amendment, it is important to review the request on the basis of the following documents to determine whether the request is appropriate:

1) Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement, 2014 states in the excerpt below that sensitive land used should be appropriately buffered and separate from one another.

1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

Comment: By rezoning the subject property to an appropriate site specific residential zoning classification inappropriate uses for these lands within the neighbourhood can be

regulated by permitting only those business operations currently ongoing, rather than permitting a wide range of commercial uses presently permitted. Therefore, there are no issues of Provincial significance raised as a result of the Zoning By-law Amendment.

2) Town of Kingsville Official Plan

The subject land is designated 'Hamlet' within the Official Plan for the Town of Kingsville.

Comment: As a result of the Zoning By-law Amendment, the continuation of the landscape and snow-removal business on the property with the addition of an accessory building will continue to meet the goals of the Official Plan Section 3.6.2 Hamlet "to continue to provide a location for future residential, institutional, recreational, small scale commercial and small scale dry light industrial uses". Therefore, the requested Zoning By-law Amendment conforms to the relevant policies of the Official Plan for the Town of Kingsville.

3) Comprehensive Zoning By-law 1-2014

The subject lands are currently zoned 'Rural Commercial Zone 6 Exception 11 (C6-11)' under the Kingsville Comprehensive Zoning By-law. Rezoning the lands to a more suitable site specific Residential zone is recommended.

Comment: A site specific 'Residential Zone 2 Rural/Urban (R2.2)' zone is requested to best fit with the surrounding built up neighbourhood. The proposed zoning by-law amendment will address the continuation of the existing business to be carried out within the accessory structures, both existing and within proposed new storage building.

LINK TO STRATEGIC PLAN

There is no specific link to the strategic plan.

FINANCIAL CONSIDERATIONS

After construction of the proposed new accessory structure there will be an increase in the property assessment.

CONSULTATIONS

1) Public Consultations

In accordance to O. Reg 545/06 of the Planning Act, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail. To date, no comments have been received by members of the public.

2) 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.

Agency or Administrator	Comment
Essex Region Conservation Authority	<ul style="list-style-type: none"> No concerns or objections.
Town of Kingsville Management Team	<ul style="list-style-type: none"> Specific design information required at time of permit for a commercial storage building. Site specific zoning to permit the continuation of the existing business within accessory buildings on the property, to a maximum of 10% lot coverage in compliance with residential zone regulations.
County of Essex	<ul style="list-style-type: none"> No comments expected related to this application.

RECOMMENDATION

It is recommended that Council approve Zoning By-law Amendment ZBA/06/17 to rezone the subject lands from 'Rural Commercial Zone 6 Exception 11 (C6-11)' to 'Residential Zone 2 Rural/Urban Exception 9 (R2.2-9)' on lands known as 1689 Road 2 East, and adopt the implementing by-law.

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