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Date: August 3, 2017

To: Mayor and Council

Author: David French, BA, CPT
Interim Town Planner

RE: Zoning By-law Amendment (ZBA/16/17)
Estate of Elwyn G. Robinson (Betty Lou Newman – Estate Trustee) /
Jacob Wiebe (Authorized Applicant)
52 County Road 29, Part of Lot 266, Con

Report No.: PDS-2017-037

AIM

To provide the Mayor and Council with information on a requested zoning by-law amendment to remove certain site-specific permitted uses on the subject parcel.

BACKGROUND

The parcel is a 0.4 ha (1 ac.), irregular-shaped, lot containing a single detached dwelling and four accessory buildings. Under the former Gosfield North Township the parcel was rezoned on a site-specific basis (R1-6) to permit an automobile repair shop as an additional permitted use.

The applicant no longer wishes to permit the automobile repair shop on the parcel, and as such, has filed an application for a zoning by-law amendment to remove the automobile repair shop as a permitted use. It is proposed that the parcel be rezoned to a standard 'Rural Residential (RR)' classification to limit the permitted uses to those normally associated with this zone.

DISCUSSION

1) Provincial Policy Statement (PPS), 2014:

There are no issues of Provincial significance raised by the proposed zoning by-law amendment.

2) County of Essex Official Plan

There are no issues of County significance raised by the application.

3) Town of Kingsville Official Plan

The subject property is designated 'Agricultural'. The proposed application to rezone the parcel does not offend the intent of the Kingsville Official Plan policies and goals.

4) Comprehensive Zoning By-law – Town of Kingsville

The subject parcel is zoned 'Rural Residential Exception Zone 6, (RR-6)' by the Kingsville Zoning By-law. The exception adds an automobile repair shop as an additional permitted use to those uses normally permitted within the 'Rural Residential, (RR)' zone.

The applicant no longer wished to have an automobile repair shop permitted on the parcel, and as such wished to have the parcel rezoned to a standard 'Rural Residential, (RR)' zone.

Comment: The removal of the automobile repair shop as a permitted use is viewed as removing a use which may be deemed by some as incompatible with the intended residential use of the parcel, and adjacent rural residential uses. The co-existing residential use on the parcel will remain.

LINK TO STRATEGIC PLAN

There is no link to the Strategic Plan resulting from this application

FINANCIAL CONSIDERATIONS

There would be a reduction in assessment as the property no longer permits or operates a commercial business.

CONSULTATIONS

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 Open House/ Public Meeting by mail.

At the time of writing, no public comments had been received.

Agency & Administrative Consultations

In accordance with O. Reg 545/06 of the *Planning Act*, Agencies and Town Administration received the Notice of Public Meeting by email.

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none"> • Full comment is attached as Appendix 'A' • ERCA has noted that the subject parcel is in a regulated area • They have expressed no concerns with the application
County of Essex	<ul style="list-style-type: none"> • Full comment is attached as Appendix 'B'
Town of Kingsville Management Team	<ul style="list-style-type: none"> • No comments received

RECOMMENDATION

That Council approve zoning amendment application ZBA/16/17 to amend the zoning of the subject property from the site-specific 'Rural Residential Exception 6, (RR-6)' to the standard 'Rural Residential, (RR)' removing an automobile repair shop as a permitted use, and adopt the implementing by-law.

David French

David French, BA, CPT
Interim Town Planner

Robert Brown

Robert Brown, H, Ba, MCIP, RPP
Manager, Planning & Development Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer