

Date: February 15, 2017

To: Mayor and Council

Author: Kristina Brcic, Town Planner

RE: ZBA/13/16 - Application for Zoning By-law Amendment
Wayne & Connie Stockwell
182 County Road 27 E
CON NTR, PT Lot 269
Roll # 3711 270 000 06100

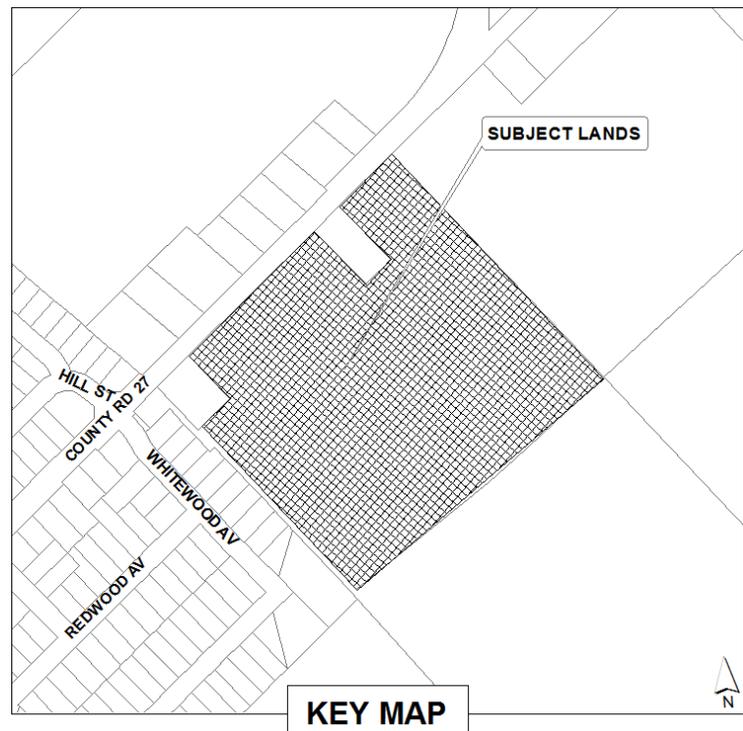
Report No.: PDS-2017-007

AIM

To provide the Town of Kingsville Council with information regarding the requested Zoning By-law Amendment as a result of the provisional approval of Consent Application B/22/16 for lands known as, 182 County Road 27 E, in the Town of Kingsville.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the south side of County Road 27 East, and east of Whitewood Avenue/Hill Street. The subject property is designated 'Residential' approximately 175 m deep into the property from the front lot line and within the Cottam urban boundary. The remainder of the property is designated 'Agriculture' by the Official Plan and zoned 'Agriculture Zone 1 (A1)' under the Kingsville Comprehensive Zoning By-law.



The subject land is a 9.71 ha (23.99 ac.) farm parcel containing a single dwelling and a farm outbuilding. The applicants received provisional approval for the creation of 4 new lots from the Committee of Adjustment as part of Consent application B/22/16. Each of the proposed lots would be greater than 4 acres in lot area with frontage onto County Road 27 East. The zoning of the parcel does not currently permit what is proposed, as a condition of the provisional consent approval a zoning amendment is necessary to rezone the parcel to a site-specific residential classification to permit the proposed development and establish regulations for the development. Specifically, the zoning would include a no build clause, in conjunction with 4.17 Hazardous Uses, at the rear of each lot as a result of the adjacent sewage lagoons.

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):

There are no issues of Provincial significance raised as a result of the Zoning By-law Amendment, as this is a condition of the provisional consent approval (B/22/16) to create 4 new lots and additionan of the increased rear yard setback to comply with the Kingsville Comprehensive Zoning By-law 1-2014.

2) Town of Kingsville Official Plan

The subject land is designated 'Residential' and partially 'Agriculture' at the rear within the Official Plan for the Town of Kingsville.

Comment: As a result of the Zoning By-law Amendment, the permitted structures and uses will mirror those permitted under Section 6.6 Rural Residential (RR). 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 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law. Rezoning the lands to a more suitable site specific Residential zone is recommended. Therefore a site specific 'Rural Residential (RR)' zone is requested to best fit with the surrounding built up neighbourhood. The proposed zoning by-law amendment will address compliance with Section 4.17 Hazardous Uses setback requirement due to the proximity of the sewage lagoons on the adjacent property to the south. This will take the form of a 150 m minimum rear yard setback for all buildings and structures.

Comment: For greater clarity, the 150 m buffer created by the 150 m rea yard setback is limited to passive uses such as gardens, landscaped areas or trees, no decks, pools etc.

LINK TO STRATEGIC PLAN

There is no specific link to the strategic plan.

FINANCIAL CONSIDERATIONS

There is no financial impact as a result of this zoning amendment.

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.

Public comments were received, more so pertaining to conditions which were addressed in the Consent, such as drainage assessment and stormwater management.

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 objections (See Appendix C).
Town of Kingsville Management Team	<ul style="list-style-type: none">No build zone within buffer area around Sewage Lagoon at rear of property.
County of Essex	<ul style="list-style-type: none">No comments expected related to this application.Comments received geared towards and included in the Consent report.

RECOMMENDATION

It is recommended that Council approve Zoning By-law Amendment ZBA/13/16 as a condition of Consent B/22/16, to rezone the subject lands from 'Agriculture Zone 1 (A1)' to 'Rural Residential Exception 12 (RR-12)' on lands known as 182 County Road 27 East, and adopt the implementing by-law.

Kristina Brcic

Kristina Brcic, MSc, BURPI
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