



**Date:** April 8, 2024

**To:** Mayor and Council

**Author:** Vitra Chodha, Town Planner

**RE:** Application for Consent B-2024-8 & Zoning By-law Amendment ZBA-2024-5 for 1645 Road 2 East

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## RECOMMENDED ACTION

1. That Consent Application B-2024-8, to create two additional buildable residential lots, the first lot having an area of 8210 m<sup>2</sup> and is shown as Parts 2, 3 & 4 on the severance sketch (Appendix C) and the second lot having an area of 8070 m<sup>2</sup> and is shown as Parts 5, 6 & 7 on the severance sketch (Appendix C), on lands municipally known as 1645 Road 2 East, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:
  - a. Prior to consent being endorsed on the deeds the property owners are to execute an agreement for drainage apportionment due to land severance or sale approved by the Municipality for each parcel being severed. Drainage Apportionment Request, 12R plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
  - b. Prior to consent being endorsed on the deeds the owner and designers are required to install the retaining walls proposed on the lot grading plan provided by Peralta Engineering, dated March 6<sup>th</sup>, 2024 and the stormwater management plan as outlined on the report by Peralta Engineering, dated January 11<sup>th</sup>, 2024 be installed.
  - c. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.
  - d. The conditions imposed above shall be fulfilled by April 8<sup>th</sup>, 2026 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.
2. And that By-law 27-2024 being a By-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, to amend the zoning on the two severed parcels from "General Agricultural (A1)" to "Residential Zone 2 Rural/Urban (R2.2)" and amend the zoning on the retained parcel municipally known as 1645 Road 2 E,

from 'General Agricultural (A1)' to 'General Agricultural – exception 88 (A1-88)' **BE APPROVED**; and the Mayor and Clerk **BE AUTHORIZED** to sign same.

## **BACKGROUND**

The Town of Kingsville has received the above-noted applications for lands located south of Road 2 E and east of Union Avenue (as seen on appendix A). The subject property has frontage on Road 2 E and it is partially designated "Hamlet" along Road 2 E. The remainder of the property is designated "Agricultural" by the Official Plan and the entire subject site is zoned "General Agricultural (A1)" by the Kingsville Comprehensive Zoning By-law.

The subject land is approximately 59,000 m<sup>2</sup> (635,071 ft<sup>2</sup>) in area with 151.49 m (497.01 ft.) of frontage along Road 2 E. The property currently contains one single detached dwelling and an accessory structure. The owner is proposing to create two residential lots and retain a portion of the subject site with frontage on Road 2 E containing the existing single detached dwelling and accessory structure.

The first proposed lot will have a frontage of 65.7 m (215.55 ft) on Road 2 E with an area of 8210 m<sup>2</sup> (88,371.7 ft<sup>2</sup>) identified as Parts 2,3 & 4 in Appendix B. The second proposed lot will have a frontage of 65.79 m (215.84 ft) on Road 2 E with an area of 8070 m<sup>2</sup> (86,864.76 ft<sup>2</sup>) identified as Parts 5,6 & 7 in Appendix B. A zoning by-law amendment is proposed on both severed lots to rezone the lots from "General Agricultural (A1)" to "Residential Zone 2 Rural/Urban (R2.2)".

The proposed retained lot will have a frontage of 20 m (65.62 ft) on Road 2 E with an area of 42,740 m<sup>2</sup> (460,049.59 ft<sup>2</sup>) identified as Part 1 in Appendix B. A site-specific zoning by-law amendment is being requested to address the requested reduced frontage from 20 m (65.62 ft) instead of the required frontage of 25 m (82.02 ft).

## **DISCUSSION**

### **1.0 Provincial Policy Statement**

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS): "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment."

Comment: The application is consistent with the PPS as the proposed lots are being created within a settlement area designated "Hamlet".

## 2.0 Official Plan

The proposed two lots, are within a property that is mostly designated “Agricultural” with a band of land designated “Hamlet” running along the south side of Road 2 E that is within a secondary settlement area.

In considering applications for consent, Council and the Committee of Adjustment shall have regard to the policies of this Plan, to those matters outlined in Section 53(2) of the Planning Act and to the following general and specific policies:

- a) Three new lots or fewer may be created by consent provided: the proposed use is permitted in this Plan, the Town is satisfied that a plan of subdivision is not required, adequate access can be provided, adequate potable water supply, sanitary sewage treatment and disposal and stormwater management can be provided in accordance with this Plan, all to the satisfaction of the Town, and the proposed lots comply with the Zoning By-law;

Comment: The applicant is proposing the creation of 2 additional lots through this consent application along with an application for zoning by-law to rezone the two severed parcels to R2.2 and the retained parcel to A1-88 to recognize a reduced frontage of 20 m.

- b) Consents should be granted only when the land fronts on an existing public road which is of a reasonable standard acceptable to the Town and/or the Ministry of Transportation or the County of Essex or are on an existing private road or right-of-way in a “Residential” designation and satisfy all other requirements of this Plan;

Comment: The proposed lots have frontage on Road 2 E

- c) Consents should be used as a vehicle to provide for infilling in existing built-up areas between residential lots on the same side of the road;

Comment: The proposed lot creation is within a settlement area and can be considered infilling.

- d) The size of any parcel of land created by consent should be appropriate for the use proposed, considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the minimum provisions of the implementing Zoning By-law. The consent granting authority may exercise its powers under Section 53(2) of the Planning Act when reviewing the appropriateness of the proposed shape, size, or configuration of any proposed lot;

Comment: The applicant is undertaking a zoning by-law amendment to rezone the severed parcels from A1 to R2.2 to and the retained parcel from A1 to a site-specific A1-88 to recognize a reduced frontage of 20 m.

- e) Consents should not be granted adjacent to a road where traffic hazards due to limited sight lines on curves would be created or proximity to intersections;

Comment: not applicable.

- f) Regard should be had to the compatibility of the proposed use with uses in adjacent areas and the potential effects of such use on the surrounding area;

Comment: the proposed lot is for residential purposes consistent with the uses in the surrounding area.

The requested consent to sever two residential lots within the “Hamlet” Designation will conform to the relevant policies of the Official Plan.

### **3.0 Comprehensive Zoning By-law – Town of Kingsville**

The subject site is currently zoned “General Agricultural (A1)”, the applicant is proposing to rezone the two severed parcels from “General Agricultural (A1)” to “Residential Zone 2 Rural/Urban (R2.2)” and the retained parcel from “General Agricultural (A1)” to “General Agricultural with exception 88 (A1-88)”, which would recognize the reduce frontage on the retained parcel as a result of the proposed severance. As a result of the proposed zoning by-law amendment in congruence with the consent application there are no other zoning deficiencies.

## **CONSULTATIONS**

Notice of Public Meeting and information regarding the requested consent applications were sent to all property owners within 120 m of the subject land.

In accordance with standard practice for planning applications applicable external agencies and internal departments have been circulated. The following comment has been provided.

### **1) Town of Kingsville Technical Advisory Committee**

- Ensure all development and servicing is contained within the proposed property lines for the severed and retained lots – there shall be no cross-servicing.
- Each lot will be required to have its own access. Permits shall be obtained from the municipality prior to building permits being issued.
- The retained and severed parcels must ensure that water run-off and storm water for each site is maintained individually.

- Install retaining walls on the east and west sides of the proposed development to help address concerns with the variations in the grade between the new development and the existing properties.
- The owner and designers are required to ensure that they install and maintain the storm water management plan for this development.
- New development will need to obtain a building permit and adhere to applicable law and regulations as set out by Essex and Region Conservation Authority, by the Town of Kingsville's Comprehensive Zoning By-law, and building code.

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