



Date: April 8, 2024

To: Mayor and Council

Author: Vitra Chodha, Town Planner

RE: Application for Consent B-2024-10 for V/L Road 2 E (East of 1645 Road 2 E)

RECOMMENDED ACTION

1. That Consent Application B-2024-10, to create two additional buildable residential lots, the first lot having an area of 990 m² and is shown as Part 6 on the severance sketch (Appendix C), and the second lot having an area of 2700 m² and is shown as Part 7 on the severance sketch (Appendix C), on lands municipally known as 0 Road 2 East (East of 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 lands 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, proof of drainage, acceptable to the municipality, shall be provided by the applicant to serve the lands being conveyed and the lands being retained, with the costs of such drainage being solely at the expense of the applicant. Proof of Drainage shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
 - 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 8th, 2026 or this application shall be deemed to be refused in accordance with Section 53(41) of the *Planning Act*.

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 designated “Hamlet” by the Official plan and zoned “Residential Zone 2 Rural/Urban (R2.2)” by the Kingsville Comprehensive Zoning By-law.

The subject property has a frontage of 65.79 m (215.85 ft) and an area of 8050 m² (86,649.51 ft²). The first proposed lot will have a frontage of 16.5 m (54.13 ft) on Road 2 E with an area of 990 m² (10,656.3 ft²) identified as Part 6 in Appendix B. The second proposed lot will have a frontage of 21.89 m (71.82 ft) on Road 2 E with an area of 2700 m² (29,062.56 ft²) identified as Part 7 in Appendix B. The proposed retained lot will have a frontage of 27.4 m (89.90 ft) on Road 2 E with an area of 4360 m² (46,930.65 ft²) identified as Part 5 in Appendix B.

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.

- 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 proposed lots meet the lot frontage and lot size requirements of the “Residential Zone 2 Rural/Urban (R2.2)” zone.

- 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 lot within the “Hamlet” Designation will conform to relevant policies of the Official Plan.

3.0 Comprehensive Zoning By-law – Town of Kingsville

The subject site is currently zoned “Residential Zone 2 Rural/Urban (R2.2)”. As a result of the proposed consent no zoning deficiencies are identified.

CONSULTATIONS

Notice of Public Meeting and information regarding the requested consent applications were sent to all property owners within 60m 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.
- Ensure that each lot has 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. This will help to 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. All other building department comments from the consultation process are still valid.

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