



**Date:** April 22, 2024  
**To:** Mayor and Council  
**Author:** Vitra Chodha, Planner  
**RE:** 134 County Rd 34 W - Application for Consent B-2024-12 & Zoning By-law Amendment ZBA-2024-6

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## RECOMMENDED ACTION

1. That Consent application B-2024-8, to create a lot that has an area of 1007.67 m<sup>2</sup> (10,846.44 ft<sup>2</sup>) and a frontage of 22.31 m (73.22 ft) on County Rd 34 W shown as Parts 2 on the Plan of Survey (Attached as Appendix B), on lands municipally known as 134 County Rd 34 W, 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:
    - i. execute an agreement for drainage apportionment of each lot of record, approved by the Municipality. Drainage Apportionment Request, 12R plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
    - ii. provide confirmation that the Concrete Block Garage, identified on the applicant's Survey in Appendix B, is demolished
    - iii. provide a lot grading plan acceptable to the municipality to serve the lands being conveyed, and the lands being retained, with the cost of such drainage being solely at the expense of the applicant. Lot Grading Plans shall be submitted to the Engineering Department a minimum of three months prior to the stamping of the deeds.
  - b) 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.
  - c) The conditions imposed above shall be fulfilled by April 22, 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 34-2024 being a By-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, **BE APPROVED** to amend the zoning in the following manner:
  - a) The severed parcel (Part 2) from “Residential Zone 2 Rural/Urban (R2.2)”, “Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)” and “Central Commercial with exception 2 (C2-2)” to “Central Commercial with exception 2 (C2-2)”; and
  - b) The retained parcel (Part 1), from “Residential Zone 2 Rural/Urban (R2.2)”, “Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)” and “Central Commercial with exception 2 (C2-2)” to “Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)”; and
  - c) The Mayor and Clerk **BE AUTHORIZED** to sign same.

## **BACKGROUND**

The Town of Kingsville has received the above-noted applications for lands municipally known as 134 County Rd 34W, located on the North of County Rd 34 W and West of Hill Street (as seen on appendix A). The subject property has frontage on County Rd 34W and is designated “Highway Commercial”.

Currently, there are 3 (three) zoning designations on the existing corner lot, which are R2.2, R2.2-1, & C2-2 (“Residential Zone 2 Rural/Urban (R2.2)”, “Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)” and, “Central Commercial with exception 2 (C2-2)”) under Kingsville Comprehensive Zoning By-law 1-2014.

The subject land is approximately 1,966.77 m<sup>2</sup> (21,170.2 ft<sup>2</sup>) in area with 39.02 m (128.03 ft) of frontage along County Rd 34 W. The property currently contains one single detached dwelling, a metal sided garage with office space used for commercial purposes and a concrete block garage that is to be removed prior to this consent being registered.

The owner is proposing to create a commercial lot with frontage on Hill Street containing the existing metal sided garage and office space that has a frontage of 22.31 m (73.22 ft) on Hill Street and an area of 1007.67 m<sup>2</sup> (10,846.44 ft<sup>2</sup>). The proposed severed lot (Part 2 – See Appendix B) is currently zoned “Residential Zone 2 Rural/Urban (R2.2)”, “Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)” and “Central Commercial with exception 2 (C2-2)” by the Kingsville Comprehensive Zoning By-law 1-2014. A zoning by-law amendment is proposed to clean up the current three zoning designations and re-zone the entire severed parcel (Part 2) to “Central Commercial with exception 2 (C2-2)”.

The proposed retained parcel (Part 1 – See Appendix B) containing the single detached dwelling will have a frontage of 39.02 m (128.03 ft) on County Rd 34 W with an area of 959.10 m<sup>2</sup> (89.10 ft<sup>2</sup>). The retained parcel is currently zoned “Residential Zone 2 Rural/Urban (R2.2)” and “Central Commercial with exception 2 (C2-2)” by the Kingsville Comprehensive Zoning By-law. A zoning by-law amendment is proposed to clean up the current three zoning designations and rezone the entire retained parcel (Part 1) to “Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)”.

## **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 “Highway Commercial”.

### **2.0 Official Plan**

The subject site is within an area designated “Highway Commercial”, the proposed severance and zoning by-law amendment will result in the retained lot being used for residential purposes and the severed lot being used for commercial purposes. A residence can be located within the Highway Commercial zone.

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 1 additional lots through this consent application along with an application for zoning by-law to rezone the retained parcel from “Residential Zone 2 Rural/Urban (R2.2)” and “Central Commercial with exception 2 (C2-2)” to “Residential Zone 2 Rural/Urban with

exception 1 (R2.2-1)”; and the severed parcel from Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)”, “Residential Zone 2 Rural/Urban (R2.2)” and “Central Commercial with exception 2 (C2-2)” to “Central Commercial with exception 2 (C2-2)

- 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 County Rd 34 W and Hill Street

- 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 frontage and lot coverage requirements for the “Central Commercial with exception 2 (C2-2) and “Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)” zones.

- 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 severed lot will be retained as commercial and the retained lot will be rezoned to represent the residential use on the property.

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)”, “Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)” and “Central Commercial with exception 2 (C2-2)” by the Kingsville Comprehensive Zoning By-law. The applicant is proposing to rezone the severed parcels to “Central Commercial with exception 2 (C2-2)” and the retained parcel to “Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)”. Both these zones are already existing on the subject site, and the aim of this rezoning application along with the consent is to clean up the current zoning on the subject site to prevent mixed zoning on the site.

#### **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**

- A lot grading plan showing that the two properties are draining independent of each other is required prior to completion of severance.
- Any services not required on the site must be eliminated (specifically related to the demo) and no services should cross property boundaries
- Ensure that each lot has its own driveway access

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