



The Corporation of the Town of Kingsville

To: Mayor and Members of Council

Prepared By: Vitra Chodha, Planner

Department: Planning and Development - Planning

Date of Meeting: February 9, 2026

Subject: B-2025-9 & ZBA-2026-1 – Surplus Farm Dwelling Severance and Re-Zoning for 930 County Road 18 (Road 4)

Recommended Action

That Consent Application B-2025-9, to sever an existing dwelling, deemed surplus to the needs of the applicant's farming operation with an area of approximately 0.9 hectares (2.3 acres) shown as Part 1 on the applicant's draft survey, known as 930 County Road 18 (Road 4), in the Town of Kingsville, **be approved**, subject to the following conditions:

1. Provide the following to the satisfaction of the Town of Kingsville:
 - a. confirmation that there is a separate septic system on the retained residential lot and that it meets Ontario Building Code requirements and setbacks;
 - b. confirmation that all barns of the retained and severed lots meet the appropriate setback or comply with exposing building face calculation for farm building as per Ontario Building Code;
 - c. confirmation that all municipal services do not cross new property boundaries;
 - d. proof of drainage 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;
 - e. an executed agreement for drainage apportionment due to lands severance or sale approved by the Municipality for each parcel being severed;
 - f. proof of access, drainage apportionment are required in addition to proof of drainage addressing the following:
 - i. the existing parcel and the severed parcel drain independently;
 - ii. the existing parcel and the severed parcel have the right to drain to a Municipal drain, or a Mutual Drainage Agreement is registered on title of both properties;
 - iii. if the existing parcel and the severed parcel do not have the right to drain to a Municipal Drain but wishes to (or is already connected

illegally) a Section 65(3) Report under the Drainage Act is required;
and

g. a registered 12-R Plan;

And that the applicant provides the necessary deed(s), transfer and charges electronically, signed and fully executed, prior to certification;

And that the condition imposed above shall be fulfilled by February 9, 2028, or this application shall be deemed to be refused in accordance with Section 54(41) of the Planning Act;

And that Zoning By-law Amendment (ZBA-2026-1) and By-law 5-2026, being a By-law to amend the Comprehensive Zoning By-law 1-2014 of the Town of Kingsville, to amend the zoning on the severed residential parcel from “General Agricultural (A1)” to “Rural Residential (RR)” and the retained farm parcel from “General Agricultural (A1)” to “Restricted Agricultural (A2)”, **be approved** during the By-law stage of this Council Agenda.

Background

The Town of Kingsville has received the above-noted applications for lands located on the north side of County Road 18 (Road 4); East of 768 County Road 18 (Road 4) as seen on the location map attached as Appendix A. The subject parcel is approximately 18.6 hectares (45.9 acres) with a frontage of approximately 757.1 meters (2,484.0 feet). The subject parcel is designated ‘Agriculture’ by the Official Plan and is zoned ‘General Agricultural (A1)’ under the Town of Kingsville Comprehensive Zoning By-law. “

The property contains one dwelling unit and 2 accessory structures and a pool. The dwelling and one of the accessory structures and the pool are deemed to be surplus by the applicant. As such, the applicant has submitted an application to sever this dwelling, the existing accessory structure and the pool on a new lot having an area of approximately 0.9 hectares (2.3 acres) and a frontage of approximately 78.9 meters (258.9 feet) as seen on applicant’s draft survey in Appendix B. The retained farm parcel containing one accessory structure will have an approximate frontage of approximately 678.2 meters (2,225.1 feet) and an area of approximately 17.7 hectares (43.6 acres).

As a result of the consent, an application to rezone the retained parcel from ‘General Agricultural (A1)’ to ‘Restricted Agricultural (A2)’ and the severed parcel from ‘General Agricultural (A1)’ to ‘Rural Residential (RR)’ is submitted in conjunction to rezone both the retained and severed parcels.

The corresponding by-law (By-law 5-2026) is included in the By-law section of this Council Agenda.

Discussion

The intent of the discussion section is to analyze and interpret compliance with various levels of policies such as the Provincial Policy Statement, County of Essex Official Plan,

Town of Kingsville Official Plan and the Comprehensive Zoning By-law for the Town of Kingsville.

1) Provincial Planning Statement ,2024

Section 4.3.3.1. c) allows for “one new residential lot permit farm consolidation for a residence surplus to an agricultural operation, provided that:

- a) The new lot will be limited to a minimum size needed to accommodate the use

Comment: The parcel is being limited to the area currently occupied by the house, outbuilding, yard and existing Hedge row dividing the lot from the farm. The lot has access to municipal water and is serviced by a private, on-site, septic system.

- b) The planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance

Comment: As a condition of consent, a zoning amendment is required that will re-zone the retained farm parcel. In this case, there is an existing dwelling on the retained farm lot, therefore a second primary dwelling will not be permitted. Therefore, the intent of the Provincial Policy Statement is met.

2) County of Essex Official Plan, 2025

- a. The Subject site is designated as lands outside the settlement area under the County of Essex Official Plan and is subject the Agricultural Land Severance policies outlined in the Official Plan.
- b. Section 5.A.4.1 of the County of Essex Official Plan permits the creation of a surplus dwelling severance as it is consistent with Section 5.A.4.1 a) to g).

Comments: The existing dwelling was built around the early 1980's and the proposed lot is larger than 0.4 hectares, however the existing services, structures and hedge row makes it not possible to be in compliance with the 0.4-hectare regulation but the lot is not larger than 1.0 hectares and therefore, no amendment to the County Official Plan is required. The retained farm lot is being rezoned to prohibit future residential dwelling(s). The proposal does not infringe on any required MDS setback.

3) Town of Kingsville Official Plan, 2023

- a. The Subject site is designated 'Agricultural' under the Town of Kingsville Official Plan and is subject the Agricultural Land Severance policies outlined in the Official Plan.

- b. Section 7.3.1.2 of the Kingsville Official Plan permits the creation of a new lot with a dwelling that is deemed surplus to the farmer's need as long as it is consistent with Sections 7.3.1.2 a) to d).

Comments: The proposed surplus farm dwelling severance lot is approximately 0.9 hectares (2.3 acres) and a frontage of approximately 78.9 meters (258.9 feet). The size of the lot permitted under Section 7.3.1.2 a) is 0.8 ha, the applicant is proposing a lot that is slightly larger but have justified as required under this section that the larger lot is necessary to accommodate the existing hedge row that delineate the boundary between the farm use and residential use. The barn on the property will be used for residential storage and not for farming purposes. The dwelling existed prior to December 1st, 2023, and the retained farm parcel is being rezoned to prohibit future dwellings as part of this application. The intent of the Kingsville Official Plan is met.

4) Town of Kingsville Comprehensive Zoning By-law, 2014

- a. Currently the subject property is zoned 'General Agricultural (A1)'.
- b. The proposed severance will result in the severed lot (with the surplus dwelling) being rezoned from 'General Agricultural (A1)' to 'Rural Residential (RR)' and the retained farm lot being rezoned from 'General Agricultural (A1)' to 'Restricted Agricultural (A2)'

Comments: The severed residential lot meets the zoning requirement of the 'Rural Residential (RR)' zone. The retained farm lot was an undersized farm lot that will remain undersized post severance with the zoning prohibiting future residential dwelling on the farm. This prevents the loss any further farmland as required by provincial policies and local policies.

Financial Considerations

The creation of the surplus residential lots will not result in any significant financial changes.

Environmental Considerations

There is an existing row of hedge row around the residential dwelling that is being severed with the existing house and will be maintained as part of the residential property. No negative environmental impact is expected as a result of this severance.

Consultations

Notices have been posted on the Town's website and printed notices sent to the neighbours within 120 meters of the subject sites.

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. At the time of writing, the following comments have been received from circulated agencies.

1. The planning department has consulted with the “Technical Advisory Committee” at the Town of Kingsville, and their comments have been incorporated as part of this report and recommendation outlined in the recommendation section of this report.
2. The Essex Region Conservation did not have any concerns with the proposed severance and rezoning. Any future development or site alteration may require a permit and/or clearance from ERCA.

Prepared By:

A handwritten signature in blue ink, appearing to be 'Vitra Chodha', written in a cursive style.

Vitra Chodha
Town Planner

Report Approval Details

Document Title:	Surplus Farm Dwelling Severance - 930 Road 4 East .docx
Attachments:	Appendix A - Location Map.pdf Appendix B - Draft Survey.pdf
Final Approval Date:	January 28, 2026

This document and all of its attachments were approved and signed as outlined below:



Allen Burgess, Manager of Planning



Richard Wyma, Director of Planning and Development



John Norton, Chief Administrative Officer