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Date: August 15, 2019

To: Mayor and Council

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Town Planner

RE: Application for Consent to Sever B/09/19 and Zoning By-law
Amendment ZBA/03/19 by
Joseph Palmer
330 Road 8 E
Part of Lot 23, Concession 7
Roll No. 3711 470 000 03000

Report No.: PS 2019-040

AIM

To provide the Town of Kingsville Council with information regarding the consent to sever an existing dwelling surplus to the farm operation and required Zoning By-law Amendment to prohibit additional dwellings on the retained farm parcel for lands known as 330 Road 8 E.

BACKGROUND

The subject parcel is a 20.23 ha (50 ac.) farm containing an existing single detached dwelling, two outbuildings, and woodlot. It is proposed that the dwelling, deemed surplus to the owner, be severed on a 0.743 ha (1.837 ac.) lot with 60.96 m (200 ft.) of frontage (see location map as Appendix A).

As a condition of the severance approval the zoning for the remnant farm parcel is amended to 'Agriculture – Restricted (A2)' to prohibit the construction of future dwellings and maintain compliance with the Provincial Policy Statement (PPS) Section 2.3.4.1(c).

DISCUSSION

When considering a severance request, it is necessary to review the application in context of the following documents to determine the appropriateness of the request:

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). Section 2.3.4.1(c) permits, *“a residence surplus to a farming operation as a result of farm consolidation,”* to be severed, *“provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.”*

Comment: The application is *consistent with* the PPS definition of a *residence surplus to a farming operation* and future dwellings will be prohibited on the retained farm parcel as a condition of consent, in that the retained parcel must be rezoned to “Restricted Agriculture (A2)”.

2.0 Official Plan

The Official Plan for the Town of Kingsville designates the severed and retained lands as ‘Agriculture’. The woodlands located in the south portion of the remnant lands are designated as part of an ‘Environmentally Significant Area’ as per Schedule ‘B’ of the Official Plan.

The requested consent to sever the surplus dwelling conforms to the policies of Section 7.3.1 Agriculture Land Division, of the Official Plan. The proposed surplus dwelling parcel is 0.743 ha (1.837 ac.) where the Official Plan recommends a size of 0.8 ha (1.977 ac.) or less.

Comment: the severed surplus dwelling parcel is designed to retain the existing structures, private servicing, and mature vegetation. As indicated in the ERCA comments (Appendix C), rezoning the remnant farm parcel to “Restricted Agriculture (A2)” to restrict new dwellings extends additional protection to the natural heritage feature. Protecting and enhancing the tree canopy is supported by policies set out in Section 3.4 of the County of Essex Official Plan, and Section 4.2 of the Town of Kingsville Official Plan.

3.0 Comprehensive Zoning By-law – Town of Kingsville

The severed parcel, shown as Part 1 on the applicant’s sketch (Appendix B), has an area of 0.743 ha (1.837 ac.), and a frontage of 60.96 m (200 ft.).

The vacant retained parcel will have an area of approximately 19.49 ha (48.163 ac.) and provide a frontage of 238.16 m (781.37 ft.) on Road 8 E.

The subject property is presently zoned ‘Agriculture (A1)’ in the Comprehensive Zoning By-law. There are no zoning issues created as a result of the creation of the lot for the surplus dwelling. The retained farm parcel will be rezoned from ‘Agricultural (A1)’ to ‘Agriculture - Restricted (A2)’ to prohibit future dwellings as required by the surplus dwelling severance policies.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There is typically some minor impact to assessment resulting from the severance of the dwelling from the farm parcel.

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. To date, no comments have been received by members of the public.

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">Property contains natural heritage feature on southern portion identified as a significant woodland.No objections (See Appendix C).
Town of Kingsville Management Team	<ul style="list-style-type: none">Ensure all buildings and services are contained within existing property lines and do not cross over into newly established lines.Severed parcel has existing vehicle access. New access location required for retained farm parcel.Septic beds to be completely located within proposed severed lots. Clearance letter from Building department required.Drainage reapportionment to be completed.The severed and retained lots be appropriately addressed and obtain 911 signage, if required.Lot grading plan required for any future development.
County of Essex	<ul style="list-style-type: none">No comments received and none expected.

RECOMMENDATION

It is recommended that Council: Approve consent application B/09/19 to sever an existing dwelling deemed surplus to the needs of the prospective purchaser on a 0.743 ha (1.837 ac.) parcel shown as Part 1 on the applicants' sketch, subject to the following conditions:

That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.

That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality.

That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full along with all municipal taxes be paid in full.

That any necessary drainage reapportionments be undertaken.

That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.

A favourable Zoning By-law Amendment application is processed to prohibit future dwellings on the retained farm parcel prior to the consent being endorsed on the deeds.

That the applicant obtain the necessary permit for and install a new access to the retained farm parcel at the applicant's expense and to the satisfaction of the Town and/or County;

That the necessary deed(s), transfers or charges be **submitted in triplicate**; signed and fully executed (**no photocopies**), including a copy of the reference plan, prior to certification.

The conditions imposed above shall be fulfilled by **September 9, 2020** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

Approve zoning by-law amendment application ZBA/13/19 to rezone the subject lands at 330 Road 8 E, Part of Lot 23, Concession 7, Town of Kingsville, from 'Agriculture (A1)' to 'Agriculture – Restricted (A2)' and adopt the implementing by-law

George Robinson

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Town Planner

Robert Brown

Robert Brown, H, Ba. MCIP, RPP
Manager, Planning Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer