



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

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To: Mayor and Council

Author: David French, BA, CPT
Interim Town Planner

RE: Combined Application for Consent & Zoning By-Law Amendment
File B/14/19 & ZBA/16/19 by Leonard & Anne Parent
570 Road 11, Part of Lot 21, Concession 10

Report No.: PS 2019-054

AIM

To provide the Town of Kingsville Council with information regarding the consent to sever an existing dwelling deemed surplus to the farm operation of a prospective purchaser and a Zoning By-law Amendment to rezone a wooded portion of the severed parcel to Natural Environment on lands known as 570 Road 11, Part of Lot 21, Concession 10.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the south side of Road 11, east of Graham Side Road. The subject property is designated 'Agriculture' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is 17.86 ha (44 ac. +/-) in area and contains an existing single detached dwelling and a barn, a wooded area and farmland. It is proposed that the dwelling and woodlot be severed on a 6.63 ha (16.38 ac.) lot (shown as Parts 2 & 3 on the applicants' sketch). The remnant parcel (shown as Part 1) will be 11.23 ha (27.748 ac.) in size, however as a condition of the consent the retained parcel will be required to merge with the abutting parcel to the east (PIN 75153-0073). Please refer to the attached draft reference plan. (Appendix A)

In order to implement the consent, a zoning by-law amendment is required to rezone the portion of the severed parcel containing the woodlot to 'Natural Environment, (NE)' to ensure appropriate long-term protection of this woodlot feature.

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 retained parcel, as a condition of the consent, is required to merge with the abutting farm lot to the east whose A1 zone classification supports the construction of a dwelling. As the A1 zone only permits one dwelling per lot, the resultant combined lot (retained parcel and receiving lot) in effect will continue to support what it does today and therefore maintain consistency with the PPS.

2.0 Official Plan

The Official Plan for the Town of Kingsville designates the severed and retained lands as ‘Agriculture’.

Under Section 7.3.1, Agriculture Land Division, of the Official Plan surplus dwelling lots are to be limited to 0.8 ha (2 ac.). The proposed technically consists of two parts. The surplus dwelling lot (Part 2) which is 0.8 ha (2 ac.) and the wooded area, Part 1, which is 5.8 ha (14.38 ac.). The dwelling lot area conforms with the size requirements of the Official Plan while the wooded area, which will also form part of the overall lot, helps to preserve tree cover consistent with the applicable policies of the Town.

3.0 Comprehensive Zoning By-law – Town of Kingsville

The severed parcel, shown as Parts 2 & 3 on the applicants’ sketch (Appendix A), has an area of 6.63 ha (16.38 ac.) and a frontage of 161.4 m (529.58 ft.). The retained parcel will have an area of approximately 11.22 ha (27.746 ac.) and will be consolidated with the farm to the east.

The subject property is presently zoned ‘Agriculture (A1)’ in the Comprehensive Zoning By-law. The lot for the surplus dwelling will be split zoned. Part 3 will be rezoned ‘Natural Environment, (NE)’. Part 2 will remain in the standard ‘Agriculture, (A1)’ zone. The retained farm parcel will be consolidated with the abutting farm parcel to the east and will not require rezoning since the receiving lot already permits one dwelling. No additional development is permitted since the retained lands and receiving are to be consolidated as a condition of approval.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There is some change 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. At the time of writing no comments had 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">No objections (See Appendix B).
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.

RECOMMENDATION

It is recommended that Council:

Approve consent application B/16/19 to sever an existing dwelling, deemed surplus to the needs of the prospective purchaser, together with a wooded portion of land on a 6.63 ha (16.38 ac.) lot, shown as Parts 2 & 3 on the applicants' sketch, subject to the following conditions:

- a) 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;
- b) 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;
- c) 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;
- d) That any necessary drainage reapportionments be undertaken;
- e) 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;
- f) That the severed and retained parcels be transferred to the purchaser, Larry Willis and Sons Inc., as outlined in the Agreement of Purchase and Sale, and consolidated with the abutting parcel to the east (PIN 75153-0073);
- g) The Zoning By-law be amended to rezone Part 3 on the applicants' sketch to recognize and protect the wooded area prior to the consent being endorsed on the deeds;
- h) 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;
- i) The conditions imposed above shall be fulfilled by **November 12, 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/16/19 to rezone a portion of the severed parcel (Part 3 on the applicants' sketch), in Part of Lot 21, Concession 10, in the Town of Kingsville, from 'Agriculture (A1)' to 'Natural Environment (NE)' and adopt the implementing by-law

David French

David French, BA, CPT
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