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Date: October 23, 2019

To: Mayor and Council

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Interim Town Planner

RE: Combined Application for Consent & Zoning By-Law Amendment
File B/14/19 & ZBA/16/19 By Earl & Beverly Haggins
1642 Road 2 W, Part of Lot C, Concession 2 WD

Report No.: PS 2019-050

AIM

To provide the Mayor and Council with information regarding the consent to sever an existing dwelling deemed surplus to the farm operation of a prospective purchaser and a required Zoning By-law Amendment to prohibit additional dwellings on the retained farm parcel for lands known as 1642 Road 2 West.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the north side of Road 2 west, between County Road 23 and McCain Side Road. The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 20.4 ha (50.4 ac.) in size and contains a single detached dwelling and several outbuildings. It is proposed that the existing dwelling, surplus to the farming operations of the prospective purchaser, be severed on a 0.802 ha (1.983 ac.) lot with 97.5 m (320 ft.) of frontage. (Appendix A)

As a condition of the consent, an application to rezone the retained farm parcel (shown in red on the location map) from 'Agricultural (A1)' to 'Agriculture - Restricted (A2)' is required to prohibit dwellings as per Provincial and Town policies (File ZBA/16/19).

The prospective purchaser owns the abutting farm parcel and can access the subject parcel from that location. The short-term plan is to install a new joint access on Road 2 W to service both the subject parcel and his adjoining parcel. As such the requirement for a

new access is not included. In place it is request that the applicant provide a letter of intent to undertake the new joint access installation with a specified timeframe.

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 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 lot is 0.802 ha (1.983 ac.) where the Official Plan recommends a size of 0.8 ha (1.977 ac.) or less.

Comment: the application conforms to the Kingsville Official Plan.

3.0 Comprehensive Zoning By-law – Town of Kingsville

The severed parcel, shown as Part 1 on the applicant’s sketch, has an area of 0.802 ha (1.983 ac.) and a frontage of 97.5 m (320 ft.).

The retained parcel will have an area of approximately 19.6 ha (48.4 ac.) and provide a frontage of 147.5 m (483.8 ft.) on Road 2 West.

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 consent policies.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

The impact to assessment resulting from the severance of the dwelling from the farm parcel is minimal.

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 from 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.
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/14/19 to sever an existing dwelling, deemed surplus to the needs of the prospective purchaser, on a 0.802 ha (1.983 ac.) parcel, shown as Part 1 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, Henry Denotter, as outlined in the Agreement of Purchase and Sale;
- g) The Zoning By-law be amended to prohibit future dwellings on the retained farm parcel prior to the consent being endorsed on the deeds.
- h) That the applicant provide a letter of intent for the installation of a new joint access to the retained farm parcel and abutting farm to the east at the applicant's expense and to the satisfaction of the Town and/or County;
- i) That the applicant install a boundary ditch along the north and east lot lines of 1648 Road 2 W to redirect the existing surface drain along the west lot line of the retained parcel to the satisfaction of the Town;
- j) 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.
- k) 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 the retained parcel, known as 1642 Road 2 West, Part of Lot C, Concession 2 WD, in the Town of Kingsville, from 'Agriculture (A1)' to 'Agriculture – Restricted (A2)' and adopt the implementing by-law

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Robert Brown

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Manager, Planning Services

Peggy Van Mierlo-West

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