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**Date:** November 4, 2019

**To:** Mayor and Council

**Author:** David French, BA, CPT  
Interim Town Planner

**RE:** Combined Application for Consent & Zoning By-Law Amendment  
File B/17/19 & ZBA/20/19 by Maria Bakalic  
405 Count Road 34 W, Part of Lot 276, Concession NTR

**Report No.:** PS 2019-055

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## **AIM**

To provide the Mayor and Council with information regarding a proposal to sever and convey lands as multiple lot additions to abutting rural residential parcels and amend the existing zoning as required to implement the proposed conveyances.

## **BACKGROUND**

The subject parcel is approximately 19 ha (47 ac.) in size and contains a single detached dwelling and several outbuildings. It is proposed that a portion of land (0.25 ha / 0.6 ac.) be severed and conveyed as lot additions to six abutting rural residential lots (5, 7, 9, 11, 13 & 15 Cameron Side Road) for the purpose of adding land area for amenity and other uses (septic replacement, sheds, etc.). The proposed lot additions are shown as Parts 1 to 6 on the applicant's sketch. (Appendix A) In order for the lot additions to merge with their respective receiving lots, one-foot squares (shown as Parts 7-12) will have to be severed and conveyed to the Town. The retained parcel will have a resultant lot area of approximately 18.9 ha (46.73 ac.).

As a condition of the consent, an application to rezone the lot addition lands from A1-47 to RR to match the zoning of the receiving lots is required. As well, the A1-47 zone of the retained parcel will be amended if necessary to recognize any deficiencies in lot area created as a result of the consent.

## **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 2.3.4.2 states, 'lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.'

Comment: The lot addition lands, while within a prime agricultural area, are within a band of lands designated Rural Residential along the north side of Cameron Side Road. The additions are minimal in nature and actually help to maintain the long-term viability of the lots by increase their size to one more consistent with rural residential lands, particularly when on partial services.

### **2.0 Official Plan**

The Official Plan for the Town of Kingsville designates the severed lot addition lands as 'Rural Residential' and the retained farm land as a mix of both 'Rural Residential' and 'Agriculture'. There are no issues of municipal significance created as a result of the proposal.

### **3.0 Comprehensive Zoning By-law – Town of Kingsville**

The lot addition lands are zoned Agriculture (A1-47) and the receiving lots are zoned Rural Residential (RR). In the case of lot additions, it is normal practice that the lot addition lands be rezone to match the zone classification of the receiving lot so as not to create incompatibilities between potential permitted uses within a split-zoned parcel. As such, it is recommended that the lot addition lands be rezoned from A1-47 to RR to recognize the non-farm, residential use.

As well, it is recommended that the existing site-specific A1-47 zone be revised to add a clause recognizing and permitting the reduced lot area of 18.5 ha (45.7 ac.). No other zoning issues are presented as a result of the proposal.

### **LINK TO STRATEGIC PLAN**

Manage growth through sustainable planning.

### **FINANCIAL CONSIDERATIONS**

As a result of the consent, a slight decrease in assessment of the retained farm parcel is anticipated, and a slight increase in assessment of the resultant rural residential lots is anticipated.

### **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 Watershed Planner	<ul style="list-style-type: none"><li>• No concerns regarding application</li><li>• Please see Appendix B for full comment</li></ul>
Town of Kingsville Management Team	<ul style="list-style-type: none"><li>• Ensure all building services are contained within existing property lines and do not cross over into newly established lines.</li><li>• If a new entrance is being created obtain required permits from municipal services prior to obtaining a building permit.</li><li>• Ensure new development water run-off does not adversely affect adjoining properties.</li><li>• Future development of residential dwellings will require a lot grading plan by an Ontario Land Surveyor prior to permit being issued.</li><li>• Existing buildings and lands shall be maintained and meet the requirements of all applicable Town of Kingsville By-laws which include Property Standards, Yard and Waste, Pool Fence, and Fence By-law. These By-laws are subject to enforcement when the Inspector is on-site and notes any deficiencies.</li></ul>
County of Essex	<ul style="list-style-type: none"><li>• No comments expected.</li></ul>

## RECOMMENDATION

It is recommended that:

Council approve consent application B/17/19 to sever and convey six separate portions of land, shown as Parts 1, 2, 3, 4, 5 & 6, on the applicant's sketch, as lot additions to 5, 7, 9, 11, 13 & 15 Cameron Side Road, in Part of Lot 276, Concession NTR, in the Town of Kingsville, subject to the following conditions:

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

- b) That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments be undertaken for any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act;
- c) That any necessary drainage reapportionments be undertaken;
- d) That the one-foot squares, shown on the applicant's sketch as Parts 7, 8, 9, 10, 11 & 12 be conveyed to the Town free of charge and clear of all encumbrances;
- 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 any new or revised municipal addressing being completed;
- g) That the lot addition lands, Parts 1, 2, 3, 4, 5 & 6 be respectively conveyed to and consolidated with the abutting lots located at 5, 7, 9, 11, 13 & 15 Cameron Side Road and that Section 50, (3) or (5) apply to any future consent.
- h) That the necessary deed(s), transfer or charges be ***submitted in triplicate***; signed and fully executed (***no photo copies***), prior to certification.
- i) The conditions imposed above shall be fulfilled by **November 20, 2020** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

Council approve zoning by-law amendment application ZBA/20/19 to rezone the portion of the severed parcel (Parts 1, 2, 3, 4,5 & 6 on the applicant's sketch), in Part of Lot 276, Concession NTR, in the Town of Kingsville, from 'Agriculture (A1-47)' to 'Rural Residential (RR)', and to revise the existing Agriculture (A1-47) Zone to recognize the reduction in lot area 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