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Plant Address:
1755 Road 4 East
Kingsville, ON N9Y 2E5

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November 4, 2019

The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, Ontario N9Y 2Y9

Attn: Mr. Robert Brown, H. Ba., MCIP, RPP
Manager of Planning Services
Planning Services Department

Dear Mr. Brown,

As per Motion 514-2019 from the Regular Council Meeting of 15-Oct-2019, there was a deferment in our application to allow you an opportunity to review the rural character setbacks and to provide a design for Council consideration at a future Regular Meeting.

Enclosed, please find copies of opinion letters from both Ms. Tracey Pillon-Abbs, RPP, Planning Consultant and from Mr. Paul Courey, LLB (Courey Law Professional Corporation) along with landscape drawings showing the proposed property in question.

If you have any questions or concerns, do not hesitate to contact me at your convenience.

Yours truly,

A handwritten signature in blue ink that reads "Michael Mastronardi".

Michael Mastronardi

Encl.

November 1, 2019

Mayor and Members of Council
Town of Kingsville

Re: Planning Opinion in Support of Zoning By-law Amendment ZBA-15-19 & Site Plan Control SPA-19-19, 1775 Road 4 East (County Rd 18), Town of Kingsville

On behalf of the property owner of 1775 Road 4 East, I provide the following planning opinion submission as it pertains to the above noted planning applications.

The subject property is a 0.356 ha (0.88 ac.) rural residential parcel and legally described as Pt. Lot 11, Concession 3 ED, Part 1, RP 12R 8831.

The applicant is proposing to remove the existing dwelling and outbuilding from the property to construct a new 446.2 sq. m. (4,803 sq. ft.) bunkhouse to supplement worker housing needs on an abutting lot which has a greenhouse complex (1755 Road 4 East).

The Zoning By-Law Amendment (ZBA) application proposes to change the zoning of the subject property from Agricultural (A1) Zone to Site Specific Agricultural (A1-78) Zone on Map 49 of By-law #1-2014 in order to permit a bunkhouse accessory to the abutting greenhouse complex. An increase easterly side yard setback is also added to include the minimum of 25 m (82.02 ft) from the required 3 m (9.84 ft).

Site Plan Approval (SPA) would be required to bring the subject lands under the blanket of the same agreement as the abutting parcel, with conditions of approval.

Provincial Policy Statement (PPS):

Section 2.3.1 states that prime agricultural areas shall be protected for long-term use for agriculture.

Further, Section 2.3.3.1 sets out permitted uses in prime agricultural areas which includes agricultural uses. Agricultural uses include accommodation for full-time farm labour when the size and nature of the operation requires additional employment. This applies to a year-round basis for the day-to-day operation of the farm or on a seasonal basis over an extended growing season.

County of Essex Official Plan (COP):

The subject property is designated Agricultural in the COP.

Section 3.3.2 sets out the goals for lands designated as Agricultural and includes the following:

- a) To protect prime agricultural areas for agricultural purposes to ensure the continued long-term availability of this resource.*
- b) To promote and protect agricultural uses and normal farm practices on lands within the "Agricultural" designation.*

- c) To allow and encourage farm operators to engage in a wide range of agricultural activities.*

Section 3.3.3.1 allows accessory farm accommodation as a permitted use. Section 3.3.3.5 requires the following:

- a) The size and/or nature of the farm operations makes the employment of such help necessary.
- b) Such additional dwellings do not have a significant effect on the tillable area of the farm or its viability.
- c) Permitted in the local Official Plan.
- d) The lands are appropriately zoned.

The preferred method for accommodating accessory farm accommodation is within temporary structures such as garden suites.

Town of Kingsville Official Plan (OP):

The subject property is designated Agricultural in the OP.

Section 3.1 sets out the goals for designated as Agricultural and includes the following:

- a) to preserve prime agricultural land for agricultural purposes;*
- b) to allow farm operators to engage in a wide range of agricultural activities including greenhouse farming;*
- c) to restrict the type and amount of non-farm development in the area designated "Agriculture";*
- d) to ensure the conservation, preservation and enhancement of the rural character of the Town as a cultural resource;*

It is a policy that:

b) greenhouse farming including packing and shipping facilities and on-site housing are permitted in the "Agriculture" designation and the agricultural zones of the Zoning By-law and are subject to site plan control;

f) residential uses on existing lots of record are permitted. The Zoning By-law shall only permit one residence per lot. However, more than one residence on a lot for the purposes of housing farm help may be allowed in those instances where the need for such housing has been adequately demonstrated, the farm help assists on the subject farm on a regular basis, the farm operation is of such a size and nature that this assistance is required and needs to be located close by the farm and a minor variance or amendment to the By-law has been obtained to recognize or permit the second dwelling.

Town of Kingsville Zoning By-law (ZBL):

The Site is zoned Agricultural (A1) on Map 49 of the ZBL.

A bunkhouse accessory to a greenhouse located at 1755 Road 4 E (County Road 18) is being requested.

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law with the exception of the special provision that the minimum required easterly side yard setback shall be 25 m (82.02 ft).

The proposed bunk-house complies with all other requirements of the A1 Zone.

Comments from the Public Meeting held

Based on comments received at the Public Meeting held on October 15, 2019 the following responses have been provided:

Item	Concern	Response
Visual Impact	Move the house back in order to reduce the visual impacts from abutting house and from the road	<p>Visibility from the abutting property and the road will be minimum.</p> <p>The proposed bunkhouse will be setback the same distance as the abutting greenhouse operation.</p> <p>Shifting the bunkhouse back may decrease the rear yard amenity space of the abutting property to the east.</p> <p>The proposed bunk-house will be located 15 m (49 ft) from the front lot line and a minimum of 15 m (49 ft) is required by the A1 Zone.</p> <p>The proposed bunk-house will be located 30 m (98.4 ft.) from the easterly side lot line and a minimum of 3 m (10 ft) is required by the A1 Zone. This will allow for additional buffering beyond what the by-law sets out and will be included in the site specific zone category.</p> <p>There is existing fencing and the recent addition of trees along the easterly boundary to act as screening.</p> <p>The owner is willing to increase the landscaping to provide for additional buffering to the east, as per the revised Landscape Plan. This includes 8 ft to 9 ft cedars.</p>
Property Values	Bunkhouses causing a decrease in property values	<p>There will not be any impact on property values in the area.</p> <p>There is no documented evidence of loss of property value resulting from proximity to bunkhouses.</p>

		Real estate values are the product of many factors such as current market conditions, the year of construction, recent renovations, etc.
Rural Character of the Area	Maintaining the rural character of a neighbourhood is important when greenhouse expansions take place	<p>The bunkhouse will be designed to maintain the rural character of the area.</p> <p>Amenity space and storage will be provided for bicycles and picnic tables in the rear yard in order to provide safe and appropriate living accommodations.</p>

Conclusion:

While the PPS permits accommodation for farm help, the labour needs of farms change over time.

A best practice is for farmers to consider alternatives to building new, separate, permanent dwellings for farm help. Alternatives include a dwelling on a parcel of land located in a nearby settlement area or on a rural lot.

Housing should be placed on lower priority agricultural lands that meet the province's minimum distance separation (MDS) formulae requirements and take as little land out of agricultural production as possible.

In this case, the subject property does meet the MDS, will have its own septic services and the proposed bunkhouse is proposed to be located on an existing lot which has an existing dwelling and outbuilding. Keeping the proposed bunkhouse close to the greenhouse operation will reduce transportation needs.

The COP is supported by providing housing for greenhouse operations supports the agricultural uses in prime agricultural areas. The preferred method for accommodating accessory farm accommodation is within temporary structures such as garden suites, however, in this case, a new bunkhouse is proposed to ensure high quality living accommodations.

The OP is supported by helping to support an abutting agricultural use. The farm help assists on the abutting greenhouse operation on a regular basis. The farm operation is of such a size and nature that this assistance is required. The bunkhouse is required to be located close by the farm.

Regarding the requirements of the ZBA, the site plan has been reviewed and the proposed new development will be in full compliance with the provisions upon approval of the requested zoning amendment to rezone the lands to a site-specific zone to permit a stand-alone bunkhouse accessory to the abutting greenhouse operation.

The site plan provides information such as building size, septic system location, municipal services, buffering, landscaping and access. Keeping the subject property separate from the abutting greenhouse operation would allow the septic system to be in compliance with the Ministry of the Environment (MOE) requirements. A revised Landscape Plan has been prepared showing additional plantings along the east of the proposed bunkhouse.

The location of the proposed bunkhouse will be aligned with the abutting greenhouse operation in order to blend the structure with the character of the area.

It is important to maintain a large rear yard in order to provide for amenity space, seating area and storage for bicycles and yard equipment. This will contribute toward providing for safe and appropriate living accommodations.

There will be no negative impacts with the location of the proposed bunkhouse and there is an increase in side yard setback from the residential dwelling to the east. The abutting residential dwelling is also facing northeast, away from the subject property.

The proposed use would not impact the compatibility between uses in the area. The enjoyment of abutting properties will not be reduced with the increase in setback, fencing and landscaping.

The site is not located within a regulated area under the jurisdiction of the local Conservation Authority.

The County of Essex has no objections, other than the request to hard surface the entrance apron. No new access is required.

Therefore, the proposed application does comply with the PPS, does conform to the intent of the COP and the OP, complies with the intent of the ZBL, will have conditions applied to the SPA and is considered good planning.

The owner is requesting that the ZBL and SPA applications be approved.

Respectfully Submitted,



Tracey Pillon-Abbs, RPP
Planning Consultant



FILE 2019-62



COUREY LAW

Paul Courey LL.B.
Awstin Pettit J.D.
T.C. Odette Jr. Q.C (1916-1999)
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November 4, 2019

FILE NO.: 19325

VIA EMAIL ONLY TO:

M & M Farms Ltd.
Attn: Mike Mastronardi
331 Talbot Street West
Leamington, ON N8H 4H3

mikemmfarms@outlook.com

Dear Sir:

**Re: Application for Zoning and Site Plan
1775 County Road 18, Kingsville, Ontario**

I reviewed the information you provided with respect to this matter. I also have the draft comments of Ms. Pillon-Abbs. Both she and the Town's planner, Robert Brown, agree that the Application should be approved.

Council, despite Mr. Brown's report, deferred the Application due to an objection by the neighbour to the east who wants a greater setback. Your application has a front yard that meets the zoning requirements.

The objection seems odd. Your proposal puts your new building generally in line with others up and down the road. It is the neighbour's house being setback more than the rest that is the unusual one. If a new house were built on your lot, it could be built at the proposed setback without any site plan control.

A greater setback for your project would hinder or stop your ability to build a shed which would store personal property of the workers you will house there, something that will lead to a less tidy appearance of the property and be more of a concern to the neighbour.

From the aerial views, your neighbour seems to have a swimming pool behind the house. Moving your structure farther back could interfere with the privacy of their rear yard.

Aside from the house on your neighbour's lot, they seem to have some sort of construction yard with out buildings and machinery parking. It is hardly a quiet residential neighbourhood and a

new homeowner on your lot might have objections. In fact, from this location westerly, it is more of an industrial area.

Your application meets the requirements of the zoning by-law, is permissible under all of the planning policies at various levels of government, and should be approved.

Site plan control is within the control of the Town, but it is not a process that is to be used to change the zoning regulations. It is meant to assist in implementing the regulations in a way that minimizes conflict. Since your proposal meets the requirement for setback, the site plan should work with that setback.

Your draft landscaping plans exceed the minimum usually required.

In my opinion, if council requires a setback greater than the zoning by-law provides for, ostensibly on the basis of site plan control, then council is dealing with site plan principles on an irrelevant consideration, being political pressure. Such a decision might well be overturned on appeal.

Awstin Pettit from this firm will be in attendance on November 12 at 7:00 p.m. to assist you and Ms. Abbs-Pillon, as requested.

Yours truly,

COUREY LAW *Professional Corporation*


Paul Courey
PC/cs

cc: Awstin Pettit
ap@coureylaw.com