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**Date:** November 29, 2019

**To:** Mayor and Council

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Interim Town Planner

**RE:** Combined Application for Consent & Zoning By-Law Amendment  
File B/21/19 & ZBA/23/19 by  
Bardow Holdings Ltd.  
354 Road 11, Part of Lot 15, Concession 10

**Report No.:** PS 2019-061

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## **AIM**

To provide the Mayor and Council with information regarding the consent to sever an existing dwelling deemed surplus to the farming operation of the owner and a required Zoning By-law Amendment to prohibit additional dwellings on the retained farm parcel for lands known as 354 Road 11. It is further proposed that an access easement be established over the severed parcel in favour of the retained farm parcel.

## **BACKGROUND**

The Town of Kingsville has received the above-noted application for lands located on the south side of Road 11, between County Road 27 East and Graham Side Road. The subject parcel is designated 'Agricultural' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 17.4 ha (43 ac.) in size and contains a single detached dwelling and three outbuildings. (See Appendix A) It is proposed that the existing dwelling, deemed surplus to the farming operation of the owner, be severed on a 0.543 ha (1.343 ac.) lot with 59.4 m (195 ft.) of frontage, shown as Parts 1 & 2 on the applicant's sketch. It is further proposed that an access right-of-way be established over an existing shared bridge, shown as Part 2, over the severed parcel in favour of the retained parcel.

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, and has been submitted (File ZBA/23/19).

## **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 0.543 ha (1.343 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 Parts 1 and 2 on the applicant’s sketch, has an area of 0.543 ha (1.343 ac.) lot with 59.4 m (195 ft.) of frontage.

The retained parcel will have an area of approximately 16.857 ha (41.657 ac.) and provide a frontage of 204.25 m (670.12 ft.) on Road 11.

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

## RECOMMENDATION

It is recommended that:

Council approve consent application B/21/19 to sever an existing dwelling, deemed surplus to the needs of the prospective purchaser, together with an access easement over the severed parcel, in favour of the retained parcel, on a 0.543 ha (1.343 ac.) parcel shown as Parts 1 and 2 on the applicant's 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.
- b) That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes be paid in full.
- c) That any necessary drainage reapportionments be undertaken.
- d) A clearance letter of approval for the septic system on the severed parcel (surplus dwelling lot) must be obtained from the Town's Building Department.
- e) That as a result of the 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) The Zoning By-law be amendment to prohibit future dwellings on the retained farm parcel prior to the consent being endorsed on the deeds.
- g) That the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.
- h) The conditions imposed above shall be fulfilled by December 9, 2020 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

Council approve zoning by-law amendment application ZBA/23/19 to rezone the retained parcel, known as 354 Road 11, Part of Lot 15, Concession 10, 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