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Date: March 12, 2020

To: Mayor and Council

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Town Planner

RE: Combined Application for Consent and Zoning By-law Amendment
File B/22/19 & ZBA/24/19 by
Linda Wintermute & Helen McLeod
605 Road 11, Part of Lot 22, Concession 11

Report No.: PS 2020-020

AIM

To provide the Town of Kingsville with information regarding the consent to sever an existing dwelling deemed surplus to the owners, and a Zoning By-law Amendment to rezone the remnant farm parcel to restrict future development of residential dwellings, on lands known as 605 Road 11, in the Town of Kingsville.

BACKGROUND

The Town of Kingsville has received applications for lands located on the north side of Road 11, between Albuna Town Line (County Road 31) and Graham Side Road. The subject parcel is approximately 20.11 ha (49.7 ac.) in size and contains a single detached dwelling and two outbuildings. It is proposed that the existing dwelling, surplus to the owners, be severed on a 0.36 ha (0.89 ac.) lot with 43.12 m (141.5 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 in Appendix A) from 'Agricultural (A1)' to 'Agriculture - Restricted (A2)' is required to prohibit dwellings as per Provincial and Town policies.

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 0.36 ha (0.89 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 0.36 ha (0.89 ac.) lot with 43.12 m (141.47 ft.) of frontage.

The retained parcel will have an area of approximately 19.75 ha (48.81 ac.) and provide a frontage of 277.98 m (912 ft.) on Road 11.

The subject property is presently zoned ‘Agriculture (A1)’ in the Comprehensive Zoning By-law.

Comment: 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

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.

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.

Essex Region Conservation Authority (ERCA)

- The parcel falls within the regulated area of the Patterson Drain and Ames Drain.
- The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.
- ERCA has no objection to the Application for consent and the Zoning By-Law Amendment.
- See full comment in Appendix B.

Town of Kingsville Management Staff

- Drainage re-apportionment required.
- Confirm septic system location, and that all is located on Part 1 of sketch.
- Confirm water service location, and that all is located on Part 1 of sketch.
- Ensure services do not cross over into newly established property lines.
- Septic system location inspection required.
- Is there an existing access for the retained parcel? If not, access will be required.
- Retained farm to be re-zone to A2 to prohibit future dwelling development.

RECOMMENDATION

That:

Council approve consent application B/22/19 to sever an existing dwelling, deemed surplus to the needs of the owners on a 0.36 ha (0.89 ac.) parcel shown as Part 1 on the applicants' sketch, in the Town of Kingsville, subject to the following conditions:

- a) That the applicant(s) arrange for 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.
- c) That any necessary drainage reapportionments be undertaken.
- d) A clear 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 of certification of the deed.
- f) The zoning of the retained parcel be amended to prohibit future dwellings prior to certification.
- 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.

AND THAT, Council approve zoning by-law amendment application ZBA/25/19 to rezone the retained parcel, known as 605 Road 11, in Part of Lot 22, Concession 11, in the Town of Kingsville, from 'Agriculture (A1) to "Agriculture – Restricted (A2)" and adopt the implementing by-law.

Robert Brown

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Jennifer Astrologo

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Director, Corporate Services