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Date: July 21, 2020

To: Mayor and Council

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Town Planner

RE: Combined Application for Consent and Zoning By-law Amendment
File B/06/20 & ZBA/08/20 by
David Armstrong
257 Rd 10 E
Part of Lot 16, Concession 10

Report No.: PS 2020-040

AIM

To provide the Mayor and Council with information regarding a consent to sever an existing dwelling deemed surplus to the owner, and a Zoning By-law Amendment to rezone the remnant farm parcel to restrict future development of residential dwellings, on land known as 257 Road 10 East, in the Town of Kingsville.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the north side of Road 10 East, west of Graham Side Road. The subject property is designated 'Agriculture' by the Official Plan and zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is 41.59 ha (102.78 ac.) in area and contains one single detached dwelling with a detached garage and three outbuildings. It is proposed that the dwelling, deemed surplus to the farming operation of the owner, be severed on a 0.48 ha (1.19 ac.) lot, shown as Part 1 on the applicant's sketch. The owner's base of operations is located in the community of South Woodslee in the Municipality of Lakeshore.

As a condition of the consent, an application to rezone the retained farm parcel from 'Agricultural (A1)' to 'Agriculture - Restricted (A2)' is required to prohibit dwellings as per Provincial and Town policies (File ZBA/08/2020).

A map showing the location of the subject parcel (see Appendix A) and a sketch showing the proposed lot configurations (see Appendix B) is attached.

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. 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 severed parcel is within the recommended size limit 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 subject property is presently zoned ‘Agriculture (A1)’ in the Comprehensive Zoning By-law. The severed surplus dwelling, shown as Part 1 on the applicant’s sketch, has an area of 0.48 ha (1.19 ac.) with 64.01 m (210 ft.) of frontage on Road 10 E. The retained farm parcel will have an area of approximately 41.11 ha (101.59 ac.) and provide a frontage of 237.74 m (780 ft.) on Road 10 E.

Comment: There are no zoning issues created as a result of the creation of the surplus dwelling lot. 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

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 McMahon and Rivest 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 C.

Town of Kingsville Management Staff

- Drainage re-apportionment required.
- Confirm that the location of the septic systems and water service are aligned with the proposed limits of Part 1.
- Septic system inspections are required to ensure the system is located entirely within the newly proposed lot.

RECOMMENDATION

That Council:

Approve consent application B/06/20 to sever an existing dwelling, deemed surplus to the needs of the applicants farming operation on a 0.48 ha (1.19 ac.) lot shown as Part 1 on the applicants sketch, known as 257 Road 10 E, in the Town of Kingsville, subject to the following conditions:

- 1) That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town.
- 2) 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.
- 3) That any necessary drainage apportionments be undertaken.
- 4) 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.
- 5) The zoning of the retained parcel be amended to prohibit future dwellings prior to certification (ZBA/08/20).
- 6) That the applicant provide confirmation to the satisfaction of the Town the location of any existing septic systems in relation to the revised lot line locations.
- 7) That the necessary deed(s), transfer or changes be submitted in triplicate, signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.
- 8) The conditions imposed above shall be fulfilled by August 10, 2021 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

Approve zoning by-law amendment application ZBA/08/20 to rezone the retained parcel, in Part of Lot 16, Concession 10, in the Town of Kingsville, from 'Agriculture (A1)' to 'Agriculture – Restricted (A2)' and adopt the implementing by-law.

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