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**Date:** January 20, 2021

**To:** Mayor and Council

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Town Planner

**RE:** Combined Application for Consent and Zoning By-law Amendment  
File B/14/20 & ZBA/16/20 by  
407 & 409 County Rd 14 E  
Part of Lot 23, Concession 9

**Report No.:** PS 2021-009

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## **AIM**

To provide the Mayor and Council with information regarding a request to sever a dwelling deemed surplus to the owners, along with a lot addition and zoning by-law amendment which would recognize an undersized frontage and restrict future development of residential dwellings, on lands known as 407 & 409 County Rd 14 E, in the Town of Kingsville.

## **BACKGROUND**

The subject lands are approximately 6.7 ha (16.5 ac.) in total. The dwelling at 409 County Rd 14 E is surplus to the farming operation of the owners, who maintain a home base farming operation near the parcel in question. The surplus dwelling is proposed to be severed on a 0.36 ha (0.88 ac.) lot, shown as Part 3 in Appendix B. The proposed lot addition (Part 2) for 407 County Rd 14 E (Part 1) would result in a 0.29 ha (0.71 ac.) parcel. This parcel, while under the same ownership, was granted consent in 1994 pursuant to Section 52 (21) of the Planning Act 1983.

As a condition of the consent, application to rezone the retained farm parcel from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)' is required to prohibit dwellings as per Provincial and Town policies (File ZBA/16/2020). Additionally, a site-specific amendment will be required to recognize the undersized frontage of 15.37 m (50.42 ft.) for the retained farm parcel.

## **DISCUSSION**

## **1. 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): “The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.”

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.”

Section 2.3.4.2 states that “Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.”

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. Also, the proposed lot addition is consistent with Provincial Policy Statement as this is a minor boundary adjustment.

## **2. Town of Kingsville Official Plan**

The Official Plan for the Town of Kingsville designates the subject 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. It is also supportive of lot adjustments or minor boundary changes in that consent is granted conditional to Section 50(3) or (5) of the Planning Act

Comment: The application conforms to the Town of Kingsville Official Plan.

## **3. Town of Kingsville Comprehensive Zoning By-law**

The subject lands are currently zoned ‘Agriculture (A1)’. As a result of the surplus dwelling severance and the lot addition lands, the remnant farm will have an undersized frontage, to be recognized through a site-specific zoning amendment.

The Applicant’s Sketch (Appendix B) includes the surplus dwelling and an outbuilding at 409 County Rd 14 E, on a proposed 0.36 ha (0.88 ac.) lot, (Part 3). The proposed lot addition (Part 2 being vacant land) is to be conveyed to 407 County Rd 14 E (Part 1) which contains a house and two outbuildings and will result in a new combined parcel with an area of 0.29 ha (0.71 ac.).

The retained vacant farm parcel will have an area of approximately 6.03 ha (14.91 ac.) and provide a frontage of 15.37 m (50.42 ft.) on County Road 14 E. The minimum frontage required is 30 m (100 ft.), therefore a site-specific amendment will need to address the reduced frontage as a result of the consent application.

Comment: As a result of the lot addition lands and the surplus dwelling severance, not only will the retained farm parcel require an amendment to prohibit future dwellings as required by the surplus dwelling consent policies, but also recognize the undersized frontage. This reduced frontage will not negatively affect ongoing access to the farmland.

## **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**

### **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. At the time of writing, the following comments have been received.

#### **1) Essex Region Conservation Authority (ERCA)**

- The parcel falls within the regulated area of the Bell Drain. Permit or clearance required prior to construction.
- No concerns with regards to the application.
- See full comment in Appendix C.

#### **2) Town of Kingsville Technical Advisory Committee**

- Building Dept. indicated no objection to the proposal
- Obtain approved septic inspections for severance, per lot
- Confirmation of separate water service connections and that services do not cross over property lines
- Drainage apportionment
- Establish an access for retained farm

#### **3) County of Essex**

- No objections or concerns, comments are engineering related only.
- See full comment in Appendix D.

## RECOMMENDATION

That Council:

Approve consent application B/14/20 to:

- i) sever an existing dwelling, deeds surplus to the needs of the applicants' farming operation on the subject parcel, shown as Part 3 on the applicants' sketch, being 0.36 ha (0.88 ac.) in area and known as 409 County Rd 14 E, in the Town of Kingsville;
- ii) sever and convey a portions of land, shown as Part 2 on the applicants' sketch, from the lands known as 409 County Rd 14 E, to an abutting parcel, known as 407 County Rd 14 E as a lot addition, in the Town of Kingsville, subject to the following applicable 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 the lot addition to be severed, shown on the applicant's sketch as Part 2, be conveyed to the owner of the abutting parcel (407 County Rd 14 E (P.I.N. 75152-0183) and Section 50 (3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.
  3. 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.
  4. That the necessary drainage apportionments be undertaken.
  5. The applicant provides, to the satisfaction to the Town, that each parcel has separate water connections and that water lines do no cross property lines.
  6. That a clearance letter of approval for the septic systems on Parts 1 and 3 must be obtained from the Town's Building Department.
  7. That the applicants obtain the necessary permit for and install a new access to the retained farm parcel at the applicant's expense and to the satisfaction of the Town and/or County;
  8. 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.
  9. The zoning of the retained farm parcel be amended to prohibit future dwellings and recognized the undersized frontage, prior to certification (ZBA/16/20).

10. 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.
11. The conditions imposed above shall be fulfilled by February 8, 2022 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/16/20 to rezone the retained farm parcel, in Part of Lot 23, Concession 9, in the Town of Kingsville, from 'Agriculture (A1)' to 'Agriculture – Restricted Exception 2 (A2-2)', to permit a lot frontage of 15.37 m (50.42 ft.) and prohibit the future construction of dwellings, and adopt the implementing by-law.

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