



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 13, 2021

To: Mayor and Council

Author: Kristina Brcic, MSc, BURPI
Town Planner

RE: Combined Consent and Zoning By-law Amendment Application for
Surplus Dwelling Severance File B/17/21 & ZBA/22/21 by
David & Anna Dyck
177 County Rd 14 E
Part lot 17, Concession 9
Roll No. 3711 550 000 00500

Report No.: PS 2021-062

RECOMMENDED ACTION

That Council:

Approve consent application B/17/21 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.5 ha (1.3 ac.) lot shown as Part 1 on the applicants' sketch, known as 177 County Road 14 East, 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/22/21).
- 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 September 27, 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/22/21 to rezone the retained parcel, in Part Lot 17, Concession 9, in the Town of Kingsville, from 'Agriculture (A1)' to 'Agriculture – Restricted (A2)' and adopt the implementing by-law.

BACKGROUND

The subject land is approximately 19.6 ha (48.5 ac.) in area and contains one single detached dwelling and five outbuildings (see Appendix A). The applicants' base of farming operations is located at 297 Road 7 E making the subject dwelling surplus to the farming operations. It is proposed that the dwelling and 5 outbuildings be severed on a 0.5 ha (1.3 ac.) lot, shown as Part 1 on the applicant's sketch (see Appendix B).

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/22/21).

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."

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 will 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 and zoning application conforms to the policies of Section 7.3.1, Agriculture Land Division, of the Official Plan.

3.0 Comprehensive Zoning By-law

The subject property is presently zoned 'Agriculture (A1)' in the Comprehensive Zoning By-law. The severed surplus dwelling, shown as Part 1 on the applicants' sketch, has an area of 0.5 ha (1.3 ac.) with 93.57 m (170 ft.) of frontage on County Rd 14 E. The retained farm parcel will have an area of approximately 19.3 ha (47.8 ac.) and maintain a frontage of 177.4 m (582 ft.) on County Rd 14 E.

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 'Agriculture (A1)' to 'Agriculture - Restricted (A2)' to prohibit future dwellings as required by the surplus dwelling consent policies, and both Provincial and Town Policy.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

Link to Council 2021-2022 Priorities

- ☐ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☒ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw

- ☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance
- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☐ No direct link to Council priorities

FINANCIAL CONSIDERATIONS

The impact to assessment resulting from the severance of the dwelling from the farm parcel is minimal.

CONSULTATIONS

In accordance with 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

- No objection
- Full comments provided in Appendix C

Town of Kingsville

- Clearance required of the septic system and location relative to new property lines
- Drainage apportionment
- Amend zoning of retained farm to A2 per Town and Provincial Policy

County of Essex

- No objection, comments provided are engineering related
- Full comments provided in Appendix D

Kristina Brcic

Kristina Brcic, MSc, BURPI
Town Planner

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services