



Date: November 28, 2022

To: Mayor and Council

Author: George Robinson, MCIP, RPP
Manager of Planning

RE: Application for Zoning By-law Amendment and Consent by
Lloyd and Catherine Ferguson
145 Marsh Side Road
CON 7 PT LOT 3 RP 12R3038 PT of Part 1

Report No.: CADS – 2022-27

RECOMMENDED ACTION

1. That consent application B/18/22 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.79 ha (1.973 ac.) lot shown as Part 1 on the applicants' sketch, known as 145 Marsh Side Road, in the Town of Kingsville, **BE APPROVED**, 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 to the Town.
 - 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 apportionments be undertaken.
 - d) 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.
 - e) The zoning of the retained parcel be amended to prohibit future dwellings prior to certification (ZBA-2022-18).
 - f) 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.

- g) 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.
 - h) The conditions imposed above shall be fulfilled by November 28, 2024 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.
2. **By-law 68-2022** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

The Town of Kingsville has received the above-noted applications for lands located on the west side of 145 Marsh Side Road, at the intersection of County Road 27 W and Marsh Side Road (see location map attached as Appendix A). The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 19.65 ha (48.57 ac.) in size and contains a single detached dwelling, two silos, workshop/barn and a metal shed. It is proposed that the dwelling, two silos and workshop/barn deemed surplus to the owner, be severed on a new lot. The proposed severed parcel is shown as Part 1 on the applicant's sketch (attached as Appendix B), Part 1 has an area of 0.79 ha (1.973 ac.) and frontage of 71.62 m (235 ft.)

As a condition of the consent, an 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-2022-18).

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

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) Town of Kingsville 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) Comprehensive Zoning By-law

The severed parcel, shown as Part 1 on the applicant's sketch, has area of 0.79 ha (1.973 ac.) and frontage of 71.62 m (235 ft.)

The vacant retained parcel will have an area of approximately 18.86 ha (46.597 ac.) and provide an irregular frontage on Marsh Side Road. Access to the severed lot will be on the existing driveway, the retained lot has three access points along Marsh Side Road.

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.

FINANCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

None.

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.

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 from circulated agencies.

1) Essex Region Conservation Authority (ERCA)

- The parcel partially falls within the regulated area of the West Part 7th Concession Road Drain.
- No objections to the combined zoning by-law amendment and consent. ERCA comments attached as Appendix C.

2) Town of Kingsville Technical Advisory Committee

- Septic review is required to determine if there is an existing septic system on the property and confirm that it meets Ontario Building Code requirements and setbacks. It is recommended that the owner obtains a qualified septic contractor to expose the top of the septic tank and four corners of the weeping bed for a building department inspection. Call the building department minimum 2 business days in advance to schedule the inspection.
- Ensure retained parcel and newly created parcel maintains and manages their own storm water on each lot.
- Ensure all building services are contained within existing property lines and do not cross over into newly established lines.

PREPARED BY:



George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:



Richard J.H. Wyma, CSLA
Director of Community and Development Services

LINK TO STRATEGIC PLAN

Manage 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