



**Date:** April 11, 2023

**To:** Mayor and Council

**Author:** Sarah Campbell, MsC, BDEM  
Planner

**RE:** Application for Zoning By-law Amendment and Consent for  
Severance by L.V Renaud Enterprises Inc. (Larry Renaud)  
ZBA-2023-03 and B-34-22 – Surplus Dwelling Severance at 848 Road  
2 West

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## **RECOMMENDED ACTION**

1. That consent application B/34/22 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.48 ha (1.2 ac.) lot shown as Part 1 on the applicants' sketch, known as 848 Road 2 West, 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-2023-03).
  - 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) That each parcel have their own access to Road 2 or Road 3 West and the applicant acquire an entrance or encroachment permit for access to both parcels to the satisfaction of the Town or County of Essex as applicable.
  - i) That the applicant provide confirmation to the satisfaction of the Town that any structures in proximity to newly created lot lines are moved to meet minimum setback requirements or demolished.
  - j) The conditions imposed above shall be fulfilled by April 11, 2025 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.
2. **By-law 25-2023** 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 North side of Road 2 West (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 20.9 ha (51.67 ac.) in size and contains a single detached dwelling and a metal clad barn. It is proposed that the dwelling is deemed surplus to the owner and be severed on a new lot. The metal clad barn will be demolished or moved prior to finalization of the severance. The proposed severed parcel is shown as Part 1 on the applicant's sketch (attached as Appendix B), Part 1 has an area of 0.48 ha (1.2 ac.) and frontage of 65 m (213.3 ft.). The retained parcel is shown as Part 2 on the applicant's sketch, Part 2 has an area of 20.42 ha (50.46 ac.) and frontage of 156.23 m (512.57 ft.) on Road 3 West.

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-2023-3).

## **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 proposed severed parcel is shown as Part 1 on the applicant’s sketch (attached as Appendix B), Part 1 has an area of 0.48 ha (1.2 ac.). Therefore, 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 0.48 ha (1.2 ac.) and frontage of 65 m (213.37 ft.).

The vacant retained parcel will have an area of approximately 20.42 ha (50.46 ac.) and frontage of 156.23 m (512.57 ft.) on Road 3 West. Access to the severed lot will be on the existing driveway, the retained lot has an access point on Road 3 W.

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 anticipated to be minimal.

## **ENVIRONMENTAL CONSIDERATIONS**

Environmental impact 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.

### **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**

- 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 Zoning By-Law Amendment ZBA-2023-3 and Consent B-34-22.

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

- The barn will need to be removed / partially-removed so as to not cross new property lines.
- Minimum required setbacks will need met from the new property line for any portion of existing building (metal clad barn) that will remain.
- Drainage re-apportionment required.
- Septic location to be determined to confirm entirety remains with severed parcel, and efficacy of septic system determined.
- A new water service may be required for retained farm.
- Ensure retained parcel and newly created parcel maintains and manages their own storm water on each lot.

#### **PREPARED BY:**

*Sarah Campbell*

Sarah Campbell, MsC, BDEM  
Planner

#### **REVIEWED BY:**

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George Robinson, MCIP, RPP  
Manager of Planning

**REVIEWED BY:**



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