



Date: May 23, 2023

To: Mayor and Council

Author: George Robinson MCIP, RPP
Manager of Planning

RE: Application for Zoning By-law Amendment and Consent for
Severance by Craig Chevalier
169 South Talbot Road
CON STR, PT LOT 268
Roll Number: 3711-560-000-00900

RECOMMENDED ACTION

1. That Zoning By-law amendment application ZBA-2023-10 to amend the zoning on the subject parcel in the Town of Kingsville **BE APPROVED**;
2. That consent application B-2023-8 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 2.89 ha (7.14 ac.) lot shown as Parts 1 & 2 on the applicants' sketch, known as 169 South Talbot 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-2023-10).

- 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 South Talbot Road 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) The conditions imposed above shall be fulfilled by May 23, 2025 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.
3. **By-law 37-2023** 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-East side of South Talbot Road, close to the intersection of County Road 27 W (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 21.62 ha (53.43 ac.) in size and contains a single detached dwelling and a vinyl sided garage. It is proposed that the dwelling and garage are deemed surplus to the owner, be severed on a new lot. The proposed severed parcel is shown as Part 1 and Part 2 on the applicant's sketch (attached as Appendix B), Part 1 has an area of 2.1 ha (5.18 ac.) and will be rezoned to 'Natural Environment (NE)' to restrict development. Part 2 has a lot area of 0.79 ha (1.96 ac.), with access and a frontage of 210.13 m (689.4 ft.) on South Talbot Road; Part 2 contains the dwelling and garage, and continue to be zoned 'Agriculture (A1)'.

The retained parcel has a proposed lot area of approximately 17.94 ha (44.32 ac.) of vacant agriculture land with frontage and access on South Talbot Road. 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-2023-10).

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: Part 2 has a lot area of 0.79 ha (1.96 ac.), with access and a frontage of 210.13 m (689.4 ft.) on South Talbot Road. Although it is being severed with Part 1, that portion of the parcel is being rezoned to ‘Natural Environment (NE)’ to restrict development. 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 (1.96 ac.) and frontage of 71.62 m (235 ft.)

The vacant retained parcel will have an area of approximately 17.94 ha (44.32 ac.) and provide frontage on South Talbot Road. Access to the severed lot will be on the existing driveway, access to the retained lot will be on an existing access off of South Talbot 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. Part 1 will be rezoned to ‘Natural Environment (NE)’ to restrict development and protect the existing natural features.

FINANCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

The environmental impact resulting 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) 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.
- Drainage apportionment will be required.

PREPARED BY:



George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:

A handwritten signature in black ink, consisting of several loops and a trailing line, followed by a period.

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