



Date: February 26, 2024

To: Mayor and Council

Author: Vitra Chodha, Planner

RE: Consent (B-2024-2) and Zoning By-law Amendment (2024-2) - 292 County Rd 34 W & V/L County Rd 34 W

RECOMMENDED ACTION

1. That consent application B-2024-2 to sever and add 4.01 ha (9.91 ac) of lands shown as Part 2 on the applicant's sketch from 292 County Road 34 West, CON NTR PT. LOT 273 to V/L County Road 34, CON STR PT LOTS 272 273 274 **BE APPROVED**, subject to the following conditions:
 - a. That a plan of survey be prepared, or a reference plan deposited in the registry office, *both an electronic and paper* copy to be provided to the Town for the files of the Secretary-Treasurer.
 - b. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality including satisfactory proof as to compliance of the location of all buildings on the subject lands, either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favourable minor variances shall have been processed for any non-compliances.
 - c. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage be established pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.
 - d. That as a result of 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 the consent is being endorsed on the deeds.
 - e. That each parcel be required to have its own independent, properly working onsite septic/sewage system designed to meet the Ontario

Building Code for inspection by the Town of Kingsville Building Department, to the satisfaction of the Chief Building Official.

- f. That each parcel be required to drain separately and if it cannot be drained separately then a Mutual Drain Agreement is acceptable.
 - g. The conditions imposed above shall be fulfilled by February 26th, 2026, or this application shall be deemed to be denied in accordance with Section 53(41) of *The Planning Act*.
2. That By-law 19-2024 to amend the Comprehensive Zoning By-law for the Town of Kingsville on the retained portion of the parcel municipally known as 292 County Road 34 West, CON NTR PT. LOT 273, in the Town of Kingsville, seen as Part 1 on Applicant's sketch, from 'General Agricultural' to 'Rural Residential (RR)' **BE APPROVED**.

BACKGROUND

Property Owners: Louise Hudak & Steckle Farms Ltd

Municipal Address: 292 County Rd 34 W & V/L County Rd 34 W

The Town of Kingsville has received an application for lands located in the northern part of County Road 34, as seen on the attached location map in Appendix A. The property at 292 County Road 34 West is designated as 'Agricultural' and 'Rural Residential' in the Official Plan and zoned as 'General Agricultural' (A1) under the Kingsville Comprehensive Zoning By-law. Similarly, the V/L County Road 34 West (Steckle Farms) is designated as 'Agricultural' in the Official Plan and zoned as 'General Agricultural' (A1) under the Kingsville Comprehensive Zoning By-law.

The property located at 292 County Road 34 West comprises a house and an accessory structure on an area of 4.58 hectares (11.32 acres) and the property situated at V/L County Road 34 West (Steckle Farms) encompasses several farm buildings and barns over an area of 129.1 hectares (319.0 acres). The applicant wishes to sever and convey 4.01 hectares (9.91 acres) of land, identified as Part 2 on Appendix B, to the Steckle Farms. The remaining 0.57 hectares (1.41 acres), identified as Part 1 on Appendix B, will contain the house and accessory structure.

The applicant is seeking a zoning by-law amendment from 'General Agricultural (A1)' to 'Rural Residential (RR)' for the retained lot that will contain the dwelling and accessory structure. This request has been made to align the lot with the zoning of neighbouring properties and the underlying Rural Residential designation.

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 (May 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). A lot addition is not considered as development within the PPS.

The proposal for lot addition from 292 County Road 34 to V/L County Road 34 West (Steckle Farms) would improve the geographical continuity of the agricultural land base, as mandated by Policy 2.3.2 of the PPS. The rezoning of the retained lands at 292 County Road 34 from General Agricultural to Rural Residential is in line with the PPS's objective. There will be no changes to the current existing use, and the lot is only being re-zoned to match the character of the surrounding area and the zoning of the neighbouring properties.

The proposed application is consistent with the Provincial Policy Statement (PPS) as the addition of the severed farm parcel to the Steckle Farms will improve the geographic continuity of agricultural land. The re-zoning of the retained parcel will ensure it aligns with the character of the surrounding area and the intent of the Official Plan.

2.0 Town of Kingsville Official Plan

The property located at 292 County Road 34 West is designated as both 'Agricultural' and 'Rural Residential' in the Town of Kingsville Official Plan. The proposed lot addition of the severed parcel to the Steckle Farm aligns with the Official Plan's Objective; as it is being added to an existing agricultural use.

The remaining parcel has a Rural Residential designation, and the rezoning from Agricultural to Rural Residential is in line with the Official Plan. Therefore, the proposed consent and zoning by-law comply with the Town of Kingsville's Official Plan.

3.0 Comprehensive Zoning By-law – Town of Kingsville

The subject properties 292 County Road 34 West is zoned 'Agricultural (A1)' and County Road 34 West (Steckle Farms) is zoned 'Agricultural (A1)' within the Town of Kingsville Zoning By-Law.

The applicant is requesting the proposed retained parcel to be rezoned from General Agricultural to Rural Residential. The parcel meets all zoning requirements for the Rural Residential Zone. The proposed lot addition of the severed parcel will result in V/L County Road 34 West (Steckle Farms), having a lot size of 133.11 ha (328.92 ac). Therefore, the severance will result in an agricultural lot compliant with the minimum lot size states within the zoning by-

law. The proposed severance for lot addition does not impact any existing buildings (dwelling and accessory building) on the retained and severed lots.

Therefore, the proposed consent and zoning by-law application complies with the Town of Kingsville Comprehensive Zoning By-law.

FINANCIAL CONSIDERATIONS

No financial considerations identified.

ENVIRONMENTAL CONSIDERATIONS

No environmental considerations identified. No change in the current land uses are expected.

CONSULTATIONS

Town of Kingsville - Technical Advisory Committee (TAC)

- Proof of Drainage is required to show all parcels draining separately. If it cannot be proven, then a Mutual Drain Agreement would be acceptable.
- Drainage Apportionment Agreement required for 10th Concession Drain, Belle River Road Drain.
- 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.
- Ensure retained parcel and newly created parcel maintains and manages their own stormwater on each lot.
- Ensure all building services are contained within existing property lines and do not cross over into newly established property lines.

PREPARED BY:

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REVIEWED BY:



Richard Wyma, CSLA
Director of Planning & Development