



**Date:** July 8, 2024

**To:** Mayor and Council

**Author:** Richard J.H. Wyma CSLA

**RE:** Application for Consent and Zoning By-Law Amendment (B 2024-15 and ZBA 2024-11): Surplus Dwelling Severance at 1738 Arner Townline

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## RECOMMENDED ACTION

1. That consent application B-2024-15, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation with an area of 1.079 ac (0.44 ha) lot shown as Part 1 on the applicants' sketch, known as 1738 Arner Townline, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:
  - a. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.
  - b. That an easement for water service shall be signed and fully executed to the satisfaction of the town, prior to certification
  - c. The conditions imposed above shall be fulfilled by July 8<sup>th</sup>, 2026 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.
2. And that By-law 49-2024 being a By-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, to amend the zoning on the retained farm parcel municipally known as VL Arner Townline from 'General Agricultural (A1)' to 'Agricultural - Restricted (A2)' and the severed residential parcel known as 1738 Arner Townline from 'General Agricultural (A1)' to 'Rural Residential (RR)' **BE APPROVED**; 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 east side of Arner Townline, south of Road 2 West (see location map attached as Appendix A). The subject parcel is designated 'Agricultural' by the Official Plan and is zoned 'General Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is 99.97 acres (40.46 ha) with a frontage of approximately 1,305.5 m (4,283.3 ft) and contains a dwelling. It is proposed that the dwelling deemed surplus to the owner's farming needs be severed on a new lot. The proposed severed parcel is shown as Part 1 on the applicant's survey (attached as Appendix B), the severed parcel has an area of 1.079 ac (0.44 ha).

As a result of the consent, an application to rezone the retained farm parcel from 'General Agricultural (A1)' to 'Agricultural- Restricted (A2)' is submitted in conjunction to prohibit future dwellings on the retained parcel as per Provincial and Town policies.

Additionally, currently, water service is provided to the property from Road 2. As there are no water services available off Arner Townline, an easement through the retained parcel for water services will be required, as shown as Part 2 on the attached survey.

## **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."

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 (1.97 ac.) or less.

The severed parcel, Part 1 has an area of 0.44 ha (1.079 ac.) therefore the application conforms with Section 7.3.1 of the Kingsville Official Plan.

Section 7.3.1.2 c) of the Kingsville Official Plan that was amended on December 1<sup>st</sup>, 2023, states that "c) the surplus residential dwelling must have been in existence prior to the date of the adoption of this plan and in a habitable condition".

### **3) Comprehensive Zoning By-law**

The severed parcel, Part 1, has an area of 0.44 ha (1.079 ac.) and frontage of 1,305.5 m (4,283.3 ft.) and will have access and frontage on Arner Townline.

The retained parcel will have access and frontage on Arner Townline and frontage on Road 2 West.

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**

There are no anticipated environmental impact resulting from the severance of the dwelling from the farm parcel.

### **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)** No objection to the proposed application (see Appendix C for ERCA comments).

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

- a. Ensure retained parcel and newly created parcel maintains and manages their own storm water
- b. The Town's Drainage Superintendent is satisfied that there are no drainage issues with the application.

- c. The Building Department is satisfied that the existing septic system on the property that meets Ontario Building Code requirements and setbacks in relation to the revised lot line locations
- d. Easement will be required across retained parcel to surplus farm parcel for water. Alternatives for services off Arner Townline were explored and are not available. Easement is shown on Part 2 of attached survey.

**PREPARED BY:**



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Richard J.H. Wyma CSLA  
Director of Planning and Development

**REVIEWED BY:**



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John Norton  
CAO