



Date: July 8, 2024

To: Mayor and Council

Author: Richard J.H. Wyma CSLA

RE: Application for Consent and Zoning By-Law Amendment (B 2024-17 and ZBA 2024-10): Surplus Dwelling Severance at 4336 Graham Sideroad

RECOMMENDED ACTION

1. That consent application B-2024-17, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation with an area of 1.6 ac (0.65 ha) lot shown as Part 1 on the applicants' sketch, known as 4336 Graham Sideroad, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:
 - a. Provide confirmation to the satisfaction of the Town of existing septic system on the property that meets Ontario Building Code requirements and setbacks in relation to the revised lot line locations.
 - b. The building must comply with the Ontario Building Code for exposing building face and limiting distance. The applicant must provide calculations, documentation and complete any necessary construction to comply with the OBC.
 - c. Provide proof of drainage, acceptable to the municipality, to serve the lands being conveyed and the lands being retained, with the costs of such drainage being solely at the expense of the applicant. Proof of Drainage shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
 - d. Execute an agreement for drainage apportionment due to lands severance or sale approved by the Municipality for each parcel being severed. Drainage Apportionment Request, 12R plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
 - e. 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.
 - f. The conditions imposed above shall be fulfilled by July 8th, 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 50-2024 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 Graham Sideroad from 'General Agricultural (A1)' to 'Agricultural - Restricted (A2)' and the severed residential parcel known as 4336 Graham Sideroad 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 Graham Sideroad, south of Road 10 (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 49.5 acres (20.0 ha) with a frontage of 339.1 m (1,112.5 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 1.6 ac (0.65 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.

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 0.65 ha (1.6 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 1st, 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 0.65 ha (1.6 ac.) and frontage of 339.1 m (1,112.5 ft.) and will have access and frontage on North Talbot Road.

The retained parcel will have access and frontage on Graham Sideroad.

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 impacts 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 on each lot. Ensure that the property has legal access to their assessed drain. This will be confirmed by the Town of Kingsville's Drainage Superintendent.
 - b. Drainage apportionment may be required.
 - c. Confirmation to the satisfaction of the Town, of existing septic system on the property that meets Ontario Building Code requirements and setbacks in relation to the revised lot line locations
 - d. Ensure all services are contained within existing property lines and do not cross over into newly established property lines. The owner and/or consultant is required to provide verification that all services are maintained on the retained parcels and do not cross property lines.

PREPARED BY:



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

REVIEWED BY:



John Norton
CAO