



Date: October 28, 2024

To: Mayor and Council

Author: Vitra Chodha, Planner

RE: Application for Consent and Zoning By-Law Amendment (B 2024-23 and ZBA 2024-18): Surplus Dwelling Severance at 27 Road 8 East

RECOMMENDED ACTION

That consent application B-2024-23, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation with an area of 1.4 ac (0.57 ha) lot shown as Part 1 on the applicants' sketch, known as 27 Road 8 East, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:

- a. 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.
- b. 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.
- c. The conditions imposed above shall be fulfilled by October 28th, 2026, or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

And that corresponding By-law 79-2024 being a by-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, **BE ADOPTED** during the by-law section of this council agenda.

BACKGROUND

The Town of Kingsville has received the above-noted applications for lands located on the North of Road 8 East, West of 39 Road 8 East (see location map attached as Appendix A). The subject parcel is designated 'Agricultural' by the Official Plan and is zoned 'General Agricultural with Exception 43 (A1-43)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is 14.67 ha (36.3 ac) with a frontage of 217.9 m (714.8 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 5,806.5 m² (0.58 ha).

As a result of the consent, an application to rezone the retained farm parcel from 'General Agricultural with Exception 43 (A1-43)' to 'Restricted Agricultural with Exception 3 (A2-3)' and rezone the severed parcel with the house from 'General Agricultural with Exception 43 (A1-43)' to 'Rural Residential (RR)' is submitted in conjunction with the consent application to prohibit future houses on the farm lot and recognize the residential nature of the surplus dwelling lot.

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 with Exception 3 (A2-3)".

2) County of Essex Official Plan

The County of Essex Official Plan provides direction on matters of County interest related to land use planning and development within the County of Essex.

The subject properties are located outside the settlement area boundary of the County of Essex. Section 3.3.3.4 c) of the County Official Plan permits consent for the purpose of undertaking a surplus farm dwelling severance. The proposed application is in compliance with the County of Essex Official Plan.

3) 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 5,806.5 m² (0.58 ha) 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".

The surplus residential dwelling existed prior to December 1st, 2023, and it believed to be in habitable conditions as per Section 7.3.1.2 c).

4) Comprehensive Zoning By-law

The severed parcel, Part 1, has an area of 5,806.5 m² (0.58 ha) and frontage of 76.2 m (250 ft) and will have access and frontage on Road 8 East. The retained parcel will have access and frontage on Road 8 East

There is no zoning issues created as a result of the creation of the surplus dwelling lot. The retained farm parcel will be rezoned from 'General Agricultural with Exception 43 (A1-43)' to 'Restricted Agricultural with Exception 3 (A2-3)' to prohibit future dwellings as required by the surplus dwelling consent policies. All other zoning requirements are met.

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

1) Essex Region Conservation Authority (ERCA) (Appendix C)

- a. No objection to the proposed application.

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 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.

PREPARED BY:



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REVIEWED BY:



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