



Date: January 27, 2025

To: Mayor and Council

Author: Vitra Chodha, Planner

RE: Consent (B-2024-21) and Zoning By-law Amendment application (ZBA-2024-14) for 306 Road 8 East

RECOMMENDED ACTION

That consent application B-2024-21 to sever an existing dwelling and shed, deemed surplus to the needs of the applicants' farming operation on a 0.23 ha (0.56 ac.) lot shown as Part 1 on the applicants' sketch, known as 306 Road 8 East, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:

- a. Prior to consent being endorsed on the deeds, the property owners provide, acceptable to the Municipality:
 - i. proof of access to serve the lands being conveyed and the lands being retained. The costs related to proof of access shall be solely at the expense of the applicant. This will include obtaining an encroachment permit and a Section 78 permit to add a new access over a municipal drain or roadside ditch for the retained farm lot on Road 8 East.
 - ii. proof of drainage 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.
 - iii. an executed agreement for drainage apportionment due to lands severance approved by the Municipality for each parcel being severed. Drainage Apportionment Agreement Request, 12R plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
 - iv. Confirmation that any existing farm buildings/barn(s) shall comply with the National Farm Building Code and Ontario Building Code requirements for Spatial Separation and Exposing Building Face allowance from the proposed property lines.
 - v. confirmation of existing septic system on the property that meets Ontario Building Code requirements and setbacks in relation to the revised lot line locations.

- b. That the necessary deed(s), transfer or changes be submitted electrically, signed and fully executed, including a copy of the reference plan, prior to certification.
- c. The conditions imposed above shall be fulfilled by January 27th, 2027, or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

And that Zoning by-law application ZBA-2024-14, 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 County Road 8 East from 'General Agricultural (A1)' to 'Agricultural - Restricted (A2)' and the severed residential parcel known as 306 Road 8 East from 'General Agricultural (A1)' to 'Rural Residential (RR)' **BE APPROVED.**

BACKGROUND

The Town of Kingsville has received the above-noted applications for lands located on the south side of Road 8 East, east of 288 Road 8 East (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 19.9 ha (49.14 ac.) in size and contains an existing single detached dwelling, a shed and two accessory structures. It is proposed that the dwellings, and shed deemed surplus to the owner, be severed on a new lot. The proposed severed parcel is shown as Part 1 on the applicant's draft survey (attached as Appendix B), the severed lot will have an area of 0.23 ha (0.56 ac.) with a frontage of 36.0 m (118.1 ft.). the retained farm lot will have an area of 19.7 ha (48.58 ac.) with a frontage of 198.7 m (651.9 ft)

As a result of the proposed Consent, the retained farm parcel is being rezoned from 'General Agriculture (A1)' to 'Agriculture - Restricted (A2)' is required to prohibit dwellings as per Provincial and Town policies and the severed residential lot is being rezoned from 'General Agricultural (A1)' to 'Rural Residential (RR)'. The corresponding By-law associated with this report is to be adopted later in the Council agenda.

DISCUSSION

1) Provincial Policy Statement (PPS), 2024

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 4.3.3(1)(c) permits, "one new residential lot per farm consolidation for a residence surplus to an agricultural operation," 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, as the retained farm portion is being rezoned to Restricted Agricultural (A2) in conjunction with the Consent application.

2) County of Essex Official Plan, 2024

The County of Essex Official Plan (approved in November 2024) allows surplus farm dwelling severances if the dwelling is over 20 years old, the proposed lot size is under 0.4 hectares, and the retained farm lot is merged with other adjacent farms owned by the same owner(s). Additionally, the severance must comply with the Province's Minimum Distance Separation (MDS) Formulae.

Comment: The existing house has been in place for over 20 years, and the proposed lot size of 0.23 hectares falls within the County's limit of 0.4 hectares. Since the neighboring farm parcels are not owned by the property owner(s), no consolidation is required. Additionally, there are no nearby agricultural activities necessitating compliance with the Minimum Distance Separation (MDS) requirements.

3) Town of Kingsville Official Plan, 2023

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.).

Comment: The severed parcel, Part 1 has an area of 0.23 ha (0.56 ac.), therefore the application conforms to the Kingsville Official Plan.

4) Comprehensive Zoning By-law

The severed parcel, Part 1 has an area of 0.23 ha (0.56 ac.) and frontage of 36.0 m (118.1 ft.).

The retained parcel will have an area of approximately 19.7 ha (48.58 ac.) and provide frontage on Road 8 East. Access to the severed lot will be on the existing driveway on Road 8 East. A new access is required for the retained farm lot.

Comment: 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 'Agricultural (A1)' to 'Agriculture - Restricted (A2)' to prohibit future dwellings as required by the surplus dwelling consent policies and the severed residential lot is being rezoned

from 'General Agricultural (A1)' to 'Rural Residential (RR)'. The proposed severed lots meet the requirements of the RR zone.

FINANCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

The environmental impact resulting from the severance of the dwelling from the farm parcel is anticipated to be minimal.

CONSULTATIONS

Public Consultations

In accordance with 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.

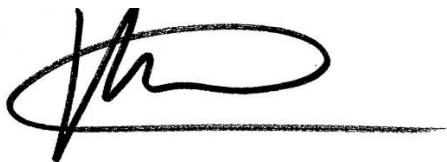
1) Essex Region Conservation Authority (ERCA) (Appendix C)

ERCA has no objection.

2) Town of Kingsville Technical Advisory Committee

The comments obtained from the Technical Advisory Committee has been included in the conditions of approval for the Consent application.

PREPARED BY:



Vitra Chodha
Planner

REVIEWED BY:

A handwritten signature in black ink, appearing to be 'R. Wyma', with a horizontal line extending from the end of the signature.

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

REVIEWED BY:

A handwritten signature in black ink, appearing to be 'John Norton', with a horizontal line extending from the end of the signature.

John Norton
Chief Administrative Officer