



Date: April 15, 2025

To: Committee of Adjustment and Appeals

Author: Vitra Chodha, Town Planner

RE: Application for Consent (B-2025-4)
V/L County Road 8 & 614 County Road 8

RECOMMENDED ACTION

That the Committee of Adjustment and Appeals **approve** consent application B-2025-4, to allow a technical lot line adjustment between 614 County Road 8 (shown as Part 1 on the Applicant's Survey) and V/L County Road 8 (shown as Part 3 on the Applicant's Survey) with a frontage of 9.1 metres and an area of 0.14 hectare (shown as Part 2 on the Applicant's Survey) that will be added to 614 County Road 8 from V/L County Road 8, subject to the following conditions:

1. That the applicant executes an agreement for drainage apportionment and proof of drainage to the satisfaction of the Drainage Superintendent;
2. That the applicant executes an agreement for shared access for the driveway access on Graham Side Road between 614 County Road 8 and V/L County Road 8;
3. That the applicant provides the Planning Department with a registered 12R-Plan;
4. That the necessary deed(s), transfer, or changes be submitted electronically, signed and fully executed, including a copy of the reference plan (R-Plan), prior to certification; and
5. The conditions imposed above shall be fulfilled by April 15, 2027, or this application shall be deemed to be refused in accordance with Section 53(41) of the *Planning Act*.

BACKGROUND

The Town of Kingsville has received an application for lands located on the south side of 614 County Road 8, at the intersection of County Road 8 and Graham Side Road (see location map attached as Appendix A). The subject property is designated "Agricultural" by the Kingsville Official Plan and zoned 'Restricted Agricultural (A2)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel known as V/L County Road 8 is approximately 5.58 hectares (13.66 acres) in size and is a vacant farm lot. The receiving lot known as 614 County Road 8 is 0.8 hectares (1.9 acres). The applicant is proposing a lot line adjustment from V/L County Road 8 to 614 County Road 8 to ensure that the existing tree line remains with the lot containing the residential dwelling. This severance is technical in nature. Currently, the tree line is on the farm lot and the owner would like to move the lot line to ensure the tree lines are part of the residential house and are maintained as part of it. The lot containing the residence was created as part of a severance approved by Council in early 2023. The survey that was provided as part of the consent application did not include the 0.14 hectares (0.35 acres) that contains the tree line. The applicant has expressed that their intention was always to have the tree line as part of the residential lot.

DISCUSSION

1. Provincial Policy Statement (2024)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development in the province of Ontario. It supports the provincial goal to enhance the quality of life for all Ontarians.

The PPS defines development as the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act with some exception. In this case, the applicant's proposal will fall under a technical severance where a new lot is not being created instead the lot line is being adjusted between two existing lots for technical reasons (preserving the tree line on the residential lot).

There are no issues of provincial concern raised by the proposed lot line adjustment as a new lot is not being proposed as part of this consent application, as such this application is consistent with the PPS 2024.

2. County of Essex Official Plan, 2014

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 on Schedule A2 of the County of Essex Official Plan.

Section 4.6.4 of the County Official Plan delegates the authority for Consent to the local municipality. Sections 3 and 4 of this report addresses the local municipal policies. In addition, Section 3.3.3.4 e) of the County Official Plan notes that minor boundary adjustment is permitted within the prime agricultural area.

Therefore, the proposed consent for lot line adjustment complies with the County of Essex Official Plan.

3. Town of Kingsville Official Plan, 2023

The Town of Kingsville Official Plan sets out in general terms the future pattern of development for the Town of Kingsville with several purposes including enhancing the Town as a place for living, working and leisure.

The subject properties are designated as 'Agriculture' on the Town of Kingsville Official Plan. The proposed application for minor lot line adjustment within an agricultural area is permitted in Section 7.3.1.3 a). Therefore, the proposed application complies with the Town of Kingsville Official Plan.

4. Town of Kingsville Comprehensive Zoning By-law, 2014

The Town's Comprehensive Zoning By-Law includes a set of guidelines and provisions for lands within the Town that must conform to the Official Plan.

The subject site is zoned "Restricted Agricultural (A2)", and the receiving lot is zoned as "General Agricultural (A2)", there are no proposed zone changes as part of this consent application. The intention of this application is undertaking a minor lot line adjustment to allow the existing tree line on the farm lot to be maintained as part of the residential lot. At this time there are no development proposed on the subject sites.

FINANCIAL CONSIDERATIONS

The application is to permit a minor lot line adjustment. Major financial changes are not anticipated.

ENVIRONMENTAL CONSIDERATIONS

The application is to permit a minor lot line adjustment. No environmental concerns are identified as part of this proposal.

CONSULTATIONS

1. Essex Region Conservation Authority (ERCA)

No comments received.

PREPARED BY:



Vitra Chodha
Town Planner

REVIEWED BY:



Richard J.H. Wyma
Director of Planning & Development