



Date: April 15, 2025

To: Mayor and Council

Author: Vitra Chodha, Planner

RE: Application for Consent and Zoning By-Law Amendment (B-2025-2 and ZBA-2025-2): Surplus Dwelling Severance at 459 County Road 34 East

RECOMMENDED ACTION

That consent application B-2025-2, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation with an area of 1.03 ha (2.56 ac) lot shown as Part 1 on the applicants' sketch, known as 459 County Road 34 East, in the Town of Kingsville, **be approved**, subject to the following conditions:

- a. 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 and,
- b. Execute an agreement for drainage apportionment due to lands severance or sale approved by the Municipality for each parcel being severed and,
- c. Execute a mutual drain agreement due to lands severance or sale approved by the Municipality for each parcel being severed and,
- d. Provide a copy of the registered 12-R Plan and,
- e. Provide confirmation that a permit to establish a new driveway on the retained farm parcel is obtain either from the County of Essex or the Town of Kingsville for a driveway either on Inman Sideroad or County Road 34 East and,
- f. Provide the necessary deed(s), transfer or changes electronically, signed and fully executed, prior to certification and,
- g. The conditions imposed above shall be fulfilled by April 14th, 2027, or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

And that By-law 21-2025 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 County Road 34 East 'General Agricultural (A1)' to 'Agricultural - Restricted (A2)' and the severed residential parcel known as 459 County Road 34 East 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 application for lands located on the west side of County Road 34 East, south side of Inman Sideroad (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 18.5 ha (45.8 ac) with a frontage of 321.2 m (1,053.9 ft) and contains a dwelling with accessory structures. 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 1.0 ha (2.6 ac) with frontage of 91.4 m (300.0 ft).

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

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 (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) County of Essex Official Plan, 2014

The Official Plan for the County of Essex designated the severed and retained land outside the settlement area. Section 3.3.3.4 of the County Official Plan permits the creation of a new surplus farm dwelling provided the retained farm parcel is re-zoned

to prohibit future residential dwellings. The consent application for surplus farm dwelling lot creation is brought forward with a zoning by-law application to prohibit future residential dwelling on the retained severed parcel. Therefore, the proposed application is in compliance with the County of Essex Official Plan.

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 7.3.1.2, Agriculture Land Division, of the Official Plan. The proposed severed parcel is over the recommended size limit of 0.8 ha (2.0 ac.) or less. However, the applicant noted that the existing accessory structures are not being used as part of the farming operation and must be severed with the surplus farm dwelling lot. Therefore, demonstrating the need for a lot that is slightly larger with a size of 1.0 ha (2.6 ac). That land being severed as surplus dwelling lot is not being farmed. Therefore, the application conforms with Section 7.3.1 of the Kingsville Official Plan.

4) Comprehensive Zoning By-law, 2014

The severed parcel, Part 1, has an area of 1.0 ha (2.6 ac) and frontage of 91.4 m (300 ft.) and will have access and frontage on County Road 34 E.

The retained farm parcel has an area of 17.7 ha (43.8 ac) and frontage on both Inman Side Road and County Road 34 E. The applicant is required to establish a new access the retained lot as part of the conditions of this severance.

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 and the severed parcel will be rezoned to 'Rural Residential (RR)' to recognize the residential use on the property.

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 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) Town of Kingsville Technical Advisory Committee

- a. Drainage apportionment, proof of drainage and mutual drain agreement is required
- b. 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. The building department has undertaken an inspection and confirmed that the septic and severance inspection are satisfactory.
- c. Ensure all municipal 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.
- d. The severed parcel must have access to their own driveway

2) External agencies were circulated for comments based on requirements of the *Planning Act* (e.g. all utilities, school boards, etc.)

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
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
CAO