



Date: June 16, 2025

To: Mayor and Council

Author: Haris Wilkinson, Planning Student

RE: Application for Consent and Zoning By-Law Amendment (B-2025-09 and ZBA-2025-04 at 389 County Road 20 West

RECOMMENDED ACTION

1. That consent application B-2025-09, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation with an area of 0.16 hectares (0.40 acres) shown as Part 1 on the applicants' sketch, known as 389 County Road 20 West, in the Town of Kingsville, **be approved**, subject to the following conditions:
 - a. Provide the following to the satisfaction of the Town:
 - i. 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;
 - ii. an executed agreement for drainage apportionment due to lands severance or sale approved by the Municipality for each parcel being severed;
 - iii. a mutual drain agreement executed due to lands severance or sale approved by the Municipality for each parcel being severed;
 - iv. a registered 12-R Plan;
 - v. confirmation that there is a separate septic system on each property and that it meets Ontario Building Code requirements and setbacks;
 - b. Provide the necessary deed(s), transfer or changes electronically, signed and fully executed, prior to certification;
 - c. The conditions imposed above shall be fulfilled by June 13, 2027, or this application shall be deemed to be refused in accordance with Section 53(41) of the *Planning Act*.

2. And that By-law 40-2025, being a By-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, to amend the zoning on the severed residential parcel 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 County Road 20 West, west of Heritage Road (see location map attached as Appendix A). The subject parcel is 5.67 hectares (14.00 acres) with a frontage of 239.95 metres (787.24 feet). The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'General Agricultural (A1)' under the Town of Kingsville Comprehensive Zoning By-law.

The property contains two dwelling units, and the smaller of the dwelling units on the parcel is deemed to be surplus by the applicant. As such, the applicant has submitted an application to sever this dwelling and existing outbuilding on a 0.16 hectare (0.40 acre) lot located in the northeast corner of the property. The retained parcel, containing the larger dwelling and barn, will remain as part of the farm parcel.

As a result of the consent, an application to rezone the severed parcel from 'General Agricultural (A1)' to 'Rural Residential (RR)' is submitted in conjunction to recognize the residential use.

The corresponding by-law (By-law 40-2025) is included in the By-law section of this council agenda.

DISCUSSION

1) Provincial Planning Statement (PPS), (2024)

Section 4.3.3.1. c) allows for "one new residential lot permit farm consolidation for a residence surplus to an agricultural operation, provided that:

- a) The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;

Comment: The parcel is being limited to the area currently occupied by the house, outbuilding and yard. The lot has access to municipal water and is serviced by a private, on-site, septic system.

- b) The planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance.

Comment: As a condition of consent, a zoning amendment is required that will re-zone the retained farm parcel. In this case, there is an existing dwelling on the

retained farm lot, therefore a second primary dwelling will not be permitted. Therefore, the intent of the Provincial Policy Statement is met.

2) County of Essex Official Plan, 2014

The Official Plan for the County of Essex designates the severed and retained lands outside of the settlement area as agriculture. Section 3.3.3.4 of the County of Essex Official Plan permits the creation of a new surplus farm dwelling provided the retained farm parcel is rezoned to prohibit future residential dwellings.

The retained agricultural parcel will continue to contain its existing residential dwelling. Under the County of Essex Official Plan, no new residential dwelling will be permitted on the retained parcel, as it will remain zoned as 'General Agricultural (A1)'. This ensures that the parcel remains dedicated to agricultural use and prevents future residential development on the land. No new primary dwelling will be permitted on the subject site other than the currently existing dwelling.

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, 'Residence Surplus to a Farm Operation', of the Official Plan. Therefore, the application is in compliance with Section 7.3.1 of the Town of Kingsville Official Plan.

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

The severed parcel, Part 1, has an area of 0.16 hectares (0.40 acres) and frontage of 30.48 metres (100.00 feet) and will have access and frontage on County Road 20 West.

The retained farm parcel has an area of 5.51 hectares (13.60 acres) and frontage of 209.47 metres (687.24 feet) and will have access and frontage on County Road 20 West.

There are no zoning issues created as a result of the creation of the surplus dwelling lot. The retained farm parcel will maintain its 'Agricultural (A1)' zoning 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 smaller 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. Ensure that the property has legal access to their assessed drain.
- b. Ensure a Proof of Drainage is provided, addressing the following:
 - i. The existing parcel and the severed parcel must drain independently;
 - ii. Both parcels must have the right to drain to a Municipal Drain, or a Mutual Drainage Agreement must be registered on the title of both properties;
 - iii. If the parcels do not have the right to drain to a Municipal Drain but wish to, or if they are already connected illegally, a Section 65(3) Report under the *Drainage Act* is required.
- c. Ensure drainage apportionment is completed for every drain that affects these parcels and is apportioned fairly.
- d. Ensure that each property must be independently serviced, and that services do not cross property boundaries.
- e. Ensure a lot grading plan is submitted, showing that both lots are drained separately and can manage their own storm water.

- f. Ensure a septic review is conducted to confirm that septic systems are present on each property and that they meet Ontario Building Code requirements and setbacks.
- g. Ensure that a permit from the County of Essex is obtained for driveway access to the proposed lot.

PREPARED BY:



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