



**Date:** June 16, 2025

**To:** Mayor and Council

**Author:** Haris Wilkinson, Planning Student

**RE:** Application for Consent and Zoning By-Law Amendment (B-2025-08 and ZBA-2025-7) at 76 County Road 14 East

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## **RECOMMENDED ACTION**

1. That consent application B-2025-08, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation, with an area of 0.83 hectares (2.05 acres) and shown as Part 1 on the applicants' sketch, known as 76 County Road 14 East, 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 agreement for drainage apportionment due to lands severance or sale approved by the Municipality for each lots;
    - iii. a lot grading plan, for the lands being conveyed and the lands being retained, with the costs of such grading being solely at the expense of the applicant;
    - iv. registered 12-R Plan for the severed parcel.
  - b. The owner must establish a new entrance for the retained farm parcel and provide the Town with a copy of the permit provided by the County of Essex Infrastructure Services.
  - c. The conditions imposed above shall be fulfilled by June 16, 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 39-2025, 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 14 East from 'General

Agricultural with Exception 37 (A1-37)' to 'Restricted Agricultural with Exception 4 (A2-4)' and the severed residential parcel from 'Agricultural Exception 37 (A1-37)' to 'Rural Residential (RR)' **be approved**.

## **BACKGROUND**

The Town of Kingsville has received the above-noted application for lands located on the south side of County Road 14 East (see location map attached as Appendix A). The subject parcel is 19.64 hectares (48.53 acres) with a frontage of 189.25 meters (620.90 feet) and contains a dwelling with accessory structures. It is designated 'Agricultural' by the Town of Kingsville Official Plan and is zoned 'Agricultural- Exception 37 (A1-37)' under the Kingsville Comprehensive Zoning By-law. The site specific agricultural exception 37 permits a trucking operation with limits on growth of the business and restrictions on outside storage.

The applicant is proposing that the dwelling along with the accessory structures deemed surplus to the owner's farming needs to 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 0.83 hectares (2.05 acres) with a frontage of 81.50 meters (267.38 feet).

As a result of the consent, an application to rezone the retained farm parcel from 'General Agricultural with Exception 37 (A1-37)' to 'Restricted Agricultural with exception 4 (A2-4)' and the severed parcel from 'Agricultural Exception 37 (A1-37)' 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.

The corresponding by-law (By-law 39-2025) is included in the By-law section of this council agenda.

## **DISCUSSION**

### **1) Provincial Planning 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 Planning 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 is being prohibited on the retained farm parcel as a part of this application.

## **2) County of Essex Official Plan, 2014**

The Official Plan for the County of Essex designates the severed and retained land outside 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 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 Town of Kingsville Official Plan. The proposed severed parcel is slightly over 0.80 hectares (1.98 acres) outlined in the Official Plan. However, since the intent of the slight increase is to ensure the lots have adequate drainage the application is in compliance with the Town of Kingsville Official Plan.

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

The severed parcel, Part 1, has an area of 0.83 hectares (2.05 acres) and frontage of 81.497m, and will have access and frontage on 76 County Road 14 East.

The retained farm parcel has an area of 18.81 hectares (46.48 acres) and frontage of 107.76 meters (353.54 feet) on 76 County Road 14 East. The applicant is required to establish a new access on the retained farm 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 'General Agricultural with exception 37 (A1-37)' to 'Restricted Agricultural with exception 4 (A2-4)' to prohibit future dwellings as required by the surplus dwelling consent policies. The severed parcel will be rezoned from 'Agricultural Exception 37 (A1-37)' 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 to 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 to B-2025-8 and ZBA-2025-7, but notes that If any new construction is proposed, the property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

#### **2) Town of Kingsville Technical Advisory Committee**

- i. Ensure a lot grading plan shows that both lots are drained separately, and each lot can manage its own storm water.
- ii. Ensure each property is independently served, with no services crossing property boundaries.
- iii. Ensure a permit is obtained from the County of Essex for driveway access to the proposed lot. (Contact the County's Infrastructure Services department to obtain the permit).
- iv. Ensure drainage apportionment is provided.
- v. Ensure all building services are contained within existing property lines and do not cross into newly established property lines. The owner and/or consultant must provide verification that all services are maintained within the retained parcel and do not cross property lines.

PREPARED BY:

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REVIEWED BY:

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Vitra Chodha  
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Richard J.H. Wyma  
Director of Planning and Development

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John Norton  
Chief Administrative Officer