

TO: Mayor and Members of Council
FROM: Storey Samways Planning Ltd.
DATE: January 11, 2008
SUBJECT: Planning Services Report

GENERAL FILE INFORMATION AND KEY MAP:

Application: Combined Consent
(File B-104/07)
and Zoning
By-law Amendment
(File D-28 HO/76/07/P)

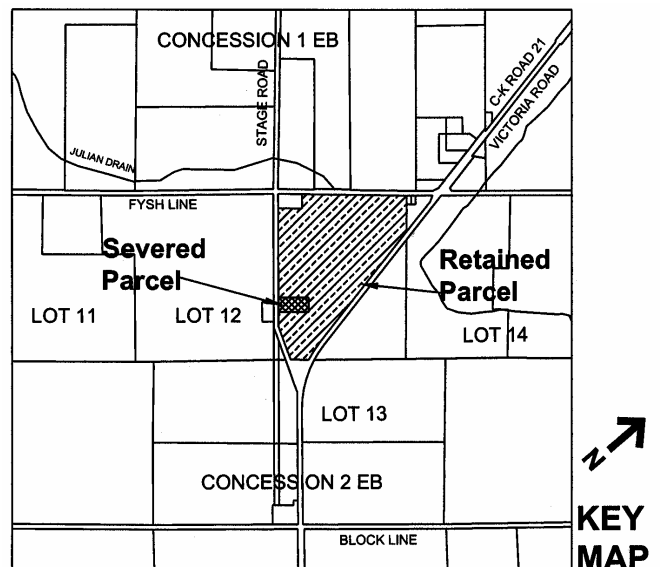
Hansen#: 4304

Applicant: Bruce Parks & William
Parks

Location: Part of Lot13,
Concession 2

Roll Number: 3650 210 001 19500

Community: Howard (East Kent)



RECOMMENDATIONS:

It is recommended that:

1. Council approve consent application B-104/07 concerning Part of Lot 13, Concession 2, in the Community of Howard, to dispose of a surplus dwelling on a 1.905 acre parcel located at 22569 Stage Road, subject to the following conditions:
 - a) that the zoning by-law be amended to:
 - i) rezone the surplus dwelling lot to rural residential;
 - ii) prohibit any future dwellings on the retained farm parcel;

- b) that the applicant(s) demonstrate that the septic system on the surplus dwelling lot is functioning in accordance with Municipal Protocol;
 - c) that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;
 - d) that the entire subject parcel be conveyed to William Parks as outlined in the Agreement of Purchase and Sale;
 - e) that the necessary deed, transfers or charges be submitted in triplicate ; signed and fully executed (no photo copies) prior to certification.
2. Council approve the zoning amendment application D-28 HO/76/07/P and adopt the by-law to implement the consent.

DESCRIPTION OF PROPOSAL:

The subject land is a 61 acre triangular shaped farm lot bounded by Fysh Line to the north, Victoria Road to the east and fronting on Stage Road, in the Community of Howard. The co-applicant is in the process of purchasing the subject farm property. William Parks owns an additional 107 acres in the Community of Zone . The base of the farm operation and personal residence is located at 29197 Zone Road 6. The purchasers have no use for the dwelling; therefore, it is proposed that the surplus home and two outbuildings be severed on a 1.905 acre lot.

The purpose of the zoning application is to implement the severance, according to the requirements of the Provincial Policy Statement and Official Plan Amendment 100 with respect to the creation of a lot for a surplus dwelling.

BACKGROUND:

| | |
|--|---|
| Surplus Dwelling Lot (22569 Stage Road) | Dimensions – 200’F x 415’D Lot Area – 1.905 acres Existing Use/Buildings - single detached dwelling, two outbuildings & a grain bin Servicing - private water well & septic system Access - existing driveway |
| Retained Farm | Dimensions – 1,219.95’F x irregular depth Lot Area – 59.134 acres Existing Use/Buildings - farmland Access - existing driveway |
| Official Plan | Agricultural |
| Existing Zoning | “A2, Agricultural” |

CONSULTATION:

At the time of writing, no unfavourable comments have been received from any of the agencies canvassed and the Technical Advisory Committee (TAC) supports the application.

ANALYSIS:

Community Strategic Plan

The recommendations in this report do not support, negatively or positively, a specific objective of the Community Strategic Plan. It is a neutral issue.

Provincial Policy Statement

Section 2.3.4.1(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 applicants own other farm holdings in Chatham Kent with the base of operation and personal residence located at 29197 Zone Road 6. Therefore, the application is *consistent with* the PPS definition of *surplus dwelling*. Future dwellings will

be prohibited on the retained farm parcel through the amending by-law.

Official Plan

Official Plan Amendment 100 (Agricultural Consent Policies) approved by Council, supports consents to sever a lot where a previous or current farm acquisition has rendered a habitable farm dwelling surplus to the needs of the farm operation under Policy 4.1 ii), subject to the following conditions:

- a) the farm parcel shall be zoned so as to prohibit the construction of any additional dwellings.

Comment - this is recommended as a condition of the consent.

- b) the non-farm parcel shall be zoned to recognize the non-farm residential use.

Comment - it is recommended that the lot be rezoned to "R2, Rural Residential" as a condition of the consent.

- c) any livestock facilities to remain on the severed or retained parcel shall be made unsuitable for further livestock operations if the MDS I provisions can not be met.

Comment - the application complies with MDS I.

- d) the implementing zoning by-law shall not impose a setback on nearby expanding livestock operations greater than that required by the application of Minimum Distance Separation II Formula including the MDS Guidelines.

Comment - the applicant has indicated that there are no livestock within 500 metres of the subject parcel and this was confirmed during the site inspection.

Zoning By-law

The surplus dwelling lot is rezoned to "R2, Rural Residential". The "no-dwelling" provision is applied to the Parcel 1, which is the severed farm surrounding the dwelling lot, as required by OPA 100 and PPS. In addition, the side yard of the existing barn directly behind the dwelling lot is also recognized in the amending by-law.

Conclusion

On the basis of the foregoing, I support these applications.

FINANCIAL IMPLICATIONS:

There is a nominal change in property taxes anticipated as a result of this application.

Prepared by:

Reviewed by:

Robert Brown, MCIP, RPP
Storey Samways Planning Ltd.

Ralph Pugliese, MCIP, RPP, DPA
Director, Planning Services

Reviewed by:

Reviewed by:

Evelyn Bish, B.A.
Acting General Manager
Community & Development Services

Gerry Wolting, B. Math, CA
Acting Chief Administrative Officer



Looking northeast at the existing dwelling on the subject parcel



Looking northeast across the retained farmland



Looking north across the proposed severed lot at the dwelling and outbuildings

