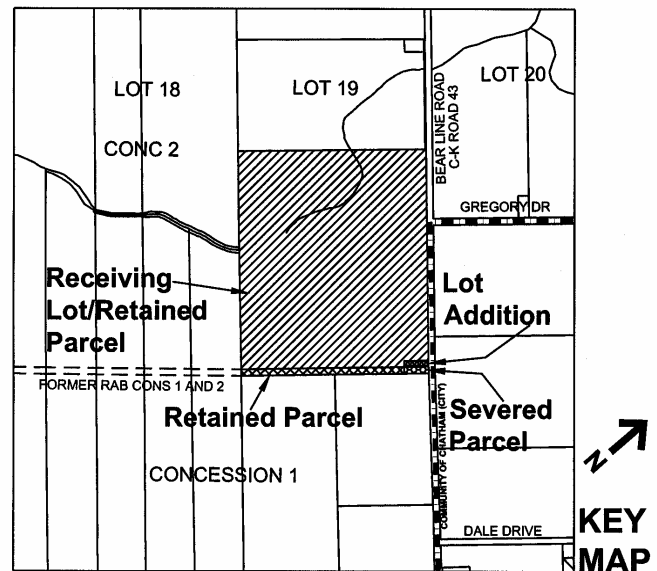


TO: Mayor and Members of Council
FROM: Storey Samways Planning Ltd.
DATE: January 8, 2008
SUBJECT: Planning Services Report

GENERAL FILE INFORMATION AND KEY MAP:

Application: Combined Consent (File B-119/07) and Zoning By-law Amendment (File D-28 DO/89/07/C)
Hansen#: 4362
Applicant: Delbert & Margaret Chinnick
Location: 23680 & 23700 Bear Line Road, Part of Lot 19, Conc. 2 & Part of R.A.B. Conc. 1 & 2 (Closed by By-law 63)



Roll Number: 3650 480 003 05100 & 3650 480 003 05200

Community: Dover
(North Kent)

RECOMMENDATIONS:

It is recommended that:

1. Council approve consent application B-119/07 to sever a 0.38 acre parcel of land containing an existing dwelling at 23680 Bear Line Road, shown as Parts 3 and 4 on the applicant's sketch, and sever and convey a 0.37 acre parcel, shown as Parts 1 and 2 on the applicant's sketch, from an abutting farm lot as a lot addition to the severed parcel, in the Community of Dover, subject to the following conditions:
 - a) that Parts 1, 2, 3 and 4 on the applicant's sketch be rezoned to agricultural

residential and recognize the reduced lot area;

- b) that the lot addition to be severed, shown on the applicant's sketch as Parts 1 and 2, be conveyed to the owner of the abutting residential lot (Parts 3 and 4) (Roll No. 3650 480 003 05200) and Section 50 (3 or 5) applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
 - c) that the remnant parcel from the severance of Parts 3 and 4 be conveyed to the owner of the abutting farm lot (Roll No. 3650 480 003 005100) and Section 50 (3 or 5) applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
 - d) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification;
 - e) that the applicant pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands.
2. Council approve the zoning amendment application D-28 DO/89/07/C and adopt the by-law to implement the consent.

DESCRIPTION OF PROPOSAL:

The subject lands consist of a 98 acre farm parcel and an existing rural residential lot. The residential lot is part of a former road allowance which was closed by By-law 63 in the former Dover Township in October of 1926. The parcel is 66 ft. wide and 1,937 ft. deep. To date only approximately 150' of the total depth of the lot has been utilized by the dwelling and detached garage. The remaining depth is used by the abutting farm lot also owned by the Chinnicks. The applicants are proposing to make adjustments to the existing rural residential lot as follows:

- i) sever the front 0.38 acres of the existing lot containing the dwelling and detached garage;
- ii) convey the remnant parcel as a lot addition to the abutting farm;
- iii) sever and convey a 0.37 acre parcel of land from the abutting farm lot to the severed parcel as a lot addition.

The end result of this proposal would be the conveyance of 2.5 acres of productive farmland to the abutting farm and a more appropriately sized rural residential lot with a total

area of 0.75 acres.

The purpose of the zoning application is to implement the severance, according to the requirements of Official Plan Amendment 100 and Provincial Policy Statement with respect to the proposed adjustments.

BACKGROUND:

Severed Parcel	Dimensions – 66’ x 251.31’D Lot Area – 0.38 acres Existing Use – single detached and detached garage Services – municipal water and private septic system Access – existing driveway
Retained Parcel/Lot Addition	Dimensions – 66’ x 1,678’ D Area – 2.5 acres± Existing Use – farmland Services & Access – to be accessed and serviced from receiving lot
Lot Addition	Dimensions – 64’F x 251.31’D Area – 0.37 acres Existing Use – farmland Services & Access – to be served and accessed from receiving lot
Retained Parcel/Receiving Lot	Dimensions – 2,161’F± x 1,937’D± Lot Area – 98.5 acres Existing Use – single detached dwelling and several outbuildings Services – municipal water and private septic system Access – existing access
Official Plan	Agricultural
Existing Zoning	“A2, General 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

The proposed lot addition is consistent with PPS Section 2.3.4.2, which permits lot adjustments in prime agricultural areas for legal or technical reasons. Legal or technical reasons, *means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.*

Comment The proposed severances are a boundary adjustment rather than new lot creation. The end result is 2.5 acre of farmland being merged back to an abutting farm lot and a more appropriately sized rural residential lot created by the addition of a small amount of land to the north side of the severed parcel. No new lot creation is occurring as part of this application.

Official Plan

Under Section 4.1 (vii) of OPA 100 consents are permitted for minor boundary adjustments or corrections and easements, and in accordance with Sections 50 (3) and (5) of the Planning Act.

Comment: The lot addition is a minor boundary adjustment. It is my opinion that the requested lot addition conforms with the principles established in the policies of OPA 100.

Zoning By-law

An amendment is required to rezone the severed parcel and lot addition to "R2-76, Agricultural Residential" and recognize the reduced lot area. The retained parcel and the farm lot will remain unchanged in the "A2" Zone.

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 west at the existing dwelling and garage on the severed parcel



Looking west at the lot addition lands



Looking northwest at the retained parcel/receiving lot

