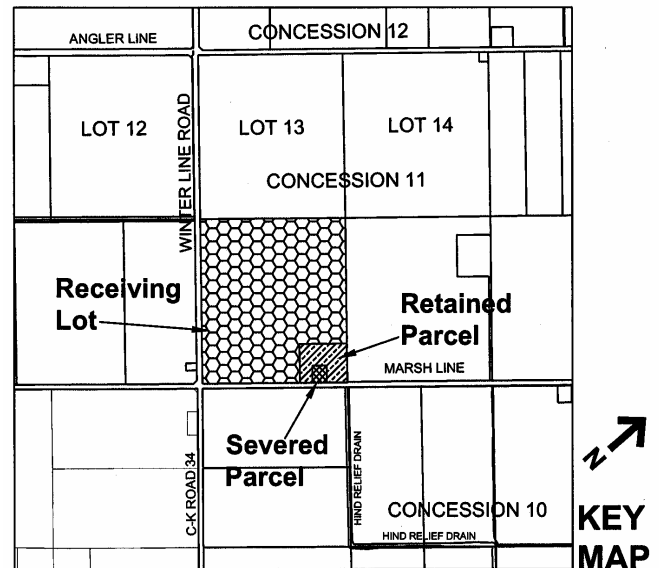


TO: Mayor and Members of Council
FROM: Storey Samways Planning Ltd.
DATE: January 9, 2008
SUBJECT: Planning Services Report

GENERAL FILE INFORMATION AND KEY MAP:

Application: Combined Consent (File B-127/07) and Zoning By-law Amendment (File D-28 DO/95/07/K)
Hansen#: 4393
Applicant: Cheri Keskeny
Location: 7255 Marsh Line
Part of Lot 13, Conc. 11
Roll Number: 3650 480 008 02601
Community: Dover
(North Kent)



RECOMMENDATIONS:

It is recommended that:

1. Council approve consent application B-127/07 to sever a 1.08 acre parcel of land containing an existing dwelling at 7255 Marsh Line, shown as the severed parcel, in the Community of Dover, subject to the following conditions:
 - a) that the severed parcel be rezoned to an appropriate residential classification and add a group home as an additional permit use;
 - b) that the retained parcel be rezoned to "A2, General Agricultural";

- c) that the retained parcel, shown on the applicant's sketch, be conveyed to the owner of the abutting farm lot (Roll No. 3650 480 008 02600) 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/95/07/K and adopt the by-law to implement the consent.

DESCRIPTION OF PROPOSAL:

The subject land is an 8 acre lot containing a single detached dwelling and two outbuildings. The property was purchased in June of 2007 by the applicant. They have since entered into an agreement of purchase and sale to sell the existing dwelling and 1.08 acre of surrounding land to Wallaceburg Community Living who intend to utilize the dwelling as a group home for teens. The remaining land surrounding the proposed lot, much of which is actively farmed, is to be transferred to the owner of the abutting farm lot and merged with the existing farmland. The end result of the severance will be a smaller rural residential lot and the return of 7 acres to the original parcel from which it was severed. The zoning on the entire lot is "M, Industrial". The property was used by the original owner for the bagging and export of soybeans. Therefore a zoning amendment will be required to rezone the retained lands merged back with the farm to "A2, General Agricultural" and to rezone the severed dwelling lot to a special "R2, Agricultural Residential" to permit a group home.

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 severance.

BACKGROUND:

Severed Parcel	Dimensions – 200’F x 235’D Lot Area – 1.08 acres Existing Use – single detached and small outbuilding Services – water well and private septic system Access – existing driveway
Retained Parcel/Lot Addition	Dimensions – 455.88’F x 531.28’D Area – 7.0 acres± Existing Use/Buildings – farmland and some former yard area with one outbuilding Access – to be accessed from receiving lot
Receiving Lot	Lot Area – 92 acres Existing Use – farmland Access – existing farm access
Official Plan	Agricultural
Existing Zoning	“A2, General Agricultural” & “M, Industrial”

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(PPS)

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 severance is a boundary adjustment rather than a new lot creation. The end result is 7 acres of land being merged back to an abutting farm lot and a more appropriately sized rural residential lot at 1.08 acres.

Section 1.4.3(b) of PPS speaks specifically to the issue of the proposed group home and states that, " Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by permitting and facilitating all forms of housing required to meet social, health and well-being requirements of current and future residents, including special needs requirements."

Comment the provision of group homes throughout the Municipality is an important undertaking in achieving the principles outlined in PPS. The proposed group home in this case is one focused on teenage youths. The current Dover zoning by-law defines group homes however it is recommended that an additional definition should be added which would permit a limitation on a group homes to one of a non-correctional or probationary type similar to the approach used in the recent past in the former Chatham Twp.

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.

The Dover Official Plan recognizes an existing group located to the north of the subject property on Angler Line. This facility is a licensed closed custody facility for youths. The Plan notes that an amendment to the Plan would be required for new group homes. However, the Dover Official Plan policies were only dealing with an existing correctional-based group home at the time and did not anticipate residential group homes which provide temporary care and housing for displaced youths, handicapped or mentally challenged individuals. The demand for additional such facilities is growing for both Wallaceburg and Chatham-Kent Community Living with the closing of the Southwest Regional Centre in 2009. The Chatham-Kent Official Plan does permit group homes of a non-correctional based nature within the residential designation. I believe that it is important to provide such facilities in all areas of Chatham-Kent including the rural community and this has been the approach used in other recent cases in Chatham Twp. and Chatham. It is important to note that an unlicensed group home, of a non-correctional

nature, could purchase any residential dwelling in Chatham-Kent and utilize it for this use without a zoning amendment or official plan amendment and operate legally.

Zoning By-law

An amendment is required to rezone the severed parcel to "R2-77, Agricultural Residential", adding a group home as an additional permitted use and recognizing the reduced rear yard of a small accessory building. The retained parcel will also be rezoned to "A2, General Agricultural" to match that of the receiving farm lot. An additional definition of "group home" in the Dover By-law will be added which will provide an additional type of group home a non-correctional nature and will read as follows:

"Group Home - Residential" means a single housekeeping unit in a single detached dwelling unit occupied by three (3) to (10) persons, inclusive of staff and receiving family licensed under applicable Provincial statutes and municipal by-laws, but shall not include:

- a) a place maintained and operated primarily for the temporary care of, and occupied by, inmates or adults placed on probation or released on parole.
- b) a place maintained and operated primarily for the temporary care of, occupied by, transient or homeless persons, or,
- c) a place maintained and operated primarily for the treatment and rehabilitation of and occupied by, persons who are addicted to drugs and alcohol.

This definition does NOT include a nursing home, bed and breakfast, multiple dwelling unit, rooming house, boarding house or hotel or motel.

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 north across some of the retained parcel to be merged with the abutting farm



Looking north at the existing dwelling on the proposed lot



Looking north across the balance of the retained lands to be merged with the abutting farm lot



Looking northwest at the outbuilding to remain with the retained lands being conveyed to the abutting farm lot

