

TO: Mayor and Members of Council
FROM: Storey Samways Planning Ltd.
DATE: January 7, 2008
SUBJECT: Planning Services Report

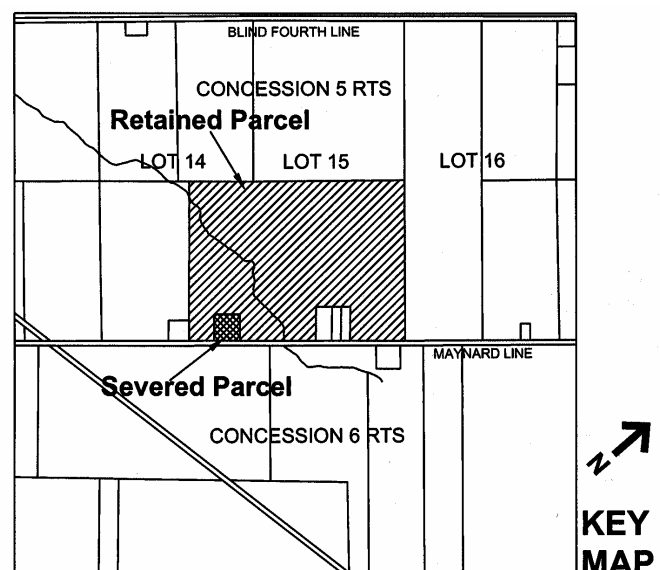
GENERAL FILE INFORMATION AND KEY MAP:

Application: Combined Consent (File B-118/07) and Zoning By-law Amendment (File D-28 HA/88/07/V)

Hansen#: 4361

Applicant: VDEB Farms Ltd.

Location: 10341 Maynard Line
Part of Lots 14 & 15
Concession 5, R.T.S.



Roll Number: 3650 140 003 77000 & 3650 140 003 76700

Community: Harwich (South Kent)

RECOMMENDATIONS:

It is recommended that:

1. Council approve consent application B-118/07 in Part of Lots 14 and 15, Concession 5, R.T.S., in the Community of Harwich, to create a lot for a surplus dwelling located at 10341 Maynard Line, subject to the following conditions:
 - a) that the parcel to be severed be rezoned to "R5.1, Rural Residential and recognize the reduced front yard of the dwelling;
 - b) that the retained farm parcel be zoned to prohibit the construction of any new permanent dwellings;
 - c) that the applicant(s) demonstrate that the septic system on the severed lot is

- functioning in accordance with Municipal Protocol;
- d) that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;
 - e) that the necessary deed(s), transfer 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 HA/88/07/V and adopt the by-law to implement the consent.

DESCRIPTION OF PROPOSAL:

The subject land is a 140 acre farm parcel located on the north side of Maynard Line, east of Harwich Road. The applicant purchased the property in 2003. The farm contains a dwelling and two outbuildings which are surplus to the applicant's farm operations. The applicant farms in combination with this father both several hundred acres in the Communities of Howard and Harwich. The base of the farm operation is located on New Scotland Line and the applicant's personal residence is also located on this farm which is owned by his father. The applicant however, also owns a farm parcel with a dwelling on Talbot Trail. Therefore the dwelling on the subject parcel is surplus to the needs of the farm operation. Application has been made to sever the existing dwelling and outbuildings on a 3.0 acre parcel. The parcel is somewhat larger than the normal rural residential lot severance however the entire lot is covered with mature trees and has never been used as productive farmland.

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

BACKGROUND:

Severed Parcel (surplus dwelling)	Dimensions – 3363.02’F x 362’D Area – 3.0 acres Existing Buildings – single detached dwelling & two outbuildings Services – private septic system & well water Access – existing driveway
Retained Farm	Frontage – 2,128.13 ft. Area – 140 acres± Existing Use – farmland Access – existing farm access
Official Plan	Agricultural
Existing Zoning	“A2.1, 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 application is consistent with the PPS definition of surplus dwelling and 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 - this is also recommended 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 application has indicated that there is no livestock operation within 500 metres of the subject property and this was confirmed during the site visit.

Zoning By-law

The current zoning of the farmland is “A2.1, Agricultural” and Plan Policy requires that the by-law be amended as a condition of that consent. Specifically, the surplus dwelling lot is rezoned to “R5.1, Rural Residential”. The retained farm is zoned to prohibit any future dwellings. The reduced front yard of the severed parcel is also recognized as part of the amending by-law.

Conclusion

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:

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Reviewed by:

Reviewed by:

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Gerry Wolting, B. Math, CA
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Looking north at the proposed lot



Looking north at the existing dwelling on the proposed lot



Looking north at the yard and outbuildings that are part of the proposed lot



Looking north across the retained farmland

