

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques, MCIP, RPP
Manager, Planning Services

Date: July 9, 2019

Subject: Applications for Consent and Zoning By-law Amendment
PL201900090 – Edward & Steven Wszol
Talbot Trail, Community of Harwich (South Kent)

Recommendations

It is recommended that:

1. Consent application File B-65/19 to sever and convey a portion land, approximately 0.12 ha (0.30 ac.) in area, shown as Part 1 on the applicant's sketch, as a lot addition to the adjacent residential parcel (8990 Talbot Trail), in Part of Lot 9, Concession 3, WCR, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to:
 - i. rezone the severed portion of the subject property from Agricultural (A1) to Rural Residential (RR), to match the receiving lot; and,
 - ii. rezone the retained parcel to a site specific A1-1478 zone to recognize the reduction in lot area of the retained farm parcel from 20 ha (50 ac.) to 19.7 ha (48.68 ac.).
 - b) that the lot addition, shown as Part 1 on the applicant's sketch be conveyed to the owner of the abutting rural residential property (8990 Talbot Trail / PIN: 00940-0126) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
 - c) that a one-foot square from the receiving lot be conveyed to the Municipality free of charge and clear of all encumbrances, and that the applicant pay \$75 for the registration of the dedication by-law for the one-foot square conveyance;

- d) that a hard copy and AutoCAD.dwg version of the final reference plan projected to the NAD 83/UTM Zone 17N coordinate system be submitted to the Municipality; and
 - e) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
2. Zoning By-law amendment File D-14 HA/14/19/W to implement the Consent, be approved and the implementing by-law be adopted.

Background

The subject property is located on the south side of Talbot Trail between Erieau Road and Lagoon Road, in the Community of Harwich (Roll No. 3650 140 008 59200). The lands are approximately 19.82 ha (48.98 ac.) in area. The lands are currently farmed and contain one outbuilding. The subject property is designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural (A1). A key map of the subject lands is attached as Appendix A. Photographs of the subject property are attached as Appendix B.

The application proposes to sever a portion of land, approximately 0.12 ha (0.30 ac.) in area, shown as Part 1 on the applicant's sketch attached as Appendix C and convey these lands as a lot addition to the adjacent rural residential parcel (8990 Talbot Trail). The proposed lands to be conveyed include the existing outbuilding. The applicant's own both the subject parcel and the receiving lands and plan to sell both properties following the implementation of the consent.

The proposed lot addition will increase the area of the receiving lot to approximately 0.33 ha (0.81 ac.). The retained farm parcel will be approximately 19.70 ha (48.68 ac.) in area and will continue to be farmed. The lands subject to the lot addition will be rezoned to Rural Residential (RR) to match the zoning on the receiving lot.

Comments

Provincial Policy Statement

The application does not raise any issues of provincial interest.

Official Plan

The proposed consent and zoning by-law amendment have been reviewed under the policies of the Chatham-Kent Official Plan, specifically Section 3.10 – Agricultural Area Policies, Section 6.3.3 - Planning Tools (Consent) and Section 6.3.3 - Planning Tools (Zoning By-law), and generally meets these policies.

The Agricultural Area policies support consent to sever for the purpose of an enlargement of an existing lot, provided it conforms to the following policies (Policy 3.10.2.18.2 (d)):

- i) the viability of the retained lot as a farm parcel is not threatened;*
- ii) a need must be demonstrated in which the proposed enlargement is for non-farm use;*
- iii) the proposed severance must merge with the lot being enlarged in accordance with Sections 50(3) and (5) of the Planning Act.*

The proposed consent is to sever and convey lands as a lot addition to an abutting rural residential property to consolidate nearby buildings on a common property. The area of the retained parcel is appropriate for the existing agricultural use and will remain part of a viable economic enterprise for the long-term.

Zoning By-law

To implement the proposed severance, an amendment is required to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- a) rezone the severed portion of the subject property from Agricultural (A1) to Rural Residential (RR), to match the receiving lot; and
- b) grant relief from Section 5.21.2 (b), Lot Area Minimum, to recognize the reduction in lot area of the retained parcel from 20 ha (50 ac.) to 19.7 ha (48.68 ac.).

The zoning by-law amendment will establish appropriate regulations for residential development on the lot addition lands. The receiving lot is a residential lot that fronts onto a section of Talbot Trail between Blenheim and Cedar Springs where residential development predominates. The proposed zoning is consistent with the existing development in this residential area.

Conclusion

The proposed applications for Consent and Zoning By-law Amendment have been reviewed in the context of the Provincial Policy Statement, Chatham-Kent Official Plan, and Chatham-Kent Zoning By-law, and comply with these documents. Therefore, the applications are being recommended for approval as noted in the Recommendations section of this report.

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

- Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

Has the potential to support all areas of strategic focus & critical success factors

Neutral issues (does not support negatively or positively)

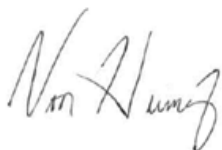
Consultation

There was no consultation required as part of this application.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:



Noor Hermiz, CPT
Planner II, Planning Services

Reviewed by:



Ryan Jacques, MCIP, RPP
Manager, Planning Services

Reviewed By:

Reviewed by:



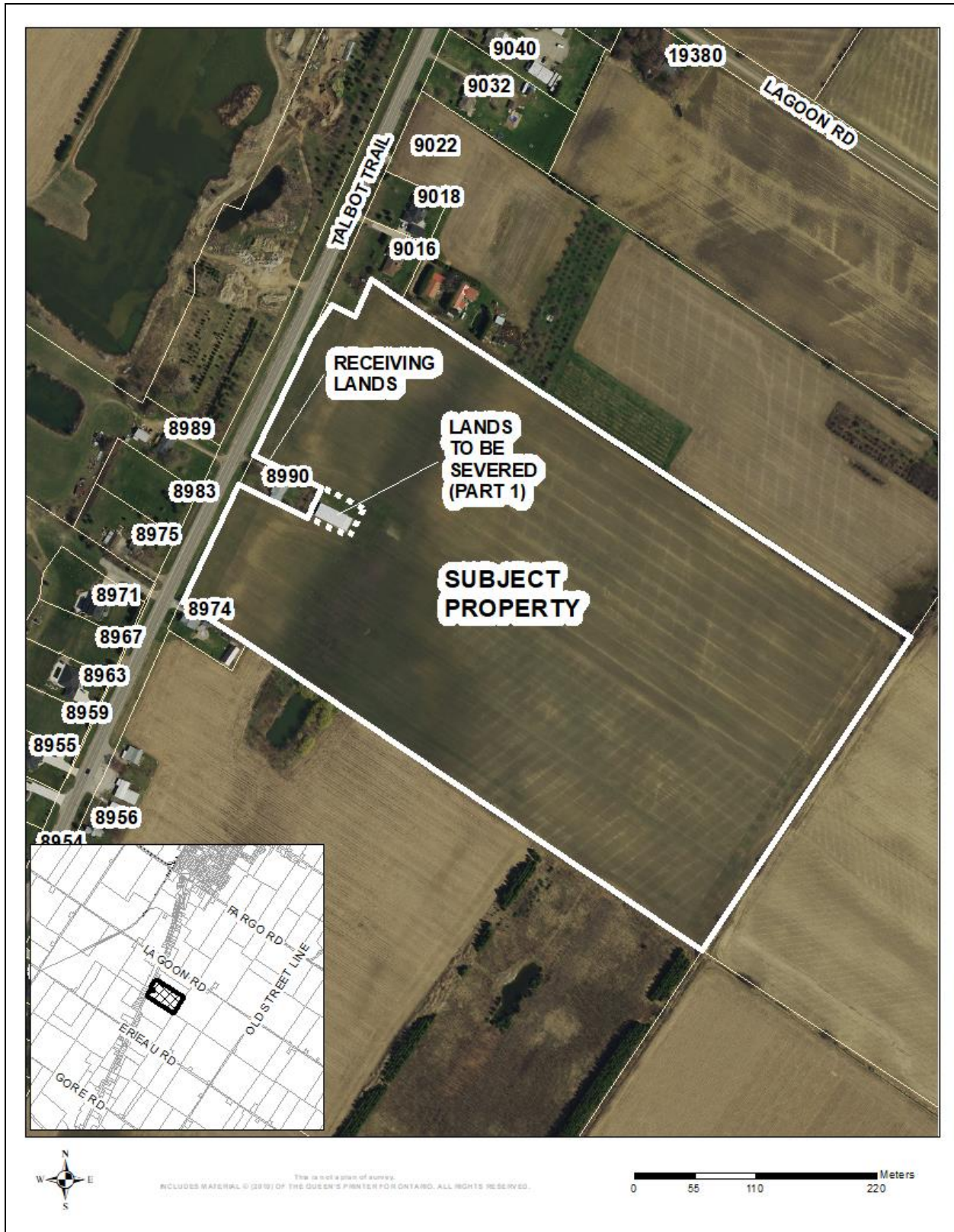
Bruce McAllister, MCIP, RPP
Director, Planning Services

John Norton
General Manager
Community Development

Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Applicant's Sketch
By-law to amend By-law 216-2009

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Report.docx

Appendix A – Key Map



Appendix B – Site Photos



Looking southeast towards the outbuilding on the proposed severed lands, receiving parcel (8990 Talbot Trail) (left), and retained agricultural parcel (right).



Looking southwest towards the outbuilding on the proposed severed lands, receiving parcel (8990 Talbot Trail) (right), and retained agricultural parcel (left).

By-law Number ____-2019

of The Corporation of the Municipality of Chatham-Kent

A By-law to Amend Zoning By-law 216-2009 of the Municipality of Chatham-Kent

(Edward & Steven Wszol)

CityView # PL201900090

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Harwich in order to rezone the severed portion of the subject property from Agricultural (A1) to Rural Residential (RR), to match the receiving lot, and to prohibit future dwellings on the retained parcel;

And Whereas the proposed use would conform to the Official Plan;

And Whereas Council, after due investigation and consideration, concurs in the proposed amendments;

Now therefore be it and it is hereby enacted as By-law Number _____ of the Corporation of the Municipality of Chatham-Kent:

1. That Schedule "A" of the By-law 216-2009, as amended, of the Municipality of Chatham-Kent, be amended by changing the zoning classification from Agricultural (A1) to Agricultural-1478 (A1-1478) and Rural Residential (RR) on the lands so depicted on Schedule "A" hereto annexed and also forming part of this by-law.
2. That Schedule "B" Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Exception No., the following:
Exception No. 1478
3. That Schedule "B" Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Special Zone Symbols, the following:
A1-1478
4. That Schedule "B", Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Exception Areas:

Exception No.	Special Zone Symbol	Special Zone Provisions
1478	A1-1478	The minimum lot area shall be 19.7 ha

This By-law shall come into force and effect upon the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990 Chapter. P.13, as amended.

Read a First, Second and Third Time the 12th day of August, 2019.

Mayor – Darrin Canniff

Clerk - Judy Smith

This is Schedule "A" to By-law Number _____ of the Corporation of the Municipality of Chatham-Kent passed on the 12th day of August, 2019.

