

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: July 8, 2019

Subject: Applications for Consent & Zoning By-law Amendment
PL201900089 – 2316081 Ontario Inc. & 2316086 Ontario Inc.
24819 & 24821 Prince Albert Road
Community of Chatham (Township) (North Kent)

Recommendations

It is recommended that:

1. Consent application File B-64/19 to sever two (2) surplus dwellings (24819 & 24821 Prince Albert Road) on a new lot, approximately 1.21 ha (3.0 ac.) in area, shown as Part 1 the applicant's sketch, in Part of Lot 7, Concession 6, in the Community of Chatham (Township), be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to:
 - i) rezone the residential surplus dwelling lot to a site-specific Agricultural (A1-1477) zone that permits two (2) existing surplus dwellings on a lot greater than 0.8 ha (1.98 ac.); and,
 - ii) rezone the retained parcel to a site-specific Agricultural (A1-1) zone to prohibit future dwellings;
 - b) that the applicant demonstrates the septic systems on the severed parcel are functioning in accordance with Municipal Protocol;
 - c) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
 - 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 application File D-14 CH/13/19/O be approved and the implementing by-law be adopted.

Background

The subject property is located on the southeast corner of Prince Albert Road and Brook Line, in the Community of Chatham (Township) (Roll No. 3650 410 003 27300). The lands are approximately 22.57 ha (55.76 ac.) in area and contain two (2) single detached dwellings and four (4) outbuildings. The subject property is designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural (A1). A key map showing the location of the subject property is attached as Appendix A. Pictures showing the subject property and surrounding area are attached as Appendix B.

The application proposes to create a new residential lot, approximately 1.21 ha (3.0 ac.) in area, containing two (2) surplus dwellings and all four (4) outbuildings, shown as Part 1 on the applicant's sketch, attached as Appendix C. The retained farm parcel will be approximately 20.55 ha (50.78 ac.) in area.

It has been verified that the applicant owns additional acreage in the area and maintain a dwelling at 11221 Crafts Line, in the Community of Chatham (Township). This property renders the dwellings on the subject property surplus to the needs of this farming operation.

Comments

Provincial Policy Statement (PPS)

The proposed surplus dwelling severance is consistent with Section 2.3.4.1(c) of the PPS and does not raise any issues of provincial interest.

Official Plan

The proposed surplus dwelling severance has been reviewed under the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 3.10, Agricultural Area Policies, and Section 6.3.3, Planning Tools (Consent and Zoning By-law), and generally meets these policies.

The proposed surplus dwelling severance is consistent with Section 3.10.2.18.2(b) of the Official Plan. The proposed severed lot is of sufficient area to accommodate the two (2) existing dwellings, shared private water well, and individual septic systems. There is no shared drainage and both the proposed severed and retained parcels will maintain separate access from an improved public road. There are no local improvement charges owing on the property. The retained farm parcel will continue to exceed the minimum area of 20 ha (49.4 ac.) for an agricultural lot, consistent with other farms in the area.

Zoning By-law

The Chatham-Kent Zoning By-law contains provisions under the Agricultural (A1) zone that are specific to a surplus dwelling severance. These provisions include permitting one (1) single detached dwelling on a lot created as a result of consent with an area of 0.8 ha (1.98 ac.) or less. These provisions also prohibit any future dwelling on the remnant parcel.

To implement the proposed severance, two regulations of the Zoning By-law must be dealt with. First, the proposed lot area of 1.21 ha (3.0 ac.) exceeds the Zoning By-law maximum for a surplus dwelling. Therefore, a zoning by-law amendment is required by recognizing a surplus dwelling on a lot size greater than 0.8 ha (1.98 ac.). Second, the maximum number of dwellings permitted on a lot in the Agricultural zone is one (1). Therefore, the two existing dwellings must be recognized. Two dwellings on a lot at this location require by an area that exceeds 0.8 ha (1.98 ac.). Each dwelling requires land for an amenity area, space for exiting outbuildings, as well as land for potential hedgerows or future building additions.

Further, to implement the direction of the Provincial Policy Statement and Official Plan, the zoning by-law amendment will also rezone the retained parcel to a site-specific Agricultural (A1-1) zone to prohibit any future dwelling on these lands. All other applicable zoning regulations are being met by this proposal.

Conclusion

The proposal has been reviewed in the context of the Provincial Policy Statement, the Chatham-Kent Official Plan and Zoning By-law and will be in full conformity, if approved. Therefore, the applications are being recommended for approval.

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)

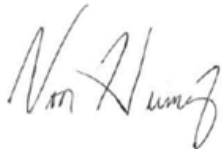
Consultation

There was no consultation required as part of these applications.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:



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Reviewed by:



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Reviewed By:



Bruce McAllister, MCIP, RPP
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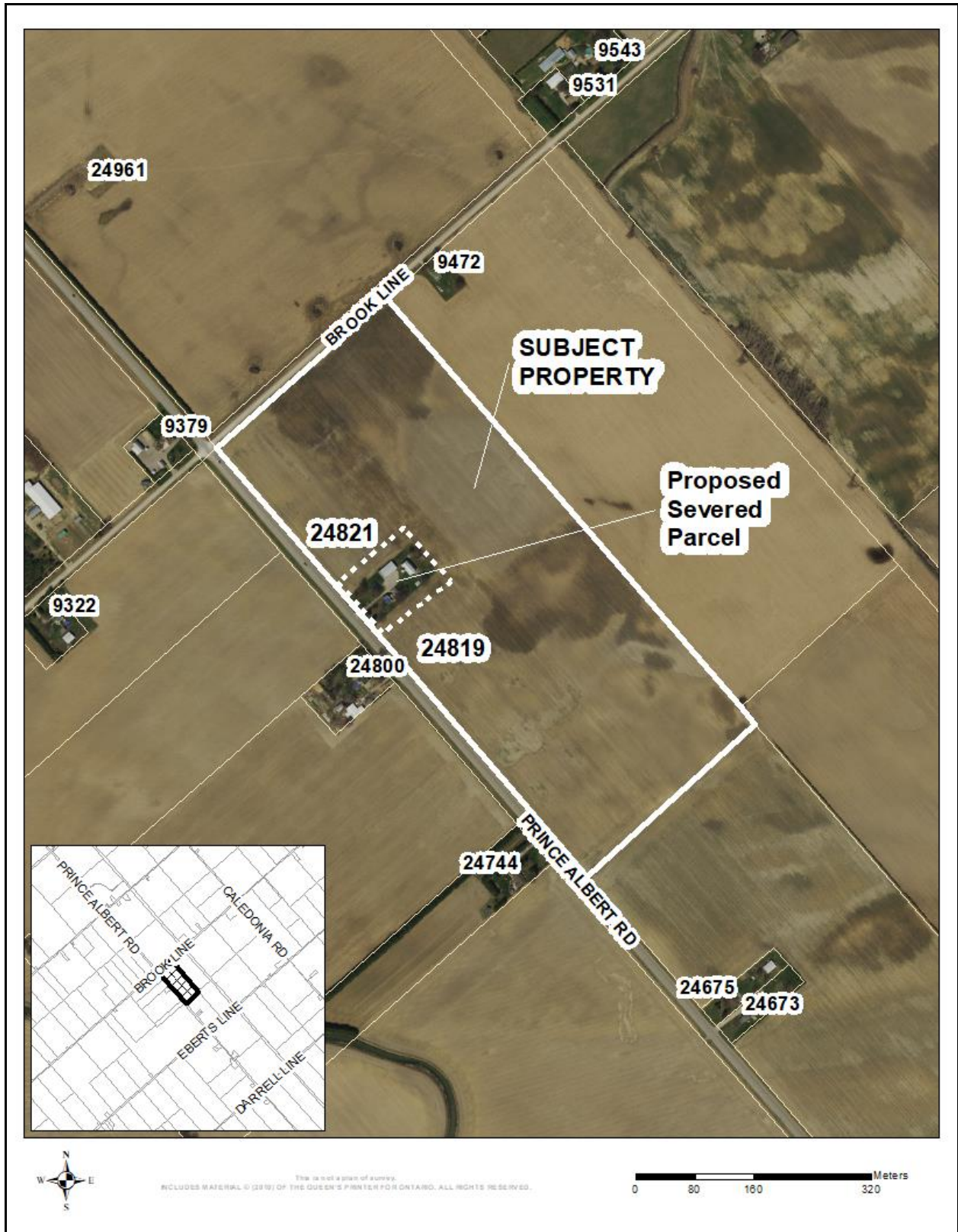
Reviewed by:

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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Appendix A – Key Map



Appendix B – Site Photos



Looking east towards the proposed severed parcel.



Looking north towards the proposed severed parcel and retained parcel (right).

Appendix C – Applicant's Sketch

