

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: July 2, 2019

Subject: Applications for Consent and Zoning By-law Amendment
PL201900086 – Mark & Deborah Galbraith
21809 Scane Road, Community of Howard (East Kent)

Recommendations

It is recommended that:

1. Consent application File B-61/19, to sever a surplus dwelling (21809 Scane Road) on a new 1.2 ha (2.9 ac.) lot, shown as Part 1 on the applicant's sketch, in Part of Lot 7, Concession 4, in the Community of Howard, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to:
 - i) rezone the severed parcel to a site specific Agricultural (A1-1173) zone to permit a surplus dwelling in an Agricultural (A1) zone on a lot size 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 severed and retained parcels be transferred to Michael & Colin Campbell, as outlined in the Agreement of Purchase and Sale dated May 10, 2019;
 - c) that the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
 - d) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;

- e) 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,
 - f) 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 HO/12/19/G, be approved, and the implementing by-law be adopted.

Background

The subject property is located at the northerly corner of the Scane Road and McKay's Line intersection, in the Community of Howard (Roll No. 3650 210 002 14400). The lands are approximately 22.5 ha (55.5 ac.) in area and contain a single detached dwelling, five (5) outbuildings and two (2) steel grain bins. The lands are 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 sever the surplus dwelling, five (5) outbuildings, and two (2) steel grain bins on a new 1.2 ha (2.9 ac.) lot, shown as Part 1 on the applicant's sketch attached as Appendix C. The retained farm parcel will be approximately 21.3 ha (52.6 ac.) in area and will consist of vacant farmland.

To implement the proposed severance, a zoning by-law amendment is required to permit a surplus dwelling on a lot size greater than 0.8 ha (1.98 ac.) in an Agricultural (A1) zone.

The current owners of the subject property have entered into an agreement of purchase and sale for all of the subject lands. The prospective purchasers own additional acreage in the area and maintain a base of farming operation at 11984 Botany Line, which renders the dwelling on the subject property surplus to the needs of the purchaser's 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 proposal 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 existing dwelling, outbuildings, private water well and septic system. There is no shared drainage and both the proposed severed and retained parcels will maintain separate accesses from an improved public road. It has also been verified that there are no local improvement charges associated with the subject property. The proposal will have no impact on the agricultural operation of the retained parcel.

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 a 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.

The proposed surplus dwelling severance will create a new 1.2 ha (2.9 ac.) residential lot. Existing buildings, landscaped area and minimal workable land currently occupy the proposed lot and result in a lot area that exceeds the Zoning By-law maximum. Therefore, a zoning by-law amendment is required to implement the surplus dwelling severance by rezoning the severed parcel to a site specific Agricultural (A1-1173) zone that recognizes a surplus dwelling on a lot size greater than 0.8 ha (1.98 ac.). 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 proposed consent and zoning by-law amendment have 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 this application.

Financial Implications

There are no financial implications resulting from the recommendations.

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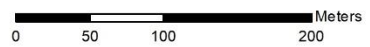
Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Applicant's Sketch
By-law to amend By-law 216-2009

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Report.docx

Appendix A – Key Map



This is not a plan of survey.
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Appendix B – Site Photos



Looking north at the severed parcel (21809 Scane Road).



Looking east at the retained farm parcel.

Appendix C – Applicant's Sketch

