

**Municipality Of Chatham-Kent**  
**Community Development**  
**Planning Services**

**To:** Mayor and Members of Council

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

**Date:** June 24, 2020

**Subject:** Applications for Consent and Zoning By-law Amendment  
PL202000066 – Joel Pinsonneault  
8023 & 8069 Pine Line, Community of Dover (North Kent)

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**Recommendations**

It is recommended that:

1. Consent application File B-29/20, to sever and convey a new agricultural parcel, approximately 3.99 ha (9.87 ac.) in area, shown as Part 2 on the applicant's sketch, in Part of Lot 20, Concession 5, in the Community of Dover, and to permit a partial discharge of the existing mortgage, 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 a site-specific Agricultural (A1-1516) zone to recognize the lot area of the severed parcel; and,
    - ii. rezone the retained portion of the subject property from Agricultural (A1) to a site-specific Agricultural (A1-1517) zone to recognize the lot area of the retained parcel;
  - b) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
  - c) 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,
  - d) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.

2. Consent application File B-41/20, to sever and convey a portion of land, approximately 0.21 ha (0.52 ac.) in area, shown as Parts 1 and 3 on the applicant's sketch, in Part of Lot 20, Concession 5, in the Community of Dover, be approved, subject to the following conditions:
  - a) that the lot addition to severed, shown as Parts 1 & 3 on the applicant's sketch, be conveyed to the owner of the abutting residential property (24355 Bear Line Road / PIN: 00780-0076) 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;
  - b) 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,
  - c) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
3. Zoning By-law Amendment application File D-14 DO/20/20/P, to
  - a. Implement Consent Files B-29/20 and B-41/20; and,
  - b. Permit a secondary dwelling unit in an accessory building,be approved, and the implementing by-law be adopted.

### **Background**

The subject property is located at the northerly intersection of the Bear Line Road and Pine Line intersection, in the Community of Dover (Roll No. 3650 480 004 04700). The lands are approximately 21.1 ha (52.1 ac.) in area and contain a single detached dwelling, five (5) outbuildings and a two (2) silos. 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 create a new agricultural parcel, approximately 3.99 ha (9.87 ac.) in area, containing the existing dwelling, outbuildings and silos, shown as Part 2 on the applicant's sketch, attached as Appendix C. The application also proposes to sever and convey a 0.21 ha (0.52 ac.) portion of land from the subject property, shown as Parts 1 & 3 on the applicant's sketch, as a lot addition to the abutting residential lot (24355 Bear Line Road). The retained farm parcel will be approximately 16.9 ha (41.7 ac.) and is comprised of vacant farmland with no outbuildings. A partial discharge of the existing mortgage is also proposed as part of the application.

The applicant has operated a tree nursery at this location for nearly ten years. The severed lands are used for growing a variety of species of trees and includes a show

area and office/shop. Approximately 3 ha (7.41 ac.) is used for growing trees and the remaining lands are occupied by the existing single detached dwelling (8023 Pine Line).

### *Zoning By-law Amendment*

The purpose of the zoning by-law amendment is to implement the severance, according to the requirements of the Chatham-Kent Official Plan and the Provincial Policy Statement, with respect to the creation of an agricultural lot less than 20.2 ha (50 ac.) in area. The application also proposes to permit a secondary dwelling unit within the existing office/shop building.

### **Comments**

#### **Provincial Policy Statement (PPS)**

The application does not raise any issues of provincial interest.

Section 2.3.4, Lot Creation and Lot Adjustments, of the PPS permits lot creation in prime agricultural areas for agricultural uses, provided that the lots are of a size appropriate for the type of agricultural uses common in the area and are sufficiently large to maintain flexibility for future changes in the type of size of agricultural operations.

#### **Official Plan**

The proposal has been reviewed under Section 2.3.4, Housing, Section 3.10, Agricultural Area Policies, and Section 6.3.3, Planning Tools (Consent), of the Chatham-Kent Official Plan and generally complies with these policies.

#### **Lot Creation**

Section 3.10.2.18.2 of the Official Plan contains policies concerning the severance of new agricultural parcels. When the severed or retained parcel are smaller than the minimum area of 20.2 ha (50 ac.) set out therein, a severance can be considered where:

- it can be demonstrated that the subject parcel can be a viable economic enterprise;
- the size of the parcel to be severed and the parcel to be retained is appropriate for the type of agricultural purposes for each parcel;
- the size of the parcel to be severed and the parcel to be retained is appropriate for the type of agriculture for the area in which the parcels are located;
- the size of the parcel to be severed and the parcel to be retained is common for the area in which the parcels are located;
- the size of the parcel to be severed and the parcel to be retained is sufficiently large to maintain flexibility for future changes in the type of size of agricultural operations.

The subject property is currently a 21.1 ha (52.1 ac.) agricultural parcel. Approximately 16.9 ha (41.7 ac.) is farmed with cash crops, with the balance of the lands occupied by the existing dwelling, outbuildings and nursery.

The size of the severed and retained parcels is appropriate for the type of agriculture proposed. The proposed severed parcel is approximately 3.99 ha (9.87 ac.) in area and is sufficiently large to accommodate a viable nursery. The retained farm parcel is approximately 16.9 ha (41.7 ac.) and will continue to be used for the growing of crops.

While the size of the parcel is not common for the area, it is appropriate for the use that currently exists on the lands. The applicant has advised that the current occupied land occupied is adequate to operate the nursery.

### Lot Addition

The proposed lot addition is a boundary adjustment where no new lot is being created. The proposal will sever a portion of the subject lands as a lot addition to an abutting residential parcel. As the receiving lands are currently undersized and constrained in terms of appropriately accommodating any type of (re)development, the lot addition will provide additional area for these lands to function in a manner that is appropriate and consistent with rural residential lots in Chatham-Kent.

The proposed lot addition will also bring the receiving lot into full compliance with the Ontario Building Code by accounting for an existing shed that is not in compliance.

### Secondary Dwelling

Section 2.3.4.2.18 of the Official Plan contains policies concerning the establishment of secondary dwellings. In rural areas, these dwelling types have been supported as garden suites through a temporary use by-law. The Official Plan contains policies where a secondary dwelling can be established in fully services urban areas where it is *“contained within the structure of a single detached residential dwelling, semi-detached dwelling or townhouse dwelling; or as a separate and complete dwelling unit contained within a building or structure ancillary to a single detached residential dwelling, semidetached residential dwelling or townhouse dwelling.”*

It is appropriate to consider secondary dwellings in all areas to support housing diversification in Chatham-Kent.

Overall, the application maintains the general intent and purpose of the Official Plan.

### **Zoning By-law**

The minimum lot area in the Agricultural (A1) zone for agricultural uses is 20 ha (49.4 ac.). The proposed severed parcel has an area less than the minimum. The zoning by-law amendment will recognize the area of the severed parcel as 2.51 ha (6.21 ac.). The applicant is also interested in converting part of the existing office/shop to living

quarters. Secondary dwelling units are currently only permitted in urban areas where full municipal services are available. Chatham-Kent will be proceeding with a proposed zoning by-law amendment in 2020 to permit secondary dwelling units in rural areas.

## **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**

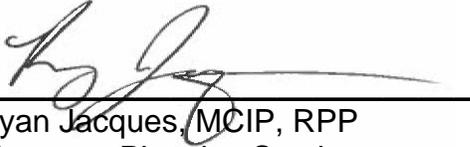
There was no consultation required as part of these applications.

**Financial Implications**

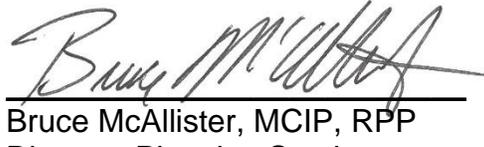
There are no financial implications resulting from the recommendations.

Prepared by:

Reviewed by:



Ryan Jacques, MCIP, RPP  
Manager, Planning Services



Bruce McAllister, MCIP, RPP  
Director, Planning Services

Reviewed by:

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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



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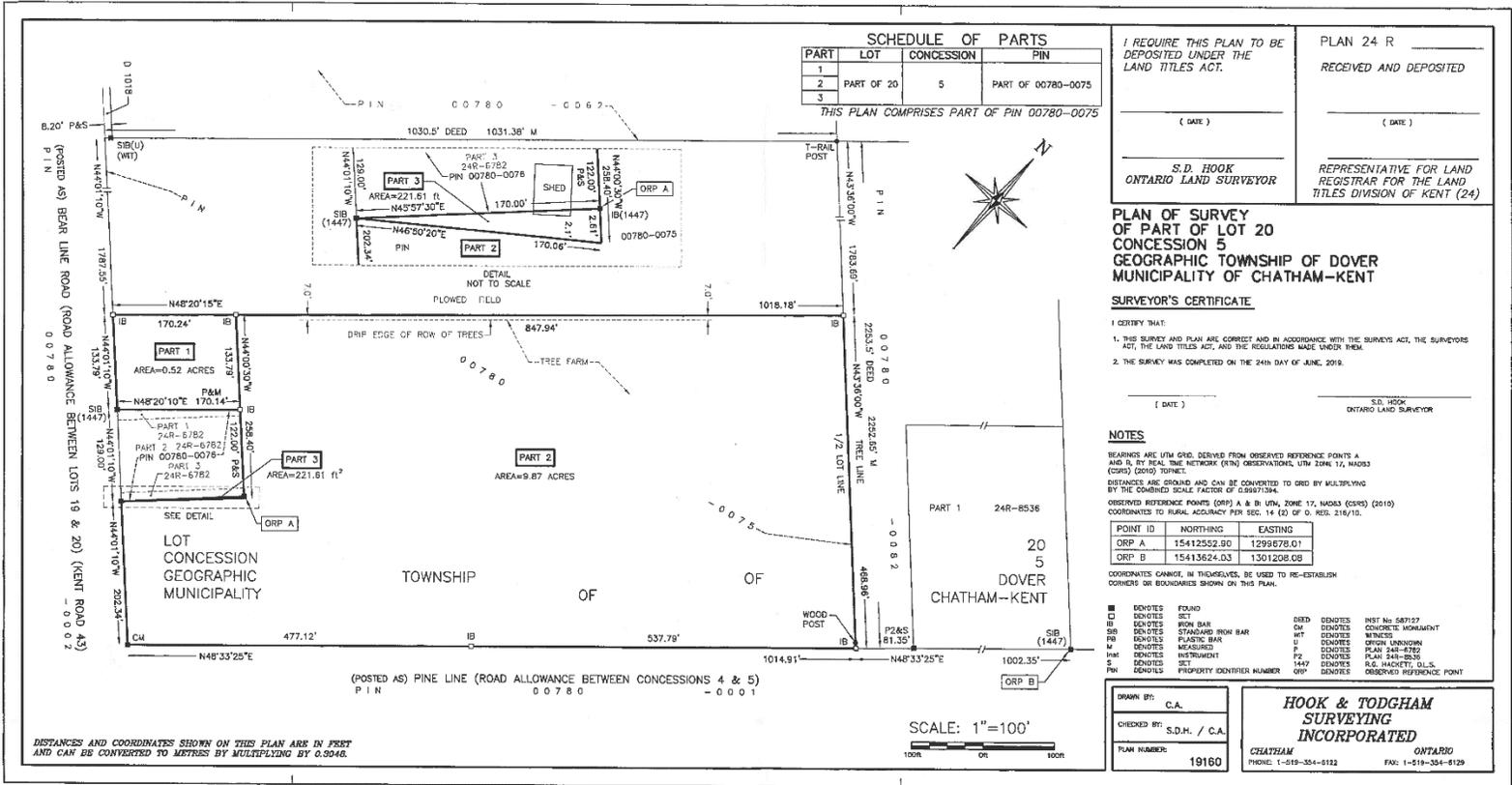
Appendix B – Site Photos



Looking east at the show area and existing dwelling on the severed parcel.



Looking north at the receiving lot and lot addition lands.



By-law Number \_\_\_\_\_

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

(Pinsonneault)

CityView # PL202000066

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Dover in order to recognize a reduction in the minimum lot area and permit a secondary dwelling unit in an existing building;

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

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

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 (A1-1516) and Agricultural (A1-1517) 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. 1516

Exception No. 1517

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:

A1-1516

A1-1517

4. That Schedule "B", Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Special Zone Provisions:

Exception No.	Special Zone Symbol	Special Zone Provisions
1516	A1-1516	Notwithstanding any other provisions of the by-law to the contrary, the following shall also apply:  i) Minimum lot area – 3.99 ha ii) A Secondary Dwelling Unit is permitted

Exception No.	Special Zone Symbol	Special Zone Provisions
1517	A1-1517	Notwithstanding any other provisions of the by-law to the contrary, the following shall also apply:  Minimum lot area – 16.9 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 20th day of July, 2020.

\_\_\_\_\_  
 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 20th day of July, 2020.

