

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques, MCIP, RPP
Planner I, Planning Services

Date: August 21, 2018

Subject: Applications for Consent & Zoning By-law Amendment
PL201800123 – George Murphy
693 Whitebread Line, Community of Chatham Township (North Kent)

Recommendations

It is recommended that:

1. Consent application File B-64/18 to sever a surplus dwelling, four (4) outbuildings, and four (4) steel grain bins (693 Whitebread Line) 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 8, Concession 4, 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. permit a surplus dwelling in an Agricultural (A1) zone on a lot size greater than 0.8 ha (1.98 ac.), and
 - ii. recognize the further reduction in area of the retained farm parcel from 20 ha (50 ac.) to 19.1 ha (47.0 ac.) and prohibit new dwellings;
 - b) that the applicant demonstrates the septic system on the severed parcel is 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 the severed and retained parcels be transferred to Allan, Jacqueline & Janice Van Dommelen, as outlined in the Agreement of Purchase and Sale, dated July 30, 2018;
 - 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 CH/32/18/M be approved and the implementing by-law be adopted.

Background

The subject property is located on the south side of Whitebread Line between Highway 40 and Forhan Street, in the Community of Chatham (Township) (Roll No. 3650 410 001 53700). The lands are approximately 20.3 ha (50 ac.) in area and contain a single detached dwelling, four (4) outbuildings, and four (4) steel grain bins. The subject property is zoned Agricultural (A1) and designated Agricultural Area in the Chatham-Kent Official Plan. 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 purpose of the proposed severance is to create a residential surplus dwelling lot, approximately 1.21 ha (3.0 ac.) in area, shown as Part 1 on the applicant's sketch, attached as Appendix C. The surplus dwelling lot contains one (1) existing dwelling, four (4) outbuildings and four (4) steel grain bins. The retained farm parcel is approximately 19.1 ha (47.0 ac.) in area and will continue to be farmed by the prospective purchaser.

The prospective purchaser owns additional acreage in the area and maintains a dwelling and base of farming operation at 667 Whitebread Line, in the Community of Chatham (Township), which renders the dwelling on the subject property surplus to the needs of the farming operation.

The surplus dwelling lot is serviced with a private water well and a private septic system. There is no shared drainage and each parcel contains separate access.

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 Official Plan. It has been specifically reviewed under Section 3.10, Agricultural Area Policies, and Section 6.3.3, Planning Tools (Consent), 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 and steel grain bins, private septic system, which are well set back from the road. There is minimal impact to lands currently under agricultural production. The severed and retained parcel will continue to have frontage on Whitebread Line.

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) permit a surplus dwelling in an Agricultural (A1) zone on a lot size greater than 0.8 ha (1.98 ac.), 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 19.1 ha (47.0 ac.) and prohibit new dwellings.

The Chatham-Kent Zoning By-law contains regulations under the Agricultural (A1) zone that are specific to a surplus dwelling severance. These provisions include the prohibition of a residential dwelling on a retained farm parcel that was created as a result of a surplus dwelling consent, and also that the minimum lot area of a farm parcel be 20 ha (49.4 ac.). The lot area of the proposed severed parcel is greater than 0.8 ha (1.98 ac.), and the proposed retained farm parcel is 19.1 ha (47.0 ac.) Therefore a zoning by-law amendment is required to implement the recommended severance.

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

Internal

Technical Advisory Committee

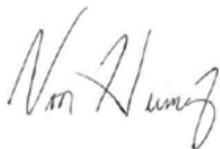
The Technical Advisory Committee supports the applications.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:

Reviewed by:



Noor Hermiz, CPT
Planner II, Planning Services

Ryan Jacques, MCIP, RPP
Planner I, 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

P:\RTC\Community Development\2018\Planning Services\Oct 1-18 Murphy Report.docx

Appendix A – Key Map



Appendix B – Site Photos

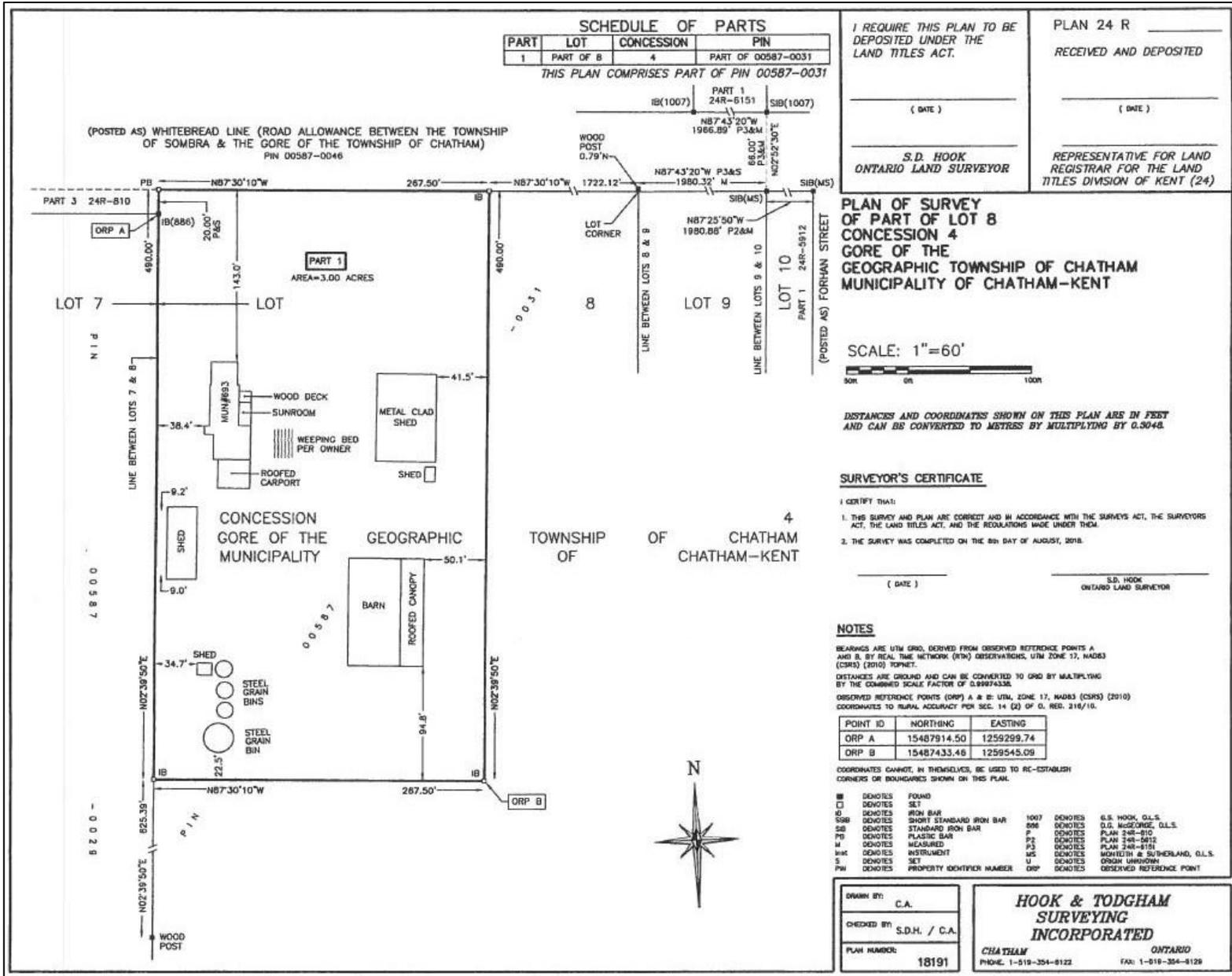


Looking south towards the subject property toward the dwelling
on the proposed severed parcel.



Looking southeast towards the subject property toward the dwelling and
outbuildings on the proposed severed parcel.

Appendix C – Applicant's Sketch



By-law Number _____-2018

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

(George Murphy)

CityView # PL201800123

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Chatham (Township) in order to rezone the lands to permit a surplus dwelling in an Agricultural (A1) zone on a lot size greater than 0.8 ha (1.98 ac.); and establish appropriate regulations;

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-1173 (A1-1173) and Agricultural-1459 (A1-1459) 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:
1459
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:
A1-1459
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
1459	A1-1459	Notwithstanding any other provisions of the by-law to the contrary, the following shall apply: a) Lot Area Minimum – 19.1 ha b) No dwelling may be erected

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 1st day of October, 2018.

Mayor – Randy R. Hope

Clerk - Judy Smith

This is Schedule "A" to By-law Number _____ of the Corporation of the Municipality of Chatham-Kent passed on the 1st day of October, 2018.

