

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques
Planner I, Planning Services

Date: September 6, 2018

Subject: Applications for Consent and Zoning By-law Amendment
PL201800127 – Ron & Joanne Sullivan
18895 Charing Cross Road, Community of Harwich (South Kent)

Recommendations

It is recommended that:

1. Consent application File B-66/18 to sever and convey two portions of land, approximately 0.34 ha (0.84 ac.) in total area, shown as Parts 1 and 4 on the applicants' sketch, in Part of Lot 5, Concession 4, West of Communication Road – West of Gore Line, in the Community of Harwich, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to rezone the severed portions of the subject property, shown as Parts 1 and 4 on the applicants' sketch, from Agricultural (A1) to Recreational and Lakeside Residential (RLR);
 - b) that the subject lands be under common ownership on Title with the adjacent parcel to the north (PIN: 00933-0278);
 - c) that the lot additions to be severed, shown as Parts 1 and 4 on the applicants' sketch, be conveyed to the owner of the abutting residential parcel (18949 Charing Cross Road / PIN: 00933-0273) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent;
 - d) 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 applicants pay \$75 for the registration of the dedication by-law for the one-foot square conveyance;
 - 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 HA/35/18/S be approved and the implementing by-law be adopted.

Background

The subject property is located on the east side of Charing Cross Road, west of Towanda Boulevard, in the Community of Harwich (Roll No. 3650 140 010 56200). The lands are approximately 24.4 ha (60.21 ac.) in area and currently vacant. The subject property is zoned Agricultural (A1) and designated Agricultural Area in the Chatham-Kent Official Plan.

The applicants are proposing to sever and convey parts of the subject property that front on to Charing Cross Road as lot additions to the abutting residential lot. The proposed severed lands are shown on the applicants' sketch attached as Appendix A, and are described as:

- Part 1: a 0.08 ha (0.19 ac.) parcel, comprised of partially paved area that is part of the driveway and parking area of the abutting residential lot; and
- Part 4: a 0.26 ha (0.65 ac.) parcel, comprised of grassed area that is used as amenity space for the abutting residential lot.

The retained lands are approximately 24.06 ha (59.37 ac.) in area and are currently farmed with the adjacent agricultural lands to the north. These adjacent lands are also owned by the applicants. A condition of the consent will require that the retained lands be placed into common ownership with the adjacent, so that frontage and access from Charing Cross Road is maintained.

The receiving residential lot, shown as Part 3 on the applicants' sketch, is approximately 0.33 ha (0.82 ac.) in area and contains a single detached dwelling (18949 Charing Cross Road). Following the lot addition, these lands will be approximately 0.67 ha (1.66 ac.) in area and continue to function as a residential lot.

A key map showing the location of the subject lands and photographs of the surrounding area are attached as Appendix B and C, respectively.

Comments

Provincial Policy Statement (PPS)

The application does not raise any issues of provincial interest.

Official Plan

The application 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 Official Plan contemplates appropriate scenarios where a consent to sever agricultural lands may be granted. One scenario is for the enlargement of an existing lot where the following conditions can be met (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 a non-farm use; and*
- iii) the proposed severance must merge with the lot being enlarged in accordance with Sections 50(3) and (5) of the Planning Act.*

The lands subject to the proposed severance consist of grassed and paved area that are used in conjunction with the abutting residential lot and not as part of the farming operation of the subject property. The proposal supports the current use of these lands where the severed parcels are to be conveyed as a lot addition to the abutting residential lot. No new lot is being created by this proposal and there is no negative impact on the farming operation of the retained lands or on surrounding agricultural operations.

To meet the conditions listed above, the severed lands will be required to merge on Title with the receiving residential lot in a manner that prevents any further conveyance of these parts without future *Planning Act* consent. This has been addressed as a condition of approval of the proposed consent. It should be noted that new residential lot creation on the subject lands is not supported by the agricultural land use policies of the Official Plan.

The general consent policies of the Official Plan have been utilized in evaluating the proposed severance. These policies require any parcel of land that is created or altered by a severance application to maintain frontage on and access to an improved public road (Policy 6.3.3.40). As a consequence of the proposed severance, the retained lands will not have frontage or access to an improved public road. Therefore, it is required that the retained parcel be placed into common ownership with the abutting agricultural lands to the north. These lands have appropriate frontage and access on Charing Cross Road and are currently owned by the applicants. This has been addressed as a condition of approval of the proposed consent.

Zoning By-law

The proposed zoning by-law amendment is required to implement the consent. The amendment will rezone the lot addition lands to the Recreational and Lakeside Residential (RLR) zone, to match the zoning of the receiving residential lot. All applicable zoning requirements are met by the proposal.

Conclusion

The proposed applications for consent and zoning by-law amendment have been reviewed in the context of the Provincial Policy Statement and the Chatham-Kent Official Plan, 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

Internal

Technical Advisory Committee

The Technical Advisory Committee supports the applications.

External

Lower Thames Valley Conservation Authority (LTVCA)

The LTVCA has reviewed the applications and have no objections to this proposal.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:



Anthony Jas
Planner II, Planning Services

Reviewed by:



Ryan Jacques, MCIP, RPP
Planner I, Planning Services

Reviewed by:



Bruce McAllister, MCIP, RPP
Director, Planning Services

Reviewed by:

John Norton
General Manager
Community Development

Attachments: Appendix A – Applicants' Sketch
Appendix B – Key Map
Appendix C – Site Context
By-law to amend By-law 216-2009

Appendix B – Key Map



Appendix C – Site Context



Looking north across the proposed severed portion of the subject lands from Charing Cross Road. The dwelling is located on the receiving lot.



Looking northeast across the proposed severed portion of the subject lands from Charing Cross Road. The driveway is partially on the severed lands and serves the residential dwelling lot in view (receiving lot).

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

(Ron & Joanne Sullivan)

CityView # PL201800127

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 lands for the purpose of a lot addition;

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 Recreational and Lakeside Residential (RLR) on the lands so depicted on Schedule “A” hereto annexed and also forming part of this by-law.

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.

