

**Municipality Of Chatham-Kent**

**Community Development**

**Planning Services**

**To:** Mayor and Members of Council

**From:** Bruce McAllister, MCIP, RPP  
Director, Planning Services

**Date:** July 18, 2018

**Subject:** Applications for Consent and Zoning By-law Amendment  
PL201800094 – Cyriel and Dora Deneve  
8856 Talbot Trail, Community of Harwich (South Kent)

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**Recommendations**

It is recommended that:

1. Consent application File B-51/18, to sever and convey a portion of land, approximately 6.28 ha (15.51 ac.) in area, shown as Part 2 on the applicants' sketch, as a lot addition to the adjacent agricultural property (19325 & 19337 Gore Road), in Part of Lot 9, Concession 4, be approved, subject to the following conditions:
  - a) that the Chatham-Kent Zoning By-law be amended to rezone the retained parcel from Agricultural (A1) to Rural Residential (RR);
  - b) that the lot addition, shown as Part 2 on the applicants' sketch be conveyed to the owner of the abutting agricultural property (PIN: 00940-0382) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving any parcel of land that is the subject of the consent;
  - 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. Zoning By-law amendment File D-14 HA/29/18/D to implement the consent, be approved and the implementing by-law be adopted.

## **Background**

The subject property is located on the south side of Talbot Trail, between Erieau Road and Gore Road, in the Community of Harwich (Roll No. 3650 140 010 33400). The lands are approximately 6.76 ha (16.71 ac.) in area and are predominantly farmed with a single detached dwelling fronting on Talbot Trail. The lands are zoned Agricultural (A1) and designated Suburban Residential Area and Agricultural Area in the Chatham-Kent Official Plan. A key map of the subject property is attached as Appendix A. Photographs of the subject property are attached as Appendix B.

The applicants are proposing to sever and convey the farmed portion of land, approximately 6.28 ha (15.51 ac.) in area, shown as Part 2 on the applicants' sketch attached as Appendix C, to the owner of the abutting agricultural parcel (19325 & 19337 Gore Road). The retained parcel is approximately 0.49 ha (1.2 ac.) in area and contains an existing single detached dwelling.

## **Comments**

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

The proposal is consistent with the PPS.

### **Official Plan**

Lot additions for technical or legal purposes may be permitted in accordance with Section 3.10.2.18.2, Agricultural Area Policies of the Official Plan. The viability of the farm parcel is not threatened and the severed parcel will be consolidated with the adjacent parcel maintaining access through the receiving lot.

By virtue of the lot addition, a residential lot containing an existing dwelling along Talbot Trail is also being created; however, the frontage of this property is within the Suburban Residential Area designation. The proposal conforms to the Suburban Residential Area Policies found in Section 2.3.8. Suburban Residential development is permitted in locations along public roads in the fringe areas outside of the Primary Urban Centres. These policies include:

2.3.8.2.2 The predominant use of land within the Suburban Residential Area designation shall be for low-density residential development.

2.3.8.2.3 Permitted uses will include existing uses and a limited amount of infilling.

2.3.8.2.6 Suburban Residential Areas shall be serviced with adequate water supply and sanitary sewage disposal services.

Comment: the proposed retained rural residential parcel is serviced by municipal water and the lot is of sufficient area to accommodate the existing septic system or a replacement septic system if ever required.

In addition, the proposed lot creation conforms to the general policies found in Section 6.3.3, Planning Tools, of the Chatham-Kent Official Plan. Specifically the proposal has been reviewed under Section 6.3.3.38 and 6.3.3.40 (Consent Policies) and is deemed to be in conformity with the policies of this section, which require the following:

- i) frontage on an improved municipal road;

Comment: the subject lands have full frontage on Talbot Trail, an improved rural arterial municipal road, and no traffic hazards will be created as no new accesses are proposed.

- ii) lot size appropriate for and in character with the existing development;

Comment: the proposed lot size of the retained parcel is typical of the residential lots along the south side of Talbot Trail in the area of the subject property.

- iii) will not restrict the development of adjacent lands;

Comment: the proposed lot is of sufficient area to meet required setbacks and separation from uses on adjacent lands. The adjacent lands have been developed.

- iv) be appropriately serviced;

Comment: the dwelling is serviced with a municipal water connection and a private sanitary sewage system.

- v) convey 5% of the lands for park purposes or a cash-in-lieu payment;

Comment: a cash-in-lieu payment for parkland dedication is not required as the residential lot is already developed.

- vi) not be within an area of significant aggregate resources.

Comment: not applicable.

### **Zoning By-law**

To implement the consent, a zoning by-law amendment is required to rezone the retained residential parcel to the Rural Residential (RR) zone that demonstrates greater consistency with the policies of the Suburban Residential Area designation.

### **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:



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Reviewed by:



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Bruce McAllister, MCIP, RPP  
Director, Planning Services

Reviewed by:

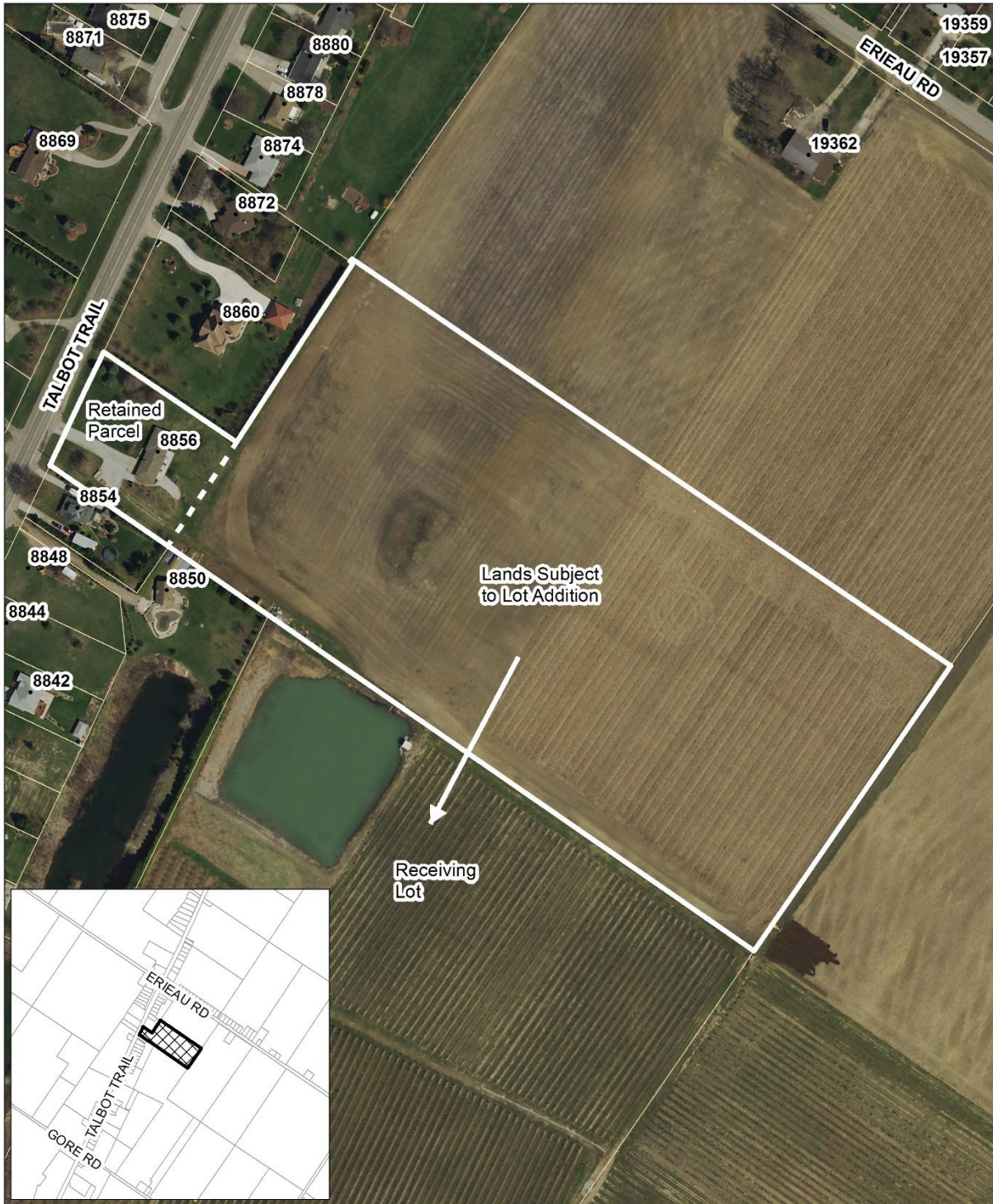
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John Norton  
General Manager  
Community Development

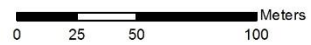
Attachments: Appendix A – Key Map  
Appendix B – Site Photos  
Appendix C – Applicants' Sketch  
By-law to amend By-law 209-2016

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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 retained parcel (8856 Talbot Trail).



Looking northeast at the receiving lot (19225 & 19337 Gore Road).

Appendix C – Applicants' Sketch

