

## Municipality of Chatham-Kent

### Community Development

#### Planning Services

**To:** Mayor and Members of Council

**From:** Marsha Coyne  
Senior Planner, Planning Services

**Date:** December 29, 2017

**Subject:** Planning Services Report

---

#### Application Details

**Application:** Combined Application (File D-28 HA/56/17/P) for Consent (File B-86/17) and Zoning By-law Amendment (File D-14 HA/44/17/P)

**CityView #:** PL201700180

**Applicants:** Donald Walker Pole in Trust & Sharon Blok-Anderson in Trust

**Location:** 11200 River Line  
Part of Lot 21, Front Concession,  
River Thames Survey

**Roll Numbers:** 3650 140 003 19800

**Community:** Harwich (South Kent)



#### Recommendations

It is recommended that:

1. Consent application B-86/17 to sever a surplus dwelling (11200 River Line) on a new 1.6 ha (3.85 ac.) lot, shown as Part 1 on the applicants' sketch, on Part of Lot 21, Front Concession, River Thames Survey, in the Community of Harwich, be approved, subject to the following conditions:

- a) that the Chatham-Kent Zoning By-law be amended to permit a surplus dwelling in an Agricultural (A1) zone on a lot size greater than 0.8 ha (1.98 ac.);
  - b) that the applicants demonstrate the septic systems on the severed parcel are functioning in accordance with Municipal Protocol;
  - c) that the applicants 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 Jane Elizabeth Pole, as outlined in the Agreement of Purchase and Sale, dated November 28, 2017;
  - 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;
  - 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 D-14 HA/44/17/P be approved, and the implementing by-law be adopted.

### **Description of Proposal**

The subject property is located on the east side of River Line between Mull Road and Kent Bridge Road, in the Community of Harwich. The lands are approximately 56.7 ha (140 ac.) in area and contains a single detached dwelling and one (1) outbuilding. The subject property is zoned Agricultural (A1) and designated Agricultural in the Chatham-Kent Official Plan.

The applicants are proposing to sever the surplus dwelling on a new 1.6 ha (3.85 ac.) lot, shown as Part 1 on the applicants' sketch. To implement the proposed severance, a zoning by-law amendment is required to permit a surplus dwelling in an Agricultural (A1) zone on a lot greater than 0.8 ha (1.98 ac.)

The purchaser farms additional acreage in the area and maintains a base of farming operation at 11175 River Line, Community of Harwich, which renders the dwelling surplus to the purchaser's needs.

The surplus dwelling is serviced with municipal water and a private septic system. There is no shared drainage between the severed and retained parcels. The severed and retained parcels have separate accesses.

A key map showing the location of the subject property is attached as Appendix A, photographs of the subject property are attached as Appendix B, and the applicants' sketch is attached as Appendix C.

## **Consultation**

### ***Internal***

#### *Technical Advisory Committee (TAC)*

The Technical Advisory Committee supports the application.

### ***External***

#### *Lower Thames Valley Conservation Authority (LTVCA)*

The LTVCA was circulated for comment as the subject lands fall within its jurisdictions. The subject property is in a LTVCA Regulated Area and if any new works/construction are proposed a permit from the LTVCA will be required.

## **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)

### **Planning Analysis**

- Provincial Policy Statement (PPS):  
The proposal is consistent with the PPS
- Chatham-Kent Official Plan:  
The proposal conforms to the Chatham-Kent Official Plan

### **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 is consistent with Section 3.10.2.18.2(b) of the Official Plan. The severed lot is of sufficient area to accommodate the existing dwelling, private septic system, and geothermal heating lines and has no impact on the farming operation of the retained parcel.

#### *Zoning By-law Amendment*

The Chatham-Kent Zoning By-law contains provisions under the Agricultural (A1) zone, which are intended to reduce the need for zoning amendments that had typically been required for all surplus dwelling severances prior to the zoning by-law being approved. Those provisions include the prohibition of new dwellings on the retained farm parcel resulting from the severance of a surplus dwelling and automatically recognize a dwelling as a permitted use on a severed lot less than 0.8 ha (1.98 ac.) in area.

In this case, the lot area of the proposed severed parcel is greater than 0.8 ha (1.98 ac.) in area. Therefore a zoning amendment is required to permit the surplus dwelling on the severed lot.

**Conclusion**

The proposed application for consent & zoning by-law amendment has been reviewed in the context of the Provincial Policy Statement, Chatham-Kent Official Plan, and Chatham-Kent Zoning By-law, and complies with these documents. Therefore, the application is being recommended for approval as noted in the Recommendations section of this report.

Prepared by:



---

Marsha Coyne, MCIP, RPP  
Senior Planner, Planning Services

Reviewed by:



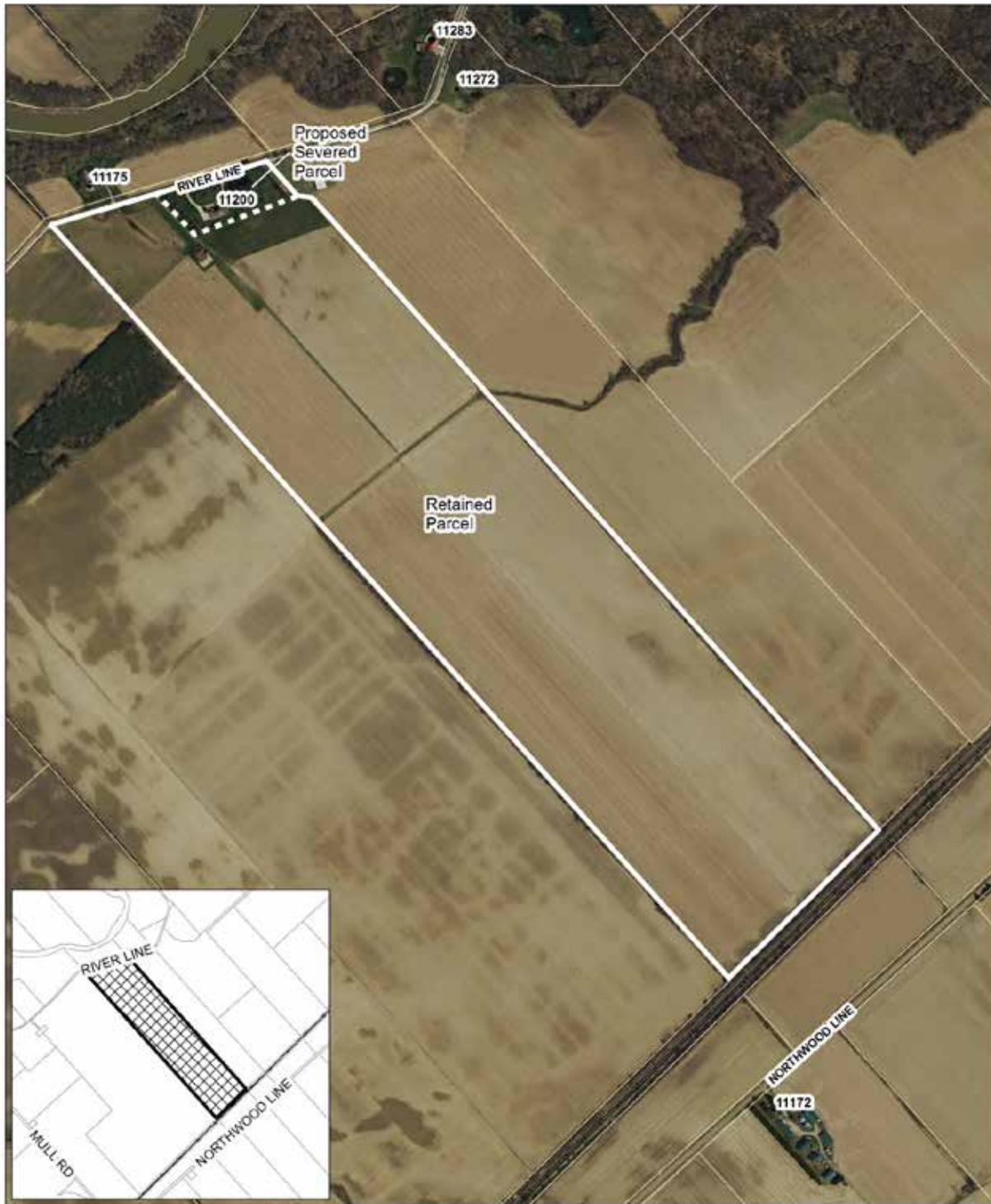
---

Bruce McAllister, MCIP, RPP  
Director, Planning Services

Attachments: Appendix A – Subject Property  
Appendix B – Applicants' Sketch  
Appendix C – Key Map  
By-law to amend No. 216-2009

P:\RTC\Community Development\2018\Planning Services\Feb 12-18 Pole Report.docx

Appendix A – Key Map



This is not a plan of survey.  
INCLUDES MATERIAL © (2015) OF THE CROWN'S PRIORITIES FOR ONTARIO. ALL RIGHTS RESERVED.



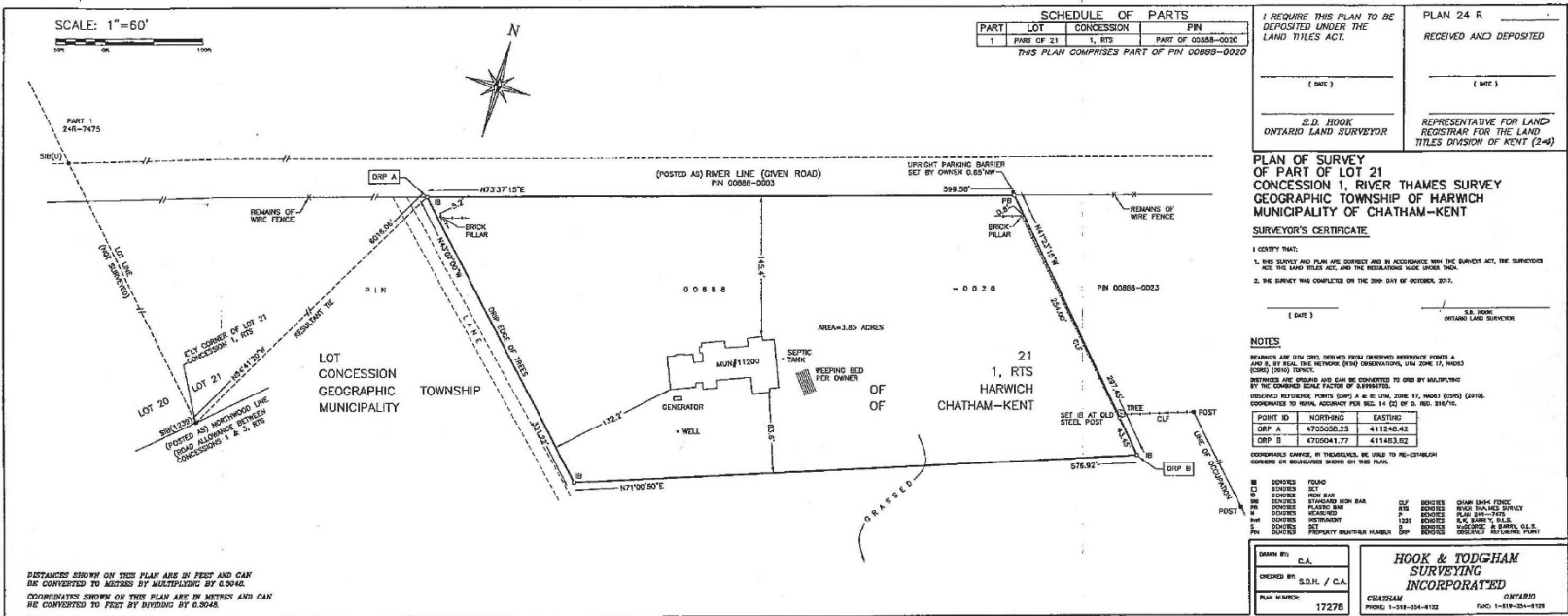
Appendix B – Subject Property



Looking southeast at the proposed severed parcel (11200 River Line).



Looking southeast at the proposed retained parcel.





CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

BY-LAW NO. -2018

A BY-LAW TO AMEND ZONING BY-LAW 216-2009

OF THE MUNICIPALITY OF CHATHAM-KENT

(Donald Walker Pole in Trust &  
Sharon Blok-Anderson in Trust)  
CityView # PL201700180

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 subject lands appropriately to implement the consent;

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 No. -2018 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 zone classification from Agricultural (A1) to Agricultural (A1-1173) on the lands respectively 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 AND FINALLY PASSED this 12<sup>th</sup> day of February, 2018.

---

MAYOR – Randy R. Hope

---

CLERK – Judy Smith

This is Schedule "A" to By-law No. -2018 of the Corporation of the Municipality of Chatham-Kent passed on the 12<sup>th</sup> day of February, 2018.

