

Municipality of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques
Planner I, Planning Services

Date: December 7, 2017

Subject: Planning Services Report

Application Details

Application: Combined Application (File D-28 TE/54/17/S) for Consent (File B-83/17) and Zoning By-law Amendment (File D-14 43/17/S)

CityView #: PL201700174

Applicant: Estate of Eva Sloan and Robert Sloan

Location: 22225 & 22227 Sloan Road
Part Lot 12, Concession NMR

Roll Number: 3650 060 002 24100

Community: Tilbury East (West Kent)



Recommendations

It is recommended that:

1. Consent application File B-83/17, to sever a surplus dwelling and one (1) outbuilding (22225 & 22227 Sloan Road), on a new 1.83 ha (4.52 ac.) lot, shown as Parts 1 & 2 on the applicant's sketch, together with an easement over Part 2 for access to the retained parcel, in Part of Lot 12, Concession NMR, in the Community of Tilbury East, 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.); and
 - 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 the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
 - d) that the existing 1.5 storey dwelling located on the subject lands, shown as “To Be Demolished” on the applicant’s sketch, be demolished and removed, to the satisfaction of the Municipality;
 - e) that the existing private septic system associated with the 1.5 story dwelling located on the subject lands, be decommissioned, to the satisfaction of the Municipality;
 - f) that the severed and retained parcels be transferred to Percy Malott as outlined in the Agreement of Purchase and Sale submitted with the application;
 - g) 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;
 - h) 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 TE/43/17/S be approved and the implementing by-law be adopted.

Description of Proposal

The subject property is located on the east side of Sloan Road between Pollard Line and Middle Line, in the Community of Tilbury East. The lands are approximately 40.3 ha (99.5 ac.) in area and contain two (2) single detached dwellings and one (1) outbuilding. The subject property is zoned Agricultural (A1) and designated Agricultural in the Chatham-Kent Official Plan.

The applicant is proposing to sever a surplus dwelling and one (1) outbuilding on a new 1.83 ha (4.52 ac.) lot, shown as Parts 1 & 2 on the applicant’s sketch, together with an easement over Part 2 for access to the retained parcel.

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 size greater than 0.8 ha (1.98 ac.).

The purchaser farms additional acreage in the area and owns a qualifying farm at 3730 Middle Line, which renders this dwelling surplus to the applicant's needs.

The surplus dwelling is serviced by 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 applicant's sketch is attached as Appendix C.

Consultation

Internal

Technical Advisory Committee (TAC)

The Technical Advisory Committee supports the application.

Building Development Services (BDS)

There are currently two dwellings on the subject property. The applicant's occupy one dwelling, and one is vacant. The vacant dwelling and its associated septic system must be removed prior to the severance being finalized. This is included as a condition of the Consent application.

External Consultation

Lower Thames Valley Conservation Authority (LTVCA)

The Lower Thames Conservation Authority has reviewed the application and has no objection to this proposal.

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, outbuilding, and private septic system, and has negligible impact on the farming operation of the retained parcel.

Zoning By-law

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 this case, the lot area of the proposed severed parcel is greater than 0.8 ha (1.98 ac.). Therefore, a zoning amendment is required to permit the surplus dwelling on the severed lot. The proposed severed parcel consists of lands occupied by the dwelling, outbuilding and pond, which sit a substantial distance apart, and away from the existing access point to the property over the McDougall Drain East Branch. Therefore, while the proposed lot is somewhat large, it is consistent with the existing development.

Conclusion

The proposed applications for consent and zoning by-law amendment have been reviewed in the context of the Provincial Policy Statement, Chatham-Kent Official Plan, and Chatham-Kent Zoning By-law, and will comply with these documents, if approved. Therefore, the applications are being recommended for approval as noted in the Recommendations section of this report.

Prepared by:



Ryan Jacques, MCIP, RPP
Planner I, Planning Services

Reviewed by:



Bruce McAllister, MCIP, RPP
Director, Planning Services

Attachments: Appendix A – Key Map
Appendix B – Subject Property
Appendix C – Applicant's Sketch
By-law to Amend Zoning By-law 216-2009

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Report.doc

Appendix A – Key Map



This is not a plan of survey.
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Appendix B – Subject Property

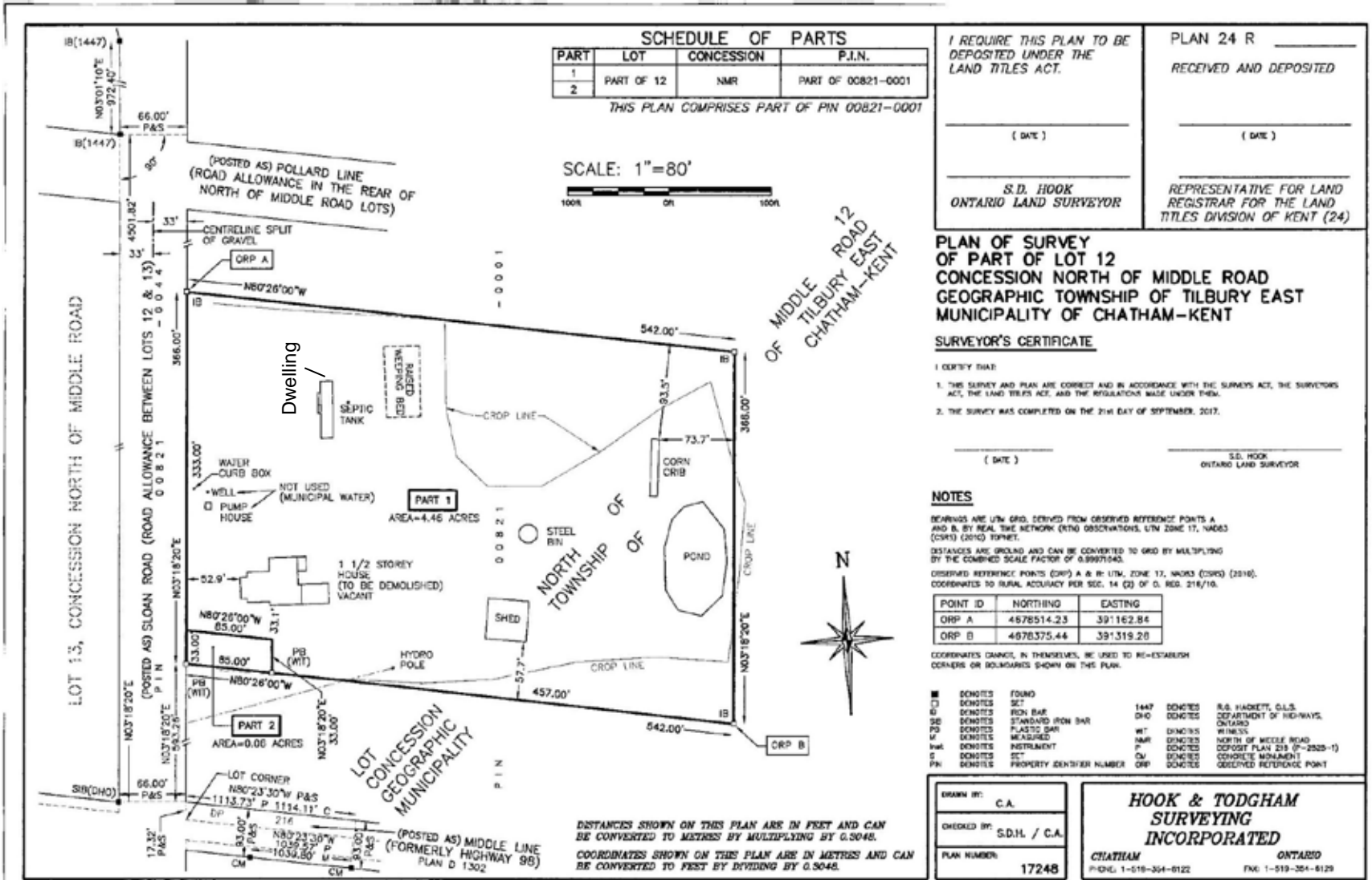


Looking east across the subject property at the dwelling to be removed.



Looking northeast across the subject property.

Appendix C – Applicant's Sketch



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

(Estate of Eva Sloan and Robert Sloan)
Cityview # PL201700174

WHEREAS an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Tilbury East 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 WHEREAS the application conforms to the Chatham-Kent 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 15th day of
January, 2018.

MAYOR – Randy R. Hope

CLERK – Judy Smith

This is Schedule "A" to By-law No. -2017 of the Corporation of the Municipality of Chatham-Kent passed on the 15th day of January, 2018.

