

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: June 18, 2018

Subject: Applications for Consent & Zoning By-law Amendment
PL201800065 – Esther & John Bordenuk
10345 Eberts Line, Community of Chatham Township (North Kent)

Recommendations

It is recommended that:

1. Consent application File B-38/18 to sever a surplus dwelling and two (2) outbuildings (10345 Eberts Line) on a new lot, approximately 0.83 ha (2.05 ac.) in area, shown as Part 1 the applicants' sketch, in Part of Lot 14, Concession 1, in the Community of Chatham Township, 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 system on the severed parcel is 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 2316081 Ontario Inc., as outlined in the Agreement of Purchase and Sale, dated April 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/22/18/B be approved and the implementing by-law be adopted.

Background

The subject property is located on the north side of Eberts Line between Lindsay Road and Centre Side Road, in the Community of Chatham Township (Roll No. 3650 410 004 11800). The lands are approximately 23.12 ha (57.13 ac.) in area and contain a residential dwelling (10345 Eberts Line) and two (2) outbuildings. 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 0.83 ha (2.05 ac.) in area, shown as Part 1 on the applicants' sketch, attached as Appendix C. The surplus dwelling lot contains one (1) existing dwelling and two (2) outbuildings. The retained farm parcel is approximately 22.3 ha (55.08 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 11221 Crafts 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 municipal water and a private septic system. There is no shared drainage and each parcel contains separate access.

Comments

Provincial Policy Statement

The 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 proposal 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, private septic system, and maintains access from Eberts Line. The proposal will have no impact on the agricultural operation of the retained parcel.

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 permit a surplus dwelling in an Agricultural (A1) zone on a lot size greater than 0.8 ha (1.98 ac.). The Chatham-Kent Zoning By-law contains provisions 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. The lot area of the proposed severed parcel is greater than 0.8 ha (1.98 ac.). Therefore a zoning by-law amendment is required. The proposed severed parcel consists of lands occupied by the dwelling and outbuildings, which sit a substantial distance from the road.

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

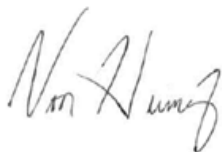
Technical Advisory Committee

The Technical Advisory Committee supports the applications.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:



Noor Hermiz, CPT
Planner II, Planning Services

Reviewed by:



Bruce McAllister, MCIP, RPP
Director, Planning Services

Reviewed by:

John Norton
General Manager
Community Development

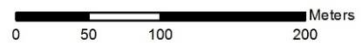
Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Applicants' Sketch
By-law to amend By-law 216-2009

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Report.docx

Appendix A – Key Map



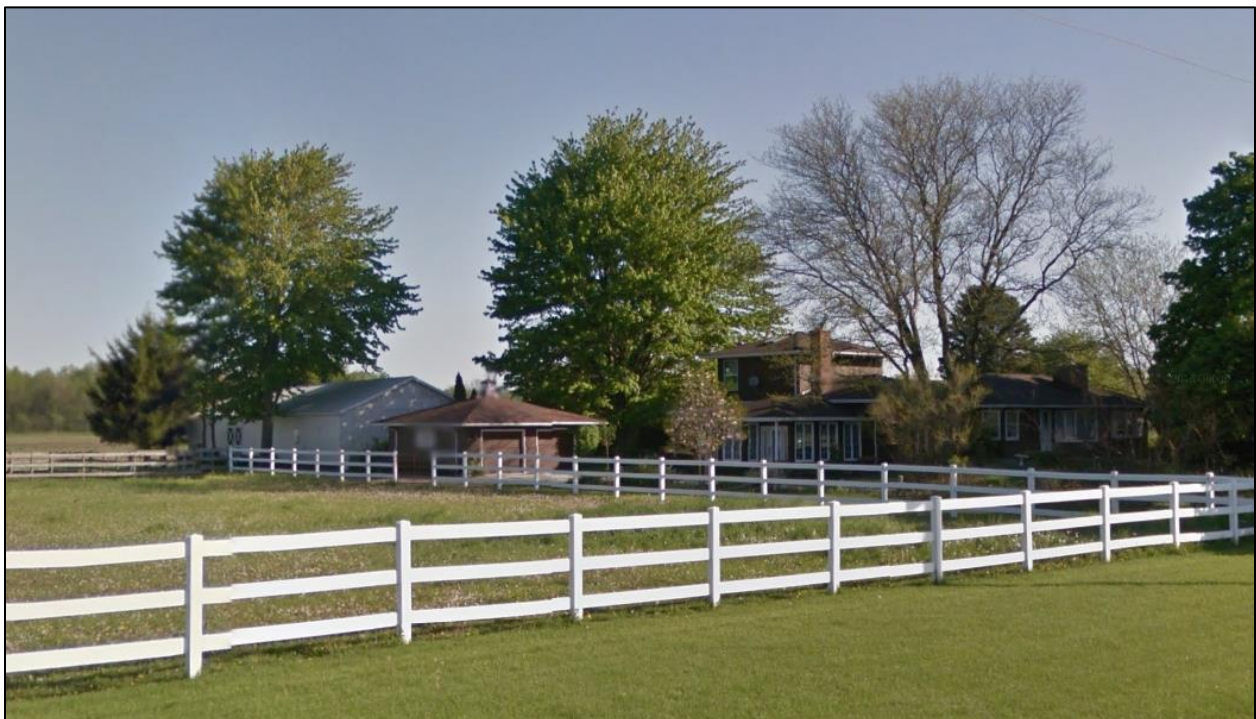
This is not a plan of survey.
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Appendix B – Site Photos

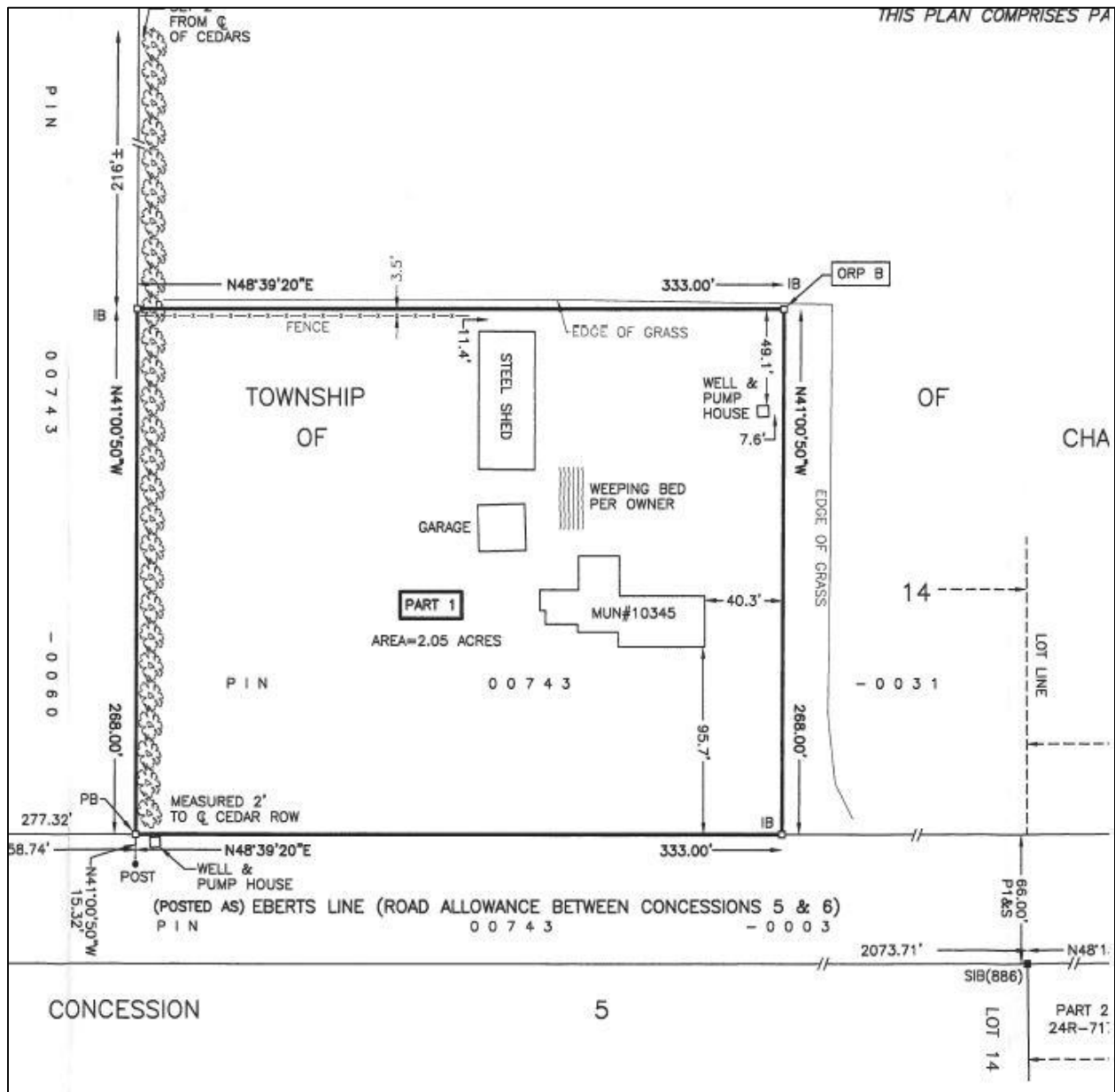


Looking north across the subject property toward the dwelling on the proposed severed parcel.



Looking northeast across the subject property toward the dwelling on the proposed severed parcel.

Appendix C – Applicants' Sketch



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

(Esther & John Bordenuk)

CityView # PL201800065

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 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 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 16th day of July, 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 16th day of July, 2018.

