

**Municipality Of Chatham-Kent**  
**Community Development**  
**Planning Services**

**To:** Mayor and Members of Council

**From:** Ryan Jacques, MCIP, RPP  
Acting Director, Planning Services

**Date:** December 2, 2020

**Subject:** Applications for Consent and Zoning By-law Amendment  
PL202000031 – Brian & Darlene Brady  
6670 West Street, Community of Raleigh (South Kent)

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**Recommendations**

It is recommended that:

1. Consent application File B-13/20, to sever and convey four (4) new lots for residential development, in Part of Lot 10, Concession 12; and Lots 8-18, Plan 175, in the Community of Raleigh (South Buxton), being:
  - i) Property 1 – a residential parcel, approximately 0.69 ha (1.7 ac.) in area, shown as Part 1 on the applicant's sketch;
  - ii) Property 2 – a residential parcel, approximately 0.65 ha (1.6 ac.) in area, shown as Part 2 on the applicant's sketch;
  - iii) Property 4 - a residential parcel, approximately 0.57 ha (1.4 ac.) in area, shown as Part 4 on the applicant's sketch;
  - iv) Property 5 - a residential parcel, approximately 1.82 ha (4.5 ac.) in area, shown as Part 5 on the applicant's sketch;

be approved, subject to the following conditions:

- a) that the Chatham-Kent Zoning By-law be amended to:
  - i) rezone lands zoned Agricultural (A1) to Village Residential (VR); and,
  - ii) rezone a 15 m buffer on each side of the Brady Drain to Hazard Land (HL).

- b) that a new municipal water connection to each severed parcel be installed at the applicant's expense and to the satisfaction of the Municipality, and that the applicant provide documentation confirming permit issuance and payment of fees for all connections;
  - c) that the applicant pay \$7,575 cash-in-lieu of parkland dedication;
  - d) that the lots be assigned new 911 municipal addresses to the satisfaction of the Municipality;
  - 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). It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).
2. Zoning By-law Amendment application File D-14 RA/10/20/B, be approved, and the implementing by-law be adopted.

### **Background**

The subject property is located along the south side West Street with additional frontage on A.D Shadd Road, in the Community of Raleigh (South Buxton) (Roll No. 3650 110 007 11100). The lands are approximately 4.1 ha (10.1 ac.) in area and contain one (1) single detached dwelling and one accessory structure. The property is designated Rural Settlement Area and Agricultural Area in the Chatham-Kent Official Plan, and zoned Village Residential (VR) and Agricultural (A1). 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.

The application is proposing to sever and convey four (4) new residential lots from the subject property. The new lots are shown as Parts 1, 2, 4 and 5 on the applicant's sketch attached as Appendix C. The retained lot is shown as Part 3 on the same sketch and contains the existing dwelling (6670 West Street) and outbuilding. A Zoning By-law Amendment will be required to implement the proposed severances to rezone lands zoned Agricultural (A1) to Village Residential (VR), and to rezone a 15 m (49.2 ft.) corridor on both sides of the Brady Drain to Hazard Land (HL). The proposal is discussed in more detail under the Comments section below.

### **Comments**

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

This application does not raise any issues of Provincial interest.

## **Official Plan**

The proposal has been reviewed under the policies of the Chatham-Kent Official Plan and meets these policies. It has been specifically reviewed under the following sections:

- Section 2.3.10, Rural Settlement Area Policies
- Section 4.4, Natural Heritage Features and Policies
- Section 5.3, Heritage Resource Policies
- Section 6.3.3, Planning Tools

### Rural Settlement Area Policies

The proposed lot creation is limited to minor infilling in a rural settlement area (South Buxton). Section 2.3.10.2.2 of the Official Plan supports minor infilling in rural settlement areas, as set out below:

*2.3.10.2.2 Rural Settlement Areas shall be rural in nature and function as local service centres for the immediately surrounding agricultural areas. The predominant use of land within the Rural Settlement Area designation shall be for existing low-density residential uses and small-scale commercial, recreational, industrial and institutional uses. New development in Rural Settlement Areas shall be limited to minor infilling...*

### Natural Hazard Areas

The Official Plan also contains flood protection policies that apply to the proposed zoning by-law amendment due to the proximity of the Brady Drain, a natural watercourse, which bisects the property. These policies include:

- 4.5.3.1 Protect people and property from natural hazard in Chatham-Kent*
- 4.5.3.2.6 Hazard Areas will be zoned in the implementing Zoning By-law for Chatham-Kent*

The recommended rezoning of the flood constraint areas will ensure that the Municipality's interests in this regard are protected.

### Archaeological Resources

The subject lands are deemed to have archaeological potential, due to the proximity of a natural waterbody (Brady Drain) on the property. A Stage 2 archaeological assessment was completed by Earthworks Archaeological Services Inc. (Earthworks), and was submitted to the Ontario Ministry of Heritage, Sport, Tourism, Culture Industries (MOC). The report concludes that, based on the results of the Stage 2 survey, the study area contains eight archaeological locations of no further cultural heritage value or interest. Therefore, no additional archaeological assessments are recommended.

A letter submitted to the Municipality from MOC, dated November 30, 2020, indicates that the archaeological report prepared by Earthworks has been entered into the Ontario Public Register of Archaeological reports.

### Consent Policies

The proposed lot creation conforms to the policies found in Section 6.3.3, Planning Tools, of the Chatham-Kent Official Plan. These include:

The Official Plan provides for flexibility as set out in Section 6.3.3.38 below:

6.3.3.38 *A consent should only be considered where a plan of subdivision is deemed by the approval authority to be unnecessary, and where the application conforms with the policies of this Official Plan.*

That said, division of land by Consent is supported based on the conformity to section 6.3.3.40. As detailed below, the proposal demonstrates the following:

i) *frontage on an improved municipal road;*

Comment: the subject lands have frontage on West Street, an improved local municipal road, and A.D. Shadd Road, a rural arterial road.

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

Comment: the proposed lot sizes are typical of the residential lots in South Buxton, and conform to the established regulations in the Village Residential (VR) zone.

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

Comment: the proposed lots are of sufficient area to meet required setbacks and separation from uses on adjacent lands. The adjacent lands to the west have been developed and the lands to the south and east are farmed.

iv) *be appropriately serviced;*

Comment: the proposed lots will each require a new municipal water connection. This is included as a condition of the consent.

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 recommended for creation of the vacant lots based on the pre-development appraisal value, which translates into a total payment of \$ 7,575.

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

Comment: The subject property is not within an area of significant aggregate resources.

## **Zoning By-law**

As stated above, a Zoning By-law Amendment application is required to implement the proposed consent. The zoning by-law amendment will rezone Agricultural (A1) zoned lands to Village Residential (VR), and rezone a 15 m (49.2 ft.) corridor, measured from the centre-line, on each side of the Brady Drain, to Hazard Land (HL).

The zoning by-law amendment will provide for a single detached dwelling and accessory buildings to be constructed on each new lot. Development will not be permitted within 15 m of the Brady Drain.

## **Conclusion**

The proposal has 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 application subject to the conditions noted in the Report.

**External**

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

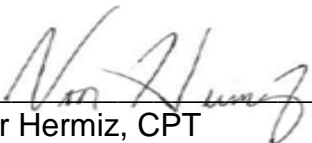
The Lower Thames Conservation Authority has reviewed the application and has no objection to this proposal. An application to the LTVCA is required for any works taking place within the regulated area along the Brady Drain.

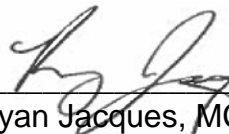
**Financial Implications**

There are no financial implications resulting from these recommendations.

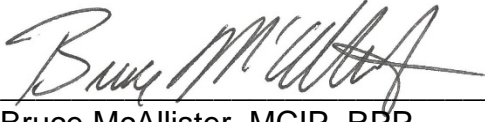
Prepared by:

Reviewed by:

  
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Noor Hermiz, CPT  
Planner II, Planning Services

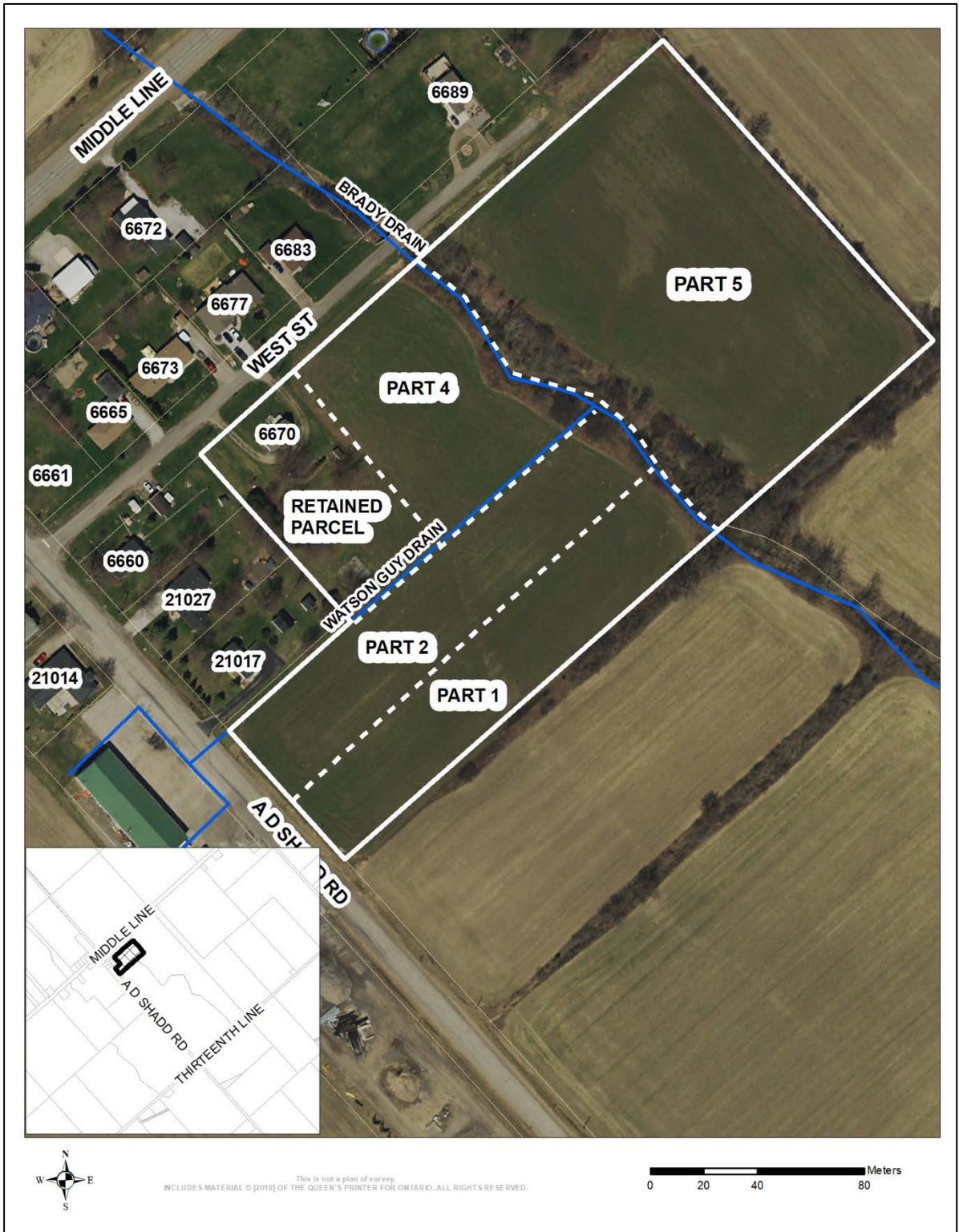
  
\_\_\_\_\_  
Ryan Jacques, MCIP, RPP  
Acting Director, Planning Services

Reviewed by:

  
\_\_\_\_\_  
Bruce McAllister, MCIP, RPP  
General Manager, Community Development

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

Appendix A – Key Map



Appendix B – Site Photos



Looking south from West Street towards the dwelling on the retained parcel, shown as Part 3 on the applicant's sketch.



Looking southeast from towards the vacant severed parcel, shown as Part 4 on the applicant's sketch.



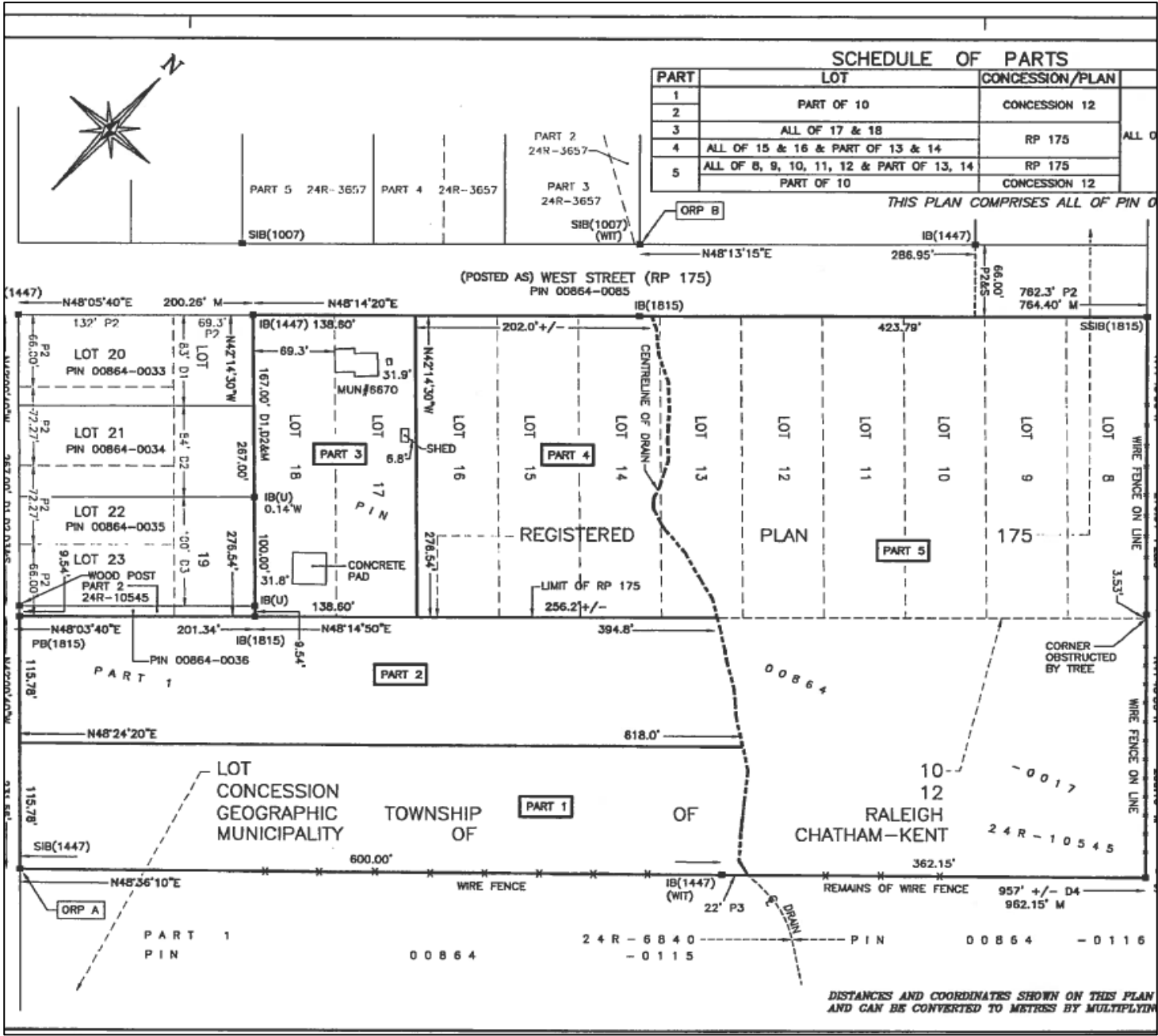


Looking south from West Street towards the vacant severed parcel, shown as Part 5 on the applicant's sketch.



Looking east from A. D. Shadd Road towards the vacant severed parcels, shown as Parts 1 & 2 on the applicant's sketch.

Appendix C – Applicant's Sketch



DISTANCES AND COORDINATES SHOWN ON THIS PLAN AND CAN BE CONVERTED TO METRES BY MULTIPLYING

By-law Number \_\_\_\_-2021

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

(Brian & Darlene Brady)

CityView # PL202000031

Whereas an application has been received for an amendment to the zoning by-law for certain parcel of land in the Community of Raleigh in order to rezone the lands to facilitate the severing of four (4) new lots for residential development;

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 Village Residential (VR) and Hazard Land (HL) 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 18th day of January, 2021.

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Mayor – Darrin Canniff

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Clerk - Judy Smith

This is Schedule "A" to By-law Number \_\_\_\_\_ of the Corporation of the Municipality of Chatham-Kent passed on the 18th day of January, 2021.

