

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: December 17, 2020

Subject: Applications for Consent & Zoning By-law Amendment
PL202000226 – Herbert Goodbrand
57 Albert Street, Community of Harwich (South Kent)

Recommendations

It is recommended that:

1. Consent application File B-114/20 to sever and convey a new residential parcel, approximately 1,520.52 sq. m (16,366.74 sq. ft.) in area, shown as Part 2 on the applicant's sketch, in Part of Lot 14, and Lot 15, Northeast of Albert Street, Plan 109, in the Community of Harwich (Shrewsbury), be approved, subject to the following conditions:
 - a) that that the Chatham-Kent Zoning By-law be amended to:
 - i. rezone a portion of the retained parcel to Hazard Land (HL) to recognize a Provincially Significant Wetland present on the property; and,
 - ii. establish the Minimum Lot Area for the severed and retained parcels;
 - b) that the severed parcel be assigned the civic address "61 Albert Street";
 - 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). 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 HA/51/20/G be approved and the implementing by-law be adopted.

Background

The subject lands are located at the northwest corner of the Albert Street and St. George Street intersection, in the Community of Harwich (Shrewsbury) (Roll No. 3650 140 006 41700). The lands are approximately 3060.92 sq. m (32,969 sq. ft.) in area and contain a single detached dwelling. The property is designated Hamlet Area in the Chatham-Kent Official Plan and zoned Village Residential (VR). A key map showing the location of the property is attached as Appendix A. Photographs of the lands are attached as Appendix B.

The application is proposing to sever and convey a new residential parcel, approximately 1,520.52 sq. m (16,366.74 sq. ft.) in area, shown as Part 2 on the applicant's sketch attached as Appendix C. The proposed severed parcel currently consists of vacant land. The retained parcel, shown as Part 1 on the applicant's sketch, will be approximately 1,542.4 sq. m (16,602.27 sq. ft.) in area and contains the existing dwelling.

The proposal requires a zoning by-law amendment to recognize the Provincially Significant Wetland (PSW) present on the proposed retained parcel, and also to permit the minimum lot areas of both the severed and retained parcels. This is discussed in more detail below.

Comments

Provincial Policy Statement

Natural Heritage

Section 2.1.1, Natural Heritage, states, "*Natural features and areas shall be protected for the long term*". Further, Section 2.1.2 states, "*The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features*".

It is recommended that the natural heritage features be rezoned to the Hazard Land (HL) Zone to implement the direction of the PPS, to protect natural areas for the long term.

Official Plan

The proposal has been reviewed under policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 2.3.9, Hamlet Area Policies, Section 4.0, Environment, and Section 6.3.3, Planning Tools (Consent), and generally meets these policies.

Hamlet Area Policies

The Chatham-Kent Official Plan contains policies specific to the Hamlet Area under Section 2.3.9. The policies in this section direct that new development, such as lot creation, shall be limited to infilling (Policy 2.3.9.2.2); and further, that residential uses shall be primarily low density (Policy 2.3.9.2.4). The proposal generally meets these policies.

Additionally, the Hamlet Area Policies provide direction to consider the policies contained in Section 4, Environment, of the Official Plan:

It shall be the policy of Chatham-Kent that:

- 2.3.9.2.3 *For lands located within or adjacent to the significant habitat of endangered or threatened species identified in consultation with the Ministry of Natural Resources, Provincially Significant Wetlands identified on Schedules “A” and “E” Series – Land Use, or significant natural heritage features identified on Schedule “C” Series – Natural Heritage and Hazards Features, the policies contained in Section 4 of this Plan will also apply.*

Environment Policies

Section 4.0, Environment, provides policies related to the natural environment and the protection of those resources. The objective regarding natural heritage features and areas includes their preservation and restoration for the long-term. This includes the protection of their ecological processes to promote a healthy ecosystem. As such, it is the objective of Chatham-Kent to:

- 4.2.1 *Increase and improve the health of the natural heritage system of Chatham-Kent through protection and enhancement of natural heritage features, ecological functions and natural resources, including air and water, education, conservation and environmental stewardship.*

Schedule “C”, Natural Heritage and Hazard Features, of the Official Plan, identifies the natural heritage feature on the subject lands as a Provincially Significant Wetland. Additionally, Section 4.4, Natural Heritage Features and Policies, provides policies specific to natural heritage features, of which, the overall objective is to:

- 4.4.2.1 *Ensure that development and site alteration results in no negative impacts on significant natural features in Chatham-Kent.*

The recommended rezoning of the retained parcel will ensure that the Municipality’s interests in this regard are protected. Specifically, significant wetlands on the retained parcel will be rezoned to Hazard Land (HL) which will restrict development in this area of the property.

Consent Policies

The Official Plan contains general consent policies under Section 6.3.3, Planning Tools, to evaluate all Consent applications. These policies ensure that any lands subject to a Consent application maintain appropriate lot size and road access, and can demonstrate that both the severed and retained parcels are suitable for the proposed method of water supply and sanitary sewage disposal.

The proposed severed and retained parcels will be adequate in frontage and area to support the existing and proposed single detached dwellings. The severed parcel will maintain its frontage along Albert Street and St. George Street, and the retained parcel will maintain frontage along Albert Street. A separate municipal water connection is required for the retained parcel as per Section 2.4.8, Water Services, of the Official Plan (Policy 2.4.8.2.1).

Overall, the proposal is consistent with the general intent of the Official Plan.

Zoning By-law

To implement the proposed severance, a zoning by-law amendment is required to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- i. rezone a portion of the proposed retained parcel from Village Residential (VR) to Hazard Land (HL), to recognize a Provincially Significant Wetland;
- ii. rezone the proposed retained parcel to a site specific Village Residential-1536 (VR-1536) Zone to permit a Lot Area Minimum of 1,542.4 sq. m (16,602.27 sq. ft.); and,
- iii. rezone the proposed severed parcel to a site specific Village Residential-1537 (VR-1537) Zone to permit a Lot Area Minimum of 1,520.52 sq. m (16,366.74 sq. ft.).

As noted above, in consideration of the Provincial Policy Statement and Official Plan policies, the Provincially Significant Wetland present on the proposed retained parcel will be rezoned to Hazard Land (HL).

The Lot Area Minimum provision ensures the size of any given parcel is suitable for the appropriate development of the lands. The zoning regulations of the Village Residential (VR) Zone require a 1,858 sq. m (20,000 sq. ft.) minimum lot area. These lot sizes are more common in rural settlement areas where private water wells and septic systems are typically required. As it relates to Shrewsbury, the lots are serviced by piped municipal water, which results in a less required area to site both a well and a septic system. A new municipal water connection to the retained parcel is required to be installed and has been included as a condition of consent.

The proposed consent will result in both the severed and retained parcels to be of a lot

size consistent with many lots in Shrewsbury.

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

Lower Thames Valley Conservation Authority (LTVCA)


The Lower Thames Valley Conservation Authority (LTVCA) has reviewed the proposal and provided the following correspondence on November 9, 2020:

"So long as the severance is along the same configuration as those to the north, with the new lot fronting on Albert and its depth along St. George St then the LTVCA would not have objections to this proposal. A permit from this office will be required for any proposed development on the proposed lot in question. This parcel is located within a flood prone area. As well, the parcel is within the 120 m of the Adjacent Lands of the Provincially Significant Wetland, known as the Rondeau Bay North Shore PSW. There would be a 30 m setback requirement from the Provincially Significant Wetland to any proposed structures (this includes the residence, accessory structures, pools and covered decks, etc.) and requirements for flood proofing of any proposed structure(s) to meet the minimum flood proofing requirement for this community. Please note, no basements are permitted in this community due to the soils and high ground water table. It is always our recommendation that the footings and foundations be engineered to ensure that they are being placed on suitable soils (not on organics)".

Financial Implications

There are no financial implications resulting from these recommendations.

Prepared by:



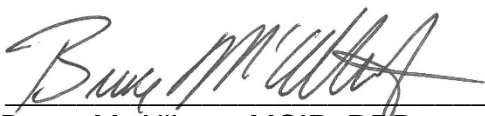
Noor Hermiz, CPT
Planner II, Planning Services

Reviewed by:



Ryan Jacques, MCIP, RPP
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

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Appendix A – Key Map



Appendix B – Site Photos



Looking north towards the existing dwelling on the proposed retained parcel (left) and the proposed severed parcel (right) from Albert Street.



Looking northwest towards the proposed severed parcel from the Albert Street and St. George Street intersection.

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

(Herbert Goodbrand)

CityView # PL202000226

Whereas an application has been received for an amendment to the zoning by-law for certain parcels of land in the Community of Harwich, in order to rezone a portion of the proposed retained parcel to Hazard Land (HL) to protect natural heritage features, and rezone the severed and retained parcels to reduce the minimum lot area;

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 Village Residential (VR) to Hazard Land (HL), Village Residential-1536 (VR-1536), and Village Residential-1537 (VR-1537) on the lands so depicted on Schedule "A" hereto annexed and also forming part of this by-law.
2. That Schedule "B" Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Exception No., the following:

1536
1537
3. That Schedule "B" Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Special Zone Symbols, the following:

VR-1536
VR-1537

4. That Schedule "B", Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Exception Areas:

Exception No.	Special Zone Symbol	Special Zone Provisions
1536	VR-1536	Notwithstanding any other provisions of the by-law to the contrary, the following shall also apply: Minimum lot area – 1,542.4 sq. m
1537	VR-1537	Notwithstanding any other provisions of the by-law to the contrary, the following shall also apply: Minimum lot area – 1,520.52 sq. m

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.

Mayor – Darrin Canniff

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.

