

Municipality Of Chatham-Kent
Community Development
Planning Services

To: Mayor and Members of Council

From: Ryan Jacques
Manager, Planning Services

Date: June 12, 2020

Subject: Applications for Consent and Zoning By-law Amendment
PL202000080 – Brian Pepper
20268 Dillon Road, Community of Raleigh (South Kent)

Recommendations

It is recommended that:

1. Consent application File B-39/20, to sever a surplus dwelling (20268 Dillon Road) and four (4) outbuildings on a new 1.84 ha (4.56 ac.) lot, shown as Part 1 on the applicant's sketch, in Part of Lot 12, Concession 14, in the Community of Raleigh, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to:
 - i. rezone the severed parcel to a site specific Agricultural (A1-1173) zone to permit a surplus dwelling in an Agricultural (A1) zone on a lot size greater than 0.8 ha (1.98 ac.); and
 - ii. rezone the retained parcel to a site specific Agricultural (A1-1) zone to prohibit future dwellings;
 - b) that the severed and retained parcels be transferred to 597172 Ontario Inc. as outlined in the Agreement of Purchase & Sale dated March 2, 2020;
 - c) that the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
 - d) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;

- 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 RA/23/20/P, be approved, and the implementing by-law be adopted.

Background

The subject property is located on the west side of Dillon Road between Fifteenth Line and Fourteenth Line, in the Community of Raleigh (Roll Nos. 3650 110 007 23100 & 23300). The lands are approximately 60.4 ha (149.3 ac.) in area and contain a single detached dwelling and four (4) outbuildings. The lands are designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural (A1) in the Chatham-Kent Zoning By-law. 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 application proposes to create a residential surplus dwelling lot, approximately 1.84 ha (4.56 ac.) in area, shown as Part 1 on the applicant's sketch attached as Appendix C. The surplus dwelling lot will consist of the single detached dwelling and four (4) outbuildings, including acreage for a hay field that will be used to feed horses on the property. The retained parcel will be approximately 58.6 ha (141.7 ac.) in area and will continue to be farmed.

To implement the proposed severance, a zoning by-law amendment is required to:

- i) permit a surplus dwelling on a lot size greater than 0.8 ha (1.98 ac.) in an Agricultural (A1) zone; and
- ii) rezone the retained parcel to a site specific Agricultural (A1-1) zone to prohibit future dwellings;

The prospective purchaser owns additional acreage in the area and maintains a base of farming operation at 8355 Sixteenth Line, Community of Raleigh, which renders the dwelling on the subject property surplus to the purchaser's needs.

The surplus dwelling is serviced with a private well and private septic system. There is no shared drainage between the severed and retained parcels. The severed and retained parcels have separate accesses from an improved public road.

Comments

Provincial Policy Statement (PPS)

The proposed surplus dwelling severance is consistent with Section 2.3.4.1(c) of the PPS.

Official Plan

The proposal has been reviewed under the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 3.10, Agricultural Area Policies, and Section 6.3.3, Planning Tools (Consent and Zoning By-law), and generally meets these policies.

The proposal is consistent with Section 3.10.2.18.2(b) of the Official Plan. The proposed surplus dwelling lot is of sufficient area to accommodate the existing dwelling, outbuildings, private septic system and private water well. The new lot will also retain the existing livestock use on the property (horses) and the acreage currently used for hay to support this use. The severed and retained lots maintain appropriate access from public roads and the proposal will have no impact on the existing agricultural operation of the retained parcel. It has been verified that there are no local improvement charges associated with the subject property.

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 the severed parcel to a site specific Agricultural (A1-1173) zone to permit a surplus dwelling on a lot size greater than 0.8 ha (1.98 ac.), in an Agricultural (A1) zone; and
- ii. rezone the retained parcel to a site specific Agricultural (A1-1) zone to prohibit future dwellings.

The Chatham-Kent Zoning By-law contains provisions under the Agricultural (A1) zone that are specific to a surplus dwelling severance. These provisions include permitting a single detached dwelling on a lot created as a result of consent with an area of 0.8 ha (1.98 ac.) or less. These provisions also prohibit any future dwelling on the remnant parcel. As mentioned above, the proposed surplus dwelling severance will create a 1.84 ha (4.56 ac.) residential lot, including acreage for a hay field that will be used to feed horses on the property. In this scenario, the proposed surplus dwelling lot must be rezoned to a site-specific Agricultural (A1-1173) zone to recognize the total lot area, to be in compliance with the Zoning By-law.

The retained parcel will continue to be farmed in its current manner and will remain a viable farm parcel as it is today. No future residential dwelling will be permitted on the retained parcel as a result of the surplus dwelling severance.

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

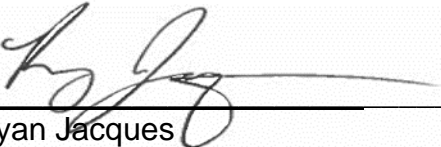
There was no consultation required as part of these applications.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:

Reviewed by:



Ryan Jacques
Manager, Planning Services



Bruce McAllister, MCIP, RPP
Director, Planning Services

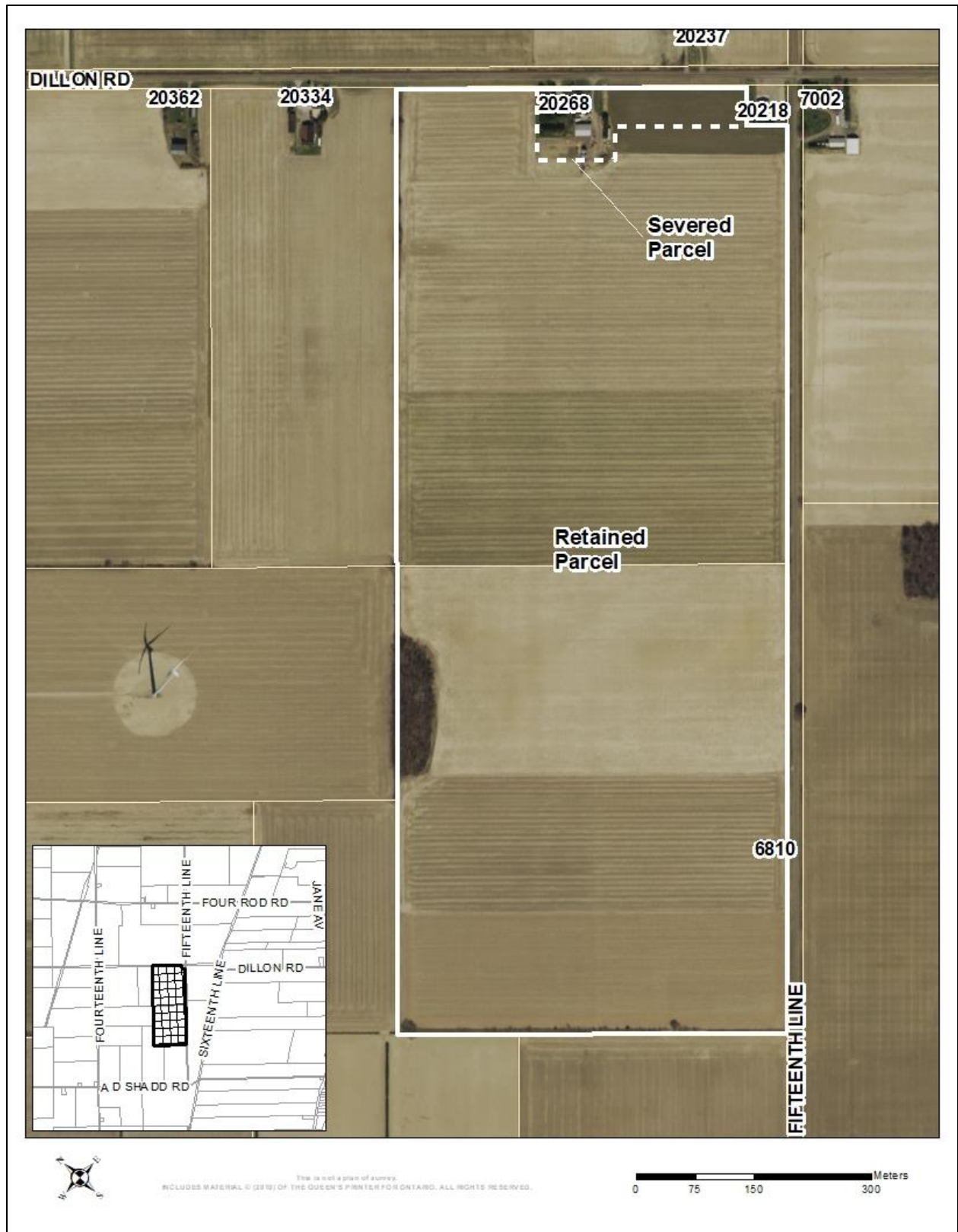
Reviewed by:

John Norton
General Manager
Community Development

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

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Report.docx

Appendix A – Key Map



Appendix B – Site Photos



Looking southwest at the severed parcel (20268 Dillon Road).



Looking west at the retained farm parcel.

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

(Brian Pepper)

CityView # PL202000080

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Raleigh in order to rezone the lands to permit the severance of a surplus dwelling lot that is greater than 0.8 ha (1.98 ac.) in area and prohibit future dwellings on the retained parcel;

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 (A1-1173) and Agricultural - 1 (A1-1) 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 20th day of July, 2020.

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 20th day of July, 2020.

