

Municipality of Chatham-Kent
Community Development
Planning Services

To: Mayor and Members of Council

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

Date: August 21, 2020

Subject: Application for Removal of the “H” – Holding Symbol
PL202000141 – RJ Properties Inc.
1238 Mariners Road, Community of Erieau (South Kent)

Recommendation

It is recommended that:

1. Zoning By-law Amendment application File D-14 ER/38/20RO, to remove the “H” – Holding Symbol from the subject lands, known municipally as 1238 Mariners Road, in Part of Bar at Rondeau, Parts 5-10, Plan 24R-9089, in the Community of Erieau, be approved, and the implementing by-law be adopted.

Background

The subject parcel is located at the north side of Mariners Road, between Trojek Avenue and Robert Road, in the Community of Erieau (Roll No. 3650 190 001 39022). The lands are approximately 1,315 sq. m (14,160 sq. ft.) in area and are currently vacant. The subject lands are designated Hamlet (Erieau) in the Chatham-Kent Official Plan and zoned Holding-Village Residential – 894 (H-VR-894). A key map showing the location of the subject property is attached as Appendix A. A photograph of the subject property is attached as Appendix B.

The application is proposing to remove the “H” holding symbol from the zoning of the property to permit the construction of a single detached dwelling, as shown on the applicant’s sketch attached as Appendix C.

The holding symbol is a *Planning Act* tool that allows the Municipality to control development over certain lands until such time as specific pre-conditions are satisfied.

The subject property is zoned H-VR-894, which currently restricts these lands from any type of new development. In December 2010, a proposal to subdivide and rezone four

lots on Mariners Road was approved by Council. The holding symbol was applied to the subject property (one of the 4 new lots) until issues related to the relocation of the existing private hydro service easement in favour of the abutting property to the north, and payment for a municipal water connection, were resolved to the satisfaction of the Municipality.

A development proposal for the lands has been presented to Planning Services. The proposal contemplates the development of a single detached dwelling on the property in a location that does not conflict with the existing private hydro service easement. Therefore, there is no issue requiring relocation of the easement. The Zoning By-law Amendment application will remove the “H” holding symbol from the subject lands and allow the applicant to obtain a building permit for a new dwelling. Payment of associated water service connection fees are a regular part of the building permit process.

Comments

Provincial Policy Statement

The application does not raise any items of provincial interest.

Official Plan

The application has been reviewed under policies of the Chatham-Kent Official Plan. Specifically Section 6.3.3, Planning Tools (Holding Provision), and generally meets these policies.

Zoning By-law

As stated above, the lands are currently zoned Holding–Village Residential–894 (H-VR-894). The holding symbol prohibits any new buildings or structures from being erected or located on these lands until such time as *“issues related to relocation of an existing hydro service easement and municipal water connection payment is resolved to the satisfaction of the Municipality”*. The development proposal resolves these issues. The proposed dwelling is not permitted to – and will not – impose on the existing hydro service easement and therefore it does not need to be relocated. Payment for a municipal water connection is a regular requirement at the time of a building permit application.

Therefore, the proposed zoning by-law amendment will remove the holding symbol and place the property into the Village Residential (VR-894) zone, where all as-of-right uses of this zone, including a single detached dwelling, are then permitted.

Conclusion

The proposed zoning by-law amendment to remove the holding symbol has been reviewed in the context of the Provincial Policy Statement, the Chatham-Kent Official Plan and Zoning By-law and complies with these documents. Therefore, the application is being recommended for approval.

Areas of Strategic Focus and Critical Success Factors

The recommendation in this report supports 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 recommendation in this report supports 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)

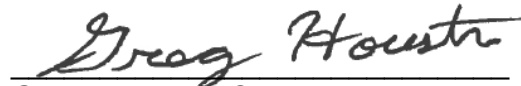
Consultation

There was no consultation required as part of this application.

Financial Implications

There are no financial implications resulting from the recommendation.

Prepared by:



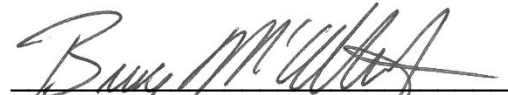
Greg Houston, CPT
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Reviewed by:



Ryan Jacques, MCIP, RPP
Manager, Planning Services

Reviewed By:



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Acting General Manager, Community Development
Director, Planning Services

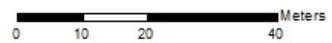
Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Applicant's Sketch

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Report.docx

Appendix A – Key Map



This is not a plan of survey.
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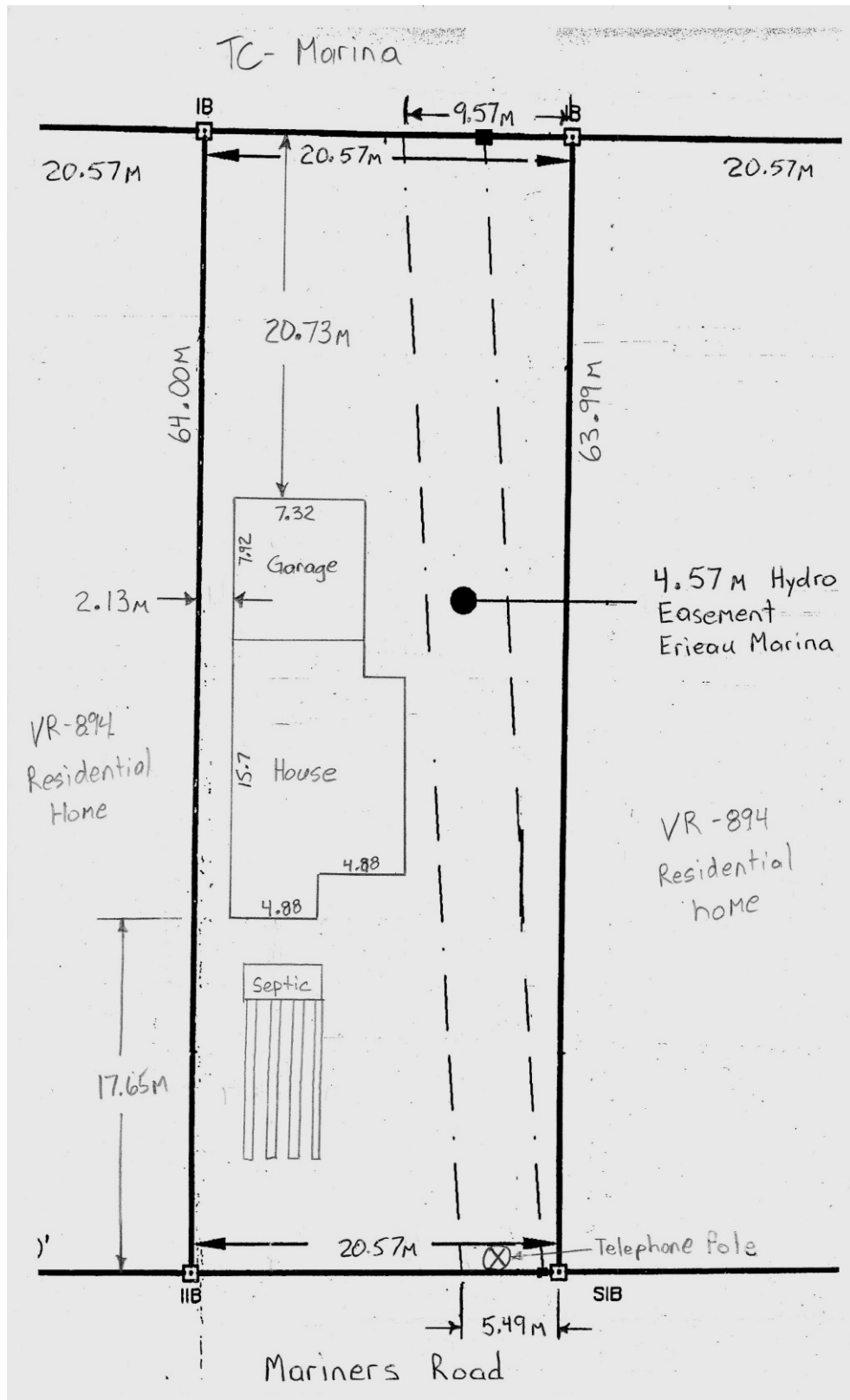


Appendix B – Site Photo



Looking north at the subject property from Mariners Road.

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

(RJ Properties Inc.)

CityView # PL202000141

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Erieau for removal of the holding classification on said lands as the necessary conditions for removal have been satisfied to the satisfaction of the Corporation;

And Whereas the proposed use would conform to the Official Plan;

And Whereas Council, after due investigation and consideration, concurs in the proposed amendment;

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 removing the holding symbol "H" from the zone classification of the lands so depicted on Schedule "A" hereto annexed and forming part of this by-law, so that the said lands shall be Village Residential – 894 (VR-894).

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 21st day of September, 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 21st day of September, 2020.

