

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques
Manager, Planning Services

Date: August 10, 2020

Subject: Applications for Consent and Deeming By-law
PL202000131 – William & Carol-Ann Johnston
930 North Street, Community of Dresden (North Kent)

Recommendations

It is recommended that:

1. Consent application B-64/20, to sever and convey a portion of land, approximately 486 sq. m (5,231 sq. ft.) in area, shown as Part 1 on the applicant's sketch, in Part of Lot 8, Plan 133, in the Community of Dresden, as a lot addition from 930 North Street (PIN: 00599-0150) to 935 Mooney Street (PIN: 00599-0135), be approved, subject to the following conditions:
 - a) that Deeming By-law application D-14 DR/35/20/J be approved and the implementing by-law be adopted;
 - b) that the lot addition to be severed, shown on the applicant's sketch as Part 1, be conveyed to the owner of the abutting residential parcel (935 Mooney Street / (PIN: 00599-0135) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
 - 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), prior to certification.

2. Deeming By-law application D-14 DR/35/20/J, to deem the receiving property, Lot 3, Plan 260, in the Community of Dresden, not to be on a Plan of Subdivision, be approved, and the By-law be adopted.

Background

The subject property is located on the west side of North Street, between Park Street and Holden Street, in the Community of Dresden (Roll No. 3650 390 003 20800). The lands are approximately 2,577 sq. m (27,742 sq. ft.) in area and contain a single detached dwelling. The property is designated Residential Area in the Chatham-Kent Official Plan and zoned Residential Low Density First (RL1). A key map showing the location of the subject property is attached as Appendix A. Pictures showing the subject property and the receiving property are attached as Appendix B.

The application is proposing to sever and convey a portion of land, approximately 486 sq. m (5,231 sq. ft.) in area, shown as Part 1 on the applicant's sketch attached as Appendix C, as a lot addition to the abutting parcel (935 Mooney Street / (PIN: 00599-0135). The proposed severed lands are currently vacant. The owner of the receiving lands wishes to add the proposed lands for increased amenity and recreational space. Therefore, a Consent application is required to facilitate the conveyance of these lands.

The receiving property at 935 Mooney Street is a full lot on a registered Plan of Subdivision, legally described as Lot 3 on Plan 260. As a result, the proposed lands to be conveyed as a lot addition would not effectively merge with the receiving property, and can therefore be developed independently and conveyed freely without requiring further Planning Act approval. In this scenario, it is necessary that the receiving property be deemed not to be on a Plan of Subdivision in order for both the receiving property and proposed lands to be conveyed to become a single parcel.

This is achieved by the passing of a Deeming By-law under Section 50 of the Planning Act, and its Registration on Title of the receiving property. Once the receiving property is deemed, it can no longer be conveyed separately without Planning Act Consent. To achieve this outcome, the Deeming By-law will be registered on Title of 935 Mooney Street to allow the lot addition lands to merge with the receiving parcel once conveyed.

Comments

Provincial Policy Statement

The applications do not raise any issues of provincial interest.

Official Plan

The proposed lot addition has been reviewed under the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section B.2.3, Residential Area

Policies, and Section 6.3.3, Planning Tools (Consent, Zoning By-law Amendments, and Plan of Subdivision) and generally meets these policies.

The proposed severance is part of a boundary adjustment where no new lot is being created, and where there is no impact to any lands within close proximity of the subject lands. The proposal will sever part of the subject lands as a lot addition to an abutting parcel. The Official Plan permits a consent for technical or legal purposes where a separate lot is not being created. (Policy 6.3.3.40).

Further, the Municipality may pass a by-law under the provisions of the Planning Act deeming old plans registered for eight years or more not to be registered. In this scenario, it is required to deem the receiving property not to be registered, thereby merging it together with the proposed lands to be conveyed and dealt with as one parcel.

Both the receiving lands and the retained parcel will continue to be in full compliance with the Chatham-Kent Zoning By-law, and both will maintain appropriate access from an improved public road.

Overall, the evaluation of this proposal has been determined to meet the general intent of the Official Plan.

Zoning By-law

The proposal complies with all required regulations of the Chatham-Kent Zoning By-law.

Conclusion

The proposed Consent and Deeming By-law applications 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)

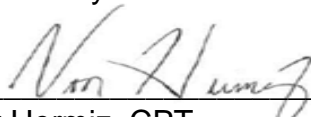
Consultation

There was no consultation required as part of these applications.

Financial Implications

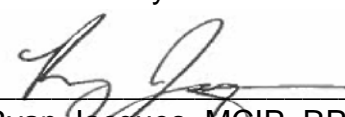
There are no financial implications resulting from the recommendations.

Prepared by:



Noor Hermiz, CPT
Planner II, Planning Services

Reviewed by:



Ryan Jacques, MCIP, RPP
Manager, Planning Services

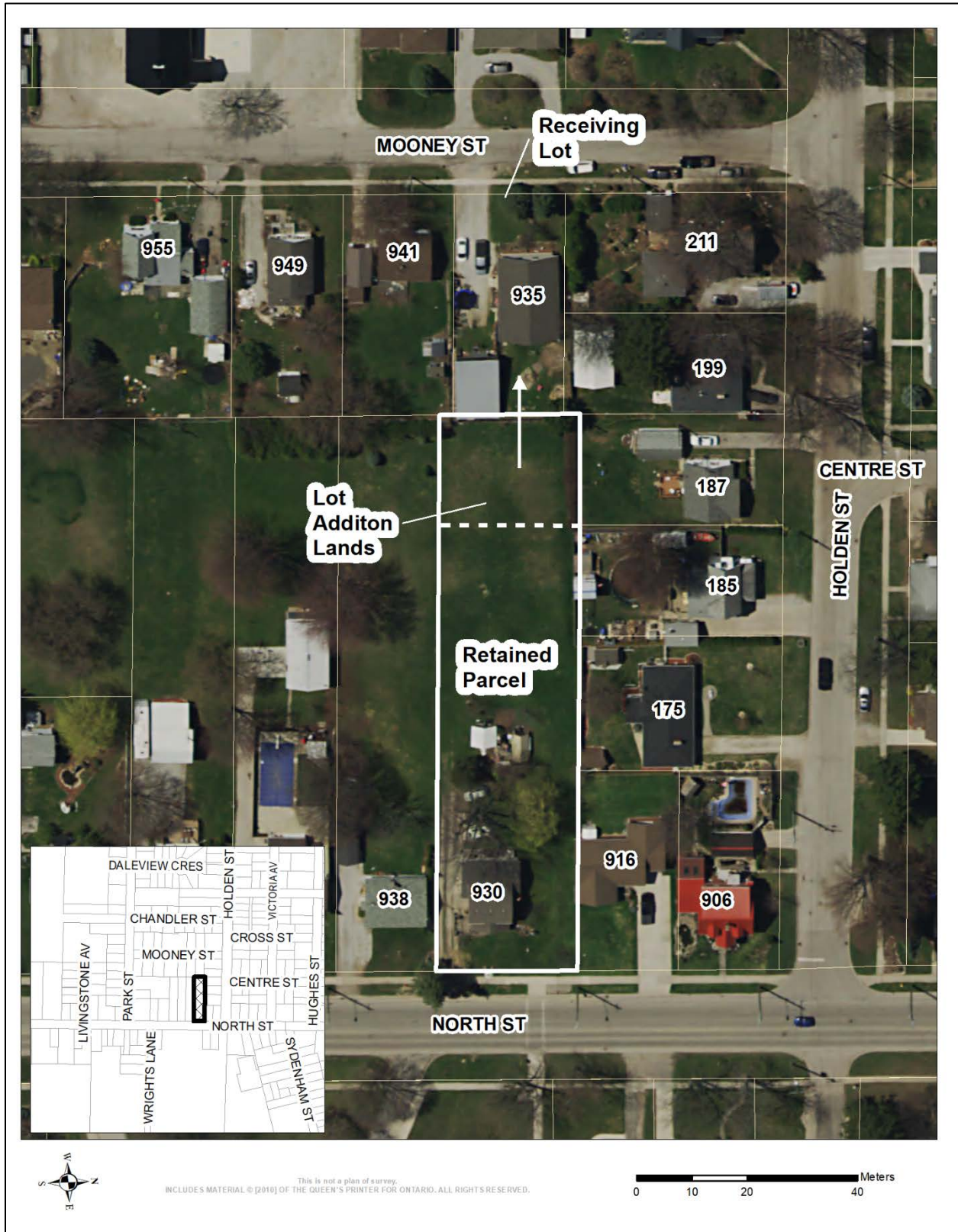
Approved By:



Bruce McAllister, MCIP, RPP
Acting General Manager, Community Development
Director, Planning Services

Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Applicant's Sketch
Deeming By-law

Appendix A – Key Map



Appendix B – Site Photos

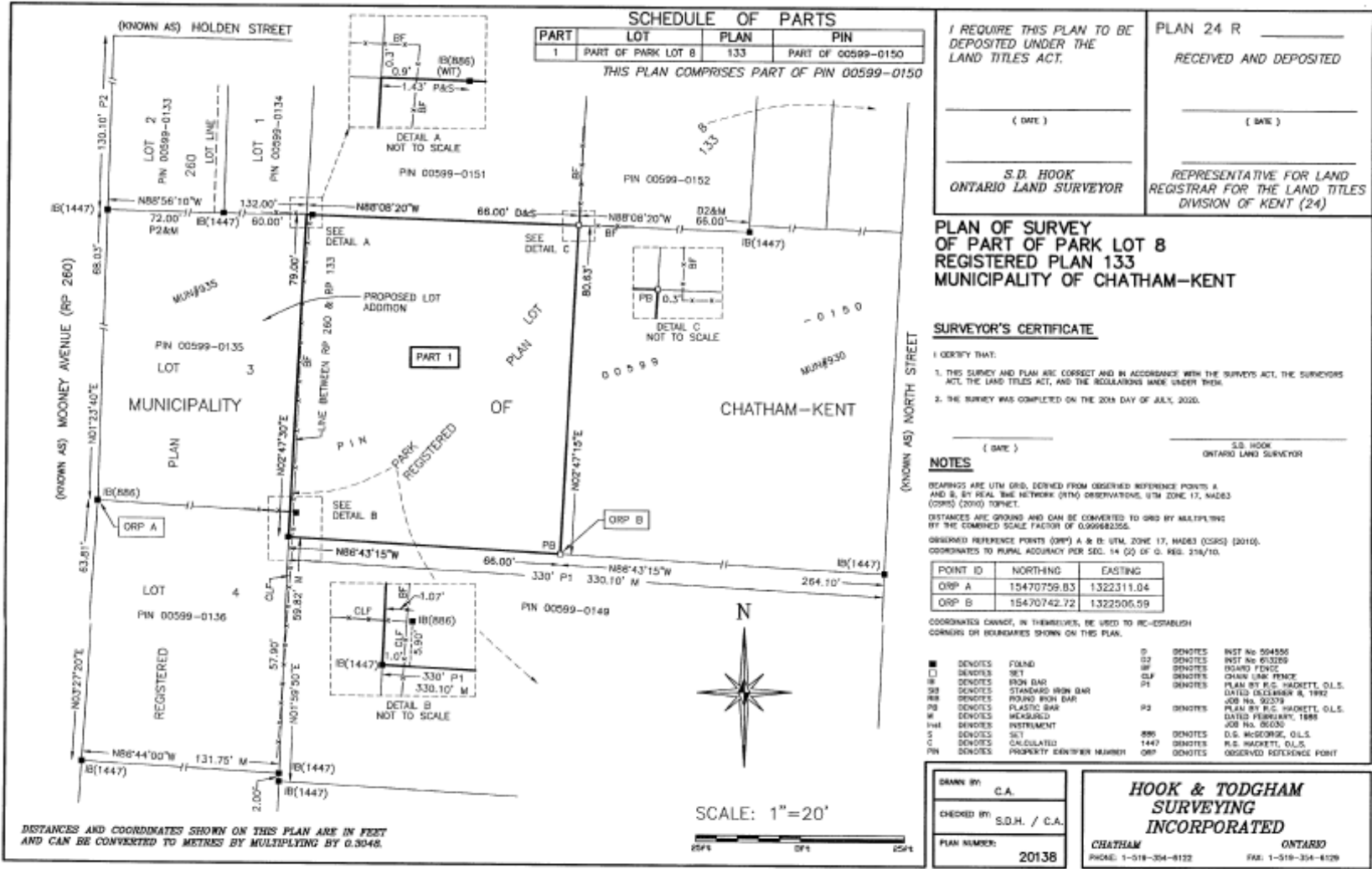


Looking west towards the existing dwelling on the retained lands located at 930 North Street, Dresden.



Looking east towards the existing dwelling on the receiving property located at 935 Mooney Street, Dresden

Appendix C – Applicant's Sketch



By-law Number _____

of The Corporation of the Municipality of Chatham-Kent

A By-law to Deem Certain Parts of a Registered Plan Not to be Registered

(William & Carol-Ann Johnston)

CityView # PL202000131

Whereas Subsection 50(4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes a municipality to designate any plan of subdivision or part thereof that has been registered for eight years or more as not being a registered plan of subdivision for subdivision control purposes;

And Whereas it is deemed expedient to so designate the lands herein referred in order to adequately control the development of the said lands;

Now therefore be it and it is hereby enacted as By-law Number _____ of the Corporation of the Municipality of Chatham-Kent:

1. Those parts of a plan of subdivision described as follows are hereby designated as parts of said plan, which shall be deemed not to be parts of a registered plan of subdivision for the purpose of Subsection 50(3) of the Planning Act:

Lot 3, Plan 260

This By-law shall come into force and effect in accordance with the provisions of Subsection 50(27) of the Planning Act, R.S.O. 1990 Chapter. P.13, as amended.

Read a First, Second and Third Time this 21st day of September, 2020.

MAYOR – Darrin Canniff

CLERK – Judy Smith