

Municipality Of Chatham-Kent
Community Development
Planning Services

To: Mayor and Members of Council

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

Date: March 9, 2021

Subject: Applications for Consent and Zoning By-law Amendment
PL202100047 – Sandra Secord and Nancy Gilbert
13666 Norton Line, Community of Howard (East Kent)

Recommendations

It is recommended that:

1. Consent application File B-29/21, to sever a surplus dwelling (13666 Norton Line), detached garage, and two (2) outbuildings on a new 1.15 ha (2.85 ac.) lot, shown as Parts 1, 2, & 3 on the applicant's sketch, in Part of Lot 17, Concession 1, in the Community of Howard, 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 (A1-1546) zone to prohibit future dwellings and recognize the reduction in lot area;
 - b) that the severed and retained parcels be transferred to Burtmore Farms Ltd and Paul Cudmore, as outlined in the Agreement of Purchase and Sale dated January 25, 2021;
 - 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). 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 HO/10/21/S, be approved, and the implementing by-law be adopted.

Background

The subject property is located on the southeast side of Norton Line, between Kenesserie Road and Victoria Road (Roll No. 3650 210 001 12600). The lands are approximately 20.3 ha (50.15 ac.) in area and contain a single detached dwelling, detached garage and two (2) outbuildings. The lands are designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural (A1). 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 1.15 ha (2.85 ac.) in area, shown as Parts 1, 2, & 3 on the applicant's sketch attached as Appendix C. The surplus dwelling lot will consist of the single detached dwelling, detached garage and two (2) outbuildings. The retained parcel will be approximately 19.1 ha (47.3 ac.) in area and will continue to be farmed by the prospective purchaser.

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

- i. 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 prohibit future dwellings and recognize the reduction in lot area.

The subject property is subject to an existing mutual drainage easement with the abutting parcel (PIN 00720-0150). The proposal will have no effect on the existing easement.

The prospective purchaser owns additional acreage in the area and maintains a base of farming operation of 13612 Norton Line, Community of Howard, which renders the dwelling on the subject property surplus to the purchaser's needs.

Comments

Provincial Policy Statement (PPS)

The proposed surplus dwelling severance is consistent with Section 2.3.4.1(c) of the PPS and does not raise any issues of provincial interest.

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 proposed surplus dwelling severance is consistent with Section 3.10.2.18.2(b) of the Official Plan. The proposed severed lot is of sufficient area to accommodate the existing dwelling and septic system. Both the severed and retained parcel will maintain access to shared drainage through the existing easement and will maintain separate access from an improved public road. It has also 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 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 (A1-1546) zone to prohibit future dwellings and recognize the further reduced lot area.

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 1.15 ha (2.85 ac.) residential lot. 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 proposed severed parcel follows the existing occupied area and a small portion of land formerly containing an orchard. It is only recently that a portion of the land to west of the existing dwelling has been farmed

and it is the intention of the applicant to return this land to an orchard with heritage apple and fruit trees.

The retained parcel will continued to be farmed and will be rezoned to a site-specific Agricultural (A1-1546) zone to recognize the reduced lot area, to be in compliance with the Zoning By-law. No residential dwelling will be permitted on the retained parcel as a result of the surplus dwelling severance.

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

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:

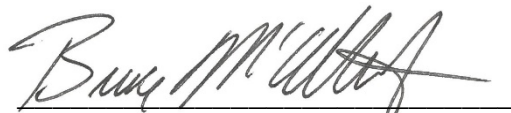


Allison Lambing
Planner II, Planning Services



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
By-law to amend By-law 216-2009

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Report.docx

Appendix A – Key Map



Appendix B – Site Photos

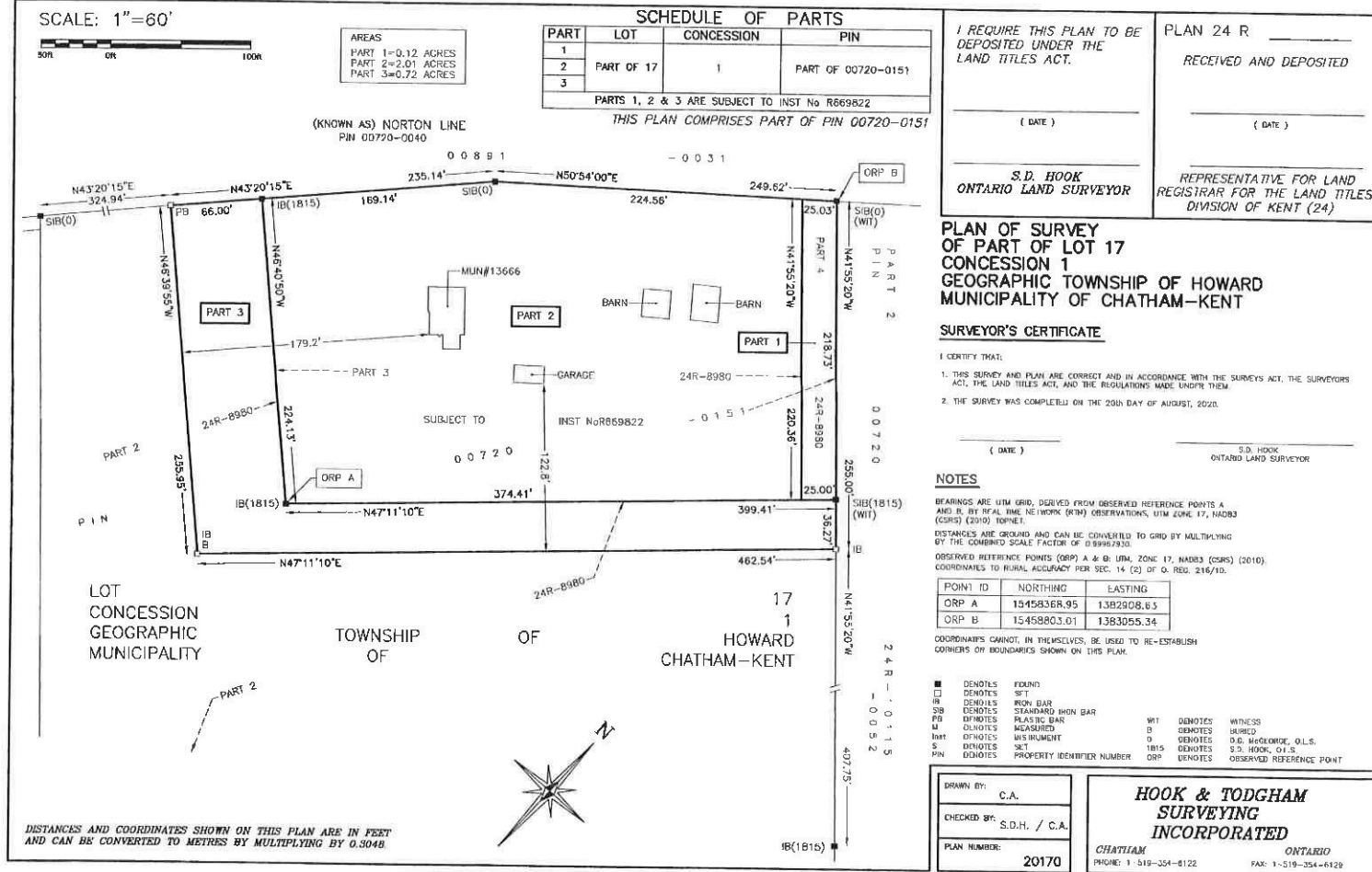


Looking south at the surplus dwelling lot.



Looking east at the retained farm parcel.

Appendix C – Applicant's 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

(Secord & Gilbert)

CityView # PL202100047

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Camden in order to permit a surplus dwelling in an agricultural zone on a lot size greater than 0.8 ha, and prohibit future dwellings on the retained parcel and recognize a reduction in 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 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 changing the zoning classification from Agricultural (A1) to Agricultural-1173 (A1-1173) and Agricultural-1546 (A1-1546) 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:

Exception No. 1546

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:

A1-1546

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

Exception No.	Special Zone Symbol	Special Zone Provisions
1546	A1-1546	Notwithstanding any other provisions of the by-law to the contrary, the following shall also apply: i. No dwelling may be erected.

Exception No.	Special Zone Symbol	Special Zone Provisions
		ii. Minimum lot area – 19.1 ha

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 19th day of April, 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 19th day of April 2021.

