

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: March 22, 2021

Subject: Applications for Consent & Zoning By-law Amendment
PL202100075 – Kenneth & Susan McLarty
21520 Victoria Road, Community of Howard (East Kent)

Recommendations

It is recommended that:

1. Consent application File B-48/21 to sever one (1) surplus dwelling (21520 Victoria Road) and two (2) outbuildings, on a new lot, approximately 1.31 ha (3.24 ac.) in area, shown as Part 1 on the applicant's sketch, in Part of Lot 12, Concession 5, 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 residential surplus dwelling lot to a site-specific Agricultural-1173 (A1-1173) Zone that permits a surplus dwelling on a lot greater than 0.8 ha (1.98 ac.); and,
 - ii) rezone the retained parcel to a site-specific Agricultural-1550 (A1-1550) Zone to prohibit future dwellings and permit a minimum lot area of 19 ha (46.96 ac.);
 - b) that the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
 - c) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
 - d) 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,

- e) 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/16/21/M be approved and the implementing by-law be adopted.

Background

The subject property is located at the northwest corner of the Victoria Road and McLarty Line intersection, in the Community of Howard (Roll No. 3650 210 002 20900). The lands are approximately 20.23 ha (50.20 ac.) in area and contain one (1) single detached dwelling and two (2) outbuildings. The subject property is 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 proposal is to create a residential surplus dwelling lot, approximately 1.31 ha (3.24 ac.) in area, shown as Part 1 on the applicant's sketch, attached as Appendix C. The surplus dwelling lot will contain the existing dwelling and two (2) outbuildings. The retained farm parcel will be approximately 19 ha (46.96 ac.) in area.

To implement the proposed Consent, a Zoning By-law Amendment is required to:

- i) rezone the severed parcel to a site specific Agricultural-1173 (A1-1173) Zone to permit a surplus dwelling on a lot size greater than 0.8 ha (1.98 ac.); and,
- ii) rezone the retained parcel to a site specific Agricultural-1 (A1-1) Zone to prohibit future dwellings and permit a minimum lot area of 19 ha (46.96 ac.).

It has been verified that the applicant owns additional acreage in the area and maintains a dwelling and base of farming operation at 13113 McLarty Line, in the Community of Howard. This property renders the dwelling on the subject property surplus to the needs of this farming operation.

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 proposed surplus dwelling severance 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, water well, and septic system. There is no shared drainage and both the proposed severed and retained parcels 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. Overall, there is negligible impact to lands currently under agricultural production.

Zoning By-law

To implement the proposed Consent, 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-1173 (A1-1173) Zone to permit a surplus dwelling on a lot size greater than 0.8 ha (1.98 ac.); and,
- ii. rezone the retained parcel to a site specific Agricultural-1 (A1-1) Zone to prohibit future dwellings and to permit a minimum lot area of 19 ha (46.96 ac.).

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 described above, the proposed severance will create a new 1.31 ha (3.24 ac.) residential surplus dwelling lot. The proposed severed parcel also includes the two (2) outbuildings and the extent of the landscaped area associated with the dwelling. As well, approximately 0.3 ha (0.7 ac.) of land situated between the area occupied by the dwelling and the Upper Portion McGregor Creek Drain to the south are included. These lands are otherwise difficult or inefficient to farm. Thus, the proposed lot requires an area greater than 0.8 ha (2 ac.).

Therefore, a Zoning By-law Amendment is required to implement the surplus dwelling severance by rezoning the severed lot to a site-specific Agricultural-1173 (A1-1173) Zone that recognizes a surplus dwelling on a lot size greater than 0.8 ha (1.98 ac.). To implement the direction of the Provincial Policy Statement and Official Plan, the Zoning By-law Amendment will also rezone the retained parcel to a site-specific Agricultural-1550 (A1-1550) Zone to prohibit any future dwelling and reduce the minimum lot area on these lands to 19 ha (46.96 ac.).

All other applicable zoning regulations are being met by this proposal.

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

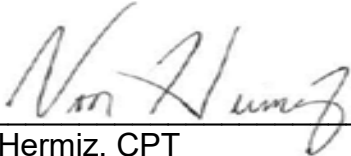
There was no consultation required as part of these applications.

Financial Implications

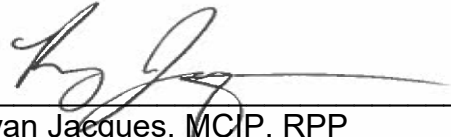
There are no financial implications resulting from the recommendations.

Prepared by:

Reviewed by:

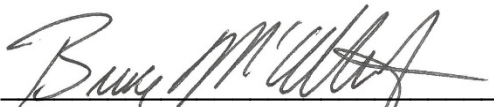


Noor Hermiz, CPT
Planner II, Planning Services



Ryan Jacques, MCIP, RPP
Director, Planning Services

Reviewed by:

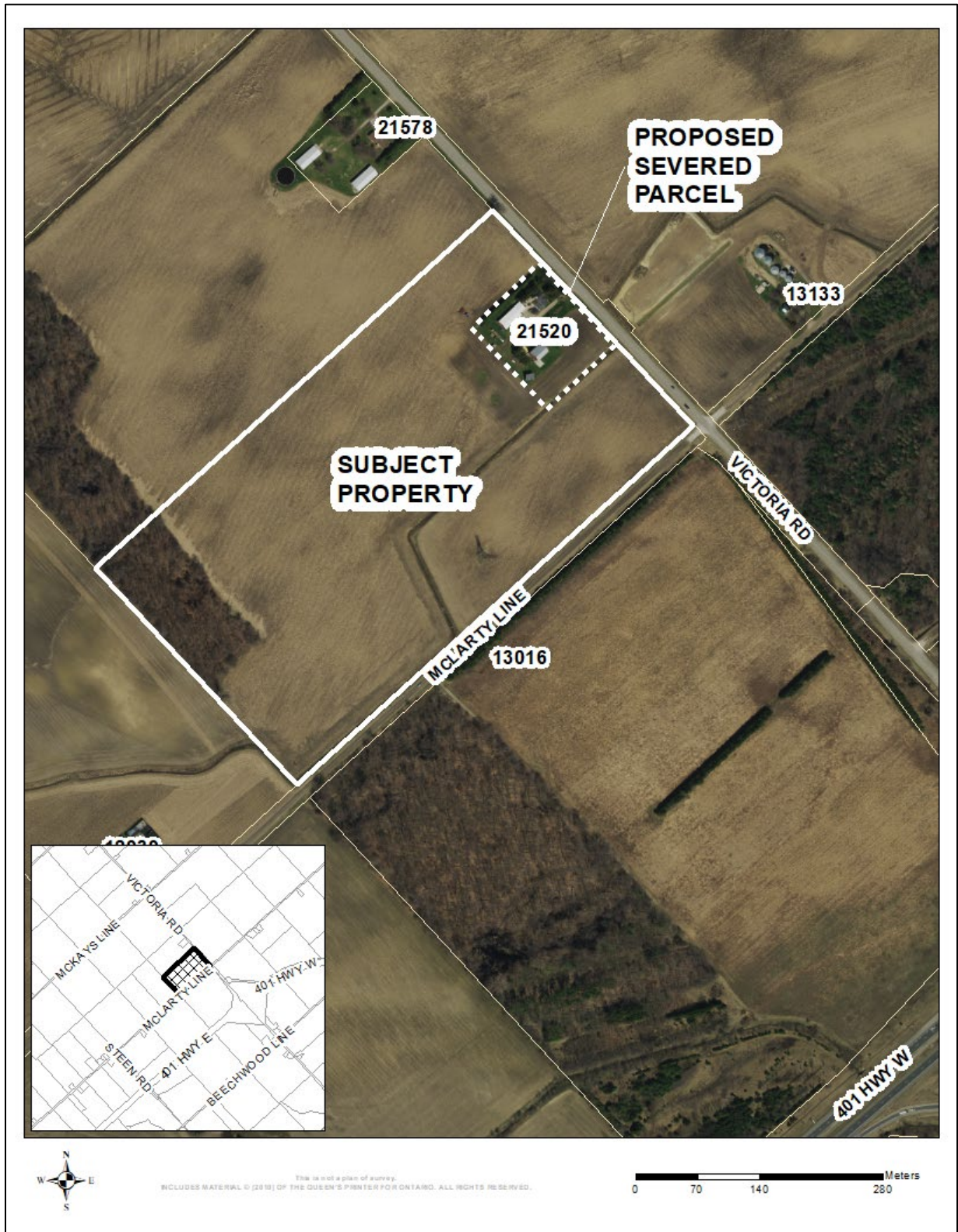


Bruce McAllister, MCIP, RPP
General Manager, Community Development

- 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

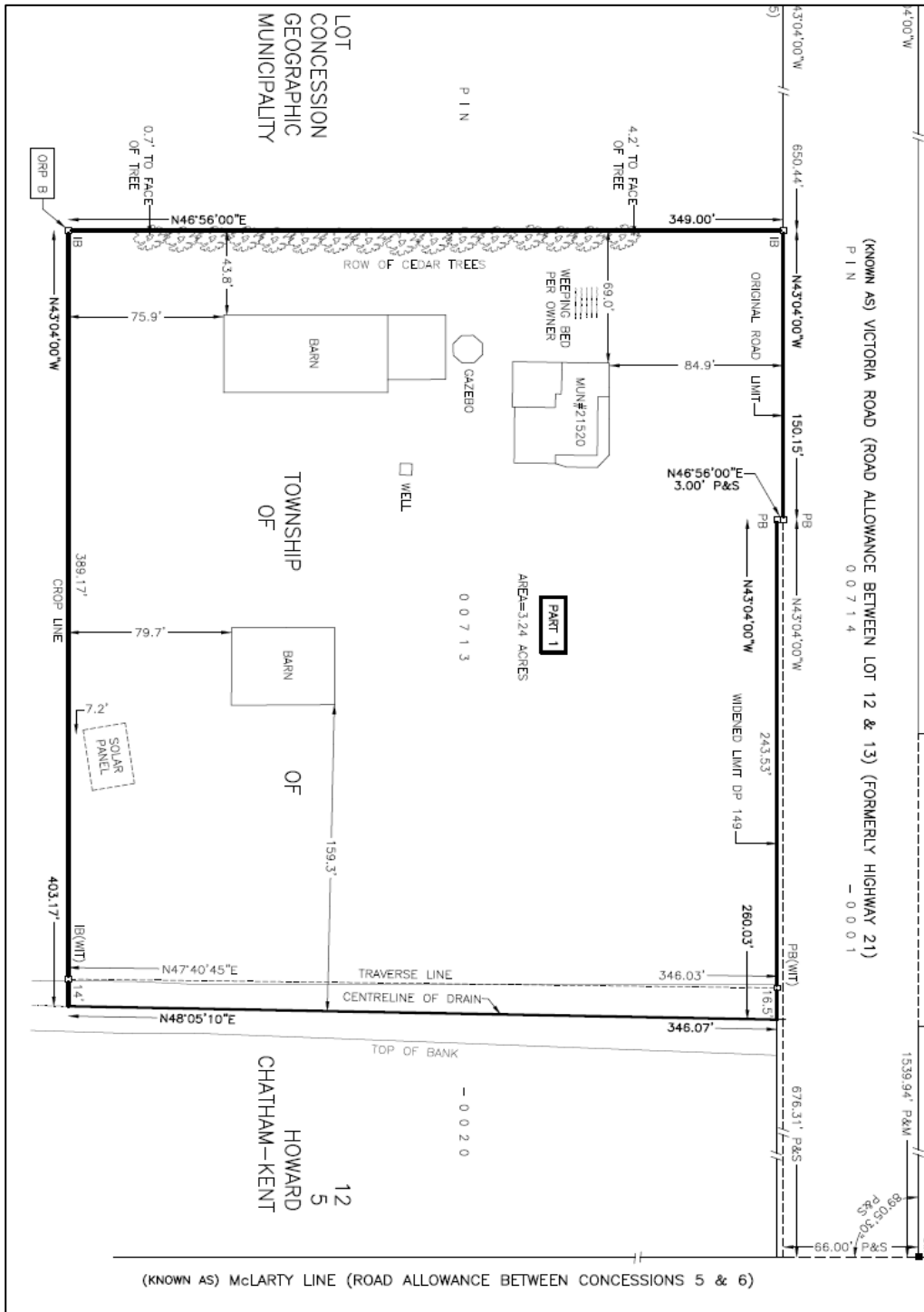


Looking west towards the proposed surplus dwelling lot from Victoria Road.



Looking northwest towards the proposed surplus dwelling lot from Victoria Road.

Appendix C – Applicant’s Sketch



By-law Number ____-2021

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

(Kenneth & Susan McLarty)

CityView # PL202100075

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Howard in order to rezone the lands to permit a surplus dwelling in an Agricultural (A1) Zone on a lot size greater than 0.8 ha (1.98 ac.) in area, and prohibit future dwellings and reduce the minimum lot area 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-1550 (A1-1550) 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. 1550

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:

A1-1550

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 |
|---------------|---------------------|---|
| 1550 | A1-1550 | 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 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 17th day of May, 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 17th day of May, 2021.

