

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: May 18, 2021

Subject: Applications for Consent & Zoning By-law Amendment
PL202100132 – Jose and Maria Pereira & Mark Lauc
24430 & 24464 Baldoon Road, Community of Dover (North Kent)

Recommendations

It is recommended that:

1. Consent application File B-73/21 to sever a surplus dwelling (24464 Baldoon Road), two (2) silos and seven (7) outbuildings on a new lot, approximately 1.57 ha (3.88 ac.) in area, shown as Part 2 on the applicant's sketch, in Part of Lot 8, West of Baldoon Road, in the Community of Dover, and to permit a partial discharge of the existing mortgage, 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-1 (A1-1) Zone to prohibit future dwellings.
 - 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. Consent application File B-79/21 to sever a surplus dwelling (24430 Baldoon Road) and one (1) shed on a new lot, approximately 0.48 ha (1.18 ac.) in area, shown as Part 1 on the applicant's sketch, in Part of Lot 8, West of Baldoon Road, in the Community of Dover, and to permit a partial discharge of the existing mortgage, be approved, subject to the following conditions:
- a) that the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
 - b) 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,
 - c) 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).
3. Zoning By-law Amendment application File D-14 DO/39/21/P be approved and the implementing by-law be adopted.

Background

The subject property is located on the west side of Baldoon Road, between St. Andrew's Line and Pine Line, in the Community of Dover (Roll No. 3650 480 004 05200). The lands are approximately 43.1 ha (106.6 ac.) in area and contain two (2) single detached dwellings, one (1) shed, seven (7) outbuildings, and two (2) silos. 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 two (2) residential surplus dwelling lots that can be described as follows:

- Severed Parcel 1: approximately 1.57 ha (3.88 ac.) in area, shown as Part 2 on the applicant's sketch, attached as Appendix C. The surplus lot will contain the existing dwelling (24464 Baldoon Road), two (2) silos, and seven (7) outbuildings.

- Severed Parcel 2: approximately 0.48 ha (1.18 ac.) in area, shown as Part 1 on the applicant's sketch. The surplus dwelling lot will contain the existing dwelling (24430 Baldoon Road) and one (1) shed.

The retained parcel will be approximately 41.0 ha (101.4 ac.) in area and will continue to be farmed.

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

- i) rezone Severed Parcel 1 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.

It has been verified that the applicant owns additional acreage in the area and maintains a dwelling and base of farming operation at 11124 Longwoods Road, in the Community of Chatham (Township). 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 severances are consistent with Section 3.10.2.18.2(b) of the Official Plan. The proposed severed lots are 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 Severed Parcel 1 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.), in an Agricultural (A1) zone; and,
- ii. rezone the retained parcel to a site specific Agricultural-1 (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 described above, the proposed Severed Parcel 1 will create a new 1.57 ha (3.88 ac.) residential surplus dwelling lot. The proposed severed parcel includes the associated outbuildings and will follow the existing crop line. Due to the area of the property occupied by the dwelling and outbuildings, the 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-1 (A1-1) Zone to prohibit any future dwelling on these lands.

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:


Allison Lambing
Planner II, Planning Services

Reviewed by:


Ryan Jacques, MCIP, RPP
Director, Planning Services

Reviewed by:

A handwritten signature in black ink, appearing to read "Bruce McAllister", is written over a horizontal line.

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 southwest towards the proposed surplus dwelling lot (24464 Baldoon Road).



Looking southwest from Baldoon Road at the proposed surplus dwelling lot (24430 Baldoon Road) and retained parcel

Jose and Maria Pereira & Mark Lauc
PL202100132



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

(Jose and Maria Pereira & Mark Lauc)

CityView # PL202100132

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Dover 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 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 21st day of June, 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 21st day of June, 2021.

