

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: May 14, 2021

Subject: Applications for Consent & Zoning By-law Amendment
PL202000219 – Margaret Seliga & Charlene Chalmers
11891 Beechwood Line, Community of Howard (East Kent)

Recommendations

It is recommended that:

1. Consent application File B-108/20 to sever and convey a portion of land, approximately 0.46 ha (1.14 ac.) in area, shown as Part 1 on the applicant's sketch, in Part of Lot 15, Townline Range, in the Community of Howard, as a lot addition, be approved, subject to the following conditions:
 - a) that the lot addition lands to be severed, shown as Part 1 on the applicant's sketch, be conveyed to the owner of the abutting parcel (11825 Beechwood Line / PIN: 00711-0053) 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 subject of this consent;
 - b) that a one-foot square from the receiving lot (11825 Beechwood Line / PIN: 00711-0053) be conveyed to the Municipality free of charge and clear of all encumbrances, and that the transfer confirming ownership of the one-foot square being the Corporation of the Municipality of Chatham-Kent be submitted to the Municipality;
 - c) that the applicant pay \$75 for the registration of the dedication by-law for the one-foot square conveyance pursuant to condition (b);
 - 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/50/20/S be approved and the implementing by-law be adopted.

Background

The subject property is located on the north side of Beechwood Line, southeast of the Highway 401 and Kent Bridge Road interchange, in the Community of Howard (Roll Nos. 3650 210 002 00100 & 00200). The property is approximately 34.14 ha (84.37 ac.) in area and contains a single detached dwelling and two (2) outbuildings. The subject property is designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural (A1 & A1-23). A key map showing the location of the subject property is attached as Appendix A. Pictures showing the proposed lands to be conveyed and the receiving lands are attached as Appendix B.

The application is proposing to sever and convey a portion of land, approximately 0.46 ha (1.14 ac.) in area, shown as Part 1 on the applicant's sketch attached as Appendix C, as a lot addition to the abutting parcel at 11825 Beechwood Line (PIN No. 00711-0053). The proposed severed parcel consists of land containing one (1) outbuilding currently utilized by the owners of the receiving lands for storage space, measuring 5.1 m (17 ft.) in width, directly abutting the existing tree line to the rear and east of the dwelling.

The owners of the receiving lands have purchased the outbuilding from the owner of the subject property, and wish to acquire the lands it is situated on as a lot addition. The remainder of the lot addition lands consist of lands that contain an existing tree-line surrounding the receiving property to the rear and to the east.

A Consent application is required to facilitate the conveyance of these lands. A Zoning By-law Amendment application is required to rezone the proposed lot addition lands from Agricultural-23 (A1-23) to Agricultural (A1). The retained parcel will contain the existing dwelling and one (1) outbuilding, and will remain in full compliance with the Chatham-Kent Zoning By-law.

Comments

Provincial Policy Statement

The application does 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 3.10, Agricultural Area Policies, and Section 6.3.3, Planning Tools (Consent) and meets these policies.

The proposal is to sever a portion of the subject property that contains an outbuilding currently utilized by the dwelling on the receiving lot. The area of the severed lands is defined by an existing tree line. The application, therefore, is a boundary adjustment that reflects the current utilization of these lands where there is no involvement or impact to any lands associated with an active agricultural use.

The Official Plan permits a consent for technical or legal purposes where a separate lot is not being created (Policy 6.3.3.40), and where there is no impact to the viability of any agricultural lands (Policy 3.10.2.18.2). 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 Beechwood Line.

The Official Plan also contains policies to ensure the receiving property and lot addition lands merge. Specifically, Policy 3.10.2.2 (d) iii) states:

the proposed severance must merge with the lot being enlarged in accordance with Sections 50(3) and (5) of the Planning Act.

It should be noted that the receiving lot was previously severed by consent. In accordance with the above policy, in order to ensure the receiving lot and lot addition lands are merged and not separately conveyable, a one foot square is required to be conveyed from the receiving lot to the municipality. This is included as a condition of the consent.

Overall, the evaluation of this proposal has been determined to meet the general intent of the Official Plan where the long-term interests of agriculture in the subject area is being protected.

Zoning By-law

The severed lands are zoned Agricultural-23 (A1-23). This site-specific zoning provision permits two single detached dwellings on a lot.

To implement the proposed severance, a Zoning By-law Amendment is required to change the zone of the severed lands from Agricultural-23 (A1-23) to Agricultural (A1). This will prevent a second dwelling from being constructed on the receiving lot following the severance.

Conclusion

The proposed Consent and Zoning By-law Amendment 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 compliance, if approved. Therefore, the applications are being recommended for approval, subject to the conditions noted in the Recommendations section of this report.

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)

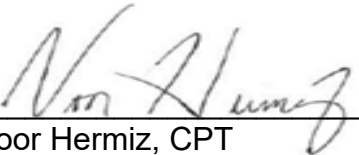
Consultation

There was no consultation required as part of these applications.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:



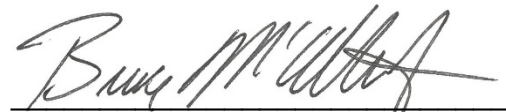
Noor Hermiz, CPT
Planner II, Planning Services

Reviewed by:



Ryan Jacques, MCIP, RPP
Director, Planning Services

Reviewed by:

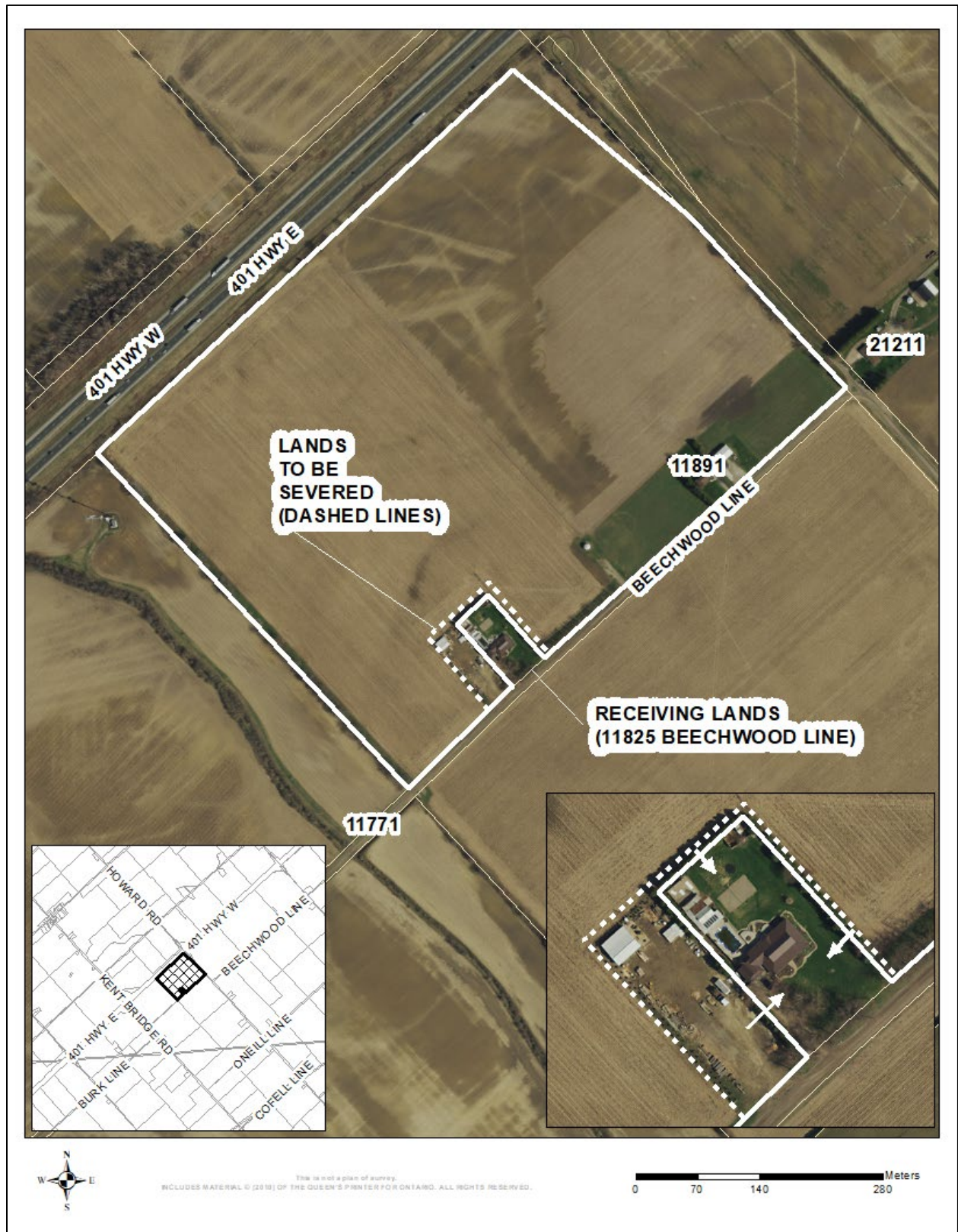


Bruce McAllister, MCIP, RPP
General Manager, Community Development

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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Chalmers Report.docx

Appendix A – Key Map



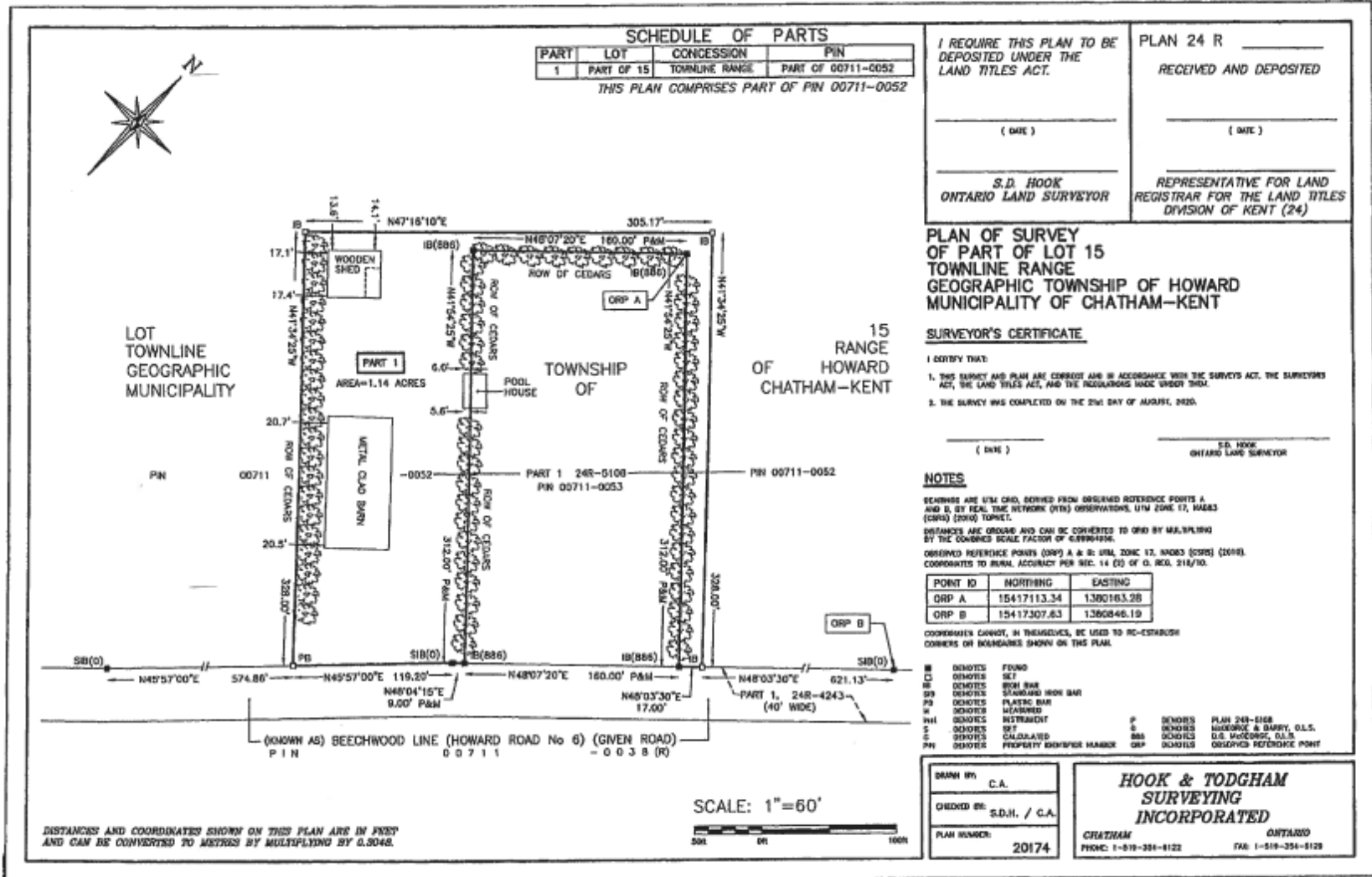
Appendix B – Site Photos



Looking north towards the outbuilding on the proposed lands to be conveyed.



Looking north towards the existing dwelling on the receiving lands and the proposed 5.1 m (17 ft.) strip of lands to be conveyed east of the tree line.



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

(Margaret Seliga & Charlene Chalmers)

CityView # PL202000219

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 lot addition lands to Agricultural (A1) to match the receiving lands;

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-23 (A1-23) to Agricultural (A1) 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.

