

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: June 7, 2021

Subject: Application for Deeming By-law
PL202100126 – Daniel Peltier
30-34 Bristol Drive, Community of Chatham (City)

Recommendation

It is recommended that:

1. Deeming By-law application File D-14 C/38/21/P, to deem Lots 53 & 54 and Blocks 63 & 64, Plan 24M-853, in the Community of Chatham (City), not to be on a Plan of Subdivision, be approved, and the implementing by-law be adopted.

Background

The subject lands are located along the south side of Bristol Drive, across from the Calais Court cul-de-sac, in the Community of Chatham (City). The lands are approximately 1,197.5 sq. m (12,825 sq. ft.) in total area and contain a single detached dwelling and small shed. The lands are designated Medium Density Residential by the Southwest Quadrant Secondary Plan, under Section B.2.13 of the Chatham-Kent Official Plan, and zoned Residential Low Density Fifth (RL5). A key map showing the location of the subject lands is attached as Appendix A. Photographs of the subject lands and surrounding area are attached as Appendix B.

The subject lands are comprised of:

- Lots 53 & 54, Plan 24M-853.
- Blocks 63 & 64, Plan 24M-853.

These are full Lots and Blocks on a registered plan of subdivision. In this scenario, each Lot and Block is separately conveyable under Section 50(3) (Subdivision Control) of the

Planning Act. A copy of Registered Plan of Subdivision 24M-853 is attached as Appendix C for review.

The intent of the applicant is to further develop the subject lands with a new detached garage. The garage is proposed to be located fully within Lot 54, Plan 24M-853, whereas the existing dwelling is fully contained within Lot 53, Plan 24M-853. Blocks 63 & 64, Plan 24M-853, are situated between these lots and contain buried municipal water and sanitary sewer infrastructure. There is an easement registered on Title of the subject lands giving the Municipality legal access to this infrastructure. This easement is registered on Title of the properties as Instrument No. 550968.

Deeming By-law

The purpose of the recommended Deeming By-law is to facilitate further development of these lands in a manner consistent with the intent and purpose of the Zoning By-law. More specifically, it is the intent that the lands remain as a single holding to ensure the proposed detached garage remains on the same parcel and accessory to the existing dwelling. This is achieved by the passing of a Deeming By-law under Section 50 of the Planning Act, and its Registration on Title of each Lot and Block comprising the subject lands. Once the Lots and Blocks are deemed, they can no longer be conveyed separately without Planning Act Consent or decision by Council.

Comments

Provincial Policy Statement (PPS)

The application does not raise any issues of provincial interest.

Official Plan

The application has been reviewed against the policies of the Southwest Quadrant Secondary Plan and the Chatham-Kent Official Plan. Overall, the application supports the primary residential use of the property, which is the intended use for these lands, and ensures the lands remain in compliance with the applicable provisions of the Zoning By-law. The application is also supported under Section 6.3.3, Plan of Subdivision, which permits Council to designate any plan of subdivision, or part thereof that has been registered for eight (8) years or more, to be deemed not to be a registered Plan of Subdivision for the purposes of subdivision control. The subject Lots and Blocks were created in 1995 with the registration of Plan of Subdivision 24M-853. By deeming these Lots and Blocks not be part of this registered plan, they will become one parcel under common ownership – allowing the lands to be developed as a single residential parcel.

Zoning By-law

The proposal is in compliance with the applicable zoning regulations.

Conclusion

The proposed Deeming By-law has been reviewed in the context of the Provincial Policy Statement, the Chatham-Kent Official Plan and Zoning By-law, and complies with these documents. Therefore, the application is being recommended for approval as noted in the Recommendation section of this report.

Areas of Strategic Focus and Critical Success Factors

The recommendation in this report supports 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 recommendation in this report supports 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

Internal

Technical Advisory Committee

The Technical Advisory Committee supports the application.

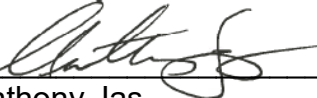
Legal Services

Legal Services has reviewed the existing easement agreement registered over the subject lands. It is determined that the existing agreement is sufficient for protecting the public interest in continuing to provide the Municipality the legal means necessary for access to its public infrastructure.

Financial Implications

There are no financial implications resulting from the recommendation.

Prepared by:



Anthony Jas
Planner I, Planning Services

Reviewed by:



Ryan Jacques, MCIP, RPP
Director, Planning Services

Reviewed by:

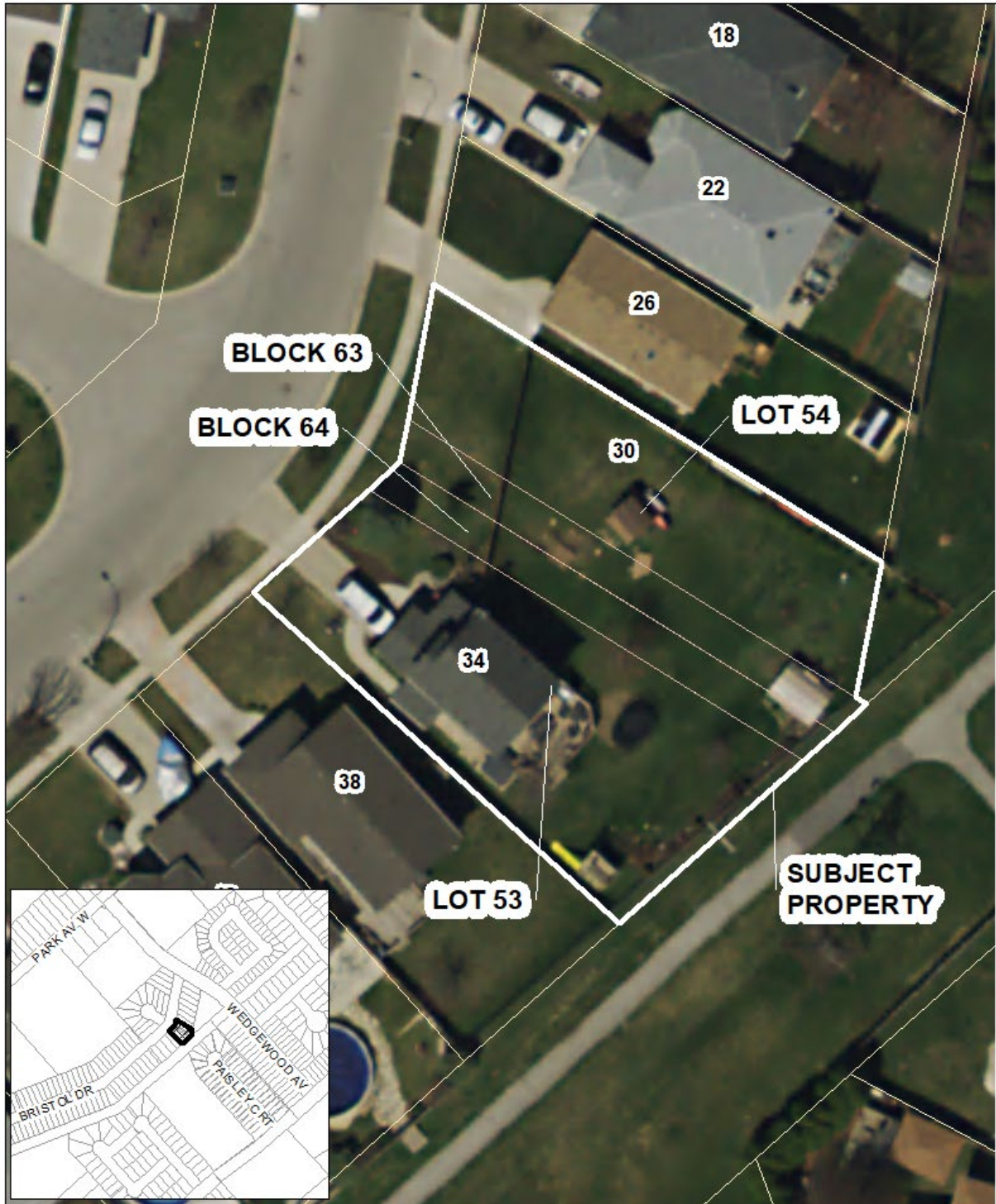


Bruce McAllister, MCIP, RPP
General Manager, Community Development

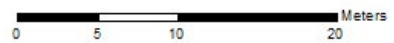
Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Plan of Subdivision 24M-853
By-law to Amend By-law No. 216-2009

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Report.docx

Appendix A – Key Map



This is not a plan of survey.
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Appendix B – Site Photos

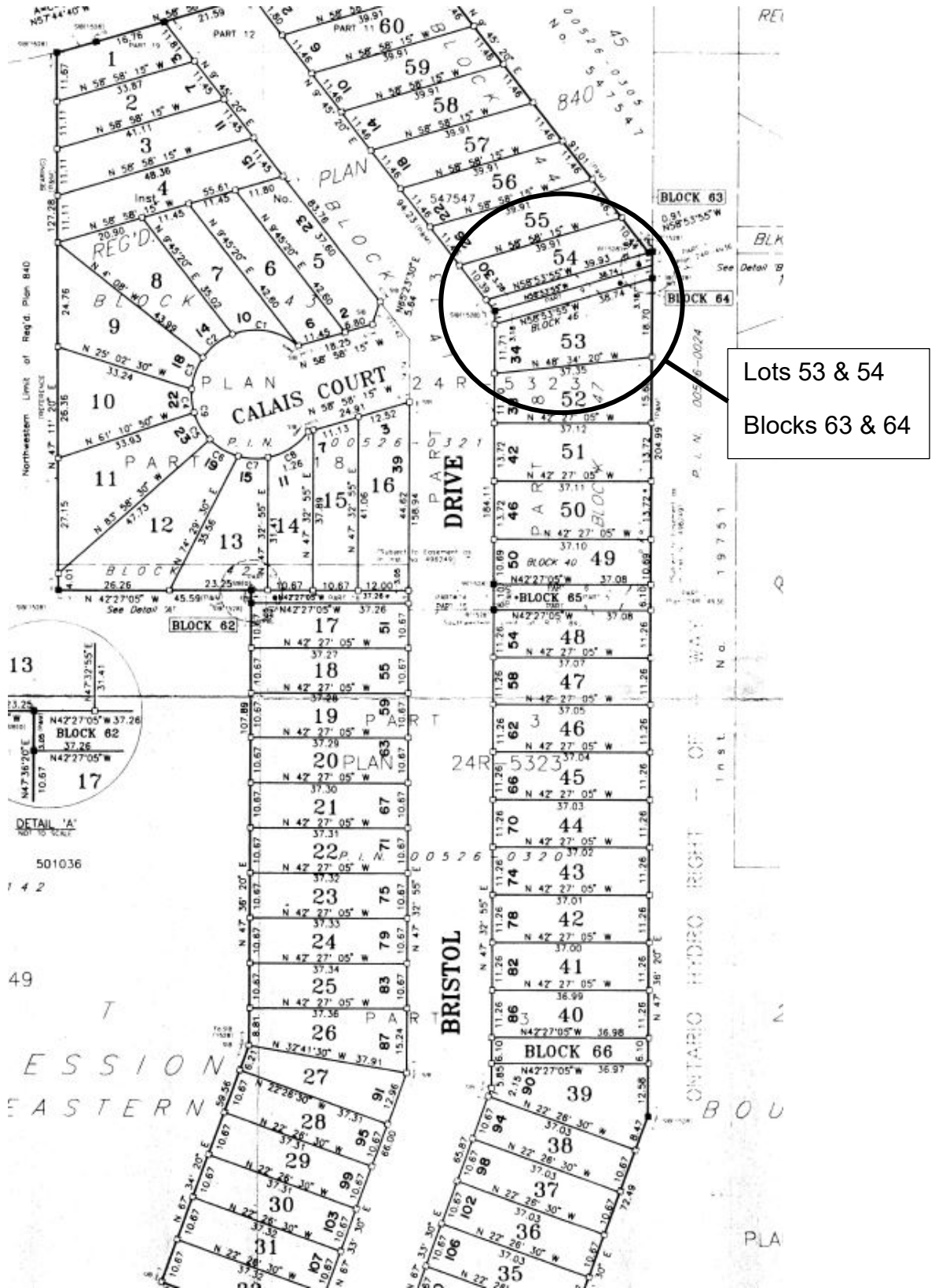


Looking south across the subject lands from Bristol Drive. In view is the existing dwelling on the subject lands.



Looking south across the subject lands from Bristol Drive. In view is the vacant open space to the left of the dwelling where the proposed detached garage is to be located.

Appendix C – Plan of Subdivision 24M-853



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

CityView # PL202100126

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 53, Plan 853

Lot 54, Plan 853

Block 63, Plan 853

Block 64, Plan 853

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 the 28th day of June 2021.

MAYOR – Darrin Canniff

CLERK – Judy Smith