

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Anthony Jas
Manager, Development, Planning Services

Date: March 10, 2023

Subject: Applications for Consent and Zoning By-law Amendment
PL202300042 – Wecker Farms Ltd.
6835 Sixth Line East, Community of Raleigh (South Kent)

Recommendations

It is recommended that:

1. Consent application File B-26/23, to sever a surplus dwelling (6835 Sixth Line East) and four (4) outbuildings on a new 1.1 ha (2.8 ac.) lot, shown as Part 1 on the applicant's sketch, in Part of Lot 11, Concession 6, in the Community of Raleigh, 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 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.);
 - ii. rezone the retained parcel to a site-specific agricultural (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. Zoning By-law Amendment application File D-14 RA/19/23/W, be approved, and the implementing by-law be adopted.

Background

The subject property is located on the north side of Sixth Line east, between Centre Road and Dillon Road, in the Community of Raleigh (Roll No. 3650 110 003 14600). The lands are approximately 62.8 ha (155.2 ac.) in area and contain a single detached dwelling and four (4) 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 1.1 ha (2.8 ac.) in area, shown as Part 1 on the applicant's sketch attached as Appendix C. The surplus dwelling lot will consist of the single detached dwelling and four (4) outbuildings. The retained parcel will be approximately 61.7 ha (152.4 ac.) in area and will continue to be farmed.

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

- i. rezone the surplus dwelling lot to permit a surplus dwelling in an Agricultural (A1) zone on a lot size greater than 0.8 ha (1.98 ac.);
- ii. rezone the retained parcel to prohibit future dwellings.

The applicant owns additional acreage in the area and maintains a base of farming operation at 7142 Riverview Line (Roll No. 3650 110 002 00400), Community of Raleigh, which renders the dwelling on the subject property surplus to the needs of the 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 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. It is of sufficient area to accommodate the existing dwelling, private well and septic system. The line of severance follows the occupied area of the land that is not cultivated. There is no shared drainage and both the severed and retained parcels will maintain access on an improved public road (Sixth Line East). The proposal will have no impact to the farming operation of the retained parcel. It has also been verified 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:

- i. rezone the surplus dwelling lot 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 the site-specific Agricultural (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 mentioned above, the proposed surplus dwelling severance will create a 1.1 ha (2.8 ac.) residential lot. In this scenario, the proposed surplus dwelling lot must be rezoned to a site-specific Agricultural-1173 (A1-1173) zone to recognize the resulting lot area being greater than the maximum 0.8 ha (1.98 ac.) permitted, bringing the severed lot into compliance with the Zoning By-law. The proposed surplus parcel follows the existing occupied area currently utilized by the dwelling and outbuildings. Overall, there is minimal impact to the viability of the farm parcel.

The retained parcel will continue to be farmed and will be rezoned to the site-specific Agricultural-1 (A1-1) zone in order to prohibit future dwellings.

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

This report supports the following areas of strategic focus:

			
Economic Prosperity	Healthy & Safe Community	People & Culture	Environmental Sustainability

Consultation

There was no consultation required as part of these applications.

Communication

Information on Council's action will be posted to the municipal website. All persons who have made a submission regarding this application will receive a notice of Council's decision. Any other person who wishes to receive notice must submit a written request to the Clerk.

Diversity, Equity, Inclusion and Justice (DEIJ)

This report does not have implications related to diversity, equity, inclusion or justice.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by: Allison Lambing, Planner II, Planning Services

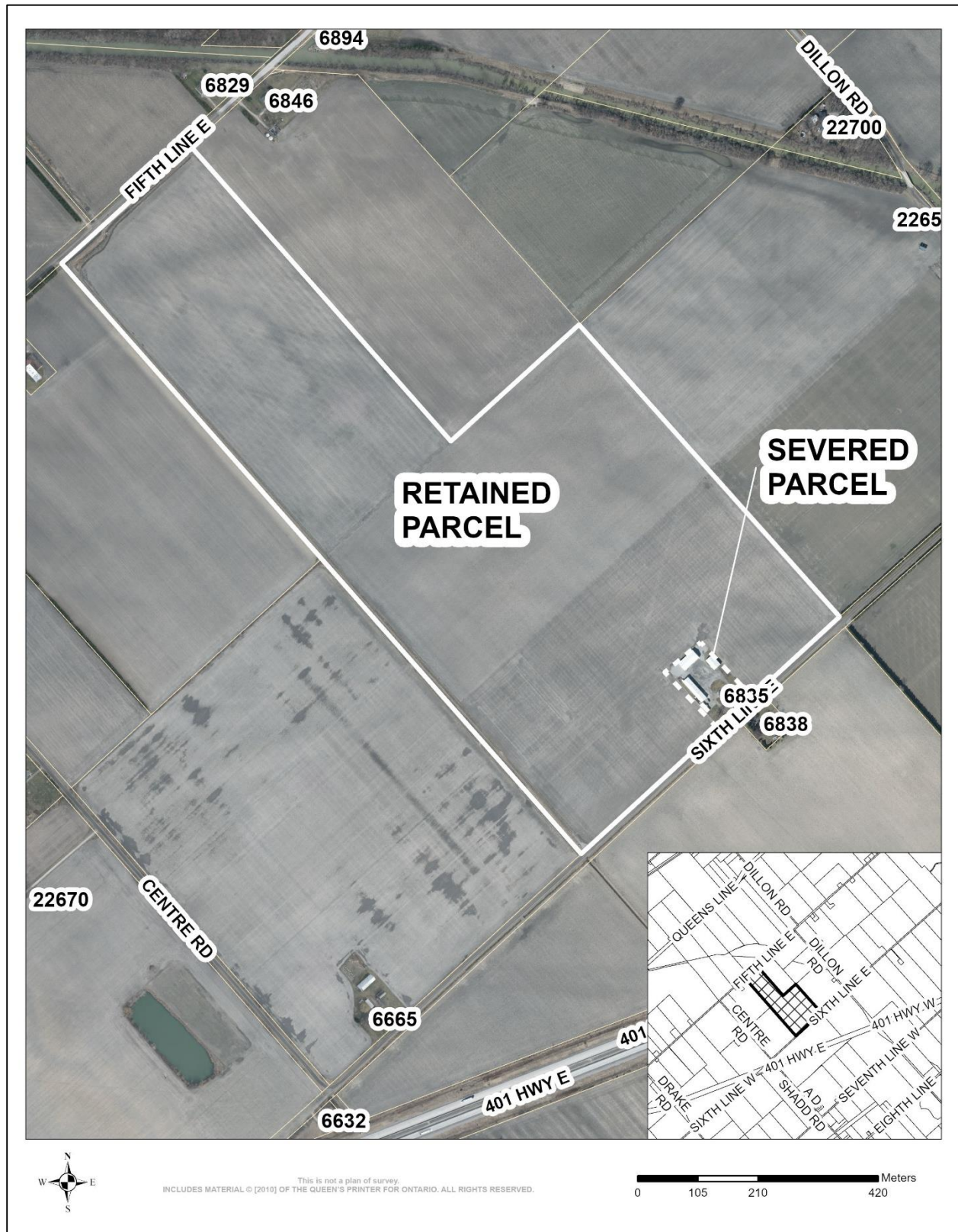
Reviewed by: Anthony Jas, Manager, Development, Planning Services

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

Appendix A – Key Map



Appendix B – Site Photos



Looking northwest from Sixth Line East at the proposed surplus dwelling lot.



Looking north at the retained farm parcel.

Appendix C – Applicant's Sketch

