

Municipality of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Anthony Jas
Manager, Development, Planning Services

Date: March 27, 2023

Subject: Applications for Consent & Zoning By-law Amendment
PL202300030 – Sherry-Lynn Brady
8183 Eleventh Line, Community of Raleigh (South Kent)

Recommendations

It is recommended that:

1. Consent application File B-23/23 to sever a surplus dwelling (8183 Eleventh Line) and three (3) outbuildings, on a new lot, approximately 1.32 ha (3.25 ac.) in area, shown as Part 1 on the applicant's sketch, attached as Appendix C, in Part of Lot 22, Concession 10, in the Community of Raleigh, 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 the site-specific Agricultural-1173 (A1-1173) Zone, which permits a surplus dwelling on a lot greater than 0.8 ha (1.98 ac.); and,
 - ii) rezone the retained parcel to a new site-specific Agricultural-1665 (A1-1665) Zone to:
 - a. prohibit future dwellings;
 - b. set a minimum lot frontage of 54 m (177.2 ft.); and,
 - c. set a minimum lot area of 18.74 ha (46.31 ac.);
 - b) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
 - c) 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,

- d) 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/14/23/B be approved and the implementing by-law be adopted.

Background

The subject property is located on the north side of Eleventh Line, between Charing Cross Road and Bloomfield Road, in the Community of Raleigh (Roll No. 3650 110 005 26800). The lands are approximately 20.06 ha (49.56 ac.) in area and contain a single detached dwelling and three (3) 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 1.32 ha (3.25 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 outbuildings, and will also include the existing landscaped area surrounding these structures. The retained farm parcel will be approximately 18.74 ha (46.31 ac.) in area.

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

- i) rezone the severed parcel to the 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-1665 (A1-1665) Zone to:
 - Prohibit future dwellings;
 - Set the required Lot Frontage Minimum from 60 m (196.9 ft.) to 54 m (177.2 ft.); and,
 - Set the required Lot Area Minimum from 20 ha (49.4 ac.) to 18.74 ha (46.31 ac.).

It has been verified that the applicant owns additional acreage in the area (8085 Eleventh Line, in the Community of Raleigh), which 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 meets the intent of 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, accessory structures, and private septic system. Worth noting, standard practice of surplus dwelling severances is to require that the septic system associated with the surplus dwelling pass an inspection to ensure that it is functioning in accordance with municipal standards. However, since the septic system for the proposed surplus dwelling was recently installed new, this condition is not applied.

There is no shared drainage and both the proposed severed and retained parcels will maintain separate access from an improved public road (Eleventh Line). It has also been verified that there are no local improvement charges associated with the subject property.

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 the 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-1665 (A1-1665) Zone to:
 - Prohibit future dwellings.
 - Set the required Lot Frontage Minimum from 60 m (196.9 ft.) to 54 m (177.2 ft.).
 - Set the required Lot Area Minimum from 20 ha (49.4 ac.) to 18.74 ha (46.31 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 1.32 ha (3.25 ac.) residential surplus dwelling lot, which is greater than the 0.8 ha (1.98 ac.) lot permitted by the A1 Zone. The proposed severed parcel follows the existing line of cultivation surrounding the existing dwelling and outbuildings. The rear yard of the proposed severed parcel is 'squared-off' with the most northerly outbuilding, and is not presently farmed. In sum, no currently cultivated lands will be included in the surplus dwelling lot, and the increase in size is to incorporate the outbuildings with the single-detached home and create a more easily maneuverable retained parcel for farm equipment. 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 the increased lot area of the severed parcel.

The proposed Zoning By-law Amendment is also required to recognize a reduction in the required frontage of the retained Agricultural parcel. Specifically, the proposed reduction in the Lot Frontage Minimum will reduce the required lot frontage from 60 m (196.9 ft.) to 54 m (177.2 ft.), a reduction of 6 m (19.7 ft.). The subject property is bisected by a former railway corridor which reduces the frontage of the parcel. The proposed severance will further reduce the frontage of the retained farm, which brings the frontage below the minimum requirement of the A1 zone. The proposed reduction in frontage is not anticipated to infringe on the cultivation of the retained lands, as there is no issues with access and the proposed 6 m (19.7 ft.) reduction will not impede farm equipment from entering or exiting the retained parcel.

Additionally, the proposed Zoning By-law Amendment is also required to recognize a reduction in the required lot area of the retained Agricultural parcel. Specifically, the proposed reduction in the Lot Area Minimum will reduce the required lot area from 20 ha (49.4 ac.) to 18.74 ha (46.31 ac.), a reduction of 1.26 ha (3.1 ac.). An agricultural parcel of this size remains economically viable, and the retained lands will continue to be farmed in their current manner.

Lastly, to implement the direction of the Provincial Policy Statement and Official Plan, the Zoning By-law Amendment will also rezone the retained parcel to prohibit any future dwelling on these lands.

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

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:

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Reviewed by:

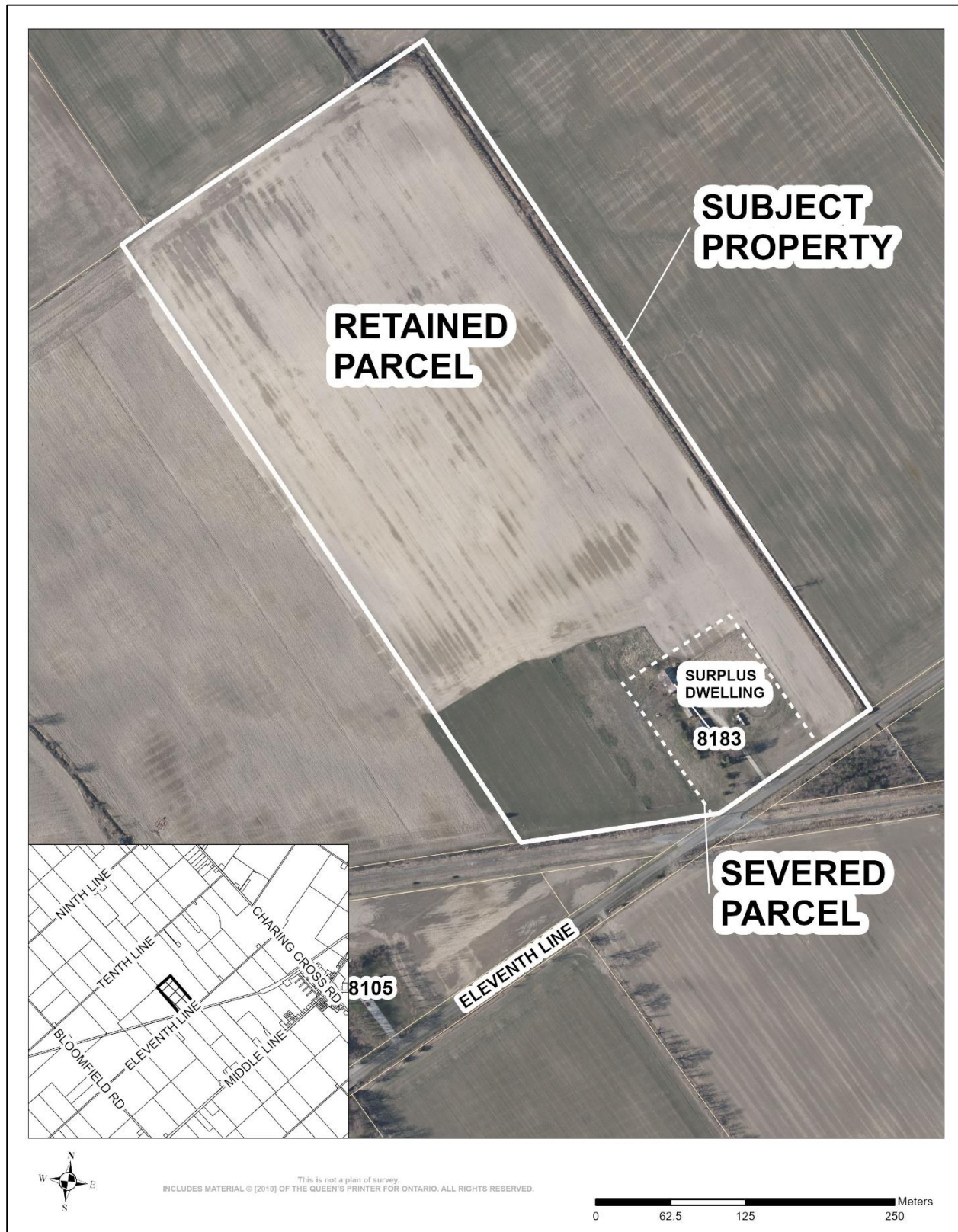
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Attachment(s): Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Applicant's Sketch
By law to amend By-law 216-2009

Appendix A – Key Map



Appendix B – Site Photos



Looking north at the proposed severed house (8183 Eleventh Line).



Looking north at the surrounding retained farmland.

Appendix C – Applicant's Sketch

