

## **Municipality of Chatham-Kent**

### **Development Services**

#### **Planning Services**

**To:** Mayor and Members of Council

**From:** Anthony Jas  
Manager, Development, Planning Services

**Date:** May 27, 2024

**Subject:** Applications for Consent & Zoning By-law Amendment  
PL202400053 – 1000042787 Ontario Limited  
2759 Talbot Trail, Community of Romney (West Kent)

---

#### **Recommendations**

It is recommended that:

1. Consent application File B-24/24 to sever a surplus dwelling (2759 Talbot Trail), three (3) outbuildings and two (2) steel bins, on a new 1.27 ha (3.16 ac.) lot, shown as Parts 1 & 2 on the applicant's sketch, in Part of Lot 195, Concession Talbot Road Survey, in the Community of Romney, 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 pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
  - c) that the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
  - 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 RO/15/24/O be approved and the implementing by-law be adopted.

## **Background**

The subject property is a through lot, with frontage on both Talbot Trail and 2<sup>nd</sup> Concession Line, in the Community of Romney (Roll No. 3650 010 003 10400). The lands are approximately 34.86 ha (86.16 ac.) in area and contain a single detached dwelling, three (3) outbuildings and two (2) steel bins. 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 1.27 ha (3.16 ac.) in area, shown as Parts 1 & 2 on the applicant's sketch, attached as Appendix C. The surplus dwelling lot will contain the existing dwelling and outbuildings. The lot will also include the associated landscaped area surrounding the dwelling, and a small portion of cultivated land in order to square off the parcel. The retained farm parcel will be approximately 33.5 ha (83 ac.) in area.

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

- i) rezone the severed parcel 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, being PIN: 00849-0090, in the Community of Romney, 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, outbuildings, and private septic system. The severed lot will also retain a right-of-way easement over Part 2 on the applicant's sketch. This is an easement that was established in 1956, and presents no issues with this proposal.

There is no shared drainage between the severed and retained lands, and the proposed severed parcel will maintain access from Talbot Trail. The retained parcel will maintain separate accesses from both Talbot Trail and 2<sup>nd</sup> Concession 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 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;

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 1.27 ha (3.16 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 landscaped area, and includes a small portion of the surrounding cultivated land in order to 'square off' the parcel. It also encompasses the existing outbuildings and steel bins.

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.

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.

### **Council Term Priorities**

This report supports the following Council Term Priorities:

			
<b>Deliver Excellent Service</b>	<b>Promote Safety &amp; Well-Being</b>	<b>Grow Our Community</b>	<b>Ensure Environmental Sustainability</b>

### **Consultation**

There was no consultation requires as a 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:

Jeremy Lefave, Planner II, Planning Services

Reviewed by:

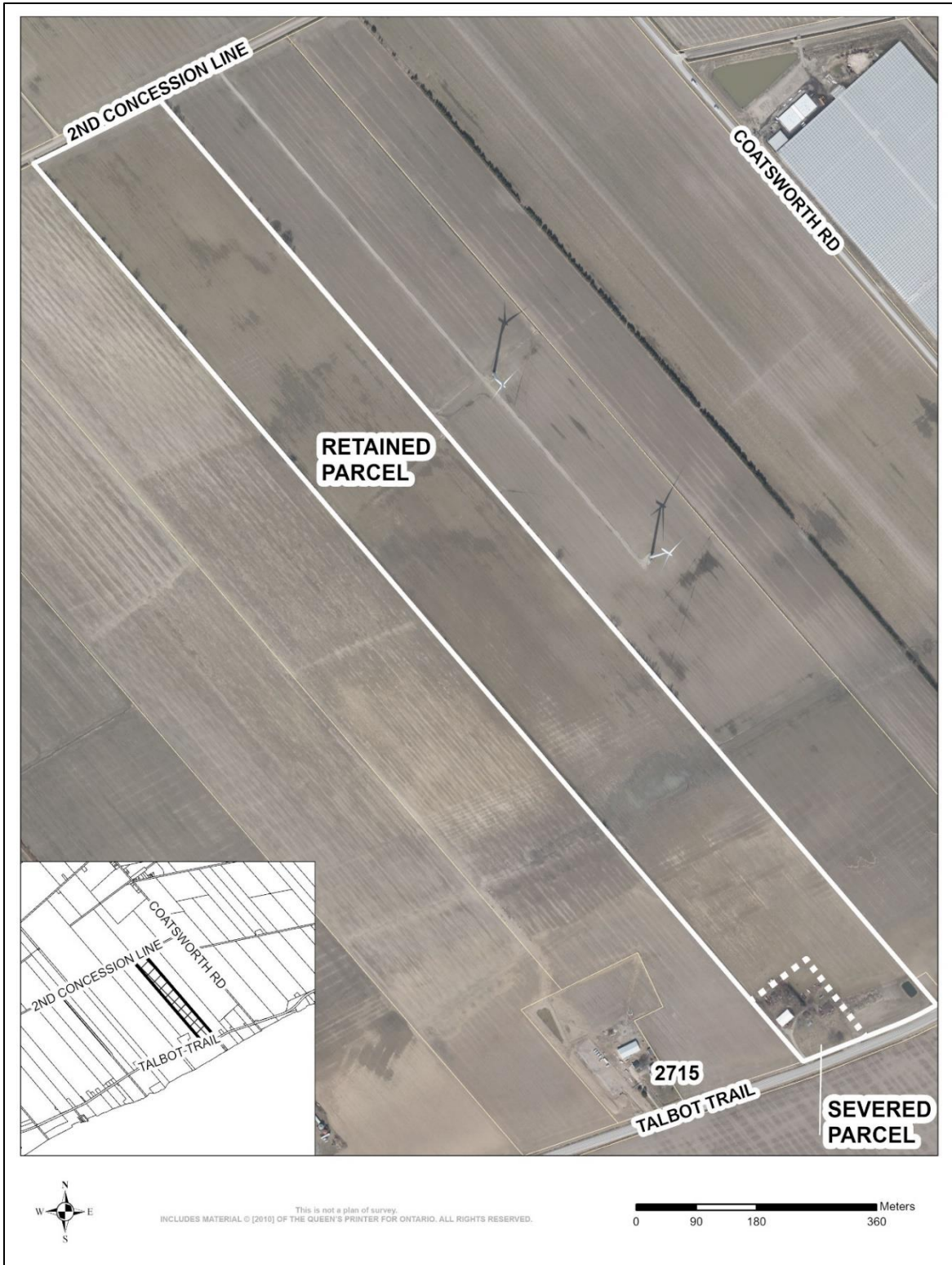
Anthony Jas, Manager, Development, Planning Services

Ryan Jacques, MCIP, RPP, Director, Planning Services

Bruce McAllister, MCIP, RPP, General Manager, Development Services

Attachments: Appendix A – Key Map  
Appendix B – Site Photos  
Appendix C – Applicant's Sketch

Appendix A – Key Map



Appendix B – Site Photos



Looking north at the proposed severed surplus dwelling and outbuildings (2759 Talbot Trail).



Looking north-east at the surrounding retained farmland.

Appendix C – Applicant's Sketch

