

## **Municipality Of Chatham-Kent**

### **Community Development**

#### **Planning Services**

**To:** Mayor and Members of Council

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

**Date:** December 21, 2021

**Subject:** Applications for Consent and Zoning By-law Amendment  
PL202000300 – Laurent & Sandra Meadows  
431 Elm Street West, Community of Bothwell (East Kent)

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#### **Recommendations**

It is recommended that:

1. Consent application File B-161/21, to sever and convey a portion of land, approximately 0.4 ha (1.0 ac.) in area, shown as Severed Parcel on the applicant's sketch, in Part of Lot 11, Concession 9, in the Community of Bothwell, be approved, subject to the following conditions:
  - a) that the Chatham-Kent Zoning By-law be amended to rezone all lands subject to this application that are currently zoned Deferred Development (D) to Residential Low Density Second (RL2);
  - b) that a one-foot square from 421 Elm Street West / PIN 00640-0028 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 BO/78/21/M be approved, and the implementing by-law be adopted.

### **Background**

The subject property is located on the south side of Elm Street West, between Catherine Street and West Bothwell Road, in the Community of Bothwell (Roll No. 3650 320 001 06300). The lands are approximately 0.62 ha (1.52 ac.) in area and contain a single detached dwelling and one (1) detached garage. The lands are designated Secondary Urban and partially within Site Specific Policy Area 2.3.7.2.14.1 in the Chatham-Kent Official Plan, and zoned Residential Low Density Second (RL2) and Deferred Development (D). 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 subject parcel and the abutting parcel to the east (421 Elm Street West) are under common ownership. The lands comprising the subject parcel extend to the rear of this abutting parcel, as shown on the attached key map. The proposal is to reconfigure these lots in a manner that provides 421 Elm Street West with additional amenity area for the primary residential use of this lot. This requires a consent application to convey approximately 0.26 ha (0.65 ac.) from the subject lands to this abutting parcel. The resulting parcels are shown on the survey sketch attached as Appendix C, and are described as:

- Severed Parcel (421 Elm Street West): will be approximately 0.4 ha (1.0 ac.) in area and will consist of the existing dwelling.
- Retained Parcel (431 Elm Street West): will be approximately 0.35 ha (0.87 ac.) in area and will consist of the existing dwelling and detached garage.

The resulting parcels will remain residential lots that are in compliance with all applicable provisions of the Zoning By-law.

### *Zoning By-law Amendment*

A Zoning By-law Amendment application is also being requested to deal with the area of the subject lands to the rear of the dwellings which are zoned Deferred Development (D). The application is to rezone these lands to match the zoning of the portion of the lands where the dwellings are located. The proposed zoning will support the primary residential use of each of the resulting lots.

## **Comments**

### **Provincial Policy Statement (PPS)**

The application 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 2.3.7, Secondary Urban Centre Policies, and Section 6.3.3, Planning Tools (Consent and Zoning By-law), and generally meets these policies.

More specifically, the proposal has been reviewed under Section 6.3.3.39, which states:

*Notwithstanding any other provisions of this Official Plan, a consent for technical or legal purposes may be permitted where a separate lot is not being created (such as a boundary adjustment, easement or right-of-way). The lots that are the subject of that type of application and any retained lands shall comply with the Zoning By-law, or the By-law must be amended or a minor variance granted as a condition of the consent.*

The proposal, as described above, is a boundary adjustment where no new lot is being created. The resulting parcels will remain in full compliance with the Zoning By-law.

Site Specific Policy Area 2.3.7.2.14.1 is a land use designation specific to Secondary Urban Centres throughout Chatham-Kent. This land use designation is set aside for the potential reallocation of lands within urban boundaries as is deemed necessary through a Comprehensive Official Plan Review. The reallocation of these lands is primarily for the expansion of residential and employment uses through the enlargement of an urban boundary. Upon the reallocation of lands outside of an urban boundary, the equivalent amount of land designated as a Site Specific Policy Area 2.3.7.2.14.1 shall be removed from the applicable Secondary Urban Centre Boundary and designated as Agricultural (Section 2.3.6.2.13 b) xii)). As the reallocation of these lands cannot occur outside of a Comprehensive Review, and the underlying land use designation of Secondary Urban is remaining unchanged, the policies outlined under this Site Specific Policy area are not pertinent to the proposed Consent or Zoning By-law Amendment.

Overall, the proposal conforms to the Official Plan.

### **Zoning By-law**

The zoning by-law amendment is to rezone all lands that are subject to this application currently zoned Deferred Development (D) to Residential Low Density Second (RL2). This proposed amendment is to remove developmental constraints imposed by the provisions of the Deferred Development (D) zoning for each of the resulting parcels.

The Deferred Development (D) zone permits only existing and agricultural uses. Given the residential nature of each of the resulting parcels, it is appropriate to rezone these lands to match the existing use of the property. The rezoning to Residential Low Density Second (RL2) will accomplish this, and will permit the construction of Accessory Uses in the rear yard without the need for further applications under the Planning Act.

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

## **Conclusion**

The proposal has been reviewed in the context of the Provincial Policy Statement, the Chatham-Kent Official Plan and Zoning By-law and generally meets these policies. 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**

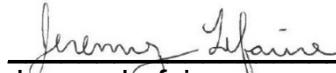
There was no consultation required as part of these applications.

**Financial Implications**

There are no financial implications resulting from the recommendations.

Prepared by:

Reviewed by:

  
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Jeremy Lefaive  
Planner II, Planning Services

  
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Ryan Jacques, MCIP, RPP  
Director, Planning Services

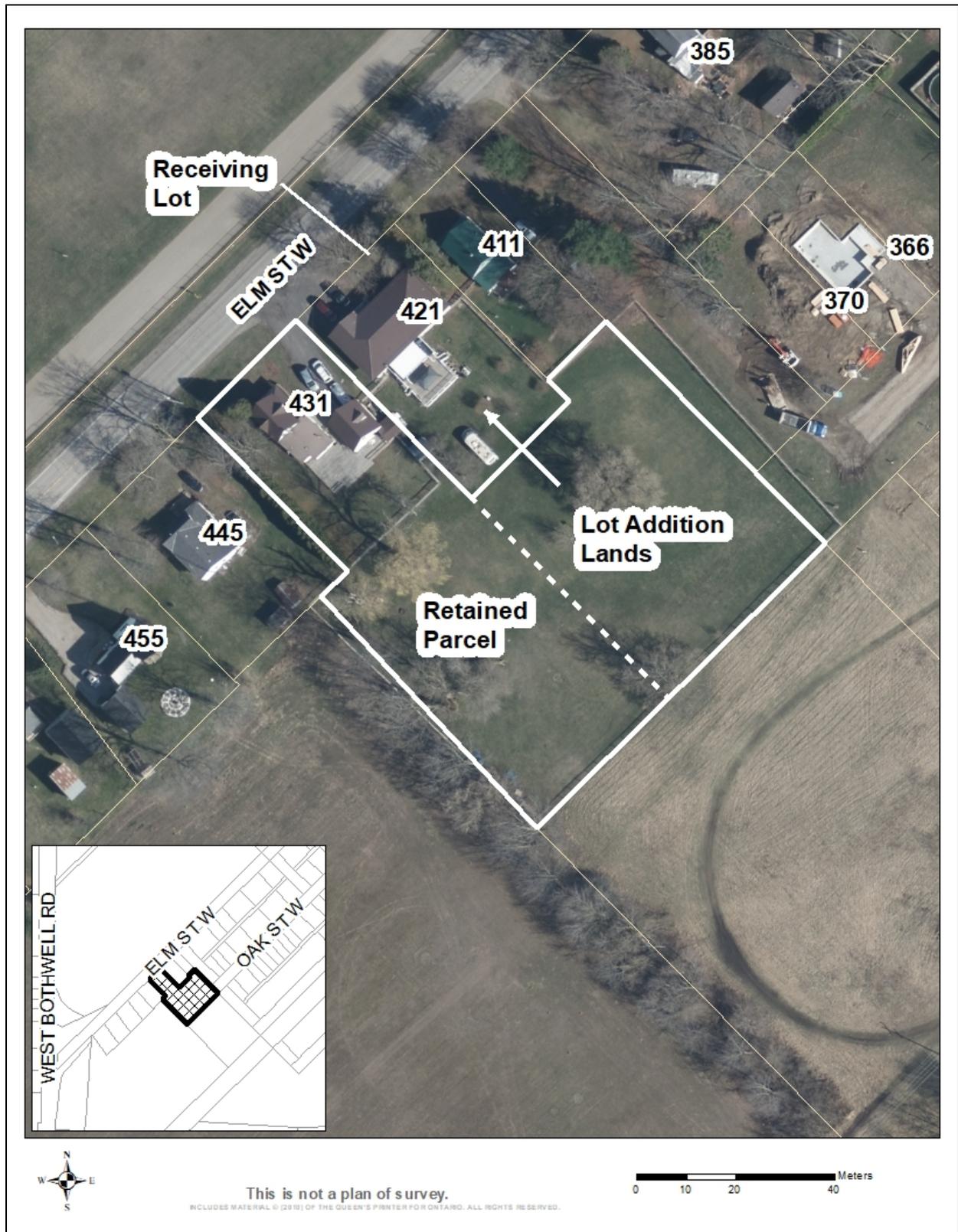
Reviewed by:

  
\_\_\_\_\_  
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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Appendix A – Key Map



Appendix B – Site Photos

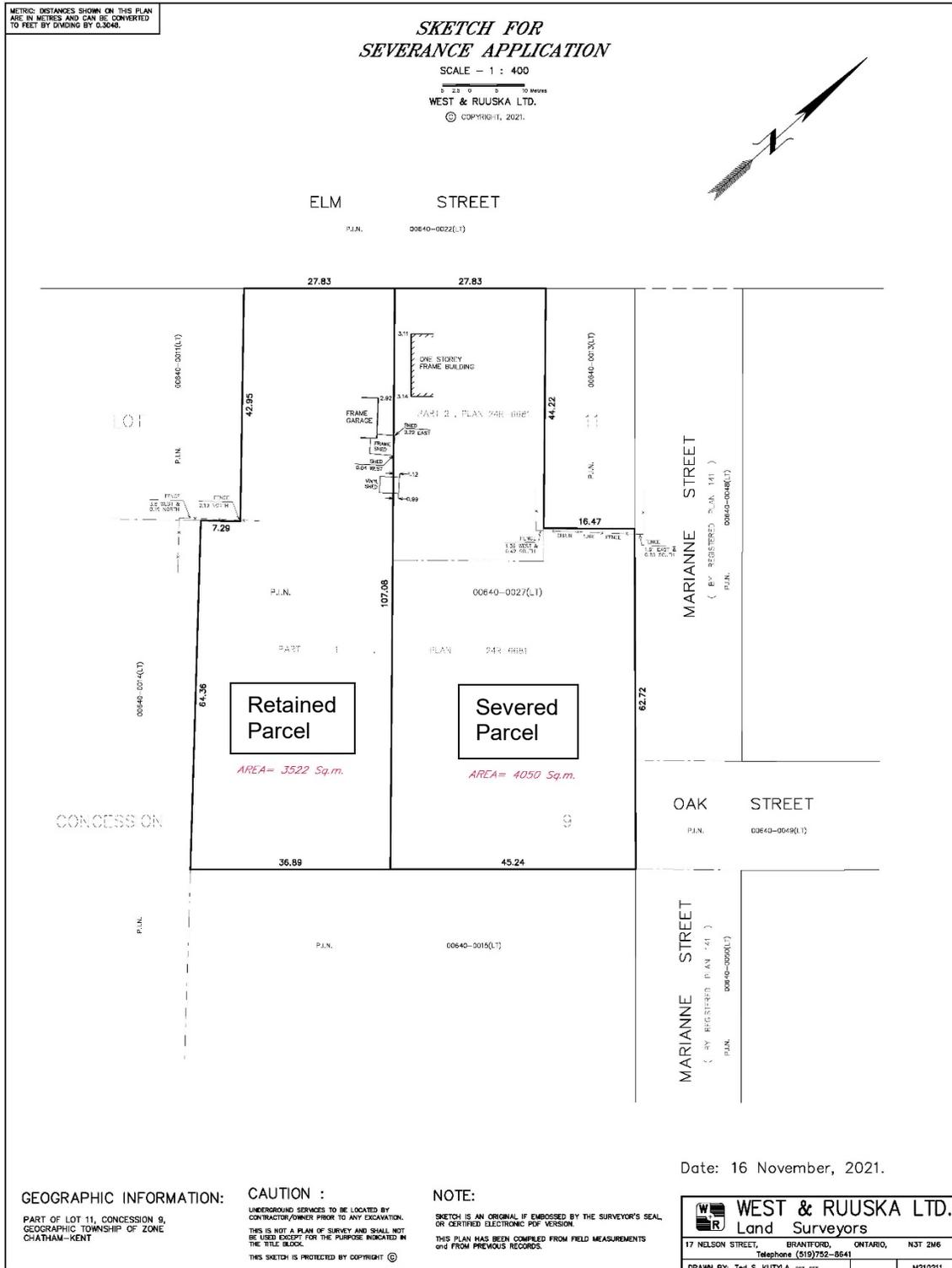


Looking southeast at the single-detached home on the receiving lot (421 Elm Street West (left)) and the single-detached home and detached garage on the subject property (431 Elm Street West (right)).



Looking south at the vacant lot addition lands from Oak Street.

Appendix C – Applicant’s Sketch



By-law Number \_\_\_\_\_

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

(Laurent & Sandra Meadows)

CityView # PL202100300

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Bothwell in order to rezone a portion of land to support existing residential uses;

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 Deferred Development (D) to Residential Low Density Second (RL2) 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 17<sup>th</sup> day of January, 2022.

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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 17<sup>th</sup> day of January, 2022.

