

**Municipality Of Chatham-Kent**

**Community Development**

**Planning Services**

**To:** Mayor and Members of Council

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

**Date:** November 4, 2022

**Subject:** Applications for Consent and Zoning By-law Amendment  
PL202200220 – Gilmac Limited  
315 Elgin Street, Community of Wallaceburg

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**Recommendations**

It is recommended that:

1. Consent application File B-120/22 to sever and convey three (3) new residential parcels, described as:
  - i. Parcel 1: approximately 464 sq. m (5,000 sq. ft.) in area, shown as Part 1 on the applicant's sketch;
  - ii. Parcel 2: approximately 464 sq. m (5,000 sq. ft.) in area, shown as Part 2 on the applicant's sketch; and,
  - iii. Parcel 3: approximately 464 sq. m (5,000 sq. ft.) in area, shown as Part 3 on the applicant's sketch;

in Lots 121 & 122, Registered Plan 116, in the Community of Wallaceburg, be approved, subject to the following conditions:

- a) that the Chatham-Kent Zoning By-law be amended to rezone the subject lands to the site-specific Residential Low Density Third-1637 (RL3-1637) zone in order to:
  1. Limit permitted uses to Single Detached Dwelling, Duplex Dwelling, Small and Large Rental Dwelling Unit; and,
  2. Establish minimum lot area for a Duplex Dwelling being 464 sq. m;
- a) that the location of existing municipal water, sanitary and storm sewer

connections be confirmed for each of the severed and retained parcels, and if absent, that new service connections to each parcel be installed at the applicant's expense and to the satisfaction of the Municipality, and that the applicant provide documentation confirming permit issuance and payment of fees for all connections;

- b) 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,
  - c) 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 WA/54/22/G, be approved, and the implementing by-law be adopted.

### **Background**

The subject property is located on the south side of Elgin Street, bounded by Nelson Street and Duncan Street, in the Community of Wallaceburg (Roll No. 3650 442 003 00600). The lands are approximately 1,858 sq. m (20,000 sq. ft.) in area and are currently vacant. The property is designated Residential Area in the Chatham-Kent Official Plan and zoned Residential Medium Density First-409 (RM1-409). A key map showing the location of the property is attached as Appendix A. Photographs of the lands are attached as Appendix B.

The subject lands previously contained a multi-unit dwelling. Earlier this year the dwelling was demolished after a fire resulted in significant damage, leaving the property vacant.

To deal with the now vacant lands, the current proposal is to sever and convey three (3) residential parcels from the property, each being approximately 464 sq. m (5,000 sq. ft.) in area. The proposed severed parcels are shown separately as Parts 1, 2, & 3 on the applicant's sketch attached as Appendix C. The retained parcel, shown as Part 4 on the applicant's sketch, will be approximately 464 sq. m (5,000 sq. ft.) in area. The intended use for the resulting parcels is for the development of a Single Detached Dwelling on each.

To implement the proposed severances, it is being recommended that the lands be rezoned to allow for these lower density uses which are appropriate for the size and location of the resulting parcels. The Zoning By-law Amendment application is discussed in more detail in the Comments section below.

## Comments

### Provincial Policy Statement

The proposal does not raise any issues of provincial interest.

### Official Plan

The application has been reviewed under policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 2.3.4 - Housing, Section 2.3.6 - Primary Urban Centres, Section 6.3.3 - Planning Tools (Consent), and Section B.2.3 - Residential Area Policies, and meets these policies.

The Housing policies direct the municipality to plan for a wide range of housing options to accommodate for the diversity of residents within the municipality, improve and maintain existing housing options, and support residential intensification. The Official Plan sets out the following policy objective:

*2.3.4.1.1 Plan for a diverse range of housing choices to ensure that the housing stock can accommodate an aging population, a variety of household types and sizes, a greater diversity of culture and a range of physical and mental disabilities, and that the housing stock can respond to fluctuations in these needs.*

The proposed zoning change is consistent with the above policy, as the RL3 zone permits a range of housing types including single detached and duplex dwellings, which are the predominant housing type for the subject area. Further, the Official Plan considers applications for infill development, intensification and redevelopment of sites under the following considerations (Policy 2.3.4.2.5):

*a) The proposed development is within an urban area and is appropriately suited for intensification in the context of the specific community;*

*b) Intensification will be permitted in all areas designated for urban residential use or residential mixed-use, provided that the development is consistent with the policies of the appropriate land use designation associated with the land and in compliance with the general intent and purpose of the Zoning By-law;*

*c) The existing water and sanitary sewage services can accommodate the additional development;*

*d) The road network can accommodate the additional traffic;*

*e) The required parking can be accommodated; and*

*f) The proposed development is compatible with the existing development standards and physical character of the adjacent properties and the surrounding area. Specifically, intensification proposals should:*

*i) respect and reinforce the existing physical characteristics of buildings, streetscapes and open space areas within an existing neighbourhood, including heights, massing and scale of proposed buildings;*

*ii) provide adequate privacy, sunlight and sky views for existing and new residents;*

*iii) screen any loading or service areas from adjacent properties for proposed developments that require such aspects*

The subject property is located within the Wallaceburg Primary Urban Centre and is designated Residential Area. This designation is intended for a range of low-density residential development on full municipal services. The proposed lot creation is considered infill development and will result in new residential development that is in keeping with the existing built form of the area, which is primarily low density residential development. In terms of suitability regarding area, servicing and access, the proposal has been reviewed under the general consent policies of Section 6.3.3.40 (Consent Policies) and is in conformity with the policies of this section, which are as follows:

*i) frontage on an improved municipal road;*

Comment: The severed and retained parcels will have frontage on an improved local road (Duncan Street or Nelson Street).

*ii) lot size appropriate for and in character with the existing development;*

Comment: the proposed lot size of the severed and retained parcels can appropriately accommodate the proposed housing types and are in keeping with the surrounding area.

*iii) will not restrict the development of adjacent lands;*

Comment: the proposed lots are of sufficient area to meet required setbacks and separation from uses on adjacent lands.

*iv) be appropriately serviced;*

Comment: A new lot created in a Primary Urban Centre such as Wallaceburg is required to be serviced with full municipal services. Each of the resulting lots will be required to be fully serviced with connections to municipal piped water and sanitary

sewers. Further, each resulting lot will also be required to manager their own stormwater, which includes a connection to municipal storm sewers if/where available. All servicing requirements have been addressed through a condition of the Consent application.

- v) *convey 5% of the lands for park purposes or a cash-in-lieu payment;*

*Comment:* A cash-in-lieu payment for parkland dedication is not required for creation of these vacant lots. The lands are part of a plan of subdivision for which parkland considerations were made when the plan was approved.

- vi) *not be within an area of significant aggregate resources.*

*Comment:* The subject property is not within an area of significant aggregate resources.

Overall, the proposal is consistent with the general intent of the Official Plan.

### **Zoning By-law**

The subject lands are currently zoned Residential Medium Density First-409 (RM1-409), which recognized the previous use of the property being a multi-unit dwelling while also permitting higher density uses. The existing zoning does not permit a Single Detached Dwelling as a permitted use, which is the use intended for the resulting parcels.

It is therefore recommended to rezone the subject lands to allow for lower density type uses that are appropriate for the size and location of the resulting parcels. More specifically, the recommendation is to rezone each parcel to a site-specific Residential Low Density Third (RL3-1637) zone, which will apply the following regulations to each parcel:

- i. Limit permitted uses to Single Detached Dwelling, Duplex Dwelling, Small and Large Rental Dwelling Unit; and,
- ii. Establish minimum lot area for a Duplex Dwelling being 464 sq. m (5,000 sq. ft.)

This proposed zoning will permit uses that will be in keeping with the built form of the area. The proposed lots will meet all other regulations of the RL3 zone.

### **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 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 recommendation 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 these recommendations.

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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 south from Elgin Street at the previous dwelling on the property.



Looking west from Nelson Street at the neighbouring dwelling. Shown to the right is the previous dwelling on the property that has since been demolished.

## Appendix C – Applicant's Sketch

