

TO: Mayor and Members of Council
FROM: Storey Samways Planning Ltd.
DATE: July 31, 2008
SUBJECT: Planning Services Report

**GENERAL FILE INFORMATION AND
KEY MAP:**

Application: Combined Consent (File B-67/08) and Zoning By-law Amendment (File D-28 RO/59/08/A)

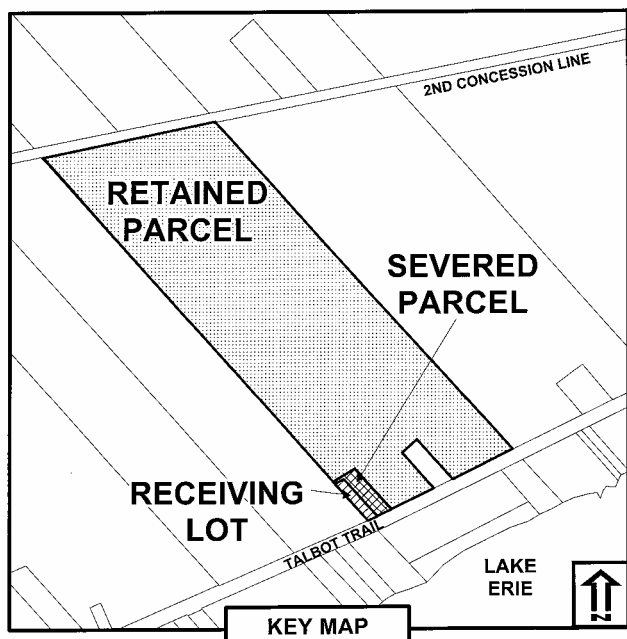
Hansen#: 4921

Applicant: Authier Farms Ltd., c/o Brian Paul Authier

Location: Talbot Trail
Part of Lot 190,
Concession TRS

Roll Number: 3650 010 003 17600

Community: Romney (West Kent)



RECOMMENDATIONS:

It is recommended that:

1. Council approve consent application B-67/08 to sever and convey a 0.783 acre parcel of land in Part of Lot 190, Concession TRS, as a lot addition to an abutting rural residential lot located at 3299 Talbot Trail, in the Community of Romney, subject to the following conditions:
 - a) that the zoning by-law be amended to:
 - i) rezone the receiving lot and the severed lot addition to rural residential and recognize the reduced front yard of the dwelling, the reduced rear yard setback of the detached accessory building, and to increase the maximum lot coverage to 10%;

- b) that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;
 - c) that the lot addition to be severed, shown on the applicant's sketch as "PART 2", be conveyed to the owner of the abutting residential lot (Roll No. 3650 010 003 16900) and Section 50 (3 or 5) applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
 - d) that the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification.
2. Council approve zoning amendment application D-28 RO/59/08/A and adopt the by-law to implement the consent.

DESCRIPTION OF PROPOSAL:

The subject land is a 65.83 acre parcel located on the north side of Talbot Trail, just west of Stevenson Road. The applicant has been approached by the neighbouring residential property owners (address 3299 Talbot Trail) who would like to purchase a 0.783 acre lot addition from the applicant and convey it to their rural residential 0.466 acre parcel. The prospective purchasers' lot is undersized as compared to other residential lots in the area and this addition would increase their total lot area to 1.249 acres; allowing them to build an addition on their house, a new detached accessory building and to relocate the driveway access. The minimum lot area for rural residential lots in Romney is approximately 0.62 acres and the minimum lot frontage required is 98.4 feet. In addition to being below the minimum lot area requirement, the current frontage of the prospective purchasers' residential lot is undersized by 32.5 feet. The receiving lot and lot addition will be rezoned to "R2, Rural Residential." The retained farm does not need to be rezoned because it already prohibits the construction of permanent dwellings on the property.

The purpose of the zoning application is to implement the severance, according to the requirements of Official Plan Amendment 100 with respect to lot additions.

BACKGROUND:

Lot Addition	Dimensions – 100’F x 351’D (along easterly property line) Lot Area – 0.783 acres Existing Use – vacant farmland, frame shed Services & Access – to be serviced and accessed from receiving lot
Receiving Lot	Dimensions – 65.9’F x 319.98’D (along westerly lot line) Lot Area – 0.466 acres Existing Buildings – dwelling and two outbuildings Services – Municipal water and private septic system Access – existing access
Retained Parcel (farmland)	Frontage –428.67 ft.± Area – 65.1± acres Existing Use – farmland Access - existing farm access
Official Plan	Agricultural
Existing Zoning	“A2-35, General Agricultural”

CONSULTATION:

At the time of writing, no unfavourable comments have been received from any of the agencies canvassed and the Technical Advisory Committee (TAC) supports the application.

ANALYSIS:

Community Strategic Plan

The recommendations in this report do not support, negatively or positively, a specific objective of the Community Strategic Plan. It is a neutral issue.

Provincial Policy Statement

The proposed lot addition is consistent with PPS Section 2.3.4.2, which permits lot adjustments in prime agricultural areas for legal or technical reasons. Legal or technical reasons, *means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.*

Comment: The current size of the rural residential lot is below the minimum permitted lot area required for a rural residential lot in the Community of Romney. The added lands will make the rural residential lot 1.25 acres in size, which is in keeping with other

rural residential lots in the immediate area.

Official Plan

Under Section 4.1(vii) of OPA 100 consents are permitted for minor boundary adjustments or corrections and easements, and in accordance with Sections 50 (3) and (5) of the Planning Act.

Comment: The lot addition lands in this case will add vacant agricultural land to the receiving lot (an existing undersized lot), which will in turn provide the necessary lands for the construction of an addition to the current dwelling, the construction of a new detached accessory building and for the relocation of the driveway access to this rural residential lot. The lot size itself still remains within the average range of rural residential lots created as a result of a surplus dwelling severance. It is my opinion that the requested lot addition conforms to the principles established in the policies of OPA 100.

Zoning By-law

The receiving lot is currently zoned "A2, General Agriculture". The lot addition lands are within an "A2-35" zone (By-law 227-2004) which contains development restrictions as a result of a recent surplus dwelling severance. As a condition of the consent, it will be recommended that both the receiving lot and lot addition lands be rezoned to a site-specific rural residential classification which will recognize the non-farm use, the reduced front yard, and the reduced rear yard setback of the detached accessory building (frame shed). In addition, the maximum lot coverage of this rural residential lot will be increased from five percent to ten percent to allow for the planned increase in lot coverage with the construction of the addition and the new detached accessory building. The retained farmland will maintain its site-specific A2 zoning, and thus will not be subject to further zoning amendments.

Conclusion

On the basis of the foregoing, the applications are supported.

FINANCIAL IMPLICATIONS:

There is a nominal change in property taxes anticipated as a result of this application.

Prepared by:

Reviewed by:

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Reviewed by:

Reviewed by:

Evelyn Bish, BA,
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Community & Development Services

C.D. Weldon
Chief Administrative Officer



Looking northwest at the existing dwelling on the currently undersized receiving lot



Looking northwest across the lot addition lands (severed parcel)



Looking north across the retained farmland and abutting rural residential property

