



The Corporation of the Municipality of Leamington

Public Meeting Agenda

ZBA # 92 for 1 Kildeer Road (Crump) and N/S Mersea Road C (Dick)

Monday, June 16, 2014

Commencing at 6:05 p.m.

In Leamington Council Chambers

Items for Consideration:

1. Notice of Public Meeting dated May 28, 2014
Pages 2 to 3
2. Report PLA/18/14 dated May 2, 2014 regarding Zoning By-law Amendment ZBA# 92, Gregory Crump, 1 Kildeer Road (460-01600) and Thomas Dick, N/S Mersea Road C (460-02700) and Council Resolution C-172-14. Report previously presented to Council on May 26, 2014
Pages 4 to 9
3. Comments received from the Essex Region Conservation Authority dated May 29, 2014
Pages 10 to 11



THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON
NOTICE OF A COMPLETE APPLICATION AND PUBLIC MEETING
TO CONSIDER A ZONING BY-LAW AMENDMENT

ZBA# 92 1 Kildeer Road

TAKE NOTICE that the Council of The Corporation of the Municipality of Leamington will hold a public meeting concerning a proposed zoning by-law amendment under the provisions of the Planning Act, R.S.O. 1990 on **Monday, June 16th, 2014 at 6:00 pm** in the Council Chambers at the Municipal Building.

THE PURPOSE of the proposed amendment is to change the zoning on lands described as Part Lot 20, Concession B municipally known as 1 Kildeer Road, as well as a vacant farm on the north side of Mersea Road C (see attached key map). The application has been submitted as a condition of approval for consent application (B/07/14). As a condition of approval, the permitted surplus dwelling lot must be rezoned from the Agricultural Hobby Farm Zone (A3) to Agricultural Residential Zone (A5) to reflect the resulting residential use of the property and will include a site specific provision to allow an increase to the maximum lot frontage of 57.9 m (190.0 ft.). Additionally, the severed farm lands must be merged with the abutting farm to the immediate west. The resulting consolidated farm parcel must be rezoned from the A3 zone to A1 zone to ensure that the required minimum farm lot size of 10.0 ha (24.7 ac) is maintained.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed zoning by-law amendment.

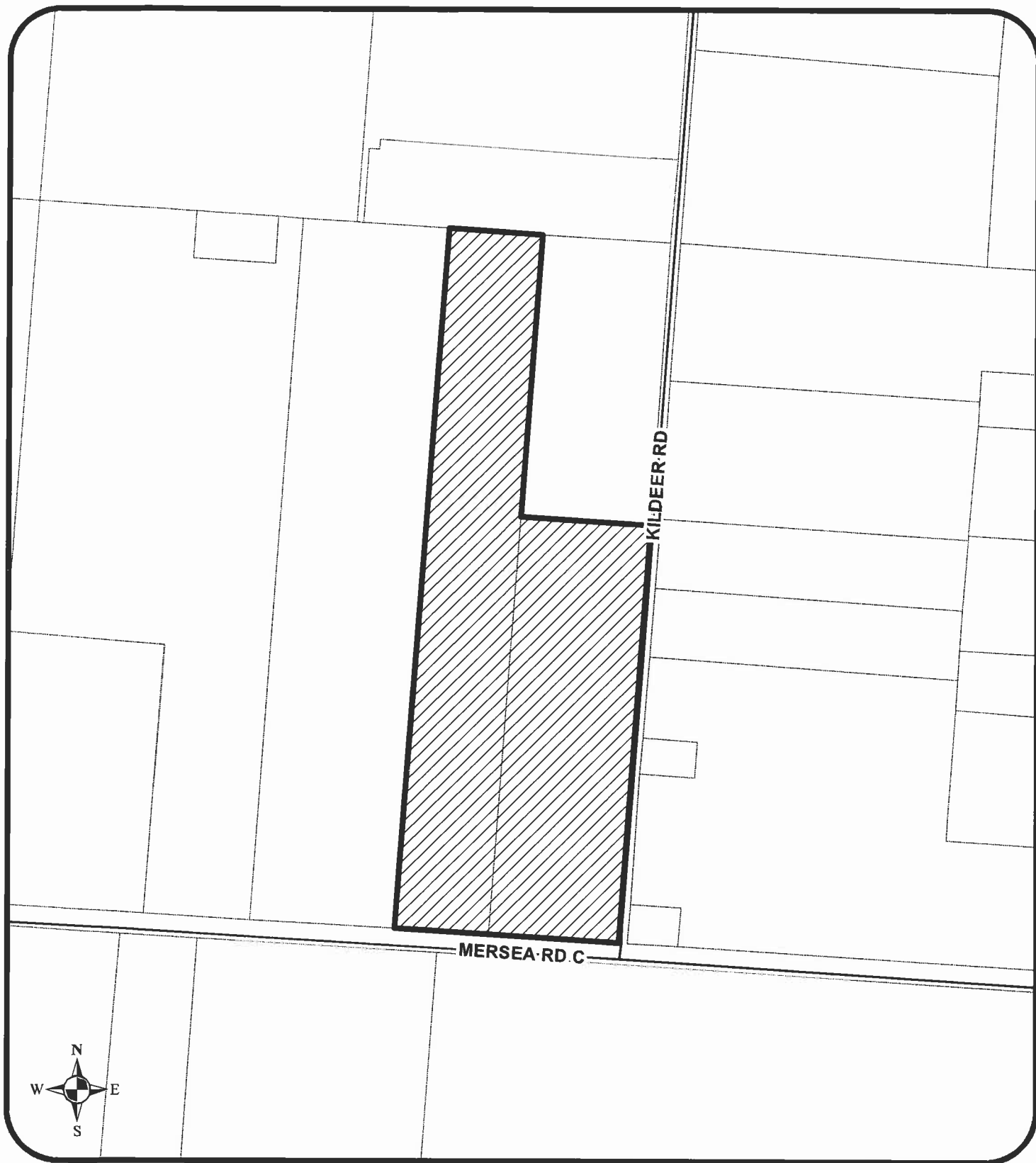
IF A PERSON or public body does not make oral submissions at the Public Meeting or make written submissions to The Corporation of the Municipality of Leamington before the by-law is passed, the person or public body is not entitled to appeal the decision of Council of The Corporation of the Municipality of Leamington to the Ontario Municipal Board.

IF A PERSON or public body does not make oral submissions at the Public Meeting or make written submissions to The Corporation of the Municipality of Leamington before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

ADDITIONAL INFORMATION relating to this matter is available for review at the Municipal Office for The Corporation of the Municipality of Leamington, during regular office hours. Please contact Danielle Truax, Manager of Planning Services, for further information.

DATED at the Municipality of Leamington this 28th day of May, 2014.

TRACEY PILLON-ABBS, DIRECTOR OF DEVELOPMENT SERVICES
MUNICIPALITY OF LEAMINGTON
111 ERIE STREET NORTH, LEAMINGTON, ONTARIO N8H 2Z9
TELEPHONE: (519) 326-5761



Legend



ZBA #92
G. Crump & T. Dick
1 Kildeer Rd & N/S Mersea Rd C

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All efforts have been made to ensure accuracy and completeness, however no guarantees can be made.

Provided by the: Municipality of Leamington - GIS Services

111 Erie Street North, Leamington, Ontario N8H 2Z9

TEL: (519) 326-5761

FAX: (519) 326-2451

Inter-Office Memo

To: Director of Development Services Tracey Pillon-Abbs
Manager of Planning Services Danielle Truax

Cc: Planning Services Clerk Carol Derksen

From: Manager of Corporate Services Kim Siddall

☒ For Your Information

☒ Requires Your Attention

☐ Corporate Services will forward correspondence

☒ Please forward copy of notice of Public Meeting to Corporate Services

☐ Please forward copy of notice of Court of Revision Meeting

As per Confirming By-law 389-14

Please be advised that the Council of The Corporation of the Municipality of Leamington, at its meeting held Monday, May 26, 2014 enacted the following resolution:

No. C-172-14

That Zoning By-law Amendment Application ZBA#92 (Crump / Dick) to change the zone of the severed lands from Agricultural Hobby Farm Zone (A3) to Agricultural General Zone (A1) and to change the zone of the retained surplus dwelling from Agricultural Hobby Farm Zone (A3) to a site specific Agricultural Residential Zone (A5-44) was reviewed and deemed to be complete pursuant to the requirements of the Planning Act;

And that Administration be directed to schedule the required Public Meeting;

And further, that if no concerns are raised at the public meeting the Clerk be directed to forward the amending by-law to Council for its consideration.
(PLA 18/14)

Report

To: Mayor and Members of Council
From: Danielle Truax, Manager of Planning Services
Date: May 2, 2014
Re: Zoning By-law Amendment - ZBA# 92
Gregory Crump -1 Kildeer Road- (460-01600)
Thomas Dick - N/S Mersea Road C (460-02700)

Aim:

To provide Council with information regarding an application to amend Zoning By-law #890-09 for property located at 1 Kildeer Road and Mersea Road C and to request that the required Public Meeting be scheduled.

Background:

Staff has received an application to amend the zoning for a portion of land described as Part Lot 20, Concession B in the former Township of Mersea known municipally as 1 Kildeer Road, as well as vacant farm land on the north side of Mersea Road C (see inserted key map). The application has been submitted as a condition of approval for consent application (B/07/14) which was given provisional consent by the Committee of Adjustment on March 25, 2014.

Subject Property



Subject Property - N/S Mersea Road C

Frontage: 90.4 m

Area: 6.2 ha

OP Designation: Agricultural as shown on Schedule A-8

Zoning By-law 890-09: Agricultural Hobby Farm Zone (A3) and Lake Erie Flood Prone

Area as shown on Map 66

Subject Property - 1 Kildeer Road

Frontage: 406.9 m

Area: 5.1 ha

OP Designation: Agricultural as shown on Schedule A-8

Zoning By-law 890-09: Agricultural Hobby Farm Zone (A3) and Lake Erie Flood Prone

Area as shown on Map 66

B/0714

The purpose of consent application B/07/14 was to add 4.8 ha (11.86 ac) of vacant farmland from 1 Kildeer Road to the abutting vacant farm owned by T. Dick resulting in a permitted surplus dwelling lot. As a condition of the approval, the surplus dwelling must be rezoned from the Agricultural Hobby Farm Zone (A3) to the Agricultural Residential Zone (A5) to reflect the resulting residential use of the property and to permit an increased lot frontage of 57.9 m (190.0 ft.). In addition to the requirement to rezone the lands, the balance of the severed farmland must be consolidated with the abutting farm to the immediate west and placed in a building freeze. The proposed severance will result in a 10.9 ha (26.9 ac) farm with frontage on both Kildeer Road and Mersea Road C. The resulting farm must be rezoned from the A3 zone to the A1 zone to ensure that the required minimum farm lot size of 10.0 ha (24.7 ac) is maintained.



Comments:

Provincial Policy Statement (PPS):

Areas identified as *Prime Agricultural Areas*, as defined by the PPS, are to be protected for long-term use for agricultural purposes. Within the agricultural area permitted uses and activities include agricultural uses, secondary uses and agriculture-related uses. Lot additions are permitted within the agricultural area in accordance with Section 2.3.4 of the PPS for legal or technical reasons or for minor lot line and boundary adjustments which do not result in the creation of a new lot that would not otherwise be permitted. The resulting surplus dwelling lot complies with the criteria to permit the creation of surplus dwelling and results in a larger farm parcel. The resulting vacant farm lands will be placed in a building freeze to ensure no further residential dwellings be constructed.

The proposed zoning amendment application is consistent with the direction of the PPS.

County of Essex Official Plan 2005 (County OP):

The subject lands are designated within the Agricultural Area shown on Schedule "A" of the County OP. The land use goals contained within the County OP are to protect prime agricultural areas for agricultural purposes to ensure the continued long term availability of this resource. The lot addition and resulting surplus dwelling lot, as approved by the Committee of Adjustment conform to the direction of the land division and land use policies of the County of Essex Official Plan.

Leamington Official Plan, 2008 (OP):

The subject property is designated Agricultural on Schedule "A-8" of the Leamington OP. The goals of the Land Use and Land Division Policies in the OP are to preserve prime agricultural land for agricultural purposes and to restrict the type and amount of non-farm development. The addition of 4.8 ha (11.86 ac) to the abutting farm resulting in a surplus dwelling lot complies with the Land Division Policies of Section 5.4 of the Official Plan. The proposed amendment to rezone the residential parcel and resulting consolidated farm conforms to the direction of the OP.

Leamington Zoning By-law #890-09:

The retained land is currently zoned Agricultural Hobby Farm Zone (A3) on Map 66 of Zoning By-law #890-09. To fulfill a condition of the provisional consent granted by the Committee of Adjustment, the property owner has requested that the zoning of the surplus dwelling lot be rezoned to a site specific Agricultural Residential Zone (A5-44) and that the site specific zoning allow an increased frontage of 57.9 m (190.0ft.).

Lots within the (A5) Zone are required to have a minimum lot frontage of 30 metres (98.42 feet) and a maximum of 53 metres (173.88 feet). The resulting lot will have 57.9 m (190.0 ft.) of frontage. The existing home can only be accessed along Kildeer and the increased frontage will allow the existing driveway access, yard and rural mailbox to remain with the residential surplus dwelling lot. The increased lot frontage does not result in an oversized residential lot, does not remove lands from active agricultural production and will not impair

the farming operation. The requested frontage maintains the intent of protecting the agricultural land while ensuring the residential lot size is adequate to provide for water and sanitary services and access. In supporting the application, the Committee of Adjustment viewed the lot area and frontage to be adequate to allow for appropriate servicing, access, compliance with the Zoning By-law and appropriate for normal agricultural practices.

Conclusion:

Administration has completed their review of the proposed application as part of the approval for consideration of the severance. As set out in the Planning Act, a complete application includes any 'prescribed information' identified in the regulations of the Planning Act and any 'additional information' required by the municipality, as identified in its official plan. Due to the nature of the proposed zoning change it is Administration's position that additional information is not required.

Administration suggests that this matter should now proceed to a public meeting. The date for the required public meeting is requested to be scheduled and notice of the public meeting will be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted on site. All information will be made available to the public and commenting agencies for review prior to the public meeting.

It is anticipated that the Public Meeting can be scheduled for Monday, June 16, 2014 at 6:00 p.m. to be held in the Council Chambers.

A report by Administration will not be presented to Council after the public meeting, unless there are concerns raised at the public meeting. If no concerns are raised, it is requested that Council consider the amending by-law for the zoning by-law amendment approval the same night as the public meeting. Upon Council making a decision and providing the required Notice with respect to the requested Zoning By-Law amendment there is a 20 day appeal period where objections can be submitted to the Ontario Municipal Board (OMB).

Upon receipt of an appeal, the OMB is required not only to have regard to Council's decision, but the basis on which the decision is made. In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council.

Therefore, it is Administration's opinion that;

- i) The application is consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
- ii) The application conforms to or does not conflict with any applicable provincial plan or plans.
- iii) The development proposed is in keeping with the overall goals and policies of the Official Plan.
- iv) The proposed amendment does meet the criteria used when considering applications to amend the zoning by-law.

Recommendation:

That Zoning By-law Amendment Application ZBA#92 (Crump / Dick) to change the zone of the severed lands from Agricultural Hobby Farm Zone (A3) to Agricultural General Zone (A1) and to change the zone of the retained surplus dwelling from Agricultural Hobby Farm Zone (A3) to a site specific Agricultural Residential Zone (A5-44) was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act*;

And that Administration be directed to schedule the required Public Meeting;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending by-law to Council for its consideration.

(PLA-18-14)

Respectfully submitted,
Danielle Truax,
Manager of
Planning
Services
Danielle Truax
Manager of Planning Services

Digitally signed by Danielle Truax, Manager of Planning Services
DN: cn=Danielle Truax, Manager of Planning Services, o, ou, email=dtruax@leamington.ca, c=US
Date: 2014.05.07 15:35:58 -04'00'

:dt

Tracey Pillon-Abbs, Director of Development Services
Tracey Pillon-Abbs
Director of Development Services

Digitally signed by Tracey Pillon-Abbs, Director of Development Services
Date: 2014.05.07 15:37:22 -04'00'

William J. Marck

Digitally signed by William J. Marck
DN: cn=William J. Marck, o=Municipality of Leamington, ou=Chief Administrative Officer, email=bmarck@leamington.ca, c=CA
Reason: I am approving this document
Date: 2014.05.22 12:56:11 -04'00'



Partner Municipalities May 29, 2014

Town of Amherstburg

Town of Essex

Town of Kingsville

Town of Lakeshore

Town of LaSalle

Municipality of
Leamington

Township of Pelee

Town of Tecumseh

City of Windsor

Ms. Tracey Pillon-Abbs, *Director of Development Services*

Municipality of Leamington

111 Erie St. N.

Leamington ON N8H 2Z9

Dear Ms. Pillon-Abbs:

RE: Notice of Public Meeting to Consider Zoning By-Law Amendment (ZBA 92) - Lot 20; Concession B; 1 Kildeer Road; ARN: 370646000001600; PIN: 751030246; Applicant: G. Crump And T. Dick; Regulated Area: East Marsh Drainage Scheme.

The following is provided for your information and consideration as a result of our review of the above referenced Notice of Public Meeting to Consider Zoning By-Law Amendment (ZBA 92). We understand that the purpose of the proposed amendment is to change the zoning of the lands as well as a vacant farm parcel to the immediate west. We also note that this rezoning application is as a result of the application for consent (B-07-14).

For the owner's information, we note that the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). Prior to any construction or site alteration, or other activities affected by the regulations, the property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority.

As a result of issues relative to significant flooding, and safe access to this region, it is anticipated that the potential for any future new development on either the retained or severed parcels may be limited and challenging. However, the presence of the existing dwelling on the subject parcel and the fact that the merger of the two parcels together will not allow for an additional dwelling on the merged parcels **we have no objections to the application.**

We note that we have reviewed the proposal and have no concerns relating to stormwater management. We note that the subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS).

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Ms. Tracey Pillon-Abbs, *Director of Development Services*

May 29, 2014

Page 2

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA *Watershed Planner*, Mike Nelson by phone at (519) 776-5209 ext. 347, by fax at (519) 776-8688 or by e-mail at mnelson@erca.org.

Thank you.

Sincerely,



Mike Nelson

Watershed Planner

/mn