

Meeting date: March 4, 2019
Department: Building and Planning
Prepared by: Tim Williams, Senior Planner
Reviewed by: Matthew Stephenson, Director, Building/ Planning/Waste Services
Greg McClinchey, Chief Administrative Officer

SUBJECT: **Brenair Farms Inc.**
Part Lot 5, Concession 2, geographic Township of Caradoc
22708 Glen Oak Road
Municipality of Strathroy-Caradoc

RECOMMENDATION: It is recommended that the application for rezoning be **approved**.

SUMMARY HIGHLIGHTS

- The application satisfies a condition of consent for a Surplus Farm Dwelling Severance.
- The applicant is proposing to rezone from the 'General Agricultural (A1) Zone' to a site specific 'Agricultural Small Holdings (A2-#) Zone' and the 'Agricultural Purposes Only (A3) Zone.'
- The retained parcel satisfies the zoning provisions for the A3 zone.
- The severed parcel will require amendment to the provisions of the A2 zone to recognize the existing accessory building.
- No concerns or objections have been identified with the application by staff or agencies.

PURPOSE AND BACKGROUND

A zone change application has been submitted to satisfy a condition of consent respecting Consent Application File No.: B20-18. The consent application proposed the severance of a dwelling surplus to a farm operation as a result of a farm consolidation. The application was conditionally approved by the Committee of Adjustment on December 4, 2018. The subject zone change application proposes to rezone the 'lands to be severed' to a site-specific 'Agricultural Small Holdings (A2-#) Zone' and to rezone the 'lands to be retained' to an 'Agricultural Purposes Only (A3) Zone' in order to satisfy one of the consent conditions. The subject lands comprise approximately 18.6 ha (46 ac) of agricultural land and is located on the southeast corner of Glendon Drive (County Road 14) and Glen Oak Road, in the former Township of Caradoc. Surrounding land uses are predominately agricultural in nature and wetlands/woodlands to the north and the CN rail corridor directly adjacent to the southeast property line for the site.

The lands to be severed are approximately 0.61 ha (1.5 ac) in size and contains a single detached dwelling with an attached garage and a detached accessory building. The dwelling has a main floor area of approximately 128 m² (1,378 ft²). The remnant farm parcel contains agricultural land in crop production. The subject lands are privately serviced. Glen Oak Road is a municipal road under the jurisdiction of the Municipality of Strathroy-Caradoc whiel Glendon Drive is a county road under the jurisdiction of the County of Middlesex.

POLICY AND REGULATION BACKGROUND

The lands are located within a 'Prime Agricultural Area' as defined by the 2014 Provincial Policy Statement and within the 'Agricultural' designation of the County and Strathroy-Caradoc Official Plans. The lands are currently zoned 'General Agricultural (A1) Zone' of the Strathroy-Caradoc Zoning By-law. A large portion of the subject lands are within an area regulated by the St. Clair Region Conservation Authority.

The Provincial Policy Statement, the County and the Local Official Plan permit lot creation in agricultural areas for a residence surplus to a farming operation as a result of a farm consolidation provided a number of criteria are met. In particular, Section 5.3.1.8 of the Strathroy-Caradoc Official Plan states that "dwellings considered surplus to a farming operation as a result of farm consolidation may be severed from the balance of the farm provided the residential dwelling was built prior to January 1, 1999." It further states that "the loss of productive agricultural land shall be minimized to the greatest extent possible taking into account the location of the dwelling, accessory buildings, driveway, on-site water supply and sanitary waste disposal system". Other matters, include adequacy of water supply, sanitary waste facilities, vehicular access, proximity to livestock operations and lot frontage / depth and size shall be suitable for the intended use of surplus farm dwelling lot and shall comply to the Zoning By-law. In addition, the remnant farm parcel resulting from the surplus farm dwelling severance is required to be prohibited from accommodating any new dwelling.

Section 5.3.1.8 (g) of the Strathroy-Caradoc Official Plan states that, "farm buildings deemed to be surplus to the needs of the farm or which may be incompatible with the disposal of a surplus dwelling may be required to be demolished or removed as a condition of consent." It also indicates that where such buildings are structurally sound, have potential for alternative and compatible uses and / or are more likely to be maintained, they may be severed along with the surplus dwelling.

The 'Agricultural Small Holdings Zone (A2)' is intended to recognize lots created by surplus farm dwelling consents and existing undersized agricultural lots. The 'Agricultural Purposes Only (A3 Zone)' is intended to recognize remnant farm parcels resulting from a surplus farm dwelling severance and prohibits new residential dwellings on such lands.

CONSULTATION

Notice of the application has been circulated to agencies as well as property owners and a notice sign has been posted on the property as per the Planning Act.

At the time of writing the subject report, the following comments from agencies have been received:

The County Road Engineer, St. Clair Region Conservation Authority, CN Rail Senior Community Planning and Development Officer and the Strathroy Caradoc Police Chief have advised of no concerns with the application.

ANALYSIS

It is the opinion of staff that the application is consistent with the PPS, County and local Official Plan. With respect to the County and the local Official Plan, a farm consolidation appears to have been achieved in that owner of the subject lands owns and operates several farms in the area.

The existing dwelling predates 1999 as required by the County Official Plan.

Staff are satisfied that the configuration of the severed parcel, as proposed, represents a reasonable size necessary for the use. According to the applicant, the accessory structure has a gross floor area of approximately 196 m² (2,110 ft²), and the attached two car garage has a floor area of approximately 60 m² (646 ft²). While the floor area of the accessory structure is greater than would otherwise be permitted within the 'A2' zone, the building appears to be in good condition and is currently being used as storage accessory to the residential dwelling on the property which satisfies the policy farm building policy 5.3.1.8 g). In light of the foregoing Staff are of the opinion that that the size of the accessory structure should be recognized the zoning by-law amendment.

The balance of the retained farm parcel will be required to be rezoned to the 'Agricultural Purposes Only (A3) Zone' in order to be consistent with the PPS and the Official Plan. The surplus farm dwelling parcel will be required to be rezoned to a site-specific 'Agricultural Small Holdings (A2-#) Zone' to maintain conformity with the Zoning By-law.

SUMMARY

In summary, staff are supportive of the proposed rezoning as it is considered to be consistent with the Provincial Policy Statement; conforms to the Official Plans of both the County of Middlesex and the Municipality of Strathroy-Caradoc; and, represents sound land use planning.

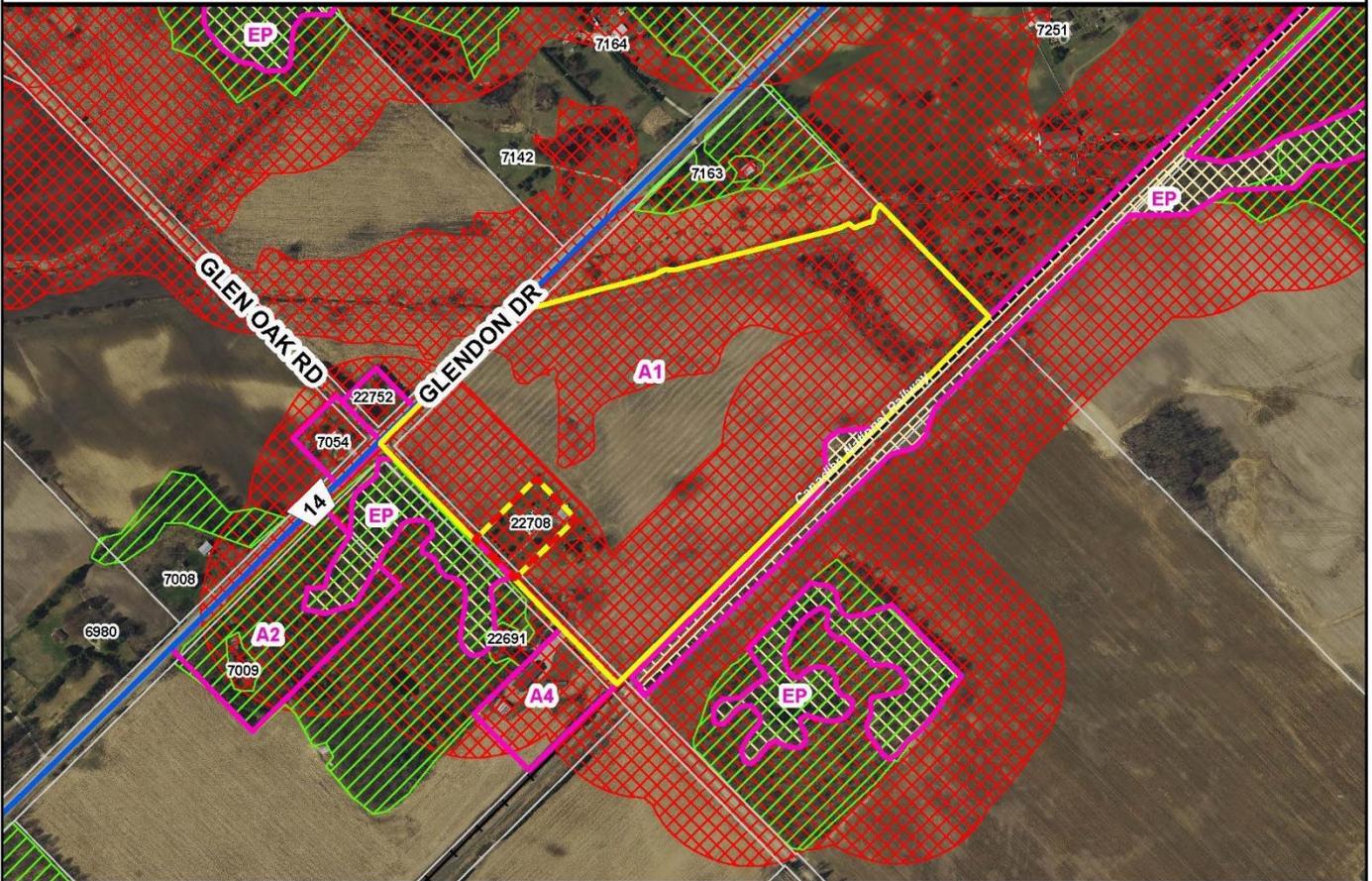
A by-law has been prepared and is included on the agenda for Council's consideration.

FINANCIAL IMPLICATIONS

None

ATTACHMENTS

Location Map – Full Extent



Legend

ZONES

 Lands Proposed to be Rezoned A2

 Lands Proposed to be Rezoned A3

 Zone Boundary

 Parcels

 Significant Woodland (MNHS 2014)

 Wetlands (MNR 2013)

 CA Regulated Area

Railway

 Canadian National Railway

Road Classification

 Arterial