

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: **1985626 Ontario Ltd.**
Part Lot 15, Concession 4, geographic Township of Caradoc
8319 Century Drive
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 buildings.
- 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.: B12-18. 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 August 7, 2018. The subject zone change application proposes to re-zone the 'lands to be severed' to site specific 'Agricultural Small Holdings (A2-#) Zone' and to re-zone 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 24.28 ha (60 ac) of agricultural land and is located on the southeast side of Century Drive just southwest of Adelaide Road (County Road 81), in the former Township of Caradoc. Surrounding land uses are predominately agricultural in nature with a large greenhouse operation to the east.

The area of the 'lands to be severed' are approximately 0.64 ha (1.6 ac) in size and contains a single detached dwelling with an attached garage, two small sheds, a silo and a detached accessory building

(former bank barn). The dwelling has a main floor area of approximately 111 m² (1,200 ft²). The remnant farm parcel contains agricultural land in crop production and a municipal drain appears to cross through the subject lands. The subject lands are privately serviced. Century Drive is a municipal road under the jurisdiction of the Municipality of Strathroy-Caradoc.

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 and within the 'General Agricultural (A1) Zone' of the Strathroy-Caradoc Zoning By-law. A portion of the retained 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 Director of Building / Planning and Waste Services, advises that a drainage reapportionment may be required.

The Director of Engineering and Public Works and the Strathroy Caradoc Police Chief 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 MPAC, the attached garage has a floor area of approximately 58 m² (625 ft²), the barn has a gross floor area of approximately 200 m² (2,160 ft²), and the shed has a floor area of 22 m² (240 ft²). While the cumulative floor area of these accessory structure is greater than would otherwise be permitted within the 'A2' zone, they all appear to be in good condition and are 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). The permitted uses in the site specific by-law have been restricted to recognize that the bank barn is to be used only for accessory residential purposes. In light of the foregoing Staff are of the opinion that the cumulative size of the accessory structures 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.

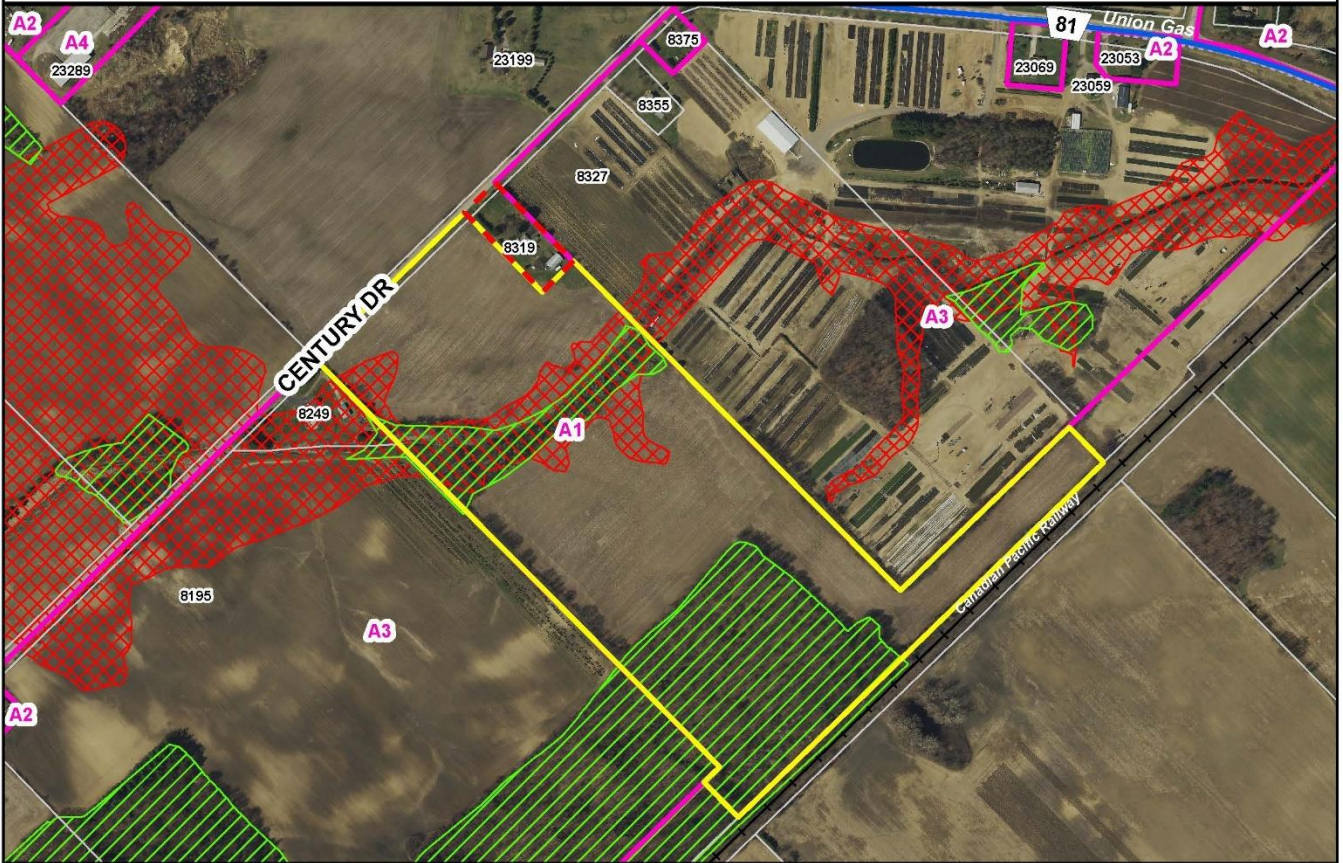
A by-law has been prepared and is included on the agenda for Council's consideration.

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)
-  CA Regulated Area

Major Pipelines

-  Union Gas

Railway

-  Canadian Pacific Railway

Road Classification

-  Arterial