



# LAND DIVISION COMMITTEE AGENDA

9:00am, WEDNESDAY, December 16, 2020

- 9:00am      Approval of November 25, 2020 Meeting Minutes
- Report from Acting Secretary-Treasurer
- Inquiries from Land Division Committee Members
- 9:30am      E 50 - 20      Gerhard Blatz  
   142 South Street West – Town of Aylmer
- 9:45am      E 51 - 20      The Luyks Group Inc. and KL Logistics Inc  
   35556 Fingal Line – Township of Southwold

**AS THIS MEETING IS BEING CONVENED THROUGH ELECTRONIC PARTICIPATION,  
APPLICANTS ARE ADVISED TO CONTACT THE ACTING SECRETARY-TREASURER TO  
OBTAIN INFORMATION ABOUT HOW TO PARTICIPATE. PLEASE CONTACT Nancy Pasato  
(Acting Secretary-Treasurer)  
npasato@elgin.ca 519-631-1460 ext.126**

**County of Elgin  
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**ELGIN COUNTY LAND DIVISION COMMITTEE**

**Meeting Minutes – November 25, 2020**

*County Administration Building, St. Thomas, Ontario and electronically*

**Present:** Dugald Aldred, Chairman, John Andrews, John R. “Ian” Fleck, Rosemary Kennedy, John Seldon, Dennis O’Grady, Jack Van Kasteren, Nancy Pasato, Acting Secretary-Treasurer/Manager of Planning, and Kurtis Smith, Administrative Assistant.

**Call to Order:**

At 9:00am, Chair Dugald Aldred called the meeting to order. Due to the Province of Ontario Emergency Declaration for the COVID-19 pandemic, this meeting is being held by video conferencing and in person in an effort to follow the rules of “physical distancing”.

**DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

- None declared

**Minutes:**

Moved by: Rosemary Kennedy

Seconded by: John Seldon

That the minutes of the meeting held October 28, 2020 be adopted.

**Recorded Vote**

	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- **Carried**

### **Application Signs:**

Land Division Committee members confirmed that all signs for applications to be heard today were posted at the time of site inspection.

### **Items for Consideration:**

Nancy Pasato, Acting Secretary Treasurer and Manager of Planning brought forward a verbal report on the matter of spoiling the lot, 1ft by 1ft severances. In reviewing neighbouring municipalities practices confirmed that all counties and municipalities inquired with does not accept the 1ft by 1ft consents to be merged into the right-of-way.

### **Committee Comments:**

Chair, Dugald Aldred made a statement to clarify the comments from the previous meeting regarding application E 33-20, Denis Norman Zettler and the matter of Bradt Road.

After a full and lengthy discussion from the committee, direction was given to Nancy Pasato, Acting Secretary-Treasurer to prepare a letter to be sent to Elgin County Council. The letter will be sent out via email to committee members for comments prior to sending to Council.

### **Application E 21-20:**

#### Request for Amendment

Chad and Melisa Moore  
9563 Currie Rd  
Agent: Henry and Eva Dryfhout

Letter from agent, Henry and Eva Dryfhout:

*Reference Application No. E21-20  
Part Lot 4 & 5, concession 7 Plan 44 Block B, Municipality of  
Dutton Dunwich  
Municipal Address: 9563 Currie Road*

*I hereby am seeking an amendment to Notice of Consent dated October 6, 2020  
consisting of ...*

*Frontage -4. 72 m  
Depth -41.30 m  
Retained by owners - 1658.12 sq. m.*

*Please consider amending as follows, as per survey plan prepared by AGM Surveyor Survey included in this package.*

*Frontage -2.28 m*

*Depth -41.529 m*

*Retained by owner -1,476.3 sq. m.*

*Please review the survey plan as the document illustrates the property lines and specific land in title.*

*The reason for the change is presented in the survey plan.*

*A new survey prepared by AGM Land Surveyors revealed 3 separate land titles consisting of three parts.*

- *Part 2 is the primary focus of severance and is smaller than originally calculated.*
- *The only land to be severed is Part 2 Pin 35127-0128 prepared in the survey plan consisting of 159.92 sq. m., frontage 2.28 m., to be transferred to 35127-0129 Henry & Eva Dryfhout*
- *Part 3 consisting of frontage 2.438 m and 61.12 sq. m. survey plan was included in the frontage of the Notice of Consent of the severance agreement. This land is not owned by Chad Moore and should not have been included in the original plan set forth. The prior survey was unclear of the Owner of Land and did not reveal separate land titles. Part 3 of the survey plan is in title to John McArthur (1907/07/18) and has been de facto owned by Henry & Eva Dryfhout since January 23, 1983. Therefore severance is not required*
- *Part 1 of the survey plan has no bearing on the severance agreement as this land is in title to Daniel McBrayen {1880/07/29}*

*It is understood that all requirements of the Notice of Decision established October 6, 2020 must be achieved by August 26, 2021.*

Henry and Eva Dryfhout were present electronically.

**Moved by: Ian Fleck**

**Seconded by: John Andrews**

**That the amendment for severance application E 21-20 be granted subject to the following conditions:**

1. That the retained subject lands are deeded in the same name and interest as the abutting lot at 9553 Currie Road and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.
  
2. That the requirements of the Municipality of Dutton Dunwich, provided the following conditions are included:
  - a. That a successful Minor Variance Application be obtained;
  - b. That septic system review has been completed;
  - c. That municipal drain re-apportionments have been completed;
  - d. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
  - e. That taxes are to be paid in full;
  - f. That all Dutton Dunwich planning applications fees, set out in the Fees Bylaw, be paid to the Municipality;
  - g. That the solicitor provides an undertaking that a copy of the registered
  - h. deed for the severed parcel once the transaction has occurred will be provided to the Municipality; and
  - i. That the lots merge on title.
  
3. That a Solicitor's undertaking is required to provide a copy of the registered deed for the severed parcel once complete.

Recorded Vote	Yes	No
John Andrews (Southwold)	Yes	
John "Ian" Fleck (Dutton/Dunwich)	Yes	
Dennis O'Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- **Carried**

**Reasons:** The proposed consent will add lands to an existing lot for residential purposes.

**Application E 38-20:**

Previously deferred application

Steven Ford

28548 Thomson Line

Agent: Mike Ford

*The applicants propose to sever a lot with a frontage of 135 metres (442.91 feet) along Thompson Line by a depth of 115 metres (377.3 feet) and an area of 14,338 square metres (3.54 acres) containing one house and one garden shed, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 20.42 hectares (50.45 acres) proposed to remain in agriculture use.*

**Request that the applicant's agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

Mike Ford was present electronically.

Written submissions were received from the following:

1. **Municipality of Dutton Dunwich** - The proposed severance application conforms to the Municipality of Dutton Dunwich Official Plan. As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels.
2. **Brian Lima, Director Engineering Services** – Not on a County Road
3. **Nancy Pasato, Manager of Planning** – While the County of Elgin supports consents for a residence surplus to a farming operation, the Provincial Policy Statement states that the new lots will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. Although the surplus farm dwelling is of a larger size then typically required, the Applicant has attempted to reduce the size of the lot to remove excess lands to the west of the proposed lot. The well will now be located on the retained lands, so an easement in favour of the severed lot will be required, in order for the severed lands to access the well.
4. **Lower Thames Conservation** – No objections to this application.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: John Andrews**

**Seconded by: Dennis O'Grady**

**That revised severance application E 38-20 be granted subject to the following conditions:**

1. Staff support this revised application for consent, and recommend the following conditions:
  - a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
  - b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed.
2. It is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent:
  - a. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
  - b. That septic system review for the severed parcel has been completed;
  - c. That Municipal drain re-apportionments have been completed;
  - d. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
  - e. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
  - f. That taxes are to be paid in full;
  - g. That all Dutton Dunwich planning applications fees, set out in the Fees Bylaw, be paid to the Municipality; and
  - h. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

Recorded Vote	Yes	No
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- Carried

**Reasons:** Residence surplus to a farming operation as a result of farm consolidation.

**Application E 41--20:**

Previously deferred application

Peter Littlejohn and Sarah Littlejohn

29357 Talbot Line

Municipality of Dutton Dunwich

Agent: Joseph Hentz

*The applicants propose to sever a flag shaped lot with a frontage of 10 metres (32.81 feet) along Talbot Line, a total width of 82 metres (269.029 feet) by a depth of 99 metres (324.803 feet) and a total area of 1.12 hectares (2.77 acres) containing one house, to create one new lot surplus to the needs of the owner. The owners are retaining 81.3 hectares (200.9 acres) containing one barn proposed to remain in agriculture use.*

**Request that the applicant's agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

Agent, Joseph Hentz was present electronically.

Written submissions were received from the following:

1. **Municipality of Dutton Dunwich** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – Not on a County Road
3. **Nancy Pasato, Manager of Planning** – A decision on application E 41-20 was deferred at the request of the Land Division Committee on October 28, 2020 in order for the Applicant/Agent to explore possible condition(s) related to an Environmental Impact Study (EIS).

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: Ian Fleck**

**Seconded by: John Andrews**

**That revised severance application E 41-20 be granted subject to the following conditions:**

1. The Applicant shall provide an Environmental Impact Study (EIS) which shall demonstrate that the severance of the surplus farm dwelling as proposed in Consent Application E41-20 will have no negative impacts on the natural features or their ecological functions of the adjoining significant woodlands. The scope of

the EIS shall be agreed to in advance by the Applicant, the County of Elgin, and the Lower Thames Valley Conservation Authority, if required.

2. That conditions from the County of Elgin be included as conditions for consent:
  - a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
  - b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed.
3. That conditions from the Municipality of Dutton Dunwich be included as conditions for consent:
  - a. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
  - b. That septic system review for the severed parcel has been completed;
  - c. That Municipal drain re-apportionments have been completed;
  - d. That a mutual drainage agreement (under Section 2 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
  - e. That the location of the water connection be confirmed;
  - f. That an Environmental Impact Assessment be conducted to the satisfaction of the Municipality in consultation with the Lower Thames Valley Conservation Authority;
  - g. That approval is received from the Lower Thames Valley Conservation Authority;
  - h. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
  - i. That taxes are to be paid in full;
  - j. That all Dutton Dunwich planning applications fees, set out in the Fees Bylaw, be paid to the Municipality; and
  - k. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality.

Recorded Vote	Yes	No
John Andrews (Southwold)	Yes	
John "Ian" Fleck (Dutton/Dunwich)	Yes	
Dennis O'Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	

Jack Van Kasteren (Aylmer) Yes

Dugald Aldred – Chair (West Elgin) Yes

- Carried

**Reasons:** Residence surplus to a farming operation as a result of farm consolidation.

**Application E 61-19:**

Previously deferred application

Dorothy Emerson

55233 Light Line

Municipality of Bayham

Agent:

*The applicants propose to sever an irregular shaped lot with a frontage of 244.3 metres along Light Line by a depth of 160 metres (west lot line), area 1.92 hectares (4.74 acres), proposed to create one residential building lot. The owner is retaining 48.9 hectares (121 acres), proposed to remain in agricultural use.*

**Request that the applicant's agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

Agent, David Roe was present electronically.

Written submissions were received from the following:

1. **Municipality of Bayham** - Staff and planner recommend Council support the E61/19 application with conditions to create a residential parcel with the R1 zoning with a Holding provision (h2) that will remain in effect until such time as a Plan of Subdivision is approved.
2. **Brian Lima, Director Engineering Services** – not on a county road
3. **Nancy Pasato, Manager of Planning** – At this time, the Applicant cannot demonstrate that the proposed severance will have no impact on the natural heritage features. Staff are not satisfied that an h-2 holding provision will require the necessary Environmental Impact Study prior to building permit to ensure no negative impacts on the significant feature
4. **Wayne and Linda Ayres** - I am sending this email to voice my concerns and opposition regarding the proposed severance at #55233 Light Line, Vienna. We own the property adjacent to the proposed lot. Our #1 concern is the lack of water in our area. This year I have had the MNR and also the Ministry of the

Environment out to visit our property because of concerns of lack of water and the drying up of our stream. They are still in the process of investigating why our stream was dry from April until October. The MNR representative believes that the water table is low in the area and that this will be a continuing problem. I am concerned that if another house is built on that lot, that we may have no well water. We have to be very careful with conserving water or our well goes dry. Another concern is the influence more houses and in turn more people will have on the wildlife that live on that property. Another concern is the swamp land at the back of that property. I am sure the Long Point Conservation could investigate and enlighten any concerns they may have on this property. Finally, I am concerned that since this property is quite large in the front that another lot could be severed off in the future, which would only make our water problems more concerning. Thank you for voicing my concerns. 55049 Light Line Vienna ON N0J 1Z0

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: John Andrews**

**Seconded by: Rose Kennedy**

**That severance application E 61-19 be granted subject to the following conditions:**

1. The Applicant shall provide an Environmental Impact Study (EIS) which shall confirm that the severance and any proposed residential dwelling will have no negative impacts on the natural features or their ecological functions of the surrounding significant woodlands. The scope of the EIS shall be agreed to in advance by the Applicant, the County of Elgin, and the appropriate Conservation Authority, if required. The submitted EIS may be peer reviewed as per the procedures of the County of Elgin, in consultation with the local Conservation Authority, OR the Applicant will amend the zoning by-law for the site to add a holding provision (h-3) that requires the submission of an EIS to the satisfaction of the County and the local municipality prior to any building permits for the site;
2. The applicant shall provide a hydrological report to the County;
3. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
4. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed;
5. The applicant shall provide to the County of Elgin a signed acknowledgement and undertaking confirming:
  - a. The applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
  - b. The applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions

- are suitable for the long-term provision of such services with no negative impacts;
  - c. The applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries; and
  - d. The Municipality confirms that there is sufficient reserve sewage treatment capacity within the municipal sewage treatment system.
6. It is also recommended that the following conditions from the Municipality of Bayham be included as conditions for consent:
- a. Cash in Lieu of Parkland dedication fee payable to the municipality;
  - b. Planning Report Fee payable to the municipality;
  - c. Digital copy of the final survey; and
  - d. Civic number sign purchased for the severed parcel.

Recorded Vote	Yes	No
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)		No
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- Carried

**Reasons:** To create one new residential building lot

**Application E 42-20:**

Gregory Max Underhill  
5031 Sawmill Road  
Township of Malahide  
Agent: David Roe, Civic Planning Solutions Inc.

*The applicants propose to sever an irregular corner lot with a frontage of 27.15 metres (89.1 feet) along Nova Scotia Line by a depth of 104.81 metres (343.9 feet) along*

*Sawmill Road and an area of 2,998.4 square metres (0.74 acres) containing one house and shed, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 39.79 hectares (98.34 acres) proposed to remain in agriculture use.*

**Request that the applicant's agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

Agent, David Roe was present electronically.

Written submissions were received from the following:

1. **Township of Malahide** - The property is designated as Agricultural in the Township of Malahide Official Plan and Small Lot Agricultural (A4) for the severed parcel and Special Agricultural (A2) for the retained parcel in the Township of Malahide. A zoning by-law amendment will likely be required.
2. **Brian Lima, Director Engineering Services** – the county has no concerns
3. **Nancy Pasato, Manager of Planning** – The County supports this application for consent.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: Rose Kennedy**

**Seconded by: Ian Fleck**

**That severance application E 42-20 be granted subject to the following conditions:**

1. That the requirements of the Township of Malahide are met, including the following:
  - a. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred;
  - b. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled;
  - c. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the

- Township and that the required process be successfully completed prior to the condition being deemed fulfilled;
- d. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled;
  - e. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds;
  - f. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality; and
  - g. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
- a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
  - b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed; and
  - c. Confirmation of the status of the barn on the retained lands.

Recorded Vote	Yes	No
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- **Carried**

**Reasons:** Residence surplus to a farming operation as a result of farm consolidation.

**Application E 43-20:**

Gregory Underhill Farms Limited  
55309 Orchard Line  
Municipality of Bayham  
Agent: David Roe, Civic Planning Solutions Inc.

*The applicants propose to sever an irregular lot with a frontage of 22 metres (72.2 feet) along Orchard Line by a depth of 108.15 (354.8 feet) and an area of 0.56 hectares (1.38 acres) containing one house and garage, proposed to create one new lot surplus to the needs of the owner. The owners are retaining 33.75 hectares (83.4 acres) proposed to remain in agriculture use.*

**Request that the applicant's agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

Agent, David Roe was present electronically.

Written submissions were received from the following:

1. **Municipality of Bayham** - The Municipal Staff have reviewed the application and find that they will conform to the Municipality of Bayham Official Plan and Zoning By-law. The Staff recommends that the Council supports this application.
2. **Brian Lima, Director Engineering Services** — Not on a county road.
3. **Nancy Pasato, Manager of Planning** – The proposed severance is located within 120m of the identified Woodland. As per the County OP, an EIS is required in order to confirm that the proposed severance will not have a negative impact on the surrounding woodland.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: John Andrews**

**Seconded by: Dennis O'Grady**

**That severance application E 43-20 be granted subject to the following conditions:**

1. That the requirements of the Municipality of Bayham are met, including the following:
  - a. Rezoning of both the severed and retained parcels;
  - b. Planning Report fee payable to the municipality;
  - c. Digital Copy of the final survey provided to the municipality; Purchase a Municipality of Bayham Road Access Permit for the retained lands; and
  - d. Purchase civic number sign for the retained lands.
  
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
  - a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
  - b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed; and
  - c. The Applicant shall provide an Environmental Impact Study (EIS) which shall confirm that the severance of the surplus farm dwelling as proposed in Consent Application E43-20 will have no negative impacts on the natural features or their ecological functions of the surrounding significant woodlands. The scope of the EIS shall be agreed to in advance by the Applicant, the County of Elgin, and the appropriate Conservation Authority, if required.

Recorded Vote	Yes	No
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- **Carried**

**Reasons:** Residence surplus to a farming operation as a result of farm consolidation.

**Application E 44-20:**

Dolores Slanskey Von Groh & Jerry Schram  
15165 Whittaker Road  
Township of Malahide

*The applicants propose to sever an irregular lot with a frontage of 30.5 metres (100 feet) along Whittaker Road by a depth of 100 metres (328.1 feet) and an area of 3,665 square metres (0.91 acres), proposed to create one new residential lot. The owners are retaining 6.6 hectares (16.3 acres) proposed for residential use.*

**Request that the applicant's agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

Agent, Paul Riley and Dolores Slanskey Von Groh were present electronically.

Written submissions were received from the following:

1. **Township of Malahide** - The Municipal Staff have reviewed the application and find that they will conform to the Township of Malahide's Official Plan and Zoning By-law. The Staff recommends that the Council supports this application.
2. **Brian Lima, Director Engineering Services** —not a county road.
3. **Nancy Pasato, Manager of Planning** – Both the severed and retained lots appear to have adequate frontage as per the local municipalities Zoning By-law, and if not, a zoning by-law amendment or minor variance may be required, and approval of such amendment or variance shall be included as a condition of the approval of the consent. Confirmation from the local municipality is required to confirm the consent will not have a negative impact on the drainage patterns in the area. The proposed consent will not restrict the development of the retained lands, particularly as it relates to the provision of access. The proposed new lot will not have a negative impact on the quality and quantity of groundwater available for other uses in the area, and will not have an adverse effect on natural hazard processes such as flooding and erosion. The application conforms with the local Official Plan.
4. **Adrian de Dreu, 3663 Avon Drive** - I am writing in response to notice of application for consent, application number # E 44-20. I was disappointed to see the request for a land severance along Whittaker Road. This former property has already had severances and it seems that after each severance additional severances are requested. It was my understanding a request had been made previously for this parcel of land to be divided up into multiple severance lots, which was denied. It seems that approving this severance would oppose the previous decision. Also, I find it surprising to see this application as I had called

the Township of Malahide inquiring about the severance of three acres kitty corner to this property (across the road, north east of the property in question). I was told a severance was not possible as this was agricultural land. I fail to see how I could be denied a severance for a property that is three acres while the proposed severance would produce a lot of 16.3 acres and one of 0.91 acres. Therefore I request to be notified of the decision of the Land Division Committee in respect of the proposed consent.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: John Andrews**

**Seconded by: Jack Van Kasteren**

**That severance application E 44-20 be granted subject to the following conditions:**

1. That the requirements of the Township of Malahide are met, including the following:
  - a. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred;
  - b. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain;
  - c. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled;
  - d. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot;
  - e. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds;
  - f. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality; and

- g. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
    - a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
    - b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed; and
    - c. The applicant shall provide to the County of Elgin a signed acknowledgement and undertaking confirming:
      - i. The applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
      - ii. The applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts;
      - iii. The applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries; and
      - iv. The Municipality confirms that there is sufficient reserve sewage treatment capacity within the municipal sewage treatment system.

<b>Recorded Vote</b>	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- Carried

**Reasons:** to create a residential building lot.

**Application E 45-20:**

John Stewart  
Lot 21, Concession 9  
Municipality of Bayham  
Agent: David Roe, Civic Planning Solutions Inc.

*The applicants propose to sever a portion of land with a frontage of 5.1 metres (16.7 feet) along Eden Line by a depth of 76.2 metres (250 feet) and an area of 388.4 square metres (0.09 acres). The proposed vacant lands are to be merged with agricultural property to the east to provide a wider farm road access.*

**Request that the applicant's agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

Agent, David Roe was present electronically.

Written submissions were received from the following:

1. **Municipality of Bayham** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – Has no concerns
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent, provided the severed lands merge on title with the adjacent property.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: Jack Van Kasteren**

**Seconded by: Dennis O'Grady**

**That severance application E 45-20 be granted subject to the following conditions:**

1. That the requirements of the Municipality of Bayham are met, including the following:

- a. Letter of Undertaking for the merger of the severed lands with the rear lands owned by Eden Elevators Ltd.;
  - b. Digital copy of the registered plan of survey; and
  - c. Purchase of a civic number sign for the access to the rear lands.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
  - a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
  - b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed; and
  - c. That the retained subject lands are deeded in the same name and interest as the abutting lot located to the east of the severed lands, legally described as Concession 9, Part Lot 21, and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.

<b>Recorded Vote</b>	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred – Chair (West Elgin)	Yes	

- **Carried**

**Reasons:** Lot adjustment to facilitate a wider entrance.

**Application E 46-20, E 47-20, E 48-20, and E 49-20:**

John Stewart  
Lot 21, Concession 9

Municipality of Bayham  
Agent: David Roe, Civic Planning Solutions Inc.

*The applicants propose to sever four lots with a frontage of 35 metres (114.8 feet) along Eden Line by a depth of 76.2 metres (250 feet), area of 2,665.8 metres square (0.66 acres), proposed to create four residential building lot. The applicant is retaining an irregular vacant residential building lot with a frontage of 35.2 metres (115.5 feet) along Eden Line by a depth of 76.2 metres (250 feet, and an area of 3003.1 square metres (0.74 acres).*

**Request that the applicant's agents and any interested parties who wish to speak to this application please introduce themselves to the Committee.**

Agent, David Roe was present electronically.

Written submissions were received from the following:

1. **Municipality of Bayham** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – Has no concerns
3. **Nancy Pasato, Manager of Planning** – The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent, provided the severed lands merge on title with the adjacent property.

*A copy of the comment package which includes all correspondence received is available upon request.*

**Moved by: Ian Fleck**

**Seconded by: Rose Kennedy**

**That severance applications E 46-20, E 47-20, E 48-20, and E 49-20 be granted subject to the following conditions:**

1. That the requirements of the Municipality of Bayham are met, including the following:
  - a. Installation of individual private wells with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety;
  - b. Engineer design municipal drain and grading plan;
  - c. Rezoning to remove the holding provision h-2 from the retained and severed parcels;
  - d. Municipal Lot Assessments results for each of four created and one retained lot;
  - e. Digital copy of the registered plan of survey;
  - f. Cash in Lieu of Parkland Dedication fee for each of four created lots;

- g. Purchase civic number signs for each of four created and one retained lots; and
  - h. Planning Report fee payable to the Municipality.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
- a. A settlement area capability study will be prepared to the satisfaction of the local municipality and the County to determine whether the settlement area can adequately accommodate additional development on the basis of private services without having a negative impact on groundwater used for drinking purposes and the ability of the soils in the area to assimilate effluent.
  - b. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
  - c. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed;
  - d. The applicant shall provide to the County of Elgin a signed acknowledgement and undertaking confirming:
    - i. The applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
    - ii. The applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts; and
    - iii. The applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries;
  - e. Direct Connection to a legal outlet for the severed lot is required. If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited;
  - f. That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed and retained parcels. All costs associated with this shall be borne by the owner; and
  - g. Lot Grading Plan is required for the severed and retained lots.

**Recorded Vote**

	Yes	No
John Andrews (Southwold)	Yes	
John “Ian” Fleck (Dutton/Dunwich)	Yes	

Dennis O’Grady (Central Elgin)	Yes
Rosemary Kennedy (Malahide)	Yes
John Seldon (Bayham)	Yes
Jack Van Kasteren (Aylmer)	Yes
Dugald Aldred – Chair (West Elgin)	Yes

- **Carried**

**Reasons:** to create residential lots in a settlement area.

**Adjournment:**

The Chair adjourned the meeting at 11:29am.

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Acting Secretary-Treasurer

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Chair



## REPORT TO COUNTY COUNCIL

**FROM:** Dugald Aldred, Chairman  
Elgin County Land Division Committee  
Nancy Pasato, Manager of Planning

**DATE:** December 10, 2020

**SUBJECT:** Elgin County Land Division Activities for 2020

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### RECOMMENDATION:

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THAT the report titled “Elgin County Land Division Activities for 2020” from the Elgin County Land Division Committee Chairman and the Manager of Planning, dated December 10, 2020 be received and filed.

### INTRODUCTION:

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The Elgin County Land Division Committee is the consent-granting authority for the County of Elgin since 1971, and its purpose is to authorize the separation of parcels of land where a plan of subdivision is deemed unnecessary. When making a decision on an application for consent, the approval authority shall have regard to the requirements of the Planning Act, the Provincial Policy Statement (2020), the policies of the Elgin County Official Plan, local municipal Official Plans, Ministry and Agency comments, and input from the public. In making sound planning decisions the Committee carefully reviews all of the information received in its deliberations. The Land Division Committee acts as a quasi-judicial body, similar to a minor court of law. It must be unbiased and has a duty to act fairly. Ideally it operates at arm’s length and free from political interference.

### DISCUSSION:

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2020 has been a challenging year. Susan Galloway, the Secretary Treasurer for the Land Division Committee retired in March 2020. While we congratulate her on her retirement and years of service (30+), it left a void that will not be easy to fill. The role of Secretary-Treasurer is responsible for the daily operations of the Land Division Committee. This involves the keeping of files, minutes, records and decisions of all applications and all

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other official business of the Committee. The Secretary-Treasurer attends all meetings and acts in an advisory capacity regarding policy and procedure.

The pandemic has also taken its toll on the Land Division Committee. Planning Act timelines and processes were suspended until June, and with that came a reduction in Committee meetings, and applications overall. However, after a slow start, the amount of consent applications have rebounded and a high number of consent applications are expected into 2021.

The Acting Secretary Treasurer is the Manager of Planning for the County of Elgin. There are seven members on the Land Division Committee which are appointed by County Council for the term January 1, 2019 to December 31, 2022. A new Committee Chair will be nominated in January, 2021. The members include:

**Dugald Aldred** - Chairman, responsible for the Municipality of West Elgin

**John “Ian” Fleck** - Vice Chairman, responsible for the Municipality of Dutton/Dunwich

**John Andrews** - responsible for the Township of Southwold

**Dennis O’Grady** - responsible for the Municipality of Central Elgin

**Jack Van Kasteren** - responsible for the Town of Aylmer; Jack replaced **Kathleen Schaper**, who resigned in 2020 due to health reasons

**Rosemary Kennedy** - responsible for the Township of Malahide

**John Seldon** - responsible for the Municipality of Bayham

All members of the Elgin County Land Division Committee are members of the Ontario Association of Committees of Adjustment and Consent Authorities (OACA). This organization provides seminars, conferences and annual workshops which help members stay current with changing legislation and committee procedures.

Since the pandemic, the Committee has been hosting meetings in person and on line, with the option for applicants to attend virtually and reduce the need for in person attendance. The meetings are also streaming on Facebook to reach a wider audience. Information on the agendas and correspondence for files are now available on the LDC webpage.

The largest number of severance applications continue to be surplus farm dwellings, and lots within settlement areas. The Committee also deals with easements and rights-of-way, and the creation of new farm parcels.

The below Land Division Committee Report – Statistics for 2020 indicates the numbers and types of severances that the Committee heard from November 1, 2019 to October 31, 2020.

Municipality	Granted Conditionally		Not Granted		Existing Lot		New Lot		Surplus Dwelling		Ease ment/ Right-of-Way/ Lease		Deferred or Tabled	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Aylmer	1	3	0	0	1	0	0	3	0	0	0	0	3	0
Bayham	20	16	0	0	2	5	13	11	5	0	0	0	7	1
Central Elgin	9	12	0	0	3	2	5	6	0	4	1	0	2	1
Dutton Dunwich	12	13	0	0	2	2	2	2	4	8	4	1	0	0
Malahide	21	10	0	0	2	3	9	1	9	4	1	2	0	0
Southwold	14	6	0	0	2	3	3	1	9	2	0	0	2	0
West Elgin	11	8	0	0	1	0	3	2	7	6	0	0	0	0
<b>Total</b>	<b>88</b>	<b>68</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>15</b>	<b>35</b>	<b>26</b>	<b>34</b>	<b>24</b>	<b>6</b>	<b>3</b>	<b>14</b>	<b>2</b>
<b>*Total 2019</b>	<b>88</b>													
<b>**Total 2020</b>	<b>68</b>													

<b>***Number of Hearings</b>	
Full days	0
Half Days	9

## FINANCIAL IMPLICATIONS:

None.

## ALIGNMENT WITH STRATEGIC PRIORITIES:

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Serving Elgin	Growing Elgin	Investing in Elgin
<input type="checkbox"/> Ensuring alignment of current programs and services with community need.  <input type="checkbox"/> Exploring different ways of addressing community need.  <input checked="" type="checkbox"/> Engaging with our community and other stakeholders.	<input checked="" type="checkbox"/> Planning for and facilitating commercial, industrial, residential, and agricultural growth.  <input checked="" type="checkbox"/> Fostering a healthy environment.  <input checked="" type="checkbox"/> Enhancing quality of place.	<input type="checkbox"/> Ensuring we have the necessary tools, resources, and infrastructure to deliver programs and services now and in the future.  <input checked="" type="checkbox"/> Delivering mandated programs and services efficiently and effectively.

## LOCAL MUNICIPAL PARTNER IMPACT:

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This applies to all of the local municipalities.

## COMMUNICATION REQUIREMENTS:

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This information report should be circulated to all of the local municipalities.

## CONCLUSION:

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Although the pandemic, retirements and limited meetings have affected the Land Division Committee, I have every expectation that the level of activity and applications will rebound in 2021.

It has been a pleasure serving as Chairman and working with such a committed group of individuals over the past year.



All of which is Respectfully Submitted

Approved for Submission

Dugald Aldred, Chair  
Elgin County Land Division Committee

Julie Gonyou  
Chief Administrative Officer

Nancy Pasato  
Manager of Planning





**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Acting Secretary Treasurer, Land Division Committee

**Date:** December 16, 2020

**Re:** **Items for Consideration – Land Division Committee**

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*1. LDC Meeting Schedule 2021*

Please review – if acceptable we will post this on the LDC webpage.

Land Division Meeting Date	Deadline for Applications
January 27, 2021	December 16, 2020
February 23, 2021	January 13, 2021
March 24, 2021	February 10, 2021
April 28, 2021	March 17, 2021
May 26, 2021	April 14, 2021
June 23, 2021	May 12, 2021
July 28, 2021	June 16, 2021
August 25, 2021	July 14, 2021
September 22, 2021	August 11, 2021
October 27, 2021	September 15, 2021
November 24, 2021	October 13, 2021
December 15, 2021	November 2, 2021
January 26, 2022	December 22, 2021

**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
[www.elgin-county.on.ca](http://www.elgin-county.on.ca)



**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF APPLICATION FOR CONSENT**

**APPLICATION NO. E 50-20**

**LOT 2 AND PART LOT 3  
TOWN OF AYLMER  
MUNICIPAL ADDRESS: 142 SOUTH STREET WEST**

**TAKE NOTICE that** an application has been made by **Gerhard Blatz**, 1 Centennial Ave, Aylmer ON N5H 2X1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 142 South Street West, legally described as Lot 2 and Part Lot 3, Town of Aylmer.

The applicant proposes to sever a residential lot with a frontage of 15.1 metres (49.54 feet) along South Street West, by a depth of 67.1 metres (220.15 feet) and an area of 944.4 square metres (10,165.4 square feet). The owners are retaining a residential lot with a frontage of 15.1 metres (49.54 feet) by a depth of 50.4 metres (165.36 feet) and an area of 758.4 square metres (8,163.35 square feet) containing a dwelling and one shed.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY December 16, 2020 AT 9:30AM.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

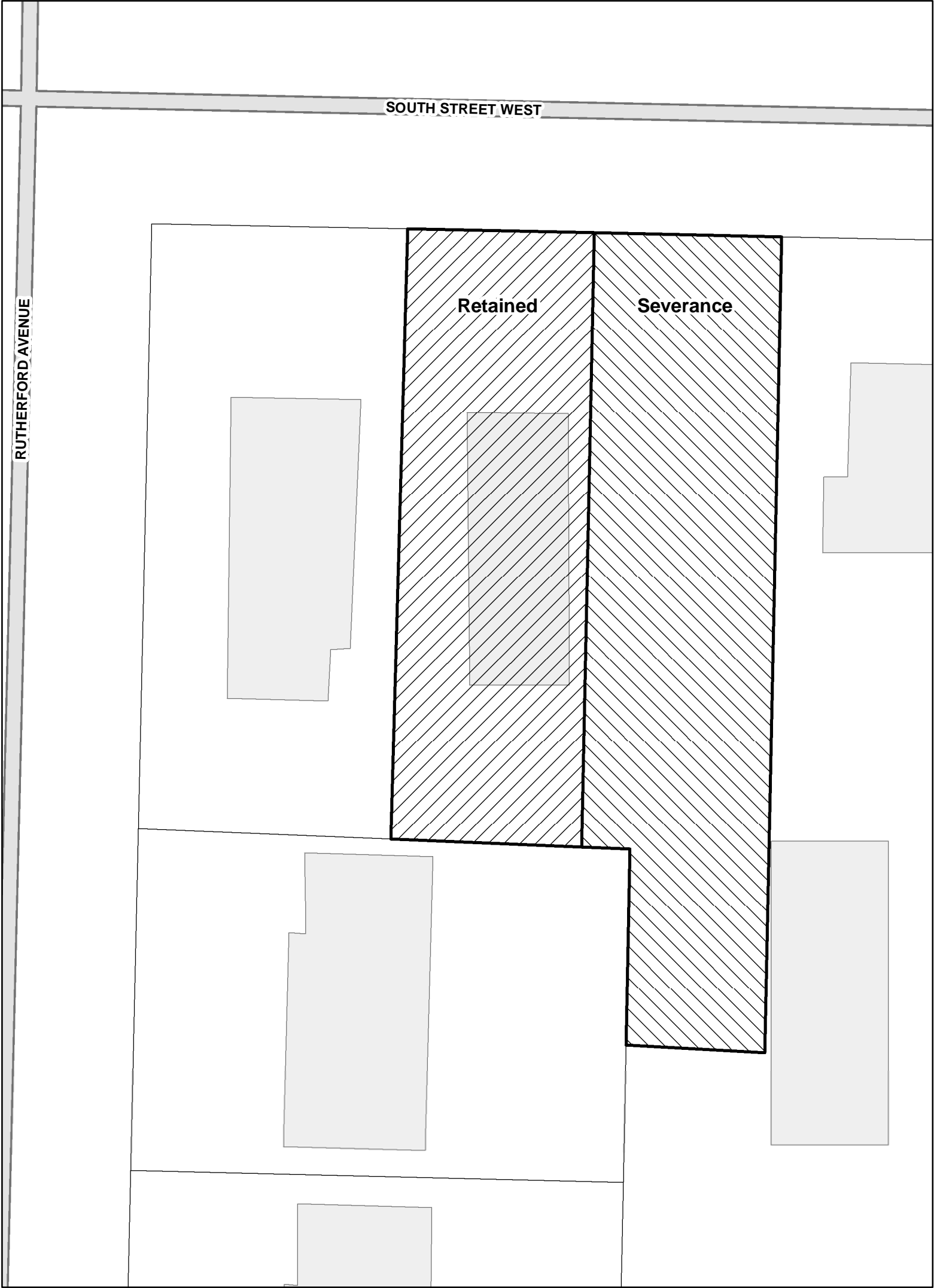
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 18<sup>th</sup> day of November, 2020.

Nancy Pasato  
Acting Secretary-Treasurer  
Land Division Committee

County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549



*Location Map*

Subject Site: 142 South Street  
File Number: E 50-20  
Owner: Gerhard Blatz  
Planner: Nancy Pasato  
Created By: TE  
Date: 18/11/2020



*Legend*

- Subject Site
- Severance
- Retained
- Elgin Road Network
- Buildings

0 2 4 8 12 16 Meters

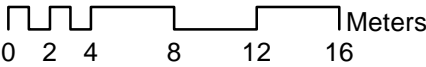
The Corporation of the County Elgin  
Prepared By: Planning and Development

Scale 1:365



*Location Map*






Subject Site: 142 South Street  
File Number: E 50-20  
Owner: Gerhard Blatz  
Planner: Nancy Pasato  
Created By: TE  
Date: 18/11/2020



The Corporation of the County Elgin  
Prepared By: Planning and Development

Scale 1:365

*Legend*

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings

[illegible]

December 10, 2020

County of Elgin  
Land Division Committee  
450 Sunset Drive  
St. Thomas ON N5R 5V1

Re: **Consent Application E 50/20**  
**Gerhard Blatz**

At its meeting held on December 7, 2020, Council of the Town of the Town of Aylmer received the Notice of Application for Consent and related information concerning the above noted Consent Application. Council resolved:

Resolution No. 330-20

Moved by Councillor Charlton and seconded by Councillor Hamm:

**That Report CORP 53-20 entitled 142 South Street West – Consent Application be received for information; and,**

**That Council supports County of Elgin consent application E50/20 and directs staff to complete and forward the Municipal Appraisal Sheet to Land Division Committee noting the Town of Aylmer requires the following conditions for the proposed Land Division application as presented; and,**

**That Council therefore requires that both the retained and severed parcel identified in the application require a Minor Variance or Zoning by-law Amendment to satisfy the Minimum Lot Frontage in the existing R1B Zone; and,**

**That both the retained and severed parcels install hard surface driveway access to each parcel which conforms to the requirements of the Town of Aylmer Zoning By-law 57-99; and further,**

**That the severed parcel would access the Town of Aylmer infrastructure for water/sewer/storm services as required in a manner approved by the Town of Aylmer and at the property owner's cost.**

The motion is Carried.



The Corporation of the Town of Aylmer  
46 Talbot Street West, Aylmer, Ontario N5H 1J7  
Office: 519-773-3146 Fax: 519-765-1446  
[www.aylmer.ca](http://www.aylmer.ca)

---

Please find attached, the Municipal Appraisal Sheet for the application and the Report submitted by Mr. Kale Brown, Director of Corporate Services.

Sincerely,

Josh Brick  
Director of Legislative Services/ Clerk, Town of Aylmer

Attach

CC: Kale Brown, Director of Corporate Services

Town of Aylmer

# Report CORP 53-20



<b>Report Title:</b>	142 South Street West – Consent Application
<b>Submitted for:</b>	December 7, 2020
<b>Report Author:</b>	Kale Brown, Director of Corporate Services
<input type="checkbox"/> Receive for Information	<input checked="" type="checkbox"/> Recommendation

## Recommendation:

**That Report CORP 53-20 entitled 142 South Street West – Consent Application be received for information; and,**

**That Council supports County of Elgin consent application E50/20 and directs staff to complete and forward the Municipal Appraisal Sheet to Land Division Committee noting the Town of Aylmer requires the following conditions for the proposed Land Division application as presented; and,**

**That Council therefore requires that both the retained and severed parcel identified in the application require a Minor Variance or Zoning by-law Amendment to satisfy the Minimum Lot Frontage in the existing R1B Zone; and,**

**That both the retained and severed parcels install hard surface driveway access to each parcel which conforms to the requirements of the Town of Aylmer Zoning By-law 57-99; and further,**

**That the severed parcel would access the Town of Aylmer infrastructure for water/sewer/storm services as required in a manner approved by the Town of Aylmer and at the property owner's cost.**

## Background and Analysis:

Staff is in receipt of a consent application submitted to Land Division at the County of Elgin from Gerhard Blatz pertaining to lands known municipally as 142 South Street West in the Town of Aylmer. The applicant is proposing to sever off a portion of the existing lot along South Street West to create a new residential building lot.

The applicants propose to sever a vacant lot with a frontage of 15.087 metres on the eastern portion of the lot known municipally as 142 South Street West, by a depth of 67.056 metres with a total area of 944.4 square metres. The retained parcel with a frontage of 15.087 metres along South Street West which contains an existing single detached dwelling and a shed, is to remain in the current residential use.

The subject property is currently zoned Residential Type 1B (R1B) allowing for a range of uses including the existing detached dwelling. The retained and severed lot as proposed will not comply with the minimum frontage required in the R1B zone. Therefore, both parcels will require a Minor Variance or Zoning By-law Amendment to permit the reduced frontage less than the required 18 metres.

In addition, the existing dwelling is accessed by a gravel driveway at present. The Town of Aylmer zoning by-law does require that all residential driveway accesses be constructed from hard surface materials such as asphalt, concrete or other acceptable hard surface materials. Staff are suggesting the condition of the consent be the establishing of an updated driveway for each parcel which conforms to the current requirements of the zoning by-law.

Finally, the application does note that the newly severed lot would require Town of Aylmer services including water and sewer to be installed on the lot prior to development. Access to these services would be entirely at the cost of the property owner and subject to design approval from the Town of Aylmer Operations department.

The current Official Plan designation is Low Density Residential, which accommodates the R1B zoning uses. The proposed consent is considered in conformity with the relevant policies of the Official Plan.

Accordingly, staff are recommending that Land Division application E50/20 be supported subject to the following conditions:

1. That both the retained and severed parcel identified in the application require a Minor Variance or Zoning by-law Amendment to satisfy the Minimum Lot Frontage in the existing R1B Zone; and,
2. That both the retained and severed parcels install hard surface driveway access to each parcel which conforms to the requirements of the Town of Aylmer Zoning By-law 57-99; and,
3. That the severed parcel would access the Town of Aylmer infrastructure for water/sewer/storm services as required in a manner approved by the Town of Aylmer and at the property owner's cost.

Respectfully submitted,

Kale Brown  
Director of Corporate Services

<input checked="" type="checkbox"/> Reviewed by Jennifer Reynaert, Chief Administrative Officer/ Deputy Clerk
---

**From:** [Tony Difazio](#)  
**To:** [Nancy Pasato](#)  
**Subject:** Blatz Severance E50-20  
**Date:** November 26, 2020 1:56:25 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)

---

Hi Nancy,

We (CCCA) have no concerns with the above noted Consent Application at 142 South Street West in Aylmer.

If you have any questions do not hesitate to contact me.

Regards,



Tony Difazio  
Resource Planning Coordinator  
8079 Springwater Road, R.R.#5,  
Aylmer ON. N5H 2R4  
519-773-9037  
[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 18, 2020 ELGIN COUNTY ROAD NO.: \_\_\_\_\_

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 50-20

OWNER: Gerhard Blatz


PROPERTY: LOT NO. Lot 2 and Part Lot 3 CONCESSION: \_\_\_\_\_

REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Aylmer

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to \_\_\_\_\_ m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.* ☐
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line ..... ☐
- 3) Drainage pipes and/or catchbasin(s) are required ..... ☐
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer)..... ☐
- 5) A curb and gutter is required along the frontage ..... ☐
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited..... ☐
- 7) Technical Reports ..... ☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner..... ☐
- 9) Lot Grading Plan is required for the severed lot..... ☐
- 10) The County has no concerns..... ☐
- 11) Not on County Road ..... ☒
- 12) Please provide me with a copy of your action on this application ..... ☐
- 13) Other... ☐

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.

  
\_\_\_\_\_  
BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** December 16, 2020

**Re:** **Application E 50-20 Gerhard Blatz**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 142 South Street West, legally described as Lot 2 and Part Lot 3, Town of Aylmer.

---

The applicant proposes to sever a residential lot with a frontage of 15.1 metres (49.54 feet) along South Street West, by a depth of 67.1 metres (220.15 feet) and an area of 944.4 square metres (10,165.4 square feet). The owners are retaining a residential lot with a frontage of 15.1 metres (49.54 feet) by a depth of 50.4 metres (165.36 feet) and an area of 758.4 square metres (8,163.35 square feet) containing a dwelling and one shed.

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision criteria in accordance with Section 51(24) of the Planning Act.

The consents has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). In the opinion of staff, the proposal is consistent with the PPS, as it located within a settlement area (Aylmer), and there are no known natural hazards or human-made hazards associated with these consent applications.

#### County of Elgin Official Plan

The subject lands are designated as a Tier 1 Settlement Area (Aylmer) in the Elgin County Official Plan (OP), where full municipal services are available and new development is encouraged. The Applicant has indicated that the severed lot will be serviced by municipal water and sewer.

The County Official Plan contains policy and criteria for the review of consents (E 1.2.3.1). Both the severed and retained properties front on and will be directly accessed by a public road that is maintained on a year-round basis, does not have direct access to a Provincial Highway or County Road, and is not believed to create a traffic hazard.

**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
[www.elgin-county.on.ca](http://www.elgin-county.on.ca)



The lands are designated as Low Density Residential in the Town of Aylmer Official Plan, and zoned Residential Type 1B (R1B) Zone in the Town of Aylmer Zoning By-law. It appears that the severed and retained lands do not currently meet the provisions in the Zoning By-law, therefore, some relief may be necessary. The proposed lot can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services from the local municipality. Confirmation from the local municipality is required to confirm the consent will not have a negative impact on the drainage patterns in the area. The proposed consent will not restrict the development of the retained lands, particularly as it relates to the provision of access. The proposed new lot will not have a negative impact on the quality and quantity of groundwater available for other uses in the area, and will not have an adverse effect on natural hazard processes such as flooding and erosion. The application conforms with the local Official Plan.

The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent.

It is recommended that the Land Division Committee include the following conditions in its decision from the County of Elgin:

1. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
  - a) A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
  - b) Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed;
  - c) The applicant shall provide to the County of Elgin a signed acknowledgement and undertaking confirming:
    - i. That the applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
    - ii. That the applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts;
    - iii. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries;
    - iv. reserve sewage treatment capacity and reserve municipal water capacity within the municipal system(s).

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It is also recommended that the conditions from the Town of Aylmer be included as conditions for consent.

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**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF APPLICATION FOR CONSENT**

**APPLICATION NO. E 51-20**

**LOT 17 CONCESSION NTR  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 35556 FINGAL LINE**

**TAKE NOTICE that** an application has been made by **The Luyks Group Inc. and KL Logistics Inc.**, 35682 Scotch Line, Port Stanley ON N5L 1J1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 35556 Fingal Line, legally described as Lot 17 Concession NTR, Township of Southwold.

The applicant proposes to sever a residential lot with a frontage of 32.55 metres (106.8 feet) along Fingal Line, by a depth of 88.99 metres (291.96 feet) and an area of 0.2853 hectares (0.704 acres). The owners are retaining 76.96 hectares (190.18 acres) for agricultural use that contains a house, silo, and shed.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY December 16, 2020 AT 9:45A.M.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**IF YOU WISH TO ATTEND IN PERSON SOCIAL DISTANCING PROTOCOLS SHALL BE FOLLOWED. PLEASE CONTACT [npasato@elgin.ca](mailto:npasato@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE INFORMATION.**

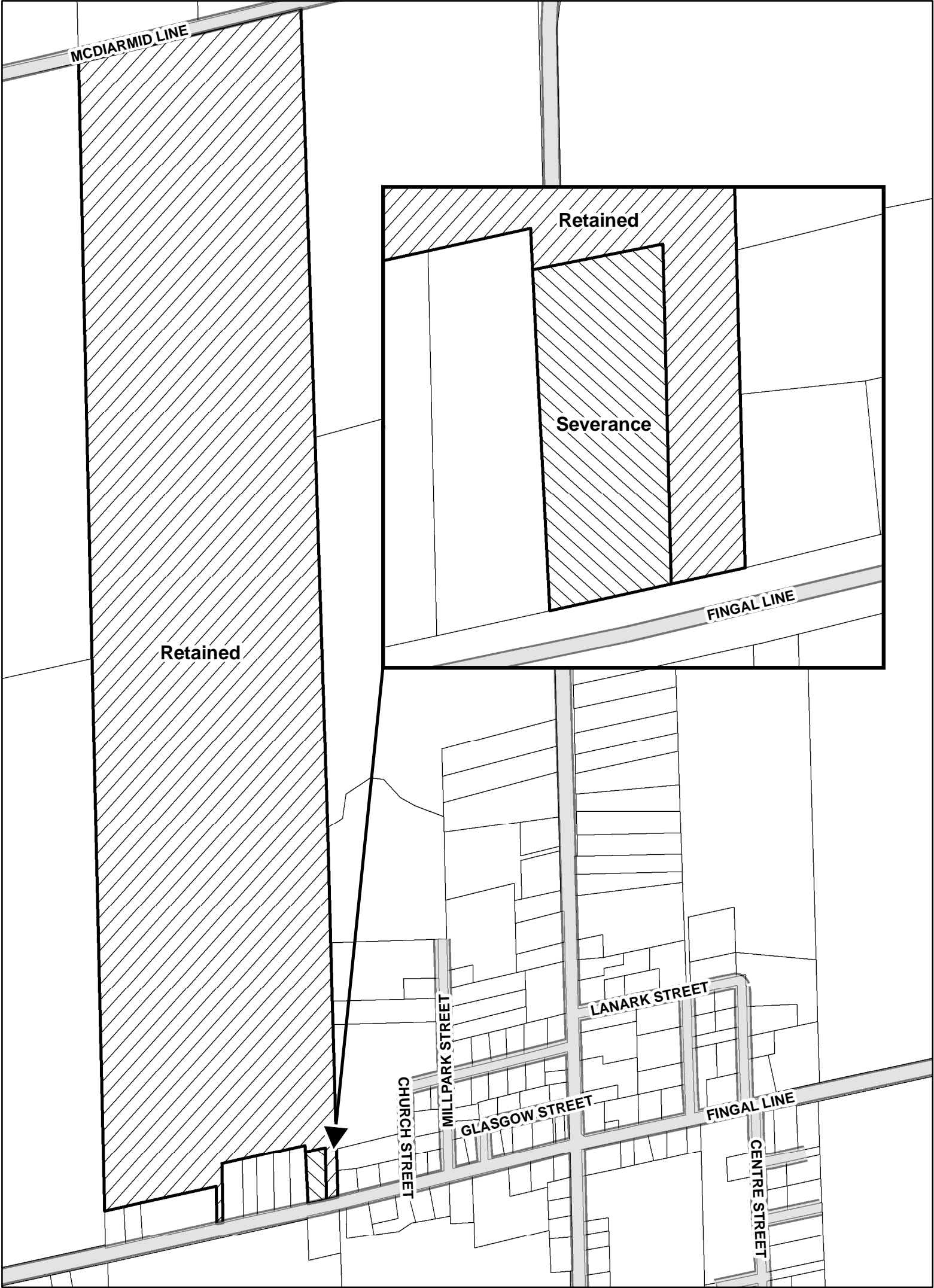
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 18<sup>th</sup> day of November, 2020.

Nancy Pasato  
Acting Secretary-Treasurer  
Land Division Committee

County of Elgin  
Planning Department  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549



## Location Map

Subject Site: 35556 Fingal Line  
File Number: E 51-20  
Owner: The Luyks Group Inc. and KL Logistics Inc.  
Planner: Nancy Pasato  
Created By: TE  
Date: 18/11/2020



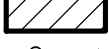


The Corporation of the County Elgin  
Prepared By: Planning and Development



0 45 90 180 270 360 Meters

Scale 1:7,750

## Legend

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



## Location Map

Subject Site: 35556 Fingal Line  
File Number: E 51-20  
Owner: The Luyks Group Inc. and KL Logistics Inc.  
Planner: Nancy Pasato  
Created By: TE  
Date: 18/11/2020






The Corporation of the County Elgin  
Prepared By: Planning and Development

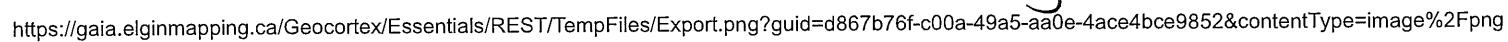
0 45 90 180 270 360 Meters

Scale 1:7,750

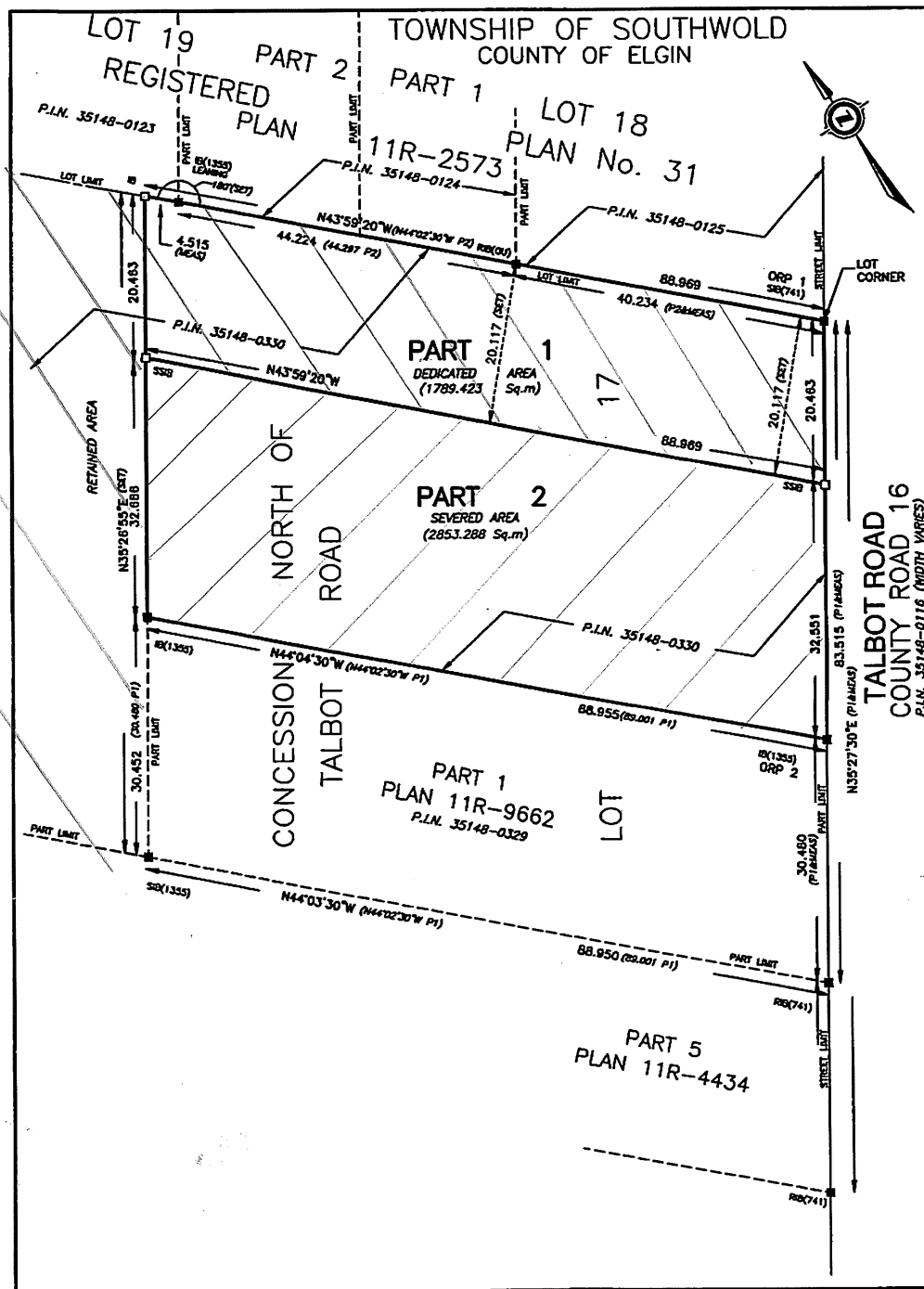


## Legend

-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



Enlargement of Severed Parcel &  
Frontage of Retained Parcel.



I REQUIRE THIS PLAN TO BE  
DEPOSITED UNDER THE LAND  
TITLES ACT.

DATE: \_\_\_\_\_ DATE: \_\_\_\_\_

JUAN D. ZAPATA  
ONTARIO LAND SURVEYOR

**PLAN 11R-**

RECEIVED AND DEPOSITED

DATE: \_\_\_\_\_

REPRESENTATIVE FOR LAND  
REGISTRAR FOR THE LAND TITLES  
DIVISION OF ELGIN (No 11)

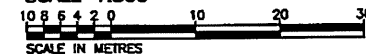
**PART SCHEDULE**

PART	LOT	CONCESSION/PLAN	P.I.N.
1	PART OF 17	CONCESSION NORTH TALBOT ROAD	PART OF 35148-0330
2	PART OF 17	CONCESSION NORTH TALBOT ROAD	PART OF 35148-0330

PART 1 AND 2 COMPRISES PART OF PIN 35148-0330

**PRELIMINARY  
PLAN OF SURVEY**  
OF PART OF  
**LOT 17, CONCESSION  
NORTH OF TALBOT ROAD**  
(GEOGRAPHIC TOWNSHIP SOUTHWOLD)  
IN THE  
**TOWNSHIP OF  
SOUTHWOLD**  
COUNTY OF ELGIN

SCALE 1:500



2020  
ARCHIBALD, GRAY & MCKAY LTD.  
ONTARIO LAND SURVEYORS

**NOTES & LEGEND**

- DENOTES MONUMENT FOUND
- DENOTES MONUMENT PLANTED
- RIB DENOTES ROUND IRON BAR
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- AGM DENOTES ARCHIBALD, GRAY & MCKAY LTD., O.L.S.'s
- 1355 DENOTES BRIAN VAUGHAN O.L.S.
- 741 DENOTES D.J. HOUGHTON O.L.S.
- OU DENOTES SOURCE UNKNOWN
- P1 DENOTES PLAN 11R-9662
- P2 DENOTES PLAN 11R-2573

**METRIC:** DISTANCES AND COORDINATES SHOWN ON THIS PLAN  
ARE IN METRES AND CAN BE CONVERTED TO FEET BY  
DIVIDING BY 0.3048.

**SURVEYOR'S CERTIFICATE:**

I CERTIFY THAT:

- 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE  
SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE  
REGULATIONS MADE UNDER THEM.
- 2) THE SURVEY WAS COMPLETED ON THE 14 DAY OF , 2020.

JUAN D. ZAPATA  
ONTARIO LAND SURVEYOR



**AGM**  
PLAN • SURVEY • ENGINEER

ARCHIBALD, GRAY & MCKAY LTD.  
3514 WHITE OAK ROAD, LONDON, ON, N6E 2Z9  
PHONE 519-685-6300 FAX 519-685-6303  
EMAIL info@agm.on.ca WEB www.agm.on.ca

DRAWN BY: MCG	DIGITAL FILE: S02011RPe13.dwg	PLAN No:
CHECKED BY: TJS	JOB FILE: S02011GNLOC	2-Z-8373
Plot date: Aug 27, 2020	FILE No: SO-NTR-17-1	

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## TOWNSHIP OF SOUTHWOLD

### PLANNING REPORT

**Application:** Proposed Severance

**Report No.:** PLA 2020-21

**File No:** E 51/20

**Date:** November 23, 2020

**TO:** Mayor and Council of the Township of Southwold

**FROM:** Heather James, MCIP, RPP, Planner

**SUBJECT:** Proposed Severance Application by The Luyks Group Inc. and KL Logistics Inc. c/o Amy Dale, to permit the severance of a residential infill lot.

#### REASONS FOR AND NATURE OF THE APPLICATION:

The subject lands, shown on Figure 1, are legally described as Part of Lot 17, Concession North of Talbot Road and known municipally as 35556 Fingal Line. They are located on the north side of Fingal Line with frontage on Fingal Line and partially located within the community of Fingal. The approximate 77.25 ha (190.88 ac.) agricultural parcel has a habitable residence, silo and shed. The predominant land use in the area is settlement area residential and cash crop agricultural. The Fowler Municipal Drain runs through the subject lands.

**Figure 1: Location of Subject Lands**

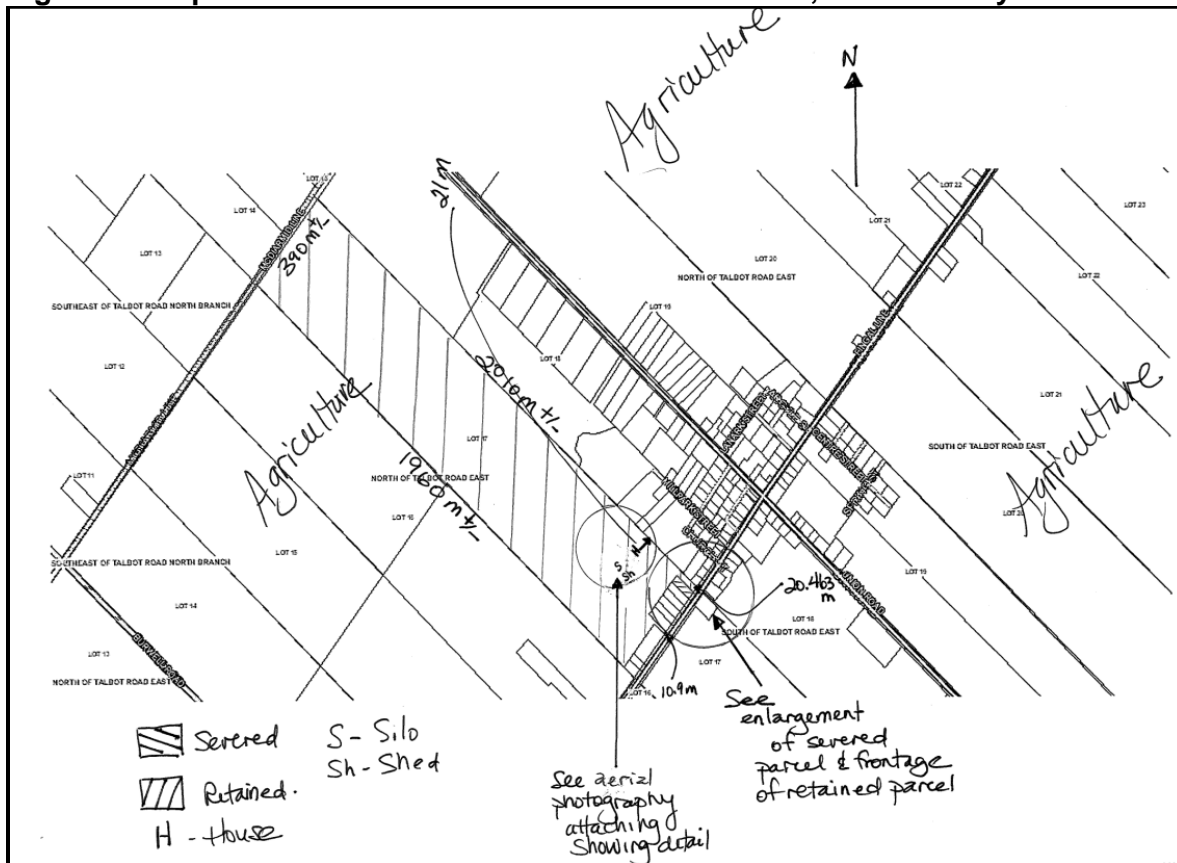


Figures 2 and 3 show the proposal to sever 0.2853 (0.70 ac.) parcel with a depth of 88.99 m (291.96 ft.) and a frontage of 32.551 m (106.8 ft.) with a proposed residence and accessory structure to be serviced with municipal water and private septic system.

[illegible]

Figure 3 shows the proposed retained parcel will have an area of 76.96 ha (190.17 ac.) with an irregular depth of 1,960.0 m (6,430.45 ft.) and a frontage of 31.363 m (102.9 ft.), with a habitable residence, silo and shed.

**Figure 3: Proposed Severed and Retained Parcels Sketch, Submitted by Owner**



A driveway is proposed to provide access to Fingal Line for the proposed severed parcel. An existing driveway provides access to Fingal Line for the proposed retained parcel.

### STAFF COMMENTS:

The proposed severance application was circulated to Township staff for comment. The following comments were submitted:

#### Drainage Superintendent

*'Drain reapportionment reapportionment for the Fingal and Fowler Drains, if required. Mutual drain agreement is required.'*

**Comment:** Drainage reapportionments and mutual agreement drain have been included as conditions of severance.

All other comments received from staff indicated no concerns.

### PLANNING POLICY REVIEW:

#### Provincial Policy Statement (PPS)

Under Section 3(5) of the *Planning Act*, the Township "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS). Section 1.1.3 Settlement

Areas, Section 1.6.6 Sewage, Water and Stormwater and Section 2.3 Agriculture policies were evaluated.

**Comment:** The proposed severed parcel and a portion of the proposed retained parcel is within the settlement area of Fingal and are designated Residential in the Township of Southwold Official Plan. Limited residential lot creation such as infilling within the settlement area is permitted. Development on partial services to allow for the infilling and minor rounding out of an existing development area is permitted, provided site conditions are suitable. A portion of the proposed retained parcel is designated Agricultural and will continue to be used for agricultural use. Septic studies have been completed as a condition of severance for the severed and retained parcels and there are no concerns.

**Conclusion:** The proposed severance application is consistent with the PPS.

#### County of Elgin Official Plan

The proposed severed parcel and a portion of the proposed retained parcel is designated Tier Two Settlement Area and the balance of the proposed retained parcel is designated Agricultural, as shown on Schedule 'A' Land Use in the County of Elgin Official Plan. Settlement area, agricultural area and severance policies were reviewed.

**Comment:** Residential use is permitted in Tier Two Settlement Areas. Section B2.5 Hierarchy of Settlement Areas permits infilling and rounding out of existing settlement areas provided that the proposed development is within the reserve water system capacity and site conditions are suitable for the long-term provision of such services. The proposed severed parcel will be required to connect to municipal water service as a condition of severance. The retained parcel will continue to be serviced with municipal water service and private septic system. Agricultural use will continue on the balance of the proposed retained parcel.

Section E1.2.3.1 General Criteria contains the conditions of approval for severed and/or retained lots. The severed and retained parcels are generally in conformity with these criteria, provided the sewage disposal can be adequately addressed.

**Conclusion:** The proposed severance application conforms to the County of Elgin Official Plan.

#### Township of Southwold Official Plan

The proposed severed parcel and a portion of the proposed retained parcel are designated Residential, as shown on Schedule 'A-2' Fingal Settlement Area and the balance of the proposed retained parcel is designated Agricultural, as shown on Schedule 'A' Land Use in the Township of Southwold Official Plan. Section 4.1 Agriculture, Section 4.3.1 Residential and Section 6.8.2 Consent Guidelines policies were reviewed.

**Comment:** Single detached dwellings are permitted in Section 4.3.1 Residential. The proposed severed parcel will create infilling in an established settlement residential area and meets the criteria of Section 6.8.2. Cash in lieu of parkland for residential lot creation has been included as a condition of severance. The balance of the proposed retained parcel will continue to be used for agricultural use.

**Conclusion:** The proposed severance application conforms to the Township of Southwold Official Plan.

#### Township of Southwold Comprehensive Zoning By-Law 2011-14

The proposed severed parcel and a portion of the proposed retained parcel are zoned Settlement Reserve (SR) in the Township of Southwold Comprehensive Zoning By-law, as shown on Schedule 'A' Map 14. The balance of the retained parcel is zoned Agricultural 1 (A1) with a portion subject to the Natural Areas and Adjacent Lands and Conservation Authority Regulated Areas constraint. A single detached is permitted in the R1 Zone. The minimum lot area in the R1 Zone with partial services is 1,858.0 m<sup>2</sup> (20,000.0 ft.<sup>2</sup>) and the minimum lot frontage is 15.0 m (49.0 ft.).

**Comment:** A zoning by-law amendment is required to rezone the proposed severed parcel from Settlement Reserve (SR) to Residential 1 (R1) to permit single detached dwelling residential use. The proposed severed parcel complies with all Residential 1 (R1) Zone provisions, for partially serviced parcels. The proposed retained parcel complies with all Residential 1 (R1) and Agricultural 1 (A1) Zone provisions.

#### **SUMMARY/CONCLUSION:**

The proposed severance application is consistent with the Provincial Policy Statement and conforms to the County of Elgin Official Plan and the Township of Southwold Official Plan.

#### **RECOMMENDATION:**

- 1) THAT the Council of the Township of Southwold recommend approval to the County of Elgin Land Division Committee of the proposed severance application file E 39/20 subject to the following conditions:
  - i) That a Zoning By-law Amendment is in force and effect for the proposed severed parcel;
  - ii) That septic system assessments be conducted on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system;
  - iii) That the municipal water connection has been installed for the severed parcel and payment therefore;
  - iv) Drainage re-apportionments, and payment therefore;
  - v) That a mutual drain agreement be provided;
  - vi) That contribution to parkland reserve fee be paid, \$1,750.00 for the creation of a new residential parcel;
  - vii) That all financial obligations to the Township of Southwold be paid in full;
  - viii) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
  - viii) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Township.

**Respectfully submitted by:**

**Heather James, MCIP, RPP, Planner**  
"Submitted electronically"

**Approved by:**

**Ken Loveland**  
**CAO/Clerk**



**TOWNSHIP OF SOUTHWOLD**

**OFFICE OF THE CLERK**

35663 Fingal Line  
Fingal, ON N0L 1K0

Phone: (519) 769-2010

Fax: (519) 769-2837

Email: [cao@southwold.ca](mailto:cao@southwold.ca)

November 25, 2020

Elgin County Land Division  
Attn: Nancy Pasato, Secretary-Treasurer  
Land Division Committee  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

VIA EMAIL: [npasato@elgin.ca](mailto:npasato@elgin.ca)

Dear Ms. Pasato:

**RE: Application for Consent – E 51/20      The Luyks Group Inc. and KL  
Logistics Inc.**

Please be advised that Council, at its regular meeting of Monday, November 23, 2020 passed the following resolution:

**2020-331      Con App E 51/20      The Luyks Group Inc. and KL Logistics Inc.**

- 1) **THAT** the Council of the Township of Southwold recommend approval to the County of Elgin Land Division Committee of the proposed severance application file E 51/20 subject to the following conditions:
  - i) That a Zoning By-law Amendment is in force and effect for the proposed severed parcel;
  - ii) That septic system assessments be conducted on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system;
  - iii) That the municipal water connection has been installed for the severed parcel and payment therefore;
  - iv) Drainage reapportionments, and payment therefore;
  - v) That a mutual agreement drain be provided;
  - vi) That contribution to parkland reserve fee be paid, \$1,750.00 for the creation of a new residential parcel;
  - vii) That all financial obligations to the Township of Southwold be paid in full;

- viii) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
- ix) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Township.

**CARRIED**

Thank you.

Yours truly,

A handwritten signature in black ink that reads "Heather James". The signature is written in a cursive, flowing style.

**Heather James**  
Planner

November 23, 2020

County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

Attn: **Kurtis Smith**

Re: **Consent Application E-51/20**  
**35556 Fingal Line (The Luyks Group Inc. & KL Logistics Inc.)**  
**Part of Lot 17, Concession NTR**  
**Community of Shedden**  
**Township of Southwold**

Please be advised that the above mentioned application has been reviewed by this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, R.S.O. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the retained property is subject to the Authority's Development and Alteration to Waterways portion of the regulations. The issue of concern in this area is the Fowler Drain and erosion.

An application from this office is required prior to any works/construction/alteration taking place within the regulated area. The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended. Setbacks from the drain will be required to any proposed structure(s).

Please be advised that the subject property is located in an area with a Highly Vulnerable Aquifer [HVA] as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at [www.sourcewaterprotection.on.ca](http://www.sourcewaterprotection.on.ca).

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Valerie Towsley  
Resource Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: November 18, 2020 ELGIN COUNTY ROAD NO.: 16 – 35556 Fingal Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:  
APPLICATION NO.: E 51-20  
OWNER: The Luyks Group Inc. and KL Logistics Inc  
PROPERTY: LOT NO. Lot 17  
REG'D PLAN:

CONCESSION: NTR  
MUNICIPALITY: Southwold

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15 m from the centreline of construction of Fingal Line County Road (16) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*


X
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

X
- 7) Technical Reports .....
- 8) That an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner.....

X
- 9) Lot Grading Plan is required for the severed lot.....

X
- 10) The County has no concerns.....
- 11) Not on County Road .....
- 12) Please provide me with a copy of your action on this application .....
- 13) Other...

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES



**To:** Elgin County Land Division Committee

**From:** Nancy Pasato, Manager of Planning

**Date:** December 16, 2020

**Re:** **Application E 51-20 The Luyks Group Inc. and KL Logistics Inc.**, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 35556 Fingal Line, legally described as Lot 17 Concession NTR, Township of Southwold.

---

The applicant proposes to sever a residential lot with a frontage of 32.55 metres (106.8 feet) along Fingal Line, by a depth of 88.99 metres (291.96 feet) and an area of 0.2853 hectares (0.704 acres). The owners are retaining 76.96 hectares (190.18 acres) for agricultural use that contains a house, silo, and shed.

#### Planning Act and Provincial Policy Statement

In considering this application, staff had regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act, and subdivision criteria in accordance with Section 51(24) of the Planning Act.

The consents has also been reviewed in conjunction with the 2020 Provincial Policy Statement ("PPS"). In the opinion of staff, the proposal is consistent with the PPS, as it located within a settlement area (Fingal), and there are no known natural hazards or human-made hazards associated with these consent applications.

#### County of Elgin Official Plan

A portion of the subject lands (severed and retained) are designated as a Tier 2 Settlement Area (Fingal) in the Elgin County Official Plan (OP). Fingal is limited in the availability of services. The proposed lots are proposed to be serviced by municipal water and private septic for the new lot. The balance of the lands (retained) are also designated as Agriculture.

The County Official Plan contains policy and criteria for the review of consents (E 1.2.3.1). Both the severed and retained properties front on and will be directly accessed by a public road that is maintained on a year-round basis, does not have direct access to a Provincial Highway or County Road, and is not believed to create a traffic hazard.

**County of Elgin**  
450 Sunset Drive  
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Fax: 519-633-7661  
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The severed lands are designated Residential, and the retained lands are designated Residential and Agriculture in the Township of Southwold Official Plan. The severed and a portion of the retained lands are zoned Settlement Reserve (SR) in the Township of Southwold Zoning By-law, and the balance of the retained parcel is zoned Agricultural 1 (A1), with a portion subject to the Natural Areas and Adjacent Lands and Conservation Authority Regulated Areas constraint. A Zoning By-law amendment is required in order to construct a single detached dwelling on the severed lands.

The proposed lot can be serviced with an appropriate municipal water supply and private septic system, provided there is confirmation of reserve water system capacity within the municipal water services from the local municipality. Confirmation from the local municipality is required to confirm the consent will not have a negative impact on the drainage patterns in the area. The proposed consent will not restrict the development of the retained lands, particularly as it relates to the provision of access. The proposed new lot will not have a negative impact on the quality and quantity of groundwater available for other uses in the area, and will not have an adverse effect on natural hazard processes such as flooding and erosion. The application conforms with the local Official Plan.

The proposed severance application meets the policies of the County Official Plan, and the County of Elgin supports this application for consent.

It is recommended that the Land Division Committee include the following conditions in its decision from the County of Elgin:

1. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
  - a) A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
  - b) Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed;
  - c) The applicant shall provide to the County of Elgin a signed acknowledgement and undertaking confirming:
    - i. That the applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
    - ii. That the applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts;
    - iii. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries;

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- iv. That the Municipality confirms that there is sufficient reserve municipal water capacity within the municipal system(s);
- d) The owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15 m from the centreline of construction of Fingal Line County Road (16) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner;
- e) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited;
- f) An entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner; and
- g) Lot Grading Plan is required for the severed lot.

It is also recommended that the following conditions from the Township of Southwold be included as conditions for consent:

- a) That a Zoning By-law Amendment is in force and effect for the proposed severed parcel;
- b) That septic system assessments be conducted on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system;
- c) That the municipal water connection has been installed for the severed parcel and payment therefore;
- d) Drainage reapportionments, and payment therefore;
- e) That a mutual agreement drain be provided;
- f) That contribution to parkland reserve fee be paid, \$1,750.00 for the creation of a new residential parcel;
- g) That all financial obligations to the Township of Southwold be paid in full;
- h) That an electronic copy (Adobe PDF) of the registered survey has been provided to the Township; and,
- i) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Township.

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