



# LAND DIVISION COMMITTEE

## AGENDA - REVISED

9:00am, WEDNESDAY, July 28<sup>th</sup>, 2021

- 9:00am      Approval of May 26, 2021 Meeting Minutes
- Approval of June 23, 2021 Meeting Minutes
- Confirmation of Renumeration for LDC
- Inquiries from Land Division Committee Members
- 9:20am      E 48-21      Johan and Tina Friesen  
                                62 Oak Street – Town of Aylmer
- 9:30am      E 49-21      Franz Klassen  
                                10 Oak Street – Municipality of Bayham
- 9:40am      E 50-21      W.D. Bronze Ltd.  
                                9222-9228 Alward Street – Municipality of Bayham
- 9:50am      E 53-21      Marilyn and John Sebok  
                                53367 Nova Scotia Line – Township of Malahide
- 10:00am     E 54-21      Margaret Goodhue  
                                47148 Ron McNeil Line – Township of Malahide
- 10:10am     E 55-21      Anthony and Cheryl Bennett  
                                220 Church Street – Municipality of Central Elgin
- 10:20am     E 56-21      Chester and Halina Glinski  
                                51455 Calton Line – Township of Malahide
- E 57-21      Chester and Halina Glinski  
                                51455 Calton Line – Township of Malahide
- E 58-21      Chester and Halina Glinski  
                                51455 Calton Line – Township of Malahide
- 10:35am     E 59-21      Malcolm Ferguson  
                                44651 Roberts Line – Municipality of Central Elgin
- 10:45am     E 60-21      Will and Eva Dyck  
                                6501 Springfield Road – Township of Malahide
- 10:55am     E 61-21      Carl McLeod and Sons  
                                12186 Currie Road – Municipality of Dutton Dunwich

Proposed changes to Minister's regulations under the Planning Act

**AS THIS MEETING IS BEING CONVENED THROUGH ELECTRONIC PARTICIPATION,  
APPLICANTS ARE ADVISED TO CONTACT THE SECRETARY-TREASURER TO OBTAIN  
INFORMATION ABOUT HOW TO PARTICIPATE.**

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



# LAND DIVISION COMMITTEE AGENDA - REVISED

9:00am, WEDNESDAY, July 28<sup>th</sup>, 2021

PLEASE CONTACT Aisling Lavery Secretary-Treasurer  
[alavery@elgin.ca](mailto:alavery@elgin.ca) 519-631-1460 ext.122

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

**ELGIN COUNTY LAND DIVISION COMMITTEE**

**Meeting Minutes – May 26, 2021**

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

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

**Call to Order:**

At 9:00am, Chair John R “Ian” Fleck 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:** Jack Van Kasteren

**That the minutes of the meeting held April 28, 2021 be adopted, with noted corrections.**

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

**- Carried**

**Swearing in of Aisling Lavery as Secretary-Treasurer of the Elgin County Land Division Committee:**

**Moved by: Rosemary Kennedy**

**Seconded by: John Seldon**

**That Aisling Lavery is appointed to the role of Secretary-Treasurer of the Elgin County Land Division Committee.**

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

**- Carried**

**Items for Consideration:**

Consent Applications

**Committee Comments:**

- Use of email instead of regular mail to save paper/money. Currently we only use regular mail to contact members of the public. Emails are provided from everyone else.
- Application is sent back to applicant if the sketch is insufficient or application isn’t complete
- Easements – request applicant supplies a copy of any easements i.e. hydro lines or water lines. Section 28 coincides with Sketches & Easements
- Confirm Appendix A is correct and complete before accepting applications
- Application Fees – should the fee be increased to add financial benefit to the municipality and not just the County? Current fee covers all County fees and the municipality requires other fees as conditions of consent. Need to ensure the fee is justifiable and fair which is an administrative function.
- Appendix B – how is this used in the LDC decision making process? If not complete, what are the consequences? The application can be deferred if the committee feels there is insufficient information provided.
- Commissioning of Application is required. Administration can look into a digital process and what other municipalities do for reference.



*To ensure a timely and on schedule hearing of consent applications, committee discussion was paused at 9:45am and picked up again after the scheduled hearings. Discussion was continued at 11:12am.*

**Items for Consideration:**

Validation Certificates

**Committee Comments:**

As this is a legal issue, rather than a planning issue, the committee suggests it be looked at by County lawyer, Secretary-Treasurer and not be slowed down by having to go through the LDC.

The process will be: accept application and fee (potential to create a new form but have the same fee as consent applications), Secretary-Treasurer and County lawyer will review and deal with application, and the LDC will simply be made aware of any of these applications as they come in. There will be no public circulation.

**Items for Consideration:**

Online Conferences/Learning

**Committee Comments:**

LDC members would like to see a policy developed for online conferences/learning. Per diem is assumed to still apply to online conferences as it did on person but clarification is required.

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

**Application E 27-21**

James Simpson  
29420 Thamesview Line  
Municipality of Dutton Dunwich

*The applicants propose to sever a parcel with a frontage of 60 metres (196.85 feet) along Thamesview Line by a depth of 120 metres (393.70 feet) and an area of 0.72 hectares (1.78 acres) containing one residence surplus to the needs of the owner. The owners are retaining 141 hectares (348.42 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: Joe Hentz was present electronically

Applicant: James & Kelly Simpson were present electronically

Written submissions were received from the following:

1. **Municipality of Dutton Dunwich** - Administration recommends that the request for severance be deferred until June 23<sup>rd</sup>, 2021 LDC.
2. **Brian Lima, Director Engineering Services** – The Engineering Department has indicated this proposal is not on a County road.
3. **Nancy Pasato, Manager of Planning** – The county supports the municipality's request for deferral until June 23<sup>rd</sup>, 2021.

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

**Moved by: John Seldon**

**Seconded by: Dugald Aldred**

**That severance application E 27-21 be deferred until the June 23<sup>rd</sup>, 2021 Land Division Committee Hearing.**

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

**- Carried**

**Reasons:** Creation of a new lot surplus to the needs of the owner.

**Application E 29-21:**

David & Mary Harder, Wayne Jolly  
6791 Richmond Road  
Township of Malahide  
Agent: David Roe

*The applicants propose to sever a parcel with a frontage of 25.0 metres (82.02 feet) along Richmond Road by a depth of 67.87 metres (222.67 feet) and an area of 0.17 hectares (0.42 acres) for future residential use. The owners are retaining 0.2*

*hectares (0.49 acres) proposed to remain in 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: David Roe was present electronically

Written submissions were received from the following:

1. **Township of Malahide** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – Administration recommends that the request for severance be approved, with conditions.
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.

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

**Moved by: Jack Van Kasteren**

**Seconded by: Dugald Aldred**

**That severance application E 29-21 be granted subject to the following conditions:**

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

1. That the applicant initiates 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.
2. 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.
3. That the applicants initiate and assume all planning costs associated with the required Minor Variance application (to address the undersized lot area of the severed parcel), 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.
4. Confirmation that a private sewage system is confined entirely within the boundaries of the retained parcel. That system shall be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.

5. 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.
6. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
7. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
9. 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.
10. That the portions of the existing gravel driveway and parking area which encroach onto the newly created parcel (to be severed) be replaced with topsoil and grass, and be setback on the retained parcel by a minimum of 1.0 metre and in accordance with Section 4.27 of the Township of Malahide Zoning By-law No. 22-18, as amended.

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.
3. 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.
4. That, if necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated shall be borne by the owner.
5. Lot Grading Plan is required for the severed lot.

**Recorded Vote**

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

Dugald Aldred (West Elgin)

Yes

- Carried

**Reasons:** Creation of new lot.

**Application E 30-21:**

2245885 Ontario Inc.  
13662 Routh Road  
Township of Southwold  
Agent: Helen Button

*The applicants propose to sever a parcel with a frontage of 45.8 metres (150.26 feet) along Routh Road by a depth of 53.85 metres (176.67 feet) and an area of 0.25 hectares (0.62 acres), containing an existing house, for non-farm residential use. The owners are retaining 99.8 hectares (246.61 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: Helen Button was present electronically.

Written submissions were received from the following:

1. **Township of Southwold** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – The Engineering Department 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.

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

**Moved by: John Andrews**

**Seconded by: Dugald Aldred**

**That severance application E 30-21 be granted subject to the following conditions:**

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.

3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment to rezone the retained and severed parcel and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant remove the existing septic system and install a new septic system on the severed parcel, to the satisfaction and clearance of the Municipality.
6. That the Applicant obtain a change of use permit for the existing barns that had capability of housing livestock, to ensure all capability of housing livestock has been removed, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a qualified contractor install a new water well and waterline on the proposed severed parcel to supply water to the existing dwelling, and decommission the existing water well and water line or relocate the existing water line to service the proposed retained parcel, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a qualified contractor relocate the existing hydro service supplying the existing dwelling from the proposed retained parcel to the proposed severed parcel, at their sole cost and expense, to the satisfaction and clearance of the Municipality.
9. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
10. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
11. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
12. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

<b>Recorded Vote</b>	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John "Ian" Fleck - Chair (Dutton/Dunwich)	Yes	
Dennis O'Grady (Central Elgin)	Yes	

Rosemary Kennedy (Malahide)	Yes
John Seldon (Bayham)	Yes
Jack Van Kasteren (Aylmer)	Yes
Dugald Aldred (West Elgin)	Yes

- Carried

**Reasons:** Creation of a new residential lot surplus to the needs of the owner.

**Application E 31-21:**

Graham and Janet Saarloos  
49145 Glencolin Line  
Township of Malahide  
Agent: Natham Bokma

*The applicants propose to sever a parcel with a frontage of 71.64 metres (235.04 feet) along Glencolin Line by a depth of 86.87 metres (285.01 feet) and an area of 0.62 hectares (1.53 acres), containing an existing house and a shed, proposed to be in residential use. The owners are retaining 12.71 hectares (31.41 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: Nathan Bokma was present electronically.

Written submissions were received from the following:

1. **Township of Malahide** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – The Engineering Department 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.

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

**Moved by: Rosemary Kennedy**

**Seconded by: Jack Van Kasteren**

**That severance application E 31-21 be granted subject to the following conditions:**

it is recommended that the following conditions from the Township of Malahide be included as conditions for consent:

1. That the applicant initiates 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.
2. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
3. 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.
4. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment 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.
5. 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.
6. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Township.
8. 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.

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

**Recorded Vote**

	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John "Ian" Fleck - Chair (Dutton/Dunwich)	Yes	
Dennis O'Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	



Jack Van Kasteren (Aylmer) Yes

Dugald Aldred (West Elgin) Yes

- Carried

**Reasons:** Creation of a new residential lot

**Application E 32-21:**

Jesse Froese  
11265 Plank Road  
Municipality of Bayham  
Agent: Andrew Gilvesy

*The applicants propose to sever a parcel with a frontage of 23.19 metres (76.08 feet) along Plank Road by a depth of 60 metres (196.85 feet) and an area of 0.14 hectares (0.35 acres) for future residential use. The owners are retaining 7.41 hectares (18.31 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: Andrew Gilvesy was present electronically.

Applicant: Jesse Froese was present electronically.

Members of the Public: Geoff & Laura Cork were present electronically, request a water servicing study to address water quality concerns. This study is currently being completed by the applicant with the municipality. Additionally, they would like to see slower road speeds with the added residential development.

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** – The Engineering Department supports this application, with conditions.
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.

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

**Moved by: Rosemary Kennedy**

**Seconded by: Dennis O'Grady**

**That severance application E 32-21 be granted subject to the following conditions:**

It is recommended that conditions from the Municipality of Bayham be included as conditions for consent:

1. 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.
2. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain.
3. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision Agreement with the municipality.
4. Digital copy of the registered plan of survey.
5. Cash in Lieu of Parkland Dedication fee for each of the four created lots.
6. Purchase civic number signs for each of the four created lots.
7. Planning Report fee payable to the Municipality

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed
3. That the owners dedicate lands along the frontage of the severed and retained lots/parcels up to 18m from the centerline of construction of Plank Road County Road 19 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.
4. 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;
5. 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; and
6. A lot grading plan is required for the severed lot.
7. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
  - a. 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;
  - b. 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 impact; and
  - c. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries.
8. That the Municipality confirms that there is sufficient reserve sewage treatment capacity within the municipal sewage treatment system.

**Recorded Vote**

Yes

No

John Andrews (Southwold)	Yes
John “Ian” Fleck - Chair (Dutton/Dunwich)	Yes
Dennis O’Grady (Central Elgin)	Yes
Rosemary Kennedy (Malahide)	Yes
John Seldon (Bayham)	Yes
Jack Van Kasteren (Aylmer)	Yes
Dugald Aldred (West Elgin)	Yes

- Carried

**Reasons:** Creation of a new residential lot

**Application E 33-21:**

Jesse Froese  
11265 Plank Road  
Municipality of Bayham  
Agent: Andrew Gilvesy

*The applicants propose to sever a parcel with a frontage of 22 metres (2.17 feet) along Plank Road by a depth of 60 metres (196.85 feet) and an area of 0.13 hectares (0.32 acres) for future residential use. The owners are retaining 7.28 hectares (18.0 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: Andrew Gilvesy was present electronically.

Applicant: Jesse Froese was present electronically.

Members of the Public: Geoff & Laura Cork were present electronically, request a water servicing study to address water quality concerns. This study is currently being completed by the applicant with the municipality. Additionally, they would like to see slower road speeds with the added residential development.

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** – The Engineering Department supports this application, with conditions.
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.

*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 33-21 be granted subject to the following conditions:**

It is recommended that conditions from the Municipality of Bayham be included as conditions for consent:

1. 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.
2. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain.
3. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision Agreement with the municipality.
4. Digital copy of the registered plan of survey.
5. Cash in Lieu of Parkland Dedication fee for each of the four created lots.
6. Purchase civic number signs for each of the four created lots.
7. Planning Report fee payable to the Municipality

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed
3. That the owners dedicate lands along the frontage of the severed and retained lots/parcels up to 18m from the centerline of construction of Plank Road County Road 19 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.
4. 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;
5. 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; and
6. A lot grading plan is required for the severed lot.
7. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
  - a. 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;
  - b. 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 impact; and

- c. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries.
8. That the Municipality confirms that there is sufficient reserve sewage treatment capacity within the municipal sewage treatment system.

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

- Carried

**Reasons:** Creation of a new residential lot

**Application E 34-21:**

Jesse Froese  
11265 Plank Road  
Municipality of Bayham  
Agent: Andrew Gilvesy

*The applicants propose to sever a parcel with a frontage of 22 metres (2.17 feet) along Plank Road by a depth of 60 metres (196.85 feet) and an area of 0.13 hectares (0.32 acres) for future residential use. The owners are retaining 7.14 hectares (17.64 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: Andrew Gilvesy was present electronically.

Applicant: Jesse Froese was present electronically.

Members of the Public: Geoff & Laura Cork were present electronically, request a water servicing study to address water quality concerns. This study is currently being completed by the applicant with the municipality. Additionally, they would like to see slower road speeds with the added residential development.

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** – The Engineering Department supports this application, with conditions.
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.

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

**Moved by: Dugald Aldred**

**Seconded by: Jack Van Kasteren**

**That severance application E 34-21 be granted subject to the following conditions:**

It is recommended that conditions from the Municipality of Bayham be included as conditions for consent:

1. 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.
2. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain.
3. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision Agreement with the municipality.
4. Digital copy of the registered plan of survey.
5. Cash in Lieu of Parkland Dedication fee for each of the four created lots.
6. Purchase civic number signs for each of the four created lots.
7. Planning Report fee payable to the Municipality

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed
3. That the owners dedicate lands along the frontage of the severed and retained lots/parcels up to 18m from the centerline of construction of Plank Road County Road 19 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.
4. 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;
5. 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; and
6. A lot grading plan is required for the severed lot.

7. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
  - a. 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;
  - b. 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 impact; and
  - c. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries.
8. That the Municipality confirms that there is sufficient reserve sewage treatment capacity within the municipal sewage treatment system.

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

- **Carried**

**Reasons:** Creation of a new residential lot

**Application E 35-21:**

Jesse Froese  
11265 Plank Road  
Municipality of Bayham  
Agent: Andrew Gilvesy

*The applicants propose to sever a parcel with a frontage of 25.43 metres (83.43 feet) along Plank Road by a depth of 60 metres (196.85 feet) and an area of 0.15 hectares (0.37 acres) for future residential use. The owners are retaining 6.99 hectares (17.27 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: Andrew Gilvesy was present electronically.

Applicant: Jesse Froese was present electronically.

Members of the Public: Geoff & Laura Cork were present electronically, request a water servicing study to address water quality concerns. This study is currently being completed by the applicant with the municipality. Additionally, they would like to see slower road speeds with the added residential development.

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** – The Engineering Department supports this application, with conditions.
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.

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

**Moved by: Dennis O'Grady**

**Seconded by: Rosemary Kennedy**

**That severance application E 35-21 be granted subject to the following conditions:**

It is recommended that conditions from the Municipality of Bayham be included as conditions for consent:

1. 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.
2. Engineer designed overall lot grading/drainage plan showing direct connection to the existing Municipal Drain.
3. Rezoning of the severed lands to remove the Holding (h2) Zone by entering into a Subdivision Agreement with the municipality.
4. Digital copy of the registered plan of survey.
5. Cash in Lieu of Parkland Dedication fee for each of the four created lots.
6. Purchase civic number signs for each of the four created lots.
7. Planning Report fee payable to the Municipality

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed
3. That the owners dedicate lands along the frontage of the severed and retained lots/parcels up to 18m from the centerline of construction of Plank Road County Road 19 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.
4. 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;
  5. 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; and
  6. A lot grading plan is required for the severed lot.
  7. The applicant shall provide to the Land Division Committee a signed acknowledgement and undertaking confirming:
    - a. 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;
    - b. 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 impact; and
    - c. That the applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries.
  8. That 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 - Chair (Dutton/Dunwich)	Yes	
Dennis O’Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred (West Elgin)	Yes	

- **Carried**

**Reasons:** Creation of a new residential lot

**Application E 36-21:**

Benjamin, John & Teresa Vanderdeen  
5934 Richmond Road  
Municipality of Bayham  
Agent: Jon Barnett – BHB Law

*The applicants propose to sever a parcel with a frontage of 84.88 metres (278.47 feet) along Richmond Road by a depth of 46.15 metres (151.41 feet) and an area of 0.4006 hectares (0.99 acres), to be conveyed to 5906 Richmond Road. The owners are retaining 0.9065 hectares (2.24 acres) proposed to remain in the existing 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: Ashley Polinsky, a representative of BHB Law, was present electronically  
Purchaser of Severed Lands, Bill Oostrem, was present in the Council Chambers

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** – 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.

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

**Moved by: Jack Van Kasteren**

**Seconded by: Dugald Aldred**

**That severance application E 36-21 be granted subject to the following conditions:**

it is recommended that the following conditions from the Municipality of Bayham be included as conditions for consent:

1. Digital Copy of the final survey.
2. Planning report fee payable to the municipality.
3. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 5934 Richmond Road will merge on title with the lands at 5906 Richmond Road.
4. Rezoning of the retained lands to a site-specific Rural Residential (RR) Zone to recognize the residential use in accordance to the Official Plan and reduced front yard setback.
5. Rezoning of the merged lands, the severed lands and the 5906 Richmond Road lands to a Rural Residential (RR) Zone to recognize the residential use in accordance to the Official Plan.

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.
3. That the severed lands are deeded in the same name and interest as the abutting lot at 5906 Richmond Road and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.

**Recorded Vote**

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

- **Carried**

Reasons: Lot/Boundary Adjustment.

**Adjournment:**

The Chair adjourned the meeting at 11:30pm.

\_\_\_\_\_  
Aisling Lavery, Secretary-Treasurer

\_\_\_\_\_  
John “Ian” Fleck, Chair

## **ELGIN COUNTY LAND DIVISION COMMITTEE**

### **Meeting Minutes – June 23, 2021**

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

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

#### **Call to Order:**

At 9:00am, Chair John R “Ian” Fleck 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:** Dennis O’Grady

**Seconded by:** John Andrews

**That the approval of the minutes of the meeting held May 28, 2021 be deferred until the July LDC Meeting due to insufficient time for committee members to review.**

**Committee Comments:** Meeting minutes to be sent out to LDC members no more than two weeks after the meeting for review going forward.

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

**- Carried**

**Items for Consideration:**

Appeal of E 14-21 377 Warren Street

**Committee Comments:**

- The Committee members request to be kept up to date on future development and decisions related to E 14-21.
- ZBA (filed with Central Elgin) could also be appealed to consolidate into one appeal hearing.
- The consent decision is now to be made by LPAT.

**Items for Consideration:**

Discussion of the number of applications heard per meeting

**Committee Comments:**

- Nancy Pasato explains this is more an issue for the local municipalities and their council schedules because all applications must go to local council for a recommendation prior to coming to LDC. If there are too many items, they may not all be able to be heard at municipal council in time to be heard at LDC.
- This item for discussion was brought up by two local municipalities who expressed concern that they didn't have room on their Council agendas to get through all the applications.
- Nancy Pasato will report back on what local municipalities want to see.
- Rosemary Kennedy stated that previous LDC meetings took up entire days.
- John "Ian" Fleck suggests the committee should try to hear every application that is submitted before the deadline to not slow down the development process.
- Dug Aldred suggests limiting applications would create a backlog of items to be heard at LDC.
- Dennis O'Grady suggests all day meetings with a lunch break would be ideal.
- Conclusion: LDC will not limit the number of applications heard per meeting. Rather, this is an issue for local municipalities. The local municipalities can defer if they can't get all applications processed prior to the council deadline or do not have time to hear all applications at their council meetings. Pushing applications back one month should still allow for legislated PA timelines to be met.

*To ensure a timely and on schedule hearing of consent applications, committee discussion was paused at 9:17am and picked up again after the scheduled hearings. Discussion was continued at 12:18pm.*

**Items for Consideration:**

Confirmation of Renumeration for LDC

**Committee Comments:**

Dennis O'Grady proposed this be discussed at the next LDC.

**Items for Consideration:**

Surplus Farm Dwellings

**Committee Comments:**

- Dug Aldred is concerned about the precedent being set by approving surplus farm dwellings where there are no actual farmers involved (i.e. farm land being bought by an agricultural investment company, house retained by old owners looking to downsize). Dug Aldred has also expressed that the only way this will be dealt with is if a decision of LDC regarding a situation such as this is appealed which will set the bar for how future applications should be handled.
- Rosemary Kennedy states we can't have a way of verifying if anyone is a bona fide farmer through our applications other than what we currently require.
- Jack Van Kasteren states that decisions can only be made based on policy and regulation. If the municipality and county are recommending approval, the LDC has no basis to refuse applications.
- Regarding lots without 911 numbers: addresses cannot be provided if these are not created by the municipality. Therefore, the LDC cannot demand something be provided that doesn't exist/isn't made to exist through the local municipality.

**9:17am - Application E 20-21**

**John and Teresa Vanderdeen**, 21542 Hoskins Line, Rodney ON N0L 2C0

*The applicant proposes to sever a lot with a frontage of 45.72 metres (150 feet) along Downie Line, by a depth of 146.30 metres (479.99 feet) and an area of hectares 0.67 (1.65 acres), proposed to create one residential lot surplus to a farming operation. The owners are retaining 29.68 hectares (73.34 acres) 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

Applicant: David Durham, purchaser, was present electronically

Written submissions were received from the following:

1. **Municipality of Dutton Dunwich** - Administration recommends approval subject to provided conditions.
2. **Brian Lima, Director Engineering Services** – The Engineering Department has indicated this proposal is not on a County road.
3. **Nancy Pasato, Manager of Planning** – The county supports this application.

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

**Moved by: Dennis O'Grady**

**Seconded by: Rosemary Kennedy**

**That severance application E 20-21 be approved subject to the following conditions:**

It is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent:

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
2. That septic system review for the severed parcel has been completed;
3. That a municipal drain re-apportionments have been completed;
4. 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;
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
6. That taxes are to be paid in full;
7. That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; and
8. 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; and
9. That the barn be removed from the severed parcel, prior to stamping of the deeds, to satisfaction of the Chief Building Official; and
10. That the applicant confirm with the Municipality that the purchaser is a bona fide farmer.

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.
3. Revision of the surplus farm dwelling lands to remove the lands containing existing barns to make a more regular lot shape, subject to the satisfaction of Nancy Pasato, Manager of Planning.

**Recorded Vote E 20-21**

	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John "Ian" Fleck - Chair (Dutton/Dunwich)	Yes	
Dennis O'Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	No recorded vote due to technical difficulties	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred (West Elgin)	Yes	

- **Carried**

Reasons: Creation of a new lot surplus to the needs of the owner.

**9:39am - Application E 27-21**

**James Simpson**, 29420 Thamesview Line, Municipality of Dutton Dunwich

*The applicants propose to sever a parcel with a frontage of 60 metres (196.85 feet) along Thamesview Line by a depth of 120 metres (393.70 feet) and an area of 0.72 hectares (1.78 acres) containing one residence surplus to the needs of the owner. The owners are retaining 141 hectares (348.42 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: Joe Hentz was present electronically

Applicant: James & Kelly Simpson were present electronically

Written submissions were received from the following:

4. **Municipality of Dutton Dunwich** - Administration recommends approval subject to provided conditions.
5. **Brian Lima, Director Engineering Services** – The Engineering Department has indicated this proposal is not on a County road.
6. **Nancy Pasato, Manager of Planning** – The county supports the application.

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

**Moved by: Dennis O'Grady**

**Seconded by: John Seldon**

**That severance application E 27-21 be approved subject to the following conditions:**

It is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent:

1. That the adopted Dutton Dunwich Official Plan dated January 27, 2021 is approved by the County of Elgin as it pertains to the land division policies;
2. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
3. That septic system review for the severed parcel has been completed;
4. That Municipal drain re-apportionments have been completed;
5. 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;
6. That an Environmental Impact Assessment be conducted to the satisfaction of the Municipality in consultation with the Lower Thames Valley Conservation Authority;
7. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
8. That taxes are to be paid in full;
9. That all Dutton Dunwich planning applications fees, set out in the Fees Bylaw, be



- paid to the Municipality; and
10. 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.

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed
3. 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 E27-21 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 E 27-21**

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

**- Carried**

Reasons: Creation of a new lot surplus to the needs of the owner.

**10:04am - Application E 37-21:**

**Ron and Fran Downie, 21542 Hoskins Line, Rodney ON N0L 2C0**

*The applicant proposes to sever a lot with a frontage of 45.72 metres (150 feet) along Downie Line, by a depth of 146.30 metres (479.99 feet) and an area of hectares 0.67 (1.65 acres), proposed to create one residential lot surplus to a farming operation. The owners are retaining 29.68 hectares (73.34 acres) 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.**

Public: Brian Pinder – neighbour – not opposed, more interested in the process.

Written submissions were received from the following:

1. **Municipality of West Elgin** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – 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.

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

**Moved by: John Andrews**

**Seconded by: Rosemary Kennedy**

**That severance application E 37-21 be granted subject to the following conditions:**

It is recommended that the following conditions from the Municipality of West Elgin be included as conditions for consent:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed parcel and retained parcel and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
6. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
7. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
8. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

**Recorded Vote E 37-21**

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

- **Carried**

Reasons: Creation of a new lot surplus to the needs of the owner.

**10:15am - Application E 38-21**

**Kellie Elizabeth Butler**, 5733 Boxall Road, Port Stanley ON N5L 1J1

*The applicant proposes to sever a lot with a frontage of 94.95 metres (311.51 feet) along Boxall Road, by a depth of 450 metres (1476.38 feet) and an area of 4.02 hectares (9.93 acres), proposed to be added to the adjacent property at 35893 Scotch Line, owned by Goodhue Farms. The owners are retaining 0.59 hectares (1.45 acres) to remain in 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: David Roe was present electronically.

Written submissions were received from the following:

1. **Township of Southwold** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – The Engineering Department has no concerns.
3. **Nancy Pasato, Manager of Planning** – Although this application meets the policies of the County and local Official Plans, County staff has recommended deferral of application No. E 39-21 which is related to this site. The applicant

may also wish to defer consideration of this file until E 39-21 has been resolved. Staff therefore recommend a deferral of this application until the outcome of E 39-21 is known.

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

**Moved by: Jack Van Kasteren**

**Seconded by: John Andrews**

**That severance application E 38-21 be granted subject to the following conditions:**

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor ensures that the severed parcel be deeded as a lot addition only, to adjacent lands to the west, in accordance with Section 50 (3 or 5) of the Planning Act, R.S.O. 1990.
4. That the Applicant's Solicitor ensures that any mortgage on the property be discharged from any land being severed and for any lands to be added to a lot with a mortgage, that any mortgage shall be extended onto the additional lands, to the satisfaction and clearance of the Municipality.
5. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
6. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered property identification number consolidation once the consolidation has occurred to the Municipality.
7. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment to rezone the retained and severed parcels and having such rezoning of the Zoning Bylaw come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall have a septic system assessment completed by a qualified individual, on the proposed retained parcel to ensure that the lands are suitable for a privately owned and operated septic system and install any and all upgrades as may be required, to the satisfaction and clearance of the Municipality.
9. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
10. That the Applicant shall have a private water well assessment completed on the retained parcel to ensure the drinking water source is safe for human consumption, to the satisfaction and clearance of the Municipality.
11. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
12. That the conditions of Applications E38-21 and E39-21 be fulfilled in conjunction

with one another.

13. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Staff recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.
3. That the severed lands are deeded in the same name and interest as the abutting lot at 35893 Scotch Line, owned by Goodhue Farms and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.

**Recorded Vote E 38-21**

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

- **Carried**

Reasons: Lot Adjustment

**10:35am - Application E 39-21:**

**Goodhue Farms (Port Stanley), 36507 Scotch Line, Port Stanley ON N5L 1J1**

*The applicant proposes to sever a lot with a frontage of 143.43 metres (470.57 feet) along Boxall Road, by a depth of 94.5 metres (310.04 feet) and an area of 1.3 hectares (3.21 acres), proposed to be added to the adjacent property at 5733 Boxall Road, owned by Kellie Elizabeth Butler. The owners are retaining 32.88 hectares (81.24 acres) 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.

Applicant: Jim Goodhue was present electronically.

Written submissions were received from the following:

1. **Township of Southwold** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – The Engineering Department has no concerns.
3. **Nancy Pasato, Manager of Planning** – The application for consent is not consistent with the 2020 Provincial Policy Statement or the County of Elgin Official Plan regarding lot adjustments in agricultural areas. As such, planning staff recommend deferral of the application until the applicants provide more information on why the existing lands cannot accommodate the proposed expansion.

*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 39-21 be granted subject to the following conditions:**

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant’s Solicitor ensures that the severed parcel be deeded as a lot addition only, to adjacent lands to the north, in accordance with Section 50 (3 or 5) of the Planning Act, R.S.O. 1990.
4. That the Applicant’s Solicitor ensures that any mortgage on the property be discharged from any land being severed and for any lands to be added to a lot with a mortgage, that any mortgage shall be extended onto the additional lands, to the satisfaction and clearance of the Municipality.
5. That the Applicant’s Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
6. That the Applicant’s Solicitor provides an undertaking to the Municipality, to provide a copy of the registered property identification number consolidation once the consolidation has occurred to the Municipality.
7. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment to rezone the severed parcel and having such rezoning of the Zoning Bylaw come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant provide a Mutual Drain Agreement pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.

10. That the conditions of Applications E38-21 and E39-21 be fulfilled in conjunction with one another.
11. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Staff recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.
3. That the severed lands are deeded in the same name and interest as the abutting lot at 5733 Boxall Road, owned by Kellie Butler and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.

**Recorded Vote E 39-21**

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

- Carried

Reasons: Lot Adjustment.

**10:44am - Application E 40-21:**

**Wagler Homes Inc., 54857 Talbot Line RR1 Eden ON N0J 1H0**

*The applicant proposes to sever a lot with a frontage of 10.08 metres (33.07 feet) along Myrtle Street, by a depth of 40.28 metres (132.15 feet) and an area of 406.1 square metres (0.10 acres) and retain a lot of 406.3 square metres (0.10 acres), each proposed to be used for existing residential use (one unit of a semi-detached dwelling for each the severed and retained lots).*

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

Written submissions were received from the following:

1. **Town of Aylmer** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – The Engineering Department supports this application, with conditions.
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.
4. **Public Comments** – one comment was received via email from Dan Reid, a neighbor of the subject site, in opposition of the proposed application.

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

**Moved by: John Andrews**

**Seconded by: John Seldon**

**That severance application E 40-21 be granted subject to the following conditions:**

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

<b>Recorded Vote E 40-21</b>	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John "Ian" Fleck - Chair (Dutton/Dunwich)	Yes	
Dennis O'Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	
Dugald Aldred (West Elgin)	Yes	

**- Carried**

**Reasons:** Creation of a new residential lot

**10:50am - Application E 41-21:**

**Wagler Homes Inc., 54857 Talbot Line RR1 Eden ON N0J 1H0**



*The applicant proposes to sever a lot with a frontage of 10.05 metres (32.97 feet) along Myrtle Street, by a depth of 40.2 metres (131.89 feet) and an area of 405 square metres (0.10 acres) and retain a lot of 406.4 square metres (0.10 acres), each proposed to be used for existing residential use (one unit of a semi-detached dwelling for each the severed and retained lots).*

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

Written submissions were received from the following:

1. **Town of Aylmer** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – The Engineering Department supports this application, with conditions.
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.
4. **Public Comments** – one comment was received via email from Dan Reid, a neighbor of the subject site, in opposition of the proposed application.

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

**Moved by: Jack Van Kasteren**

**Seconded by: Rosemary Kennedy**

**That severance application E 41-21 be granted subject to the following conditions:**

Staff support this application for consent, and recommend the following conditions:

1. digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

**Recorded Vote E 41-21**

	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John "Ian" Fleck - Chair (Dutton/Dunwich)	Yes	
Dennis O'Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	

Dugald Aldred (West Elgin)

Yes

- Carried

**Reasons:** Creation of a new residential lot

**10:55am - Application E 42-21**

**Connie Blyde**, 255 Hill Street, Port Stanley ON N5L 1H5

*The applicant proposes to sever a lot with a frontage of 15.24 metres (50 feet) along Larry Street, by a depth of 32.31 metres (106 feet) and an area of 492.4 square metres (0.12 acres) for future residential use. The owners are retaining 1536.34 square metres (0.38 acres) proposed to remain as the existing 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: Michael Brightling was present electronically.

Applicant: Connie Blyde was present electronically.

Members of the Public: Eric and Rachel Weesjes were present electronically and oppose the application.

Written submissions were received from the following:

1. **Municipality of Central Elgin** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – The Engineering Department has indicated the subject site is not on a County road.
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.
4. **Members of the Public** - one comment was submitted via phone call from Rachael Weesjes, owner of 370 Larry Street, lands directly to the north of the subject lands. She voiced concerns related to privacy and the proposed future use of the lands impacting the use and enjoyment of her own property. Additionally, she is concerned that existing, mature trees will need to be removed to construct a dwelling on the proposed lot. Subsequently, she provided a comment in writing and attended the hearing.

An additional comment was received via email from Rick Fitzelle, who lives adjacent to the subject lands, opposing the severance application.

*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 42-21 be granted subject to the following conditions:**

It is recommended that conditions from the Municipality of Central Elgin be included

as conditions for consent:

1. Confirmation that municipal services for both the severed and retained lots have been completed to the satisfaction of the Director of Asset Management/Development Services.
2. Confirmation that the existing shed on the severed lot has been removed or relocated, to the satisfaction of the Chief Building Official.
3. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical and financial matter relative to the development of the subject lands.
4. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes.
5. A copy of the reference plan be provided to the Municipality of Central Elgin.
6. A drainage reassessment be done, if necessary, at the owner's expense.

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed

**Recorded Vote E 42-21**

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

- **Carried**

**Reasons:** Creation of a new residential lot

**11:11am - Application E 43-21**

**Michael James Robinson**, 25597 Stalker Line, West Lorne ON N0L 2P0

*The applicant proposes to sever a lot with a frontage of 55.6 metres (182.41 feet) along Stalker Line by a depth of 109.17 metres (358.17 feet) and an area of 0.60 hectares (1.49 acres), proposed to create one residential lot surplus to a farming operation. The owners are retaining 38.91 hectares (96.15 acres) 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: Dan McKillop was present electronically.

Members of the Public: Donna Lunn, Elgin Federation of Agriculture was present electronically and opposes the application. Angela K., resident of 25756 Argyle Line, was present electronically and opposes the application.

Written submissions were received from the following:

1. **Municipality of West Elgin** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – The Engineering Department supports this application, with conditions.
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.
4. **Members of the Public** – Donna Lunn, Elgin Federation of Agriculture, opposes the application. She voiced concerns over administrative processes and did not think the application was complete/transparent nor did she understand the proposal when referencing the provided maps. She would like to see more details (i.e. buildings, water courses, surrounding area, etc.) in order to make a more informed decision. Due to the missing information, she doesn't believe one can tell if the proposed lot sizes are appropriate. Additionally, she believes this is not a surplus dwelling, but rather a retirement residence and should not be permitted. She is unclear as to how this application can or does meet policy.

Angela K., resident of 25756 Argyle Line, was present electronically and supported Donna's concerns, specifically, over the way this application was worded. This is not a surplus dwelling, doesn't meet policy and should not be permitted.

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

**Moved by: Dennis O'Grady**

**Seconded by: Rosemary Kennedy**

**That severance application E 43-21 be granted subject to the following conditions:**

It is recommended that conditions from the Municipality of West Elgin be included as conditions for consent:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.

4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed parcel and retained parcel and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant have the water well on the retained parcel abandoned and decommissioned by a licensed well contractor, to the satisfaction and clearance of the Municipality.
6. That the Applicant have the two existing barns and outhouse demolished, with all materials removed, so that the lands have the capability of being tilled with the farmlands, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
8. That the Applicant remove the existing septic system and install a new septic system by a qualified contractor on the severed parcel, to the satisfaction and clearance of the Municipality.
9. That the Applicant's Solicitor provided an undertaking to the Municipality, to provide a copy of the registered deed for the retained parcel prior to the transfer of the severed parcel, by transferring retained parcel to the purchasing farmer as part of a farm consolidation, once the transaction has occurred to the Municipality.
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed
3. That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Stalker Line County Road 9 to the County of Elgin for the purposes of road widening if the right of way is already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
4. 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.

**Recorded Vote E 43-21**

Yes \_\_\_\_\_ No \_\_\_\_\_

John Andrews (Southwold)

Yes

John "Ian" Fleck - Chair (Dutton/Dunwich)

No

Dennis O’Grady (Central Elgin)	Yes
Rosemary Kennedy (Malahide)	Yes
John Seldon (Bayham)	Yes
Jack Van Kasteren (Aylmer)	Yes
Dugald Aldred (West Elgin)	No

- Carried

Reasons: Creation of a new lot surplus to the needs of the owner.

**11:50am - Application E 44-21**

**Brett Douglas Allen**, 10247 Talbotville Gore Road, St. Thomas ON N5P 3T2

*The applicant proposes to sever a lot with a revised frontage of 15.24 metres (50 feet) along Talbotville Gore Road, by a revised depth of 30.48 metres (100.00 feet) and a revised area of 540.2m<sup>2</sup> (5814.66ft<sup>2</sup>) for future residential use. The owner is retaining a revised area of 16 842.2m<sup>2</sup> (181287.93 ft<sup>2</sup>) proposed to remain an existing vacant lot (structures to be removed).*

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

Agent: Aldo Caranci was present electronically.

Members of the Public: Jacquie Jensky was present electronically and in opposition of the application. Dave Arnett was present electronically and in opposition of the application.

Written submissions were received from the following:

1. **Township of Southwold** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – has indicated the subject site is not on a County road.
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.
4. **Members of the Public** – Jacques Roy, 10141 Talbotville Gore Road, is in opposition of this application. Submitted in writing prior to the hearing, Mr. Roy has expressed concerns related to impact of drainage on his property, the size of the proposed lots not matching the neighbourhood character, wanted confirmation of what kind of housing will be going (i.e. elevations), and is generally concerned that this application should be a plan of subdivision, rather than a consent to create four lots, if the entire site will be developed anyways. He feels this is a way for the developer to by-pass development expenses and take advantage of loopholes that exist in the planning process

to hide what they are planning for the future.

Jacquie Jensky – was seeking clarification on the proposed future use of the retained lands and wanted to know if there would be tree preservation measures put in place to protect the existing, mature trees.

Dave Arnett – believes this should be a plan of subdivision, rather than a consent application, and that the application was only submitted as such to work around the rules/process put in place to protect the community.

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

**Moved by: John Andrews**

**Seconded by: John Seldon**

**That severance application E 44-21 be granted subject to the following conditions:**

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant obtain demolition permit(s) prior to the removal of all buildings and structures (existing dwelling (including septic decommissioning and removal), two sheds, seacan and two cover-alls) and all existing services to be disconnected prior to demolition, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction and clearance of the Municipality.
6. That the Applicant shall complete a Master Drainage Study, along with Lot Grading and Drainage Plans with the drainage outlets, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall complete a Site Servicing Report, along with associated site servicing drawings, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four lots to be severed and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, wastewater, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.

9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That the conditions of Applications E44-21, E45-21, E46-21 and E47-21 be fulfilled in conjunction with one another.
11. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

**Recorded Vote E 44-21**

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

- **Carried**

Reasons: Creation of new residential lot.

**11:50am - Application E 45-21**

**Brett Douglas Allen**, 10247 Talbotville Gore Road, St. Thomas ON N5P 3T2

*The applicant proposes to sever a lot with a revised frontage of 15.24 metres (50 feet) along Talbotville Gore Road, by a revised depth of 30.48 metres (100.00 feet) and a revised area of 464.1m<sup>2</sup> (4995.53ft<sup>2</sup>) for future residential use. The owner is retaining a revised area of 16 332.3m<sup>2</sup> (175799.41ft<sup>2</sup>) proposed to remain an existing vacant lot (structures to be removed).*

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

Agent: Aldo Caranci was present electronically.

Members of the Public: Jacquie Jensky was present electronically and had concerns regarding the future use of the retained lands and tree preservation. Dave Arnett was



present electronically and in opposition of the application.

Written submissions were received from the following:

1. **Township of Southwold** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – has indicated the subject site is not on a County road.
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.
4. **Members of the Public** – Jacques Roy, 10141 Talbotville Gore Road, is in opposition of this application. Submitted in writing prior to the hearing, Mr. Roy has expressed concerns related to impact of drainage on his property, the size of the proposed lots not matching the neighbourhood character, wanted confirmation of what kind of housing will be going (i.e. elevations), and is generally concerned that this application should be a plan of subdivision, rather than a consent to create four lots, if the entire site will be developed anyways. He feels this is a way for the developer to by-pass development expenses and take advantage of loopholes that exist in the planning process to hide what they are planning for the future.

Jacque Jensky – was seeking clarification on the proposed future use of the retained lands and wanted to know if there would be tree preservation measures put in place to protect the existing, mature trees.

Dave Arnett – believes this should be a plan of subdivision, rather than a consent application, and that the application was only submitted as such to work around the rules/process put in place to protect the community.

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

**Moved by: John Seldon**

**Seconded by: Jack Van Kasteren**

**That severance application E 45-21 be granted subject to the following conditions:**

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant obtain demolition permit(s) prior to the removal of all buildings and structures (existing dwelling (including septic decommissioning and removal), two sheds, seacan and two cover-alls) and all existing services to be

- disconnected prior to demolition, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction and clearance of the Municipality.
  6. That the Applicant shall complete a Master Drainage Study, along with Lot Grading and Drainage Plans with the drainage outlets, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
  7. That the Applicant shall complete a Site Servicing Report, along with associated site servicing drawings, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
  8. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four lots to be severed and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, wastewater, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.
  9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
  10. That the conditions of Applications E44-21, E45-21, E46-21 and E47-21 be fulfilled in conjunction with one another.
  11. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

<b>Recorded Vote E 45-21</b>	<u>Yes</u>	<u>No</u>
John Andrews (Southwold)	Yes	
John "Ian" Fleck - Chair (Dutton/Dunwich)	Yes	
Dennis O'Grady (Central Elgin)	Yes	
Rosemary Kennedy (Malahide)	Yes	
John Seldon (Bayham)	Yes	
Jack Van Kasteren (Aylmer)	Yes	

Dugald Aldred (West Elgin)

Yes

- **Carried**

Reasons: Creation of new residential lot.

**11:50am - Application E 46-21**

**Brett Douglas Allen**, 10247 Talbotville Gore Road, St. Thomas ON N5P 3T2

*The applicant proposes to sever a lot with a revised frontage of 15.24 metres (50 feet) along Talbotville Gore Road, by a revised depth of 30.49 metres (100.03 feet) and a revised area of 464.1m<sup>2</sup> (4995.53ft<sup>2</sup>) for future residential use. The owner is retaining a revised area of 15 822.4m<sup>2</sup> (170310.89 ft<sup>2</sup>) proposed to remain an existing vacant lot (structures to be removed).*

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

Agent: Aldo Caranci was present electronically.

Members of the Public: Jacquie Jensky was present electronically and had concerns regarding the future use of the retained lands and tree preservation. Dave Arnett was present electronically and in opposition of the application.

Written submissions were received from the following:

1. **Township of Southwold** - Administration recommends that the request for severance be approved, with conditions.
2. **Brian Lima, Director Engineering Services** – has indicated the subject site is not on a County road.
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.
4. **Members of the Public** – Jacques Roy, 10141 Talbotville Gore Road, is in opposition of this application. Submitted in writing prior to the hearing, Mr. Roy has expressed concerns related to impact of drainage on his property, the size of the proposed lots not matching the neighbourhood character, wanted confirmation of what kind of housing will be going (i.e. elevations), and is generally concerned that this application should be a plan of subdivision, rather than a consent to create four lots, if the entire site will be developed anyways. He feels this is a way for the developer to by-pass development expenses and take advantage of loopholes that exist in the planning process to hide what they are planning for the future.

Jacquie Jensky – was seeking clarification on the proposed future use of the retained lands and wanted to know if there would be tree preservation measures put in place to protect the existing, mature trees.

Dave Arnett – believes this should be a plan of subdivision, rather than a consent application, and that the application was only submitted as such to work around the rules/process put in place to protect the community.

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

**Moved by: Rosemary Kennedy**

**Seconded by: Dennis O'Grady**

**That severance application E 46-21 be granted subject to the following conditions:**

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant obtain demolition permit(s) prior to the removal of all buildings and structures (existing dwelling (including septic decommissioning and removal), two sheds, seacan and two cover-alls) and all existing services to be disconnected prior to demolition, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction and clearance of the Municipality.
6. That the Applicant shall complete a Master Drainage Study, along with Lot Grading and Drainage Plans with the drainage outlets, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall complete a Site Servicing Report, along with associated site servicing drawings, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four lots to be severed and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, wastewater, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.
9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That the conditions of Applications E44-21, E45-21, E46-21 and E47-21 be fulfilled in conjunction with one another.
11. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

**Recorded Vote E 46-21**

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

- **Carried**

Reasons: Creation of new residential lot.

**11:50am - Application E 47-21**

Brett Douglas Allen, 10247 Talbotville Gore Road, St. Thomas ON N5P 3T2

*The applicant proposes to sever a lot with a revised frontage of 15.24 metres (50 feet) along Talbotville Gore Road, by a revised depth of 30.50 metres (100.06 feet) and a revised area of 464.1m<sup>2</sup> (4995.53ft<sup>2</sup>) for future residential use. The owner is retaining a revised area of 15 312.5m<sup>2</sup> (164822.37ft<sup>2</sup>) proposed to remain an existing vacant lot (structures to be removed).*

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

Agent: Aldo Caranci was present electronically.

Members of the Public: Jacquie Jensky was present electronically and had concerns regarding the future use of the retained lands and tree preservation. Dave Arnett was present electronically and in opposition of the application.

Written submissions were received from the following:

1. **Township of Southwold** - Administration recommends that the request for severance be approved, with conditions.

2. **Brian Lima, Director Engineering Services** – has indicated the subject site is not on a County road.
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.
4. **Members of the Public** – Jacques Roy, 10141 Talbotville Gore Road, is in opposition of this application. Submitted in writing prior to the hearing, Mr. Roy has expressed concerns related to impact of drainage on his property, the size of the proposed lots not matching the neighbourhood character, wanted confirmation of what kind of housing will be going (i.e. elevations), and is generally concerned that this application should be a plan of subdivision, rather than a consent to create four lots, if the entire site will be developed anyways. He feels this is a way for the developer to by-pass development expenses and take advantage of loopholes that exist in the planning process to hide what they are planning for the future.

Jacque Jensky – was seeking clarification on the proposed future use of the retained lands and wanted to know if there would be tree preservation measures put in place to protect the existing, mature trees.

Dave Arnett – believes this should be a plan of subdivision, rather than a consent application, and that the application was only submitted as such to work around the rules/process put in place to protect the community.

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

**Moved by: Dug Aldred**

**Seconded by: Jack Van Kasteren**

**That severance application E 47-21 be granted subject to the following conditions:**

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant obtain demolition permit(s) prior to the removal of all buildings and structures (existing dwelling (including septic decommissioning and removal), two sheds, seacan and two cover-alls) and all existing services to be disconnected prior to demolition, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage

Act process that may be required, to the satisfaction and clearance of the Municipality.

6. That the Applicant shall complete a Master Drainage Study, along with Lot Grading and Drainage Plans with the drainage outlets, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall complete a Site Servicing Report, along with associated site servicing drawings, for the proposed four lots to be severed and the retained parcel, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed four lots to be severed and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, wastewater, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.
9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That the conditions of Applications E44-21, E45-21, E46-21 and E47-21 be fulfilled in conjunction with one another.
11. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Staff support this application for consent, and recommend the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

**Recorded Vote E 47-21**

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

- **Carried**

Reasons: Creation of new residential lot.

**12:34pm - Adjournment**

The Chair adjourned the meeting at 12:34 pm.



---

Aisling Lavery, Secretary-Treasurer

---

John "Ian" Fleck, Chair





**CORPORATION OF THE COUNTY OF ELGIN  
REVISED NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 48-21**

**PLAN 145 PT LOTS 27 AND 28; RP 11R9399 PART 2  
TOWN OF AYLMER  
MUNICIPAL ADDRESS: 62 OAK STREET**

**TAKE NOTICE** that an application has been made by **Johan and Tine Friesen**, 62 Oak Street, Aylmer, ON N5H 1G6 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 62 Oak Street, Town of Aylmer.

**The applicant proposes create an easement with a width of 2.038 metres (6.686 feet) along Oak Street, by a length of 33.33 metres (109.252 feet) and an area of 74 square metres (0.028 acres) for a proposed underground hydro easement, over the private lot known as 62 Oak Street, in favour of the applicant.**

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 JULY 28, 2021 AT 9:20 AM.  
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.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [alaverty@elgin.ca](mailto:alaverty@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

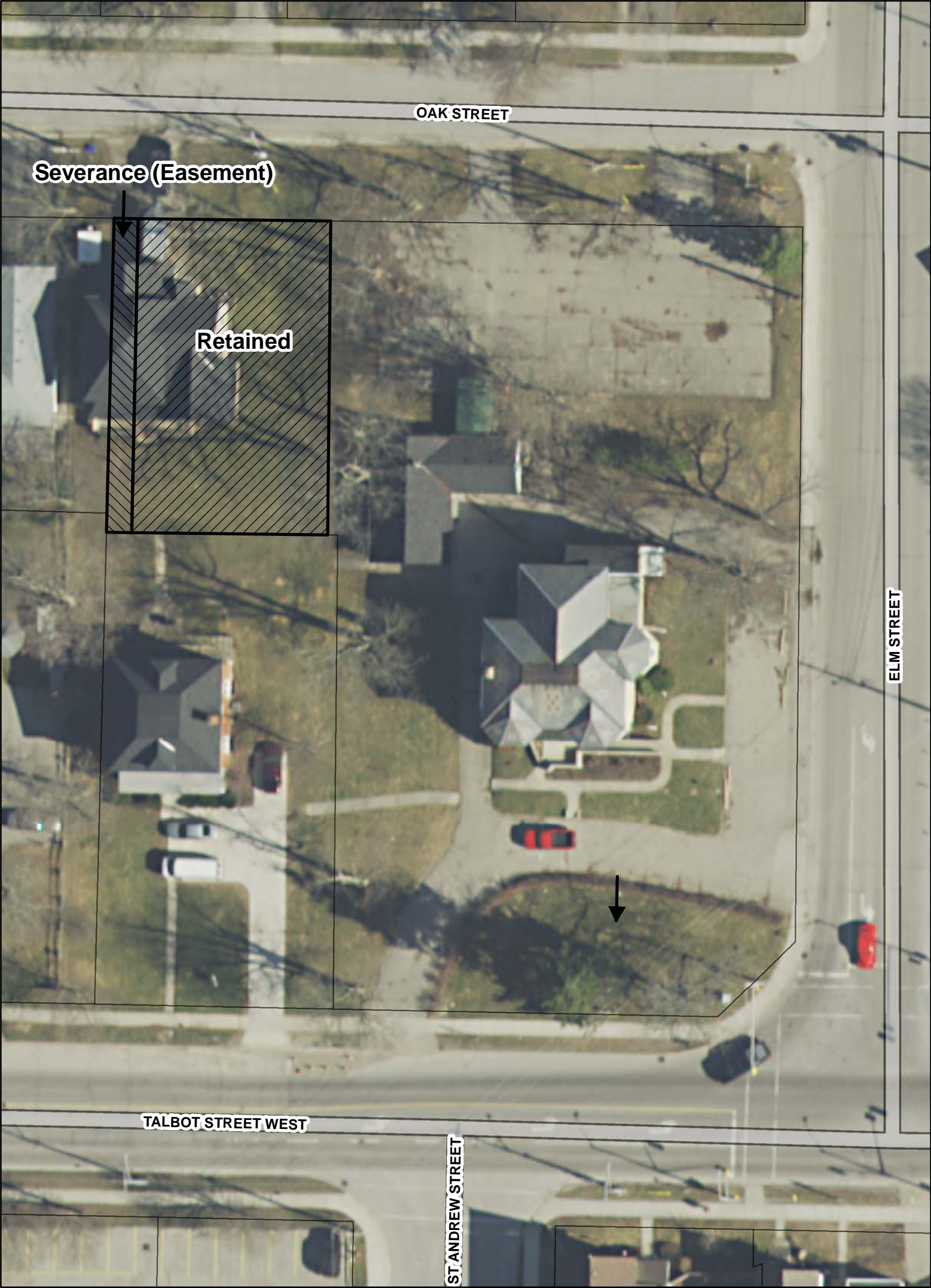
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

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 28<sup>th</sup> day of June, 2021.

Aisling Laverty  
Secretary-Treasurer  
Land Division Committee

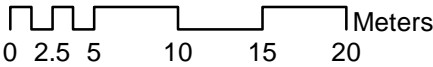
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynatrue.com](http://www.progressivebynatrue.com)



*Location Map*



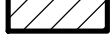


Subject Site: 62 Oak Street  
File Number: E48-2021  
Owner: Johan and Tina Freisen  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

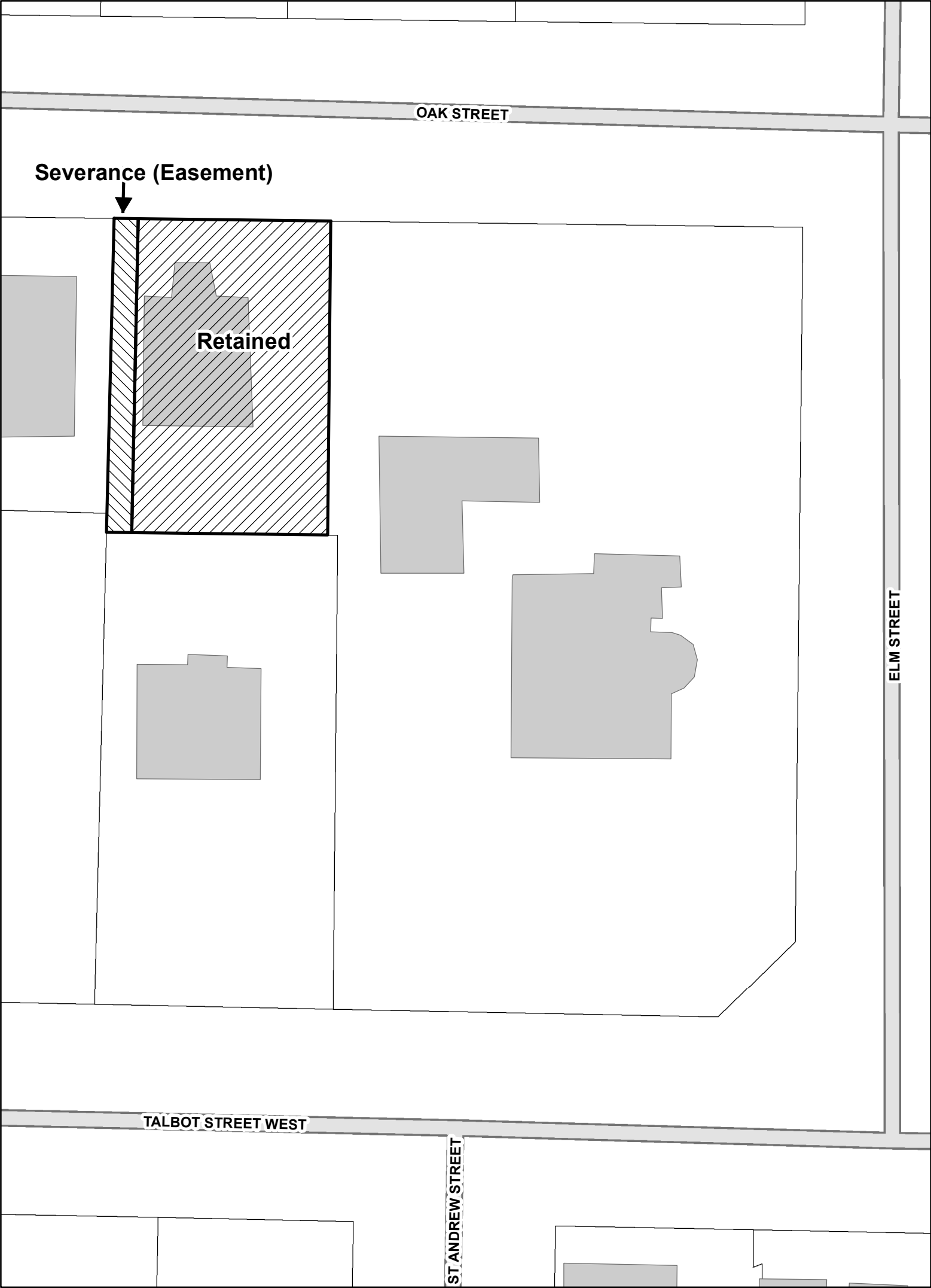
The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:450

*Legend*

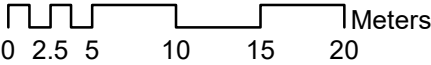
-  Subject Site
-  Severance
-  Retained
-  Elgin Road Network
-  Buildings



*Location Map*






Subject Site: 62 Oak Street  
File Number: E48-2021  
Owner: Johan and Tina Freisen  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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



Scale 1:450

*Legend*

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

Town of Aylmer

**Report PLAN 02-21**

<b>Report Title:</b>	Application for Consent (Easement) No.48-21 – 62 Oak Street
<b>Submitted for:</b>	July 12, 2021
<b>Report Author:</b>	Christie Kent, Manager of Planning and Development
<input type="checkbox"/> <b>Receive for Information</b>	<input checked="" type="checkbox"/> <b>Recommendation</b>

**Recommendation:**

That Report PLAN 02-21, entitled Application for Consent (Easement) No.48-21 – 62 Oak Street, be received for information; and,

That the Application for Consent (Easement) No.48-21 relating to the property located at Lots 27 and 28, Plan 145 (Town of Aylmer), and known municipally as 62 Oak Street, be supported for reasons set out in this report; and,

That this report be forwarded to the Land Division Committee for its review and consideration.

**Background:**

The Elgin County Land Division Committee is in receipt of an application for consent to establish an easement, submitted by Johan and Tina Friesen, and pertaining to the lands municipally known as 62 Oak Street.

The purpose and effect of the subject application is to establish an easement over an underground power (hydro) line in order to confer the right to use this portion of the subject lands for utility access and maintenance.

The County Land Division Committee has scheduled a Public Hearing for this application for July 28, 2021.

**Analysis:**

The subject lands comprise an area of 672 m<sup>2</sup> (0.17 ac) and contain an existing single-detached dwelling. Application No. E48-21 proposes to establish a utility easement along the easterly property line. The width of the proposed easement is variable due to an irregular configuration, and ranges from 2.038m (6.69 ft) along the property frontage (Oak Street) and approximately 4.0m (13.1 ft) in the rear yard. A sketch of the location of the proposed easement is appended to this report.



### County of Elgin Official Plan

Technical severances are contemplated in Section E1.2.3.3 of the County's Official Plan. This section includes the direction that consents may be granted for the purpose of creating an easement or right-of-way, where such severance does not result in the creation of a new lot.

### Town of Aylmer Official Plan

The subject lands are located within the Office Residential land use designation of the Town's Official Plan.

Section 5.1.2 of the Town's Official Plan provides policy direction for land severances and includes evaluation criteria. Specifically, Section 5.1.2(6) indicates that, consents for the creation of easements or rights-of-way are permitted provided the consent would not result in the creation of a new building lot.

### Town of Aylmer Zoning By-law 57-99

The subject lands are zoned RO – Residential Office Zone within the Town's Zoning By-law. A single-detached dwelling is a permitted use within the RO Zone.

### Recommendation

Planning staff has reviewed the application against the applicable Official Plan policies and the Town's Zoning By-law. Based on this review, it is recommended that Council offer support for the application to the Land Division Committee, subject to the Committee's standard conditions.

Respectfully submitted,  
Christie Kent, Manager of Planning and Development

☒ Reviewed by Josh Brick, Director of Corporate/ Legislative Services

☒ Reviewed by Andy Grozelle, Chief Administrative Officer



**COUNTY OF ELGIN ROAD SYSTEM**

**DATE:** June 30, 2021 **ELGIN COUNTY ROAD NO.:** \_\_\_\_\_

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**

**RE:**

**APPLICATION NO.:** E 48-21

**OWNER:** Johan and Tine Friesen

**PROPERTY:** **LOT NO.** PT LOTS 27 AND 28;  
RP 11R9399 PART 2 **CONCESSION:**

**REG'D PLAN:** 145 **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 lots/parcels up to m from the centreline of construction of County Road (9) 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**



**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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** Nancy Pasato, Manager of Planning  
**Date:** July 28, 2021  
**Application:** E 48-21

---

**Owner:**

**Johan and Tina Friesen**

62 Oak Street, Aylmer, ON N5H 1G6

**Location:** 62 Oak Street, know legally as PLAN 145 PT LOTS 27 AND 28; RP 11R9399  
PART 2, Town of Aylmer.

**PROPOSAL**

The applicant proposes to sever a lot with a frontage of 2.038 metres (6.686 feet) along Oak Street, by a depth of 33.33 metres (109.252 feet) and an area of 74 square metres (0.028 acres) for a proposed underground hydro easement, and retain a lot with a frontage of 21m (68.897 ft) by a depth of 33.3m (109.252 feet) and an area of 700 square metres (0.173 acres), proposed to maintain the existing residential use.

**County of Elgin Official  
Plan**

Settlement Area Tier 1

**Local Municipality Official  
Plan**

Office Residential

**Local Municipality Zoning  
By-law**

Residential Office Zone (RO)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Town of Aylmer* – That the Application for Consent (Easement) No.48-21 relating to the property located at Lots 27 and 28, Plan 145 (Town of Aylmer), and known municipally as 62 Oak Street, be supported for reasons set out in this report.

*County Engineering* – not on a County road.

*Catfish Creek Conservation Authority* - no concerns.

**Planning Act and Provincial Policy Statement**

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.3 (Settlement Areas) outlines that settlement areas including cities, towns, villages and hamlets, are to be the focus of growth and development within municipalities.

Specifically, Policy 1.1.3.2 outlines that land use patterns within these settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

The Applicant has indicated the proposed severed parcel is for the purpose of an underground hydro easement.

#### County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 1 (Aylmer) in the Elgin County Official Plan (OP). Tier 1 settlement areas generally have the largest populations in the County and as a consequence have full municipal services (municipal water and sewage services). Given the type of servicing that is provided in these settlement areas and the potential for these settlement areas to be central communities where a range of uses and opportunities are and can be provided, this Plan directs the majority of new growth to Tier 1 settlement areas.

Section E.1.2.3.3 Technical Severances outlines that consents may be granted for the purpose of creating an easement or right-of-way, where such severance does not result in the creation of a new lot except where the creation of new lots is to correct a situation where two or more lots have merged on title. The applicant has indicated that the proposed consent is for the purpose of a technical severance being an underground hydro easement.

#### Local Municipality Official Plan and Zoning By-law

The subject lands are located within the Office Residential land use designation of the Town's Official Plan. Section 5.1.2 of the Town's Official Plan provides policy direction for land severances and includes evaluation criteria. Specifically, Section 5.1.2(6) indicates that, consents for the creation of easements or rights-of-way are permitted provided the consent would not result in the creation of a new building lot.

The subject lands are zoned RO – Residential Office Zone within the Town's Zoning By-law. A single-detached dwelling is a permitted use within the RO Zone.

The proposed severance complies with both the Town's Official Plan and Zoning By-law.

#### RECOMMENDATION:

County planning staff recommend deferral of this application due to a required re-circulation. County staff propose this application to be heard at the next available Land Division Committee meeting.





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 49-21**

**PLAN 54; PT LOTS 5,6 &7  
MUNICIPALITY OF BAYHAM  
MUNICIPAL ADDRESS: 10 OAK STREET**

**TAKE NOTICE that** an application has been made by **Franz Klassen**, 10 Oak Street, Vienna, ON N0J 1Z0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 10 Oak Street, Municipality of Bayham.

The applicant proposes to sever a lot with a frontage of 27.46 metres (90.1 feet) along Oak Street, by a depth of 40.58 metres (133.15 feet) and an area of 926.09 square metres (0.23 acres) for future residential use and retain a lot with a frontage of 33.3 m (109.1 ft) by a depth of 28.4 metres (93.1 feet) and an area of 907.23 square metres (0.22 acres), proposed to maintain the existing residential use.

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 JULY 28, 2021 AT 9:30 AM.  
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.**

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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 28<sup>th</sup> day of June, 2021.

Aisling Laverty  
Secretary-Treasurer  
Land Division Committee

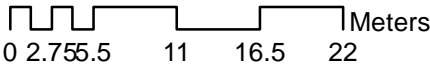
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



*Location Map*






Subject Site: 10 Oak Street  
File Number: E49-2021  
Owner: Franz Klassen  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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



Scale 1:500

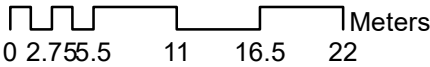
*Legend*

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



*Location Map*






Subject Site: 10 Oak Street  
File Number: E49-2021  
Owner: Franz Klassen  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021



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

Scale 1:500

*Legend*

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



Municipality of  
**BAYHAM**

A: P.O. Box 160, 56169 Heritage Line  
Straffordville, ON N0J 1Y0

T: 519-866-5521

F: 519-866-3884

E: [bayham@bayham.on.ca](mailto:bayham@bayham.on.ca)

W: [www.bayham.on.ca](http://www.bayham.on.ca)



July 15, 2021

Aisling Laverty  
Secretary Treasurer  
Elgin County Land Division Committee  
450 Sunset Drive  
St. Thomas ON N5R 5V1

EMAIL ONLY

Dear Ms. Laverty

**Re: Application for Consent No. E49-21 Klassen**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the July 15, 2021 meeting:

**THAT Staff Report DS-43/21 regarding Consent application E49-21 Klassen be received for information;**

**AND THAT Council supports and recommends to the Elgin County Land Division Committee that Consent Application E49-21, submitted by Franz Klassen be granted subject to the following considerations and conditions:**

1. Digital Copy of the final survey
2. Planning report fee payable to the municipality
3. Cash in Lieu of parkland dedication fee payable to the Municipality
4. Installation of municipal water and municipal sanitary sewer stub connections to the severed lot
5. Rezoning of the retained lands to a site-specific Village Residential (R1) Zone to recognize a reduced rear yard setback
6. Provide a grading plan showing adequate storm water control of surface water runoff to not adversely affect neighbouring properties, municipal street or receiving watercourses
7. Provide confirmation of adequate elevation above the susceptible flood area from the LPRCA prior to development of the severed lands.

Municipal Appraisal Sheet and Staff Report DS-43/21 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Margaret Underhill', is written over a light blue horizontal line.

Margaret Underhill  
Deputy Clerk|Planning Coordinator  
D09.KLASS  
Cc: F. Klassen (email)

## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E 49-21

Applicant Klassen, Franz

Location Bayham – Plan 54 Pt Lots 5, 6, & 7

### PART 1 - OFFICIAL PLAN

- |   |           |        |
|---|-----------|--------|
| 1. Is there an O.P. in effect?              | Yes ( X ) | No ( ) |
| 2. Does the proposal conform with the O.P.? | Yes ( X ) | No ( ) |

Land Use Designation: Residential, Hazard Lands and Flood Fringe

Policies: 4.2, 4.5.2.2,

### PART 2 - ZONING

- |   |           |          |
|---|-----------|----------|
| 3. Is there a By-Law in effect?                                   | Yes ( X ) | No ( )   |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes ( )   | No ( X ) |

Comments: Zoning: Village Residential (R1), *Section 10, 4.14.2, 4.14.4*

Rezoning of the retained parcel to permit recognize reduced rear yard setback

- |  |           |        |
|--|-----------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes ( X ) | No ( ) |
| Rezoning application required                                |           |        |

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

- |   |                             |        |
|---|-----------------------------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes ( X )                   | No ( ) |
| 7. If so, is the Municipality prepared to provide those services?   | Yes ( X )<br>By Application | No ( ) |
| 8. Does the Municipality wish the Committee to impose conditions?   | Yes ( X )                   | No ( ) |
| 9. Does Council recommend the application?                          | Yes ( X )                   | No ( ) |

10. Does the municipality have other concerns that should be considered by the Committee?  
See letter attached - Staff Report and Resolution attached – Council meeting held July 15, 2021

## **SECTION 4 SETTLEMENT AREA POLICIES**

### **4.1 OBJECTIVE**

The Municipality is primarily devoted to agricultural uses with concentrations of urban uses existing in the Hamlets of Corinth, North Hall, Eden, Richmond and Calton, and the Villages of Straffordville, Vienna and Port Burwell. It is the intent of this Plan to concentrate all of the urban growth in these centres in order to prevent scattered non-farm development in *prime agricultural areas*.

It is intended that future development within the Municipality of Bayham will take place in accordance with the land use designations shown on the following map schedules:

- Schedule "A1" Municipality of Bayham Land Use
- Schedule "B" Village of Straffordville Land Use and Constraints
- Schedule "C" Village of Vienna Land Use and Constraints
- Schedule "D" Village of Port Burwell Land Use and Constraints

Any proposals to expand the settlement areas as shown on the above schedules, will only be considered during a comprehensive Official Plan Review undertaken by the Municipality.

### **4.2 GENERAL POLICIES APPLICABLE TO ALL SETTLEMENT AREAS**

#### **4.2.1 All Development Forms**

- 4.2.1.1 Ribbon or strip development and indiscriminate development outside the designated settlement areas shall not be permitted.
- 4.2.1.2 The Municipality will place the highest priority on the location of new urban development in areas of the Municipality where full municipal services are readily available.
- 4.2.1.3 It shall be the policy of this Plan to restrict major residential, commercial or industrial development, generally defined as plans of subdivision with more than five (5) lots, in the urban areas until both sewer and/or water services can be provided to the site(s) under consideration in accordance with Ministry of the Environment Conservation and Parks requirements. Residential development in these areas will be allowed on the basis of infilling with some growth in areas directly adjacent to existing built-up areas through consents and small plans of subdivision.

#### 4.2.2 Residential Uses

- 4.2.2.1 This Plan encourages new residential development to consolidate with the existing settlement areas listed in subsection 4.1 of the Plan by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion.
- 4.2.2.2 The Municipality will encourage the development of housing types other than single detached dwellings in the villages, and where no land use conflict shall ensue, in other parts of the Municipality when new or converted dwellings of this type are feasible.
- 4.2.2.3 Within the settlement areas, the Municipality will support the provision of affordable housing accessible to lower and moderate income households. In this regard, the Municipality will require that 20 percent of all housing which results in the creation of at least 5 dwelling units, be affordable housing. Affordable ownership housing is considered to be housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. Affordable rental housing is considered to be housing for which the rent either does not exceed 30 percent of gross annual income of *low and moderate income* households (60<sup>th</sup> percentile) or is at or below the average rental price of rental units in the regional market area.

#### 4.2.3 Employment Uses

- 4.2.3.1 New commercial development shall be encouraged to locate in the existing commercial areas of the urban areas through the renovation of older structures and the erection of new buildings.
- 4.2.3.2 Improvements in the physical appearance of commercial and industrial buildings and structures in the urban areas will be encouraged.
- 4.2.3.3 Growth of new industries that are compatible with both the urban and the agricultural environment in general, as well as with adjacent land uses will be encouraged in order to provide alternative employment opportunities to residents of the Municipality.
- 4.2.3.4 All existing agricultural uses will be permitted in the areas designated as "Hamlets" and "Villages" with the exception of new or expanding livestock operations and mushroom farm operations, which will be prohibited in these areas.

4.5.1.3 The three “Residential” designation policies apply to the majority of lands within Straffordville, Vienna and Port Burwell, but do not necessarily all appear within each village.

4.5.1.4 The “Commercial”, “Industrial”, “Institutional” and “Open Space” policies apply to those areas within the villages where each specific development occurs or is planned for future development.

4.5.1.5 The policies for “Conservation Lands” (Section 3.9) and “Hazard Lands” (Section 6.1) are located elsewhere in the Official Plan as they are not specific to the three Villages.

4.5.1.6 The “Floodway/Flood Fringe” policies (Section 6.2) apply to the lands within the boundaries of Vienna generally adjacent to the Big Otter Creek, which exhibit characteristics of susceptibility to flooding.

#### 4.5.2 **Residential**

4.5.2.1 Within the areas designated “Residential” on Schedule “B”, “C” and “D”, the primary use of land shall be for single-detached dwellings. Two unit dwellings and seasonal dwellings may also be permitted in order to ensure a diversity of low-density housing types capable of meeting the needs of the Municipality. The dwelling units permitted in the “Residential” designation will be regulated by the Zoning By-law. Single, seasonal residential and semi-detached dwellings and duplexes should target a gross density of twenty (20) units per hectare and shall be serviced with municipal water and sewer services where one or both services are available.

4.5.2.2 The Municipality supports the *redevelopment* and *residential intensification* of lands in the “Residential” designation where such lands are being underutilized. Such redevelopment or intensification may consist of the uses outlined in Section 4.5.2.1 of the Plan and must be capable of being serviced with municipal water and sewer services.

4.5.2.3 Land uses other than residential will be permitted in the “Residential” designation if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. Examples of such uses are:

- Small scale professional offices which occupy less than 93 m<sup>2</sup> (1000 ft<sup>2</sup>);
- Small scale institutional uses such as churches;
- Home occupations.



#### 4.13 Existing Lots

Notwithstanding any other provisions of this By-law, existing lots with less than the required lot area or lot frontage may be developed for the use specified in the appropriate zone provided all other regulations of the By-law are satisfied, and in the case of lots where buildings or structures requiring sanitary sewage facilities are to be erected therein:

- a) Such lots are serviced by approved sanitary sewage services;
- b) Such lots have a minimum frontage of twenty (20.0) metres on a public street where a public water supply is not available;
- c) Such lots have a minimum lot area of thirteen hundred (1300.0) square metres where a public water supply is not available;
- d) If access is only by an existing, private right of way, development may occur if permission is granted, in writing, for the use of the right-of-way from both the Municipality and the holder of title of the right-of-way.

#### 4.14 Municipal Drains and Watercourses

4.14.1 Notwithstanding any other provisions of this By-law, no permanent buildings or structures shall be erected or used:

- a) Closer than seven and one-half (7.5) metres from the top-of-bank of a municipal drain having a width of less than four and one-half (4.5) metres from top-of-bank to top-of-bank;
- b) Closer than eighteen and one-half (18.5) metres from the top-of-bank of a municipal drain having a width of between four and one-half (4.5) metres and seven and one-half (7.5) metres from top-of-bank to top-of-bank;
- c) Closer than thirty and one-half (30.5) metres from the top-of-bank of a municipal drain which is seven and one-half (7.5) metres or more from top-of-bank to top-of-bank;
- d) Closer than four and one-half (4.5) metres from the centre line of a municipal tile drain;
- e) Closer than fifteen (15.0) metres from the top-of-bank of a natural watercourse or within an area which is equal to fifteen (15.0) metres plus one-half the width of the stream from the centre line of the watercourse, whichever is greater;
- f) Closer from the top-of-bank of the Lake Erie shoreline than  $D = 3h + 100R$  where  $D$  = setback (in metres),  $h$  = elevation above Lake Erie (metres),  $100$  = constant representing 100 years of protection and  $R$  = rate of erosion in metres per year at the point under consideration.

Z556-2008

4.14.2 Notwithstanding any other provisions of this By-law, no permanent buildings or structures shall be erected or used on lands which exhibit, or potentially exhibit, a hazardous condition as a result of their susceptibility to flooding, erosion,

subsidence, inundation or the presence of organic soils or steep slopes.

4.14.3 Where in this By-law a front, side or rear yard is required, and part of the area of the lot is, covered by water or marsh for more than two (2) months in the year, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of thirty (30) degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building on the lot to the nearest edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said cliff or embankment.

4.14.4 Any application for a building permit on a lot in any zone within the Municipality may be referred by the Building Inspector to the Conservation Authority for analysis of the severity and location of hazardous natural conditions before issuance of the said permit.

4.14.5 Notwithstanding any other provision of this By-law, a building in any zone within the Village of Port Burwell shall not be closer than 7.5 metres to the top of the bank of any watercourse, or municipal drainage ditch, permanent or intermittent, which is not navigable. In the case of hazard land, no part of any building shall be constructed closer than 7.5 metres to the nearest point of the area to which the hazardous condition is deemed to exist.

4.15 Occupancy of Partially Completed Buildings

Deleted by comprehensive  
housekeeping by-law

4.16 Truck, Bus, and Coach Bodies or Travel Trailers, Truck Campers, Motor Homes or Tents Used for Human Occupancy

4.16.1 Except as expressly permitted by this By-law; no truck, travel trailer, bus, coach or streetcar body shall be used for human occupancy within the Municipality whether or not the same is mounted on wheels;

Z698-2020

4.16.2 No truck camper, motor home, or tent shall be used for the living, sleeping or eating accommodation of persons within the Municipality unless accessory to a residential use for no longer than thirty (30) consecutive days, unless such truck camper, or motor home is located in a campground licensed by the Municipality, and provided, however, that this provision shall not prevent the use of truck camper, motor home, or tent for children's play or for picnics or for the occasional accommodation of guests for not more than seven (7) consecutive days in any Residential Zone.

Z698-2020

4.17 Main Access Limitations

The main access to a dwelling unit shall not be by means of an outside staircase having more than ten (10) risers or a height of one and one-half (1.5) metres unless to satisfy a condition of floodproofing requirements as imposed by the Long Point Region Conservation Authority.

4.18 Street Frontage of Building Lots

Except as hereinafter provided in this By-law, no person shall erect a building or structure and no person shall use any land, building, or structure, unless the lot or parcel to be so used or upon which the building is situated, erected or proposed to



# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council

**FROM:** Margaret Underhill, Deputy Clerk/Planning Coordinator

**DATE:** July 15, 2021

**REPORT:** DS-43/21

**FILE NO. C-07 / D9.21 Klassen**

**Roll # 3401-004-001-13600**

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**SUBJECT:** Consent Application E49-21 Klassen – creation of a new lot

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### BACKGROUND:

A consent application was received from the Elgin County Land Division Committee submitted by Franz Klassen proposing to sever 926 m<sup>2</sup> (9,968 ft<sup>2</sup>) of land and to retain 907 m<sup>2</sup> (9,765 ft<sup>2</sup>) of land with the intent of creating a new lot. The subject lands are known municipally as 10 Oak Street, Vienna. The lands are designated "Residential", with a small portion in the "Hazard Lands" and "Flood Fringe" on Schedule "C" of the Official Plan. The lands are zoned Village Residential (R1) Zone on Schedule "H" Map of Vienna in the Zoning By-law Z456-2003.

Elgin County Land Division Committee will consider the application at the meeting scheduled for July 28, 2021.

### DISCUSSION:

The intent of the severance is to create a new building lot. The planner's memorandum dated July 8, 2021 provides the analysis of the application against the Bayham Official Plan and Zoning By-law policies.

The severed parcel will require both municipal water and sanitary sewer services to be installed as a condition of the consent – both are available and will require road crossings.

Due to the location of the parcel in relation to the LPRCA Regulation Limit, the owner shall provide confirmation of adequate elevation above the susceptible flood area from the LPRCA prior to development of the severed lands.

Staff and planner recommend Council's support of the consent application with the recommended conditions as presented.

## **ATTACHMENTS**

1. Consent Application E49-21 Klassen
2. IBI Group memorandum dated July 8, 2021

## **RECOMMENDATION**

**THAT Staff Report DS-43/21 regarding Consent application E49-21 Klassen be received for information;**

**AND THAT Council supports and recommends to the Elgin County Land Division Committee that Consent Application E49-21, submitted by Franz Klassen be granted subject to the following considerations and conditions:**


1. Digital Copy of the final survey
2. Planning report fee payable to the municipality
3. Cash in Lieu of parkland dedication fee payable to the Municipality
4. Installation of municipal water and municipal sanitary sewer stub connections to the severed lot
5. Rezoning of the retained lands to a site-specific Village Residential (R1) Zone to recognize a reduced rear yard setback
6. Provide a grading plan showing adequate storm water control of surface water runoff to not adversely affect neighbouring properties, municipal street or receiving watercourses
7. Provide confirmation of adequate elevation above the susceptible flood area from the LPRCA prior to development of the severed lands.

Respectfully Submitted by:

Reviewed by:



Margaret Underhill  
Deputy Clerk|Planning Coordinator



Thomas Thayer  
CAO|Clerk





IBI GROUP  
203 – 350 Oxford Street West  
London ON N6H 1T3 Canada  
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ibigroup.com

# Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	July 8, 2021
<b>From</b>	Paul Riley, CPT	<b>Project No</b>	3404-823
<b>cc</b>	William Pol, MCIP, RPP		
<b>Subject</b>	Franz Klassen - 10 Oak Street, Vienna - Application for Consent E49/21		

1. We have completed our review of Consent Application E49/21 submitted by Franz Klassen for lands located at 10 Oak Street, east side, north of Plank Road in the village of Vienna. The applicant is requesting a Consent to sever 926 m<sup>2</sup> (9,968 ft<sup>2</sup>) of land and to retain 907 m<sup>2</sup> (9,765 ft<sup>2</sup>) of land with the intent to create a residential dwelling lot. The subject lands are designated 'Residential', 'Hazard Lands' and 'Flood Fringe' on Schedule 'C' of the Municipality of Bayham Official Plan and are zoned Village Residential (R1) on Schedule 'H' of Zoning By-law Z456-2003.
2. The proposed retained parcel will have lot frontage of 33.2 m (109 ft) and lot depth of 28 m (93 ft) and is currently occupied by a dwelling and shed. The proposed severed parcel will have lot frontage of 27.4 m (90 ft) and lot depth of 40.5 m (133 ft) and is vacant. The lands have available municipal water and sewer services. Surrounding land uses are residential.
3. Official Plan Schedule 'C' identifies a small portion in the southeast corner of the lot, a portion of the proposed severed lands, being located in the 'Hazard Lands' and 'Flood Fringe' designations. Section 6.2.1.2 requires that prior to the erection or alterations of any buildings or structures that a property survey be provided to verify the topographic elevations. Furthermore, Section 6.2.3.2 policies indicates that the development of buildings and structures in the flood fringe is "subject to floodproofing to the Regulatory Flood level and any other special flood protection measures which are adopted in compliance with the regulations of the Zoning By-law, and subject to written approval from the Conservation Authority." Zoning By-law Section 4.14.2 specifies that no permanent buildings are permitted if there is susceptibility to flooding and Section 4.14.4 indicates that building permits to be issued by the Building Inspector for susceptible lands are to be coordinated through consultation with the Long Point Region Conservation Authority (LPRCA).

Municipality of Bayham – July 8, 2021

Notwithstanding the above policies, the area of the lands which is identified on Schedule 'C' as hazard lands and Flood Fringe is very small in area and located on the furthest southeast corner of the severed lands within the required rear yard setback where no buildings are permitted. We recommend that the applicant provide confirmation of adequate elevation above the susceptible flood area from the LPRCA prior to development of the severed lands.

4. The Municipality of Bayham Official Plan Section 4.2 and subsection 4.2.1.3 and 4.2.2.1, as well as Section 4.5.2.2, indicate that development in settlement areas for residential uses are permitted on the basis of infilling in an existing built up area and where municipal services are available. The proposed development will infill on underutilized lands in an existing built-up area. This is consistent to the Provincial Policy Statement 2020, Section 1.1.3. Furthermore, Section 4.5.2 Residential Uses within Village designations indicates that the primary use of these lands shall be for single-detached dwellings. The severed lands would be developed for single-detached residential use. Additionally, the proposed development is consistent to Section 4.5.2.8 criteria for new single-detached units, subject to fulfilling conditions of Consent listed below, including:

- a) Adequate lot frontage, lot depth and lot area are provided
- b) And c) Not applicable;
- d) Parkland dedication will be required in accordance to By-law No. 2020 – 053 Cash-in-lieu of Parkland.
- e) Residential uses in the form of single-detached dwellings surround the lands, there is no anticipated land use compatibility concerns.
- f) The new dwelling shall connect to the existing municipal water and sewer services.
- g) Storm water drainage provisions shall adequately control surface water runoff to not adversely affect neighbouring properties or receiving watercourses.
- h) Adequate vehicular access to Oak Street is available.
- i) The proposed development is consistent to the Planning Act.

The proposed consent is consistent to the PPS and the Municipality of Bayham Official Plan, provided the conditions of Consent are addressed.

5. The subject lands are located in the Village Residential (R1) zone and one single detached dwelling on one lot and accessory uses are listed permitted uses. The severed and retained lots meet the minimum lot frontage and area regulations for the

Municipality of Bayham – July 8, 2021

R1 zone. The dwelling on the retained lot has reduced rear yard depth of 6.9 m whereas 7.0 m is the required minimum. The proposed lot is of adequate size and configuration to accommodate a dwelling, accessory building and private services in conformity to the R1 zone regulations. The applicant shall rezone the retained lot to a site-specific R1 zone to recognize reduced rear yard setback.

6. Based on the above review of Consent Application E49/21, we have no objection to the proposed Consent to sever a portion of land from the parcel known municipally as 10 Oak Street. The following conditions for Consent approval are recommended:
- a) That the owner provide confirmation of adequate elevation above the susceptible flood area from the LPRCA prior to development of the severed lands.
  - b) That the owner rezone the retained lands to a site-specific R1 zone to permit rear yard setback of 6.9 m.
  - c) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
  - d) That the owner connects the new dwelling to the municipal water and sewer services along Oak Street.
  - e) That the owner provide grading plans showing adequate storm water control of surface water runoff to not adversely affect neighbouring properties or receiving watercourses.
  - f) That the owner provides a survey of the subject lands.
  - g) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.



IBI Group  
Paul Riley

Consulting Planner to the  
Municipality of Bayham

**COUNTY OF ELGIN ROAD SYSTEM**

**DATE:** June 30, 2021 **ELGIN COUNTY ROAD NO.:** \_\_\_\_\_

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**

**RE:**

**APPLICATION NO.:** E 49-21

**OWNER:** Franz Klassen

**PROPERTY:** **LOT NO.** PT LOTS 5,6 &7 **CONCESSION:** \_\_\_\_\_

**REG'D PLAN:** 54 **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 lots/parcels up to m from the centreline of construction of County Road (9) 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**





**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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** Nancy Pasato, Manager of Planning  
**Date:** July 28, 2021  
**Application:** E 49-21

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**Owner:**  
**Franz Klassen**  
10 Oak Street, Vienna, ON N0J 1Z0

**Location:** 10 Oak Street – legally described as PLAN 54; PT LOTS 5,6 &7, Municipality of Bayham.

**PROPOSAL**

The applicant proposes to sever a lot with a frontage of 27.46 metres (90.1 feet) along Oak Street, by a depth of 40.58 metres (133.15 feet) and an area of 926.09 square metres (0.23 acres) for future residential use and retain a lot with a frontage of 33.3 m (109.1 ft) by a depth of 28.4 metres (93.1 feet) and an area of 907.23 square metres (0.22 acres), proposed to maintain the existing residential use.

**County of Elgin Official  
Plan**

Settlement Area Tier 1

**Local Municipality Official  
Plan**

Residential  
Hazard Lands  
Flood Fringe

**Local Municipality Zoning  
By-law**

Village Residential (R1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Bayham* – that council supports and recommends to the Elgin County Land Division Committee that application E 49-21 be granted subject to the included conditions.

*County Engineering* – not on a County road.

**Planning Act and Provincial Policy Statement**

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.3 (Settlement Areas) outlines that settlement areas including cities, towns, villages

and hamlets, are to be the focus of growth and development within municipalities. Specifically, Policy 1.1.3.2 outlines that land use patterns within these settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

The applicants propose to sever vacant land for future residential use and retain the existing residence on the subject site.

#### County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 1 (Vienna) in the Elgin County Official Plan (OP). Tier 1 settlement areas generally have the largest populations in the County and as a consequence have full municipal services (municipal water and sewage services). Given the type of servicing that is provided in these settlement areas and the potential for these settlement areas to be central communities where a range of uses and opportunities are and can be provided, this Plan directs the majority of new growth to Tier 1 settlement areas.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access; the proposed retained and severed lots have adequate size and frontage in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists or will exist; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. The application has addressed the abovementioned criteria and planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

Further stated by the applicant, the severed parcel (926.09 square metres/0.23 acres) is proposed for future residential use. The retained parcel (907.23 square metres/0.22 acres) is proposed to remain in residential use, containing an existing house and shed, with full municipal services.

#### Local Municipality Official Plan and Zoning By-law

The subject lands are designated Residential, Hazard Lands and Flood Fringe in the municipal Official Plan. The proposed retained parcel contains a small portion in the southeast corner under the Hazard Lands and Flood Fringe designations.

The Official Plan indicates development in settlement areas for residential uses are permitted on the basis of infilling in an existing built up area and where municipal services are available. The proposed development is considered infill. This designation permits single detached dwellings.

The subject lands are located in the Village Residential (R1) zone and one single detached dwelling on one lot and accessory uses are permitted uses. The severed and retained lots

meet the provisions of the zoning by-law. However, the dwelling on the retained lot has a reduced rear yard depth of 6.9m whereas 7.0m is required. The proposed lot is a sufficient size to accommodate a dwelling, accessory building and private servicing. An amendment to the by-law will be required to recognize the reduced rear yard setback.

**RECOMMENDATION:**

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in settlement areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed.

Additionally, it is recommended that the following conditions from the Municipality of Bayham be included as conditions for consent:

1. Digital Copy of the final survey.
2. Planning report fee payable to the municipality.
3. Cash in Lieu of parkland dedication fee payable to the municipality.
4. Installation of municipal water and municipal sanitary sewer stub connections to the severed lot.
5. Rezoning of the retained lands to a site specific Village Residential (R1) Zone to recognize a reduced rear yard setback.
6. Provide a grading plan showing adequate storm water control of surface water runoff to not adversely affect neighbouring properties, municipal street or receiving watercourses.
7. Provide confirmation of adequate elevation above the susceptible flood area from LPRCA prior to development of the severed land.



**CORPORATION OF THE COUNTY OF ELGIN  
REVISED NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 50-21**

**CON 6 STR PT LOT 126; RP 11R9370 PART 6; LOT D  
MUNICIPALITY OF BAYHAM  
MUNICIPAL ADDRESS: 9222-9228 ALWARD STREET**

**TAKE NOTICE** that an application has been made by **W.D. Bronze Ltd.**, 980 Jackson Side Road, Courtland ON N0J 1E0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 9222-9228 Alward Street, Municipality of Bayham.

The applicant proposes to sever a lot, containing an existing semi-detached dwelling, with a frontage of 15.24 metres (50 feet) along Alward Street, by a depth of 49.93 metres (163.81 feet) and an area of 775 square metres (0.191 acres) and retain a lot with a frontage of 15.24 metres (50 ft) by a depth of 58.72 metres (193.65 feet) and an area of 890 square metres (0.219 acres), each proposed to be used for existing residential use (one unit of a semi-detached dwelling for each the severed and retained lots).

The location of the property is shown on the Key Map attached **(REVISED)**.

**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 JULY 28, 2021 AT 9:40 AM.  
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.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [alaverty@elgin.ca](mailto:alaverty@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

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 12<sup>th</sup> day of July, 2021.

Aisling Lavery  
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  
[www.progressivebynature.com](http://www.progressivebynature.com)

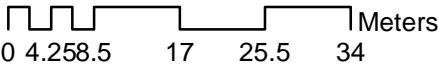




*Location Map*



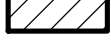


Subject Site: 9222-9228 Alward Street  
File Number: E50-2021  
Owner: W.D. Bronze Ltd.  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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



Scale 1:750

*Legend*

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



### Location Map - REVISED

Subject Site: 9222-9228 Alward Street  
File Number: E50-2021  
Owner: W.D. Bronze Ltd.  
Planner: Nancy Pasato  
Created By: AL  
Date: 07/12/2021

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

N

0 4.258.5 17 25.5 34 Meters

Scale 1:750

### Legend

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



Municipality of  
**BAYHAM**

A: P.O. Box 160, 56169 Heritage Line  
Straffordville, ON N0J 1Y0

T: 519-866-5521

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E: [bayham@bayham.on.ca](mailto:bayham@bayham.on.ca)

W: [www.bayham.on.ca](http://www.bayham.on.ca)



July 15, 2021

Aisling Lavery  
Secretary Treasurer  
Elgin County Land Division Committee  
450 Sunset Drive  
St. Thomas ON N5R 5V1

EMAIL ONLY

Dear Ms. Lavery,

**Re: Application for Consent No. E50-21 W D Bronz**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the July 15, 2021 meeting:

**THAT Staff Report DS-44/21 regarding Consent application E50-21 W. D. Bronz Ltd. be received for information;**

**AND THAT Council supports and recommends to the Elgin County Land Division Committee that Consent Application E50-21, submitted by W. D. Bronz Ltd. be granted subject to the following considerations and conditions:**

- 1. Digital Copy of the final survey**
- 2. Planning report fee payable to the municipality**
- 3. Cash in Lieu of parkland dedication fee payable to the Municipality**
- 4. Rezoning of both the retained and severed parcel to permit a reduced minimum lot area and reduced minimum lot frontage**
- 5. Provide confirmation of a registered Easement Agreement for the shared drainage swale**

Municipal Appraisal Sheet and Staff Report DS-44/21 emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill

Deputy Clerk|Planning Coordinator

D09.WD Bronz

Cc: B. Braun (email)

## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

**Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.**

Submission E 50-21

Applicant W. D. Bronz

Location Bayham – Con 6 STR Pt Lot 126 9222-9228 Alward Street

### PART 1 - OFFICIAL PLAN

1. Is there an O.P. in effect? Yes ( ☒ ) No ( ☐ )

2. Does the proposal conform with the O.P.? Yes ( ☒ ) No ( ☐ )

Land Use Designation: Residential

Policies: 4.2 and 4.5.2.8

### PART 2 - ZONING

3. Is there a By-Law in effect? Yes ( ☒ ) No ( ☐ )

4. Does the proposal conform with all requirements of the By-Law? Yes ( ☐ ) No ( ☒ )

Comments: Zoning: Village Residential (R1)

Rezoning required for both retained and severed parcels to permit reduced minimum lot area and reduced minimum lot frontage

5. If not, is the Municipality prepared to amend the By-Law? Yes ( ☒ ) No ( ☐ )  
Rezoning application required

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

6. Does the Municipality foresee demand for new municipal services? Yes ( ☐ ) No ( ☒ )

7. If so, is the Municipality prepared to provide those services? Yes ( ☐ ) No ( ☐ )

8. Does the Municipality wish the Committee to impose conditions? Yes ( ☒ ) No ( ☐ )

9. Does Council recommend the application? Yes ( ☒ ) No ( ☐ )

10. Does the municipality have other concerns that should be considered by the Committee?

See letter attached - Staff Report and Resolution attached – Council meeting held July 15, 2021



## **SECTION 4 SETTLEMENT AREA POLICIES**

### **4.1 OBJECTIVE**

The Municipality is primarily devoted to agricultural uses with concentrations of urban uses existing in the Hamlets of Corinth, North Hall, Eden, Richmond and Calton, and the Villages of Straffordville, Vienna and Port Burwell. It is the intent of this Plan to concentrate all of the urban growth in these centres in order to prevent scattered non-farm development in *prime agricultural areas*.

It is intended that future development within the Municipality of Bayham will take place in accordance with the land use designations shown on the following map schedules:

- Schedule "A1" Municipality of Bayham Land Use
- Schedule "B" Village of Straffordville Land Use and Constraints
- Schedule "C" Village of Vienna Land Use and Constraints
- Schedule "D" Village of Port Burwell Land Use and Constraints

Any proposals to expand the settlement areas as shown on the above schedules, will only be considered during a comprehensive Official Plan Review undertaken by the Municipality.

### **4.2 GENERAL POLICIES APPLICABLE TO ALL SETTLEMENT AREAS**

#### **4.2.1 All Development Forms**

- 4.2.1.1 Ribbon or strip development and indiscriminate development outside the designated settlement areas shall not be permitted.
- 4.2.1.2 The Municipality will place the highest priority on the location of new urban development in areas of the Municipality where full municipal services are readily available.
- 4.2.1.3 It shall be the policy of this Plan to restrict major residential, commercial or industrial development, generally defined as plans of subdivision with more than five (5) lots, in the urban areas until both sewer and/or water services can be provided to the site(s) under consideration in accordance with Ministry of the Environment Conservation and Parks requirements. Residential development in these areas will be allowed on the basis of infilling with some growth in areas directly adjacent to existing built-up areas through consents and small plans of subdivision.

#### 4.2.2 **Residential Uses**

- 4.2.2.1 This Plan encourages new residential development to consolidate with the existing settlement areas listed in subsection 4.1 of the Plan by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion.
- 4.2.2.2 The Municipality will encourage the development of housing types other than single detached dwellings in the villages, and where no land use conflict shall ensue, in other parts of the Municipality when new or converted dwellings of this type are feasible.
- 4.2.2.3 Within the settlement areas, the Municipality will support the provision of affordable housing accessible to lower and moderate income households. In this regard, the Municipality will require that 20 percent of all housing which results in the creation of at least 5 dwelling units, be affordable housing. Affordable ownership housing is considered to be housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. Affordable rental housing is considered to be housing for which the rent either does not exceed 30 percent of gross annual income of *low and moderate income* households (60<sup>th</sup> percentile) or is at or below the average rental price of rental units in the regional market area.

#### 4.2.3 **Employment Uses**

- 4.2.3.1 New commercial development shall be encouraged to locate in the existing commercial areas of the urban areas through the renovation of older structures and the erection of new buildings.
- 4.2.3.2 Improvements in the physical appearance of commercial and industrial buildings and structures in the urban areas will be encouraged.
- 4.2.3.3 Growth of new industries that are compatible with both the urban and the agricultural environment in general, as well as with adjacent land uses will be encouraged in order to provide alternative employment opportunities to residents of the Municipality.
- 4.2.3.4 All existing agricultural uses will be permitted in the areas designated as "Hamlets" and "Villages" with the exception of new or expanding livestock operations and mushroom farm operations, which will be prohibited in these areas.

- 4.5.1.3 The three “Residential” designation policies apply to the majority of lands within Straffordville, Vienna and Port Burwell, but do not necessarily all appear within each village.
- 4.5.1.4 The “Commercial”, “Industrial”, “Institutional” and “Open Space” policies apply to those areas within the villages where each specific development occurs or is planned for future development.
- 4.5.1.5 The policies for “Conservation Lands” (Section 3.9) and “Hazard Lands” (Section 6.1) are located elsewhere in the Official Plan as they are not specific to the three Villages.
- 4.5.1.6 The “Floodway/Flood Fringe” policies (Section 6.2) apply to the lands within the boundaries of Vienna generally adjacent to the Big Otter Creek, which exhibit characteristics of susceptibility to flooding.

4.5.2 **Residential**

- 4.5.2.1 Within the areas designated “Residential” on Schedule “B”, “C” and “D”, the primary use of land shall be for single-detached dwellings. Two unit dwellings and seasonal dwellings may also be permitted in order to ensure a diversity of low-density housing types capable of meeting the needs of the Municipality. The dwelling units permitted in the “Residential” designation will be regulated by the Zoning By-law. Single, seasonal residential and semi-detached dwellings and duplexes should target a gross density of twenty (20) units per hectare and shall be serviced with municipal water and sewer services where one or both services are available.
- 4.5.2.2 The Municipality supports the *redevelopment* and *residential intensification* of lands in the “Residential” designation where such lands are being underutilized. Such redevelopment or intensification may consist of the uses outlined in Section 4.5.2.1 of the Plan and must be capable of being serviced with municipal water and sewer services.
- 4.5.2.3 Land uses other than residential will be permitted in the “Residential” designation if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. Examples of such uses are:
- Small scale professional offices which occupy less than 93 m<sup>2</sup> (1000 ft<sup>2</sup>);
  - Small scale institutional uses such as churches;
  - Home occupations.

## **SECTION 10 VILLAGE RESIDENTIAL 1 (R1) ZONE REGULATIONS**

### **10.1 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used, or altered in the Village Residential 1 (R1) Zone except for the following purposes:

Single-detached dwelling or single-detached seasonal dwelling;

Converted dwelling to a maximum of two (2) units;

Semi-detached dwelling;

Duplex dwelling;

Group home;

Home occupation;

Bed and Breakfast Lodging or Tourist Home;

Accessory uses.

### **10.2 Permitted Buildings and Structures**

One dwelling on one lot or one unit of a semi-detached dwelling on one lot;

Accessory buildings and structures to the permitted uses.

### **10.3 Minimum Lot Area**

Vienna, Port Burwell: 800 m<sup>2</sup>, or 1390 m<sup>2</sup> where no public water supply or sanitary sewage disposal service are available

**Z698-2020**

Straffordville: 900 m<sup>2</sup>, or 1390 m<sup>2</sup> where no sanitary sewage disposal service are available

### **10.4 Minimum Lot Frontage**

**Z698-2020**

Public Water Supply and Sanitary Sewage Disposal Service: 15.0 metres  
for an internal lot and 18.0 metres for a corner lot.

Partially Serviced: 20 metres

### **10.5 Deleted**

### **10.6 Maximum Building Coverage**

30%

### **10.7 Minimum Floor Area**

**Z698-2020**

### **10.8 Minimum Front Yard Depth**

7.0m

### **10.9 Minimum Side Yard Width**

10.9.1 Where a garage or carport is attached, the minimum width shall be 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on each

side of the combined building.

10.9.2 Where no garage or carport is attached, the minimum width shall be 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on one side of the main building and a minimum of 3 metres on the other side of the main building.

10.9.3 On a corner lot, the side yard abutting a public street shall be a minimum of 4.5 metres and the side yard on the other side of the main building shall be a minimum of 1.2 metres.

10.9.4 On a lot with a semi-detached dwelling, the interior lot line width that forms the party wall shall be 0.0 metres.

10.10 **Minimum Rear Yard Depth**

7.0 metres

10.11 **Regulations for Accessory Buildings**

Previous  
Section  
10.11 a)  
removed  
by Z556-  
2008

Notwithstanding the provisions of Section 4.2, the following shall apply:

- a) No accessory building shall be located within 6.0 metres of a public street;
- b) Maximum Height: 4.5 metres;
- c) Maximum Floor Area: 65.0 m<sup>2</sup>

10.12 **Exceptions - Village Residential (R1) Zone**

10.12.1

10.12.1.1 **Defined Area**

R1-1 as shown on Schedule "H" to this By-law.

10.12.1.2 **Minimum Lot Area**

2.5 hectares.

10.12.1.3 **Minimum Lot Frontage**

Notwithstanding any other provisions of this By-law, as now or hereafter amended, a 3.0 metre minimum lot frontage on a private road providing vehicular access to Plank Road is required.

10.12.1.4 **Minimum Front Yard Depth**

7.0 metres from the required lot frontage, in accordance with Subsection 10.12.1.3 of this By-law.

10.12.1.5 **Minimum Floor Area**

100.0 m<sup>2</sup>

10.12.1.6 **Regulations for Buildings and Structures**

Notwithstanding any other provision of this By-law, any building or structure erected adjacent to the Exception Open Space (OS-2) Zone shall be setback a minimum distance of 15.0 metres from the 660 foot contour elevation (Canadian





# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council

**FROM:** Margaret Underhill, Deputy Clerk/Planning Coordinator

**DATE:** July 15, 2021

**REPORT:** DS-44/21

**FILE NO. C-07 / D9.21 WDBronz**

**Roll # 3401-000-004-03407**

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**SUBJECT:** Consent Application E50-21 W. D. Bronz Ltd. – creation of a new lot

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### BACKGROUND:

A consent application was received from the Elgin County Land Division Committee submitted by W. D. Bronz Ltd. proposing to sever 775 m<sup>2</sup> (0.19 acres) of land and to retain 890 m<sup>2</sup> (0.22 acres) of land with the intent of creating a new lot. The subject lands are known municipally as 9222-9228 Alward St., village of Strathfordville. The lands are designated "Residential" on Schedule "B" of the Official Plan. The lands are zoned Village Residential (R1) Zone on Schedule "F" Map of Strathfordville in the Zoning By-law Z456-2003.

Elgin County Land Division Committee will consider the application at the meeting scheduled for July 28, 2021.

### DISCUSSION:

The intent of the severance is to divide the existing semi-detached dwelling parcel. The planner's memorandum dated July 8, 2021 provides the analysis of the application against the Bayham Official Plan and Zoning By-law policies.

Each unit of the semi-detached residence has a driveway, civic numbering, well and municipal sanitary service in use – no additional municipal services required. The standard conditions apply including rezoning both parcels to recognize a reduced minimum lot area and lot frontage. In addition, the two properties will share an existing drainage swale, which will require a registered Easement Agreement between property owners.

Staff and planner recommend Council's support of the consent application with the recommended conditions as presented.

### **ATTACHMENTS**

1. Consent Application E50-21 W. D. Bronz Ltd.
2. IBI Group memorandum dated July 8, 2021

### **RECOMMENDATION**

**THAT Staff Report DS-44/21 regarding Consent application E50-21 W. D. Bronz Ltd. be received for information;**

**AND THAT Council supports and recommends to the Elgin County Land Division Committee that Consent Application E50-21, submitted by W. D. Bronz Ltd. be granted subject to the following considerations and conditions:**

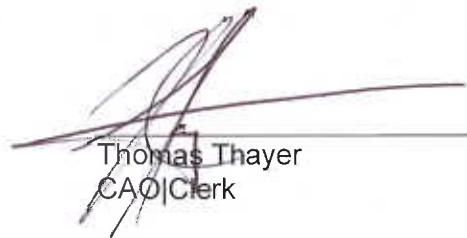
1. Digital Copy of the final survey
2. Planning report fee payable to the municipality
3. Cash in Lieu of parkland dedication fee payable to the Municipality
4. Rezoning of both the retained and severed parcel to permit a reduced minimum lot area and reduced minimum lot frontage
5. Provide confirmation of a registered Easement Agreement for the shared drainage swale

Respectfully Submitted by:

Reviewed by:



Margaret Underhill  
Deputy Clerk|Planning Coordinator



Thomas Thayer  
CAO|Clerk



IBI GROUP  
203 – 350 Oxford Street West  
London ON N6H 1T3 Canada  
tel 519 472 7328  
ibigroup.com

## Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	July 8, 2021
<b>From</b>	Paul Riley, CPT	<b>Project No</b>	3404-824
<b>cc</b>	William Pol, MCIP, RPP		
<b>Subject</b>	W.D. Bronz Ltd. - 9222/9228 Alward Street, Straffordville - Application for Consent E50/21		

1. We have completed our review of Consent Application E50/21 submitted by W.D. Bronz Ltd. for lands located at 9222/9228 Alward Street, south side, south of Heritage Line in the village of Straffordville. The applicant is requesting a Consent to sever 775 m<sup>2</sup> (0.19 ac) of land and to retain 890 m<sup>2</sup> (0.22 ac) of land with the intent to create a residential dwelling lot. The subject lands are designated 'Residential' on Schedule 'B' of the Municipality of Bayham Official Plan and are zoned Village Residential (R1) on Schedule 'F' of Zoning By-law Z456-2003.
2. The proposed severed parcel will have lot frontage of 15.2 m (50 ft) and lot depth of 49.9 m (163.8 ft) and is currently occupied by one-half of a semi-detached dwelling. The proposed retained parcel will have lot frontage of 15.2 m (50 ft) and lot depth of 58.7 m (192 ft) and is currently occupied by one-half of a semi-detached dwelling. The lands are serviced by municipal sewer services and private onsite water services. Surrounding land uses are residential to the east and west, residential and commercial to the north (the commercial use being a lot zoned commercially but used for residential purposes, where the former commercial use has been discontinued) and agricultural to the south.
3. The Municipality of Bayham Official Plan Section 4.2 general residential policies in settlement areas, indicate that development in settlement areas for residential uses are permitted on the basis of infilling in an existing built up area; that residential uses other than single-detached dwellings are encouraged in settlement areas where there is no land use conflict when new or converted dwellings are feasible; and affordable housing is encouraged. The creation of a new lot for the existing dwelling(s) in the form of a semi-detached building is encouraged and would increase supply of more affordable units in the Municipality which is consistent to the Official Plan.
4. The proposed development is consistent to Section 4.5.2.8 criteria for new residential units, subject to fulfilling conditions of Consent listed below, including:



Municipality of Bayham – July 8, 2021

- a) Adequate lot frontage and lot depth are provided. Both proposed lot areas are less than the minimum 900 m<sup>2</sup> (0.22 ac) required in the R1 zone. The existing lot and dwelling function as two rental dwelling units and there are existing separate municipal sewer services and separate private water services (wells) for each proposed lot. It is considered adequate to permit reduced lot area by way of site-specific Zoning By-law Amendment for each lot in order to facilitate minor expansion of more affordable residential lots in a settlement area with existing services. The applicant will be required to rezone the retained lands to recognize reduced lot area and to rezone the severed lands to recognize reduced lot area.
  - b) And c) Not applicable;
  - d) Parkland dedication will be required in accordance to By-law No. 2020 – 053 Cash-in-lieu of Parkland.
  - e) Residential uses surround the lands and the building functions as two separate dwellings, there is no anticipated land use compatibility concerns.
  - f) Separate municipal sewer and private water services are existing.
  - g) Storm water drainage provisions shall adequately control surface water runoff to not adversely affect neighbouring properties or receiving watercourses. An easement will be required for the shared swale at the rear of the lands.
  - h) Adequate vehicular access to Alward Street is existing.
  - i) The proposed development is consistent to the Planning Act.
5. The subject lands are located in the Village Residential (R1) zone and semi-detached dwelling is a listed permitted use. The severed and retained lots meet the minimum lot frontage and setback regulations. As indicated above, the proposed lots have reduced lot area of 775 m<sup>2</sup>, or 14% reduction, and 890 m<sup>2</sup>, or 2 % reduction, whereas 900 m<sup>2</sup> is the required minimum. A 14% reduction and 2 % reduction to the minimum lot area is in keeping with the general intent and purpose of the Zoning By-law. Furthermore, the proposed lot frontage of 15.2 m is below the required minimum lot frontage of 20.0 m (65.6 ft) in the R1 zone for partially serviced lots. The dwellings have existing private water services and municipal water services, with the intent of min. lot frontage to provide for private service systems; and the minimum lot frontage for fully serviced lots is 15.0 m, therefore, recognizing reduced lot frontage for both the retained and severed parcels as part of the site-specific zoning amendment is considered generally in keeping with the intent and purpose of the ZBL. The applicant shall rezone the retained and severed lands to recognize reduced lot area minimum and reduced lot frontage.

Municipality of Bayham – July 8, 2021

6. Based on the above review of Consent Application E50/21, we have no objection to the proposed Consent to sever a portion of land from the parcel known municipally as 9222/9228 Alward Street. The following conditions for Consent approval are recommended:
- a) That the owner rezone the retained lands to a site-specific R1 zone to permit minimum lot area of 890 m<sup>2</sup> and minimum lot frontage of 15.2 m.
  - b) That the owner rezone the severed lands to a site-specific R1 zone to permit minimum lot area of 775 m<sup>2</sup> and minimum lot frontage of 15.2 m.
  - c) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
  - d) That the owner provide confirmation of a registered Easement Agreement, for the shared drainage swale.
  - e) That the owner provides a survey of the subject lands.
  - f) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the severed lot.
  - g) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Paul Riley

IBI Group  
Paul Riley

Consulting Planner to the  
Municipality of Bayham

**COUNTY OF ELGIN ROAD SYSTEM**

**DATE:** June 30, 2021 **ELGIN COUNTY ROAD NO.:**

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**

**RE:**

**APPLICATION NO.:** E 50-21

**OWNER:** W.D. Bronze Ltd.

**PROPERTY:** **LOT NO.** STR PT LOT 126; RP 11R9370 PART 6; LOT D

**CONCESSION:** 6

**REG'D PLAN:** **MUNICIPALITY:** Bayham

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 lots/parcels up to m from the centreline of construction of County Road (9) 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 .....

X
- 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**



**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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** Nancy Pasato, Manager of Planning  
**Date:** July 28, 2021  
**Application:** E 50-21

---

**Owner:**  
**W.D. Bronze Ltd.**  
980 Jackson Side Road  
Courtland ON N0J 1E0

**Location:** 9222-9228 Alward Street – legally described as CON 6 STR PT LOT 126; RP 11R9370 PART 6; LOT D, Municipality of Bayham.

**PROPOSAL**

The applicant proposes to sever a lot, containing an existing semi-detached dwelling, with a frontage of 15.24 metres (50 feet) along Alward Street, by a depth of 49.93 metres (163.81 feet) and an area of 775 square metres (0.191 acres) and retain a lot with a frontage of 15.24 metres (50 ft) by a depth of 58.72 metres (193.65 feet) and an area of 890 square metres (0.219 acres), each proposed to be used for existing residential use (one unit of a semi-detached dwelling for each the severed and retained lots).

**County of Elgin Official  
Plan**  
Settlement Area Tier 2

**Local Municipality Official  
Plan**  
Residential

**Local Municipality Zoning  
By-law**  
Village Residential R1

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Bayham* – that Council support and recommends to the Elgin County Land Division Committee that application E50-21 be granted subject to the included conditions.

*County Engineering* – not on a County road.

**Planning Act and Provincial Policy Statement**

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.3 (Settlement Areas) outlines that settlement areas including cities, towns, villages and hamlets, are to be the focus of growth and development within municipalities. Specifically, Policy 1.1.3.2 outlines that land use patterns within these settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

The Applicant has indicated both the severed and retained portion of the lands will be created for residential use (one unit of an existing semi-detached dwelling for each the severed and retained lots). The proposed severed and retained lots are within a settlement area.

#### County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 2 (Straffordville) in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual onsite sewage services or individual on-site water/municipal sewage services).

Limited development is permitted in these settlement areas given the absence of full municipal services. Development on partial services is permitted to allow for infilling and rounding out of existing development provided that the proposed development is within the reserve sewage system capacity and reserve water system capacity, and site conditions are suitable for long-term provision of such services.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access permitting; the proposed retained and severed lots have adequate size and frontage in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists or will exist; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. The application has addressed the abovementioned criteria and planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

Further stated by the applicant, the severed parcel (775 square metres/0.191 acres) and the retained parcel (890 square metres/0.219 acres) are proposed to remain in residential use, containing one unit of a semi-detached dwelling for each the severed and retained lots. Both the severed and retained lots are partially serviced (privately owned and operated individual well, and a publicly owned and operated sanitary sewage system).

Local Municipality Official Plan and Zoning By-law

The Municipality of Bayham Official designates the subject site as Residential and permits development in settlement areas where there is no land use conflict and when new or converted dwellings are feasible. The creation of a new lot for the existing semi-detached building is encouraged and is consistent with the Official Plan.

The subject lands are located in the Village Residential (R1) Zone and semi-detached dwellings are a permitted use. Both proposed lots will require a zoning amendment to recognize a reduced lot frontage and area. The minimum required frontage and area are typically to provide sufficient room for private services. However, each of the proposed lots already contains existing and separate private services. Therefore, this application is in keeping with the general intent and purpose of the Zoning By-law.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in settlement areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed;

Additionally, it is recommended that the following conditions from the Municipality of Bayham be included as conditions for consent:

1. Digital Copy of the final survey;
2. Planning report fee payable to the municipality;
3. Cash in Lieu of parkland dedication fee payable to the Municipality;
4. Rezoning of both the retained and severed parcel to permit a reduced minimum lot area and reduced minimum lot frontage;
5. Provide confirmation of a registered Easement Agreement for the shared drainage swale.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 53-21**

**CON 1; PT LOTS 32, 33, 34, 35  
TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 53367 NOVA SCOTIA LINE**

**TAKE NOTICE that** an application has been made by **Marilyn and John Sebok**, 53367 Nova Scotia Line, Port Burwell, ON N0J 1T0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 53367 Nova Scotia Line, Township of Malahide.

The applicant proposes to sever a lot with a frontage of 213.8 metres (701.44 feet) along Nova Scotia Line, by a depth of 1466 metres (4809.71 feet) and an area of 31.5 hectares (77.83 acres), containing a dwelling and a garage, proposed to be severed for agricultural purposes and retain a lot with a frontage of 437.8 metres (1436.35 ft) by a depth of 1886 metres (6187.66 feet) and an area of 97.9 hectares (241.91 acres), proposed to maintain the existing agricultural use.

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 JULY 28, 2021 AT 9:50 AM.  
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.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [alaverty@elgin.ca](mailto:alaverty@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

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.

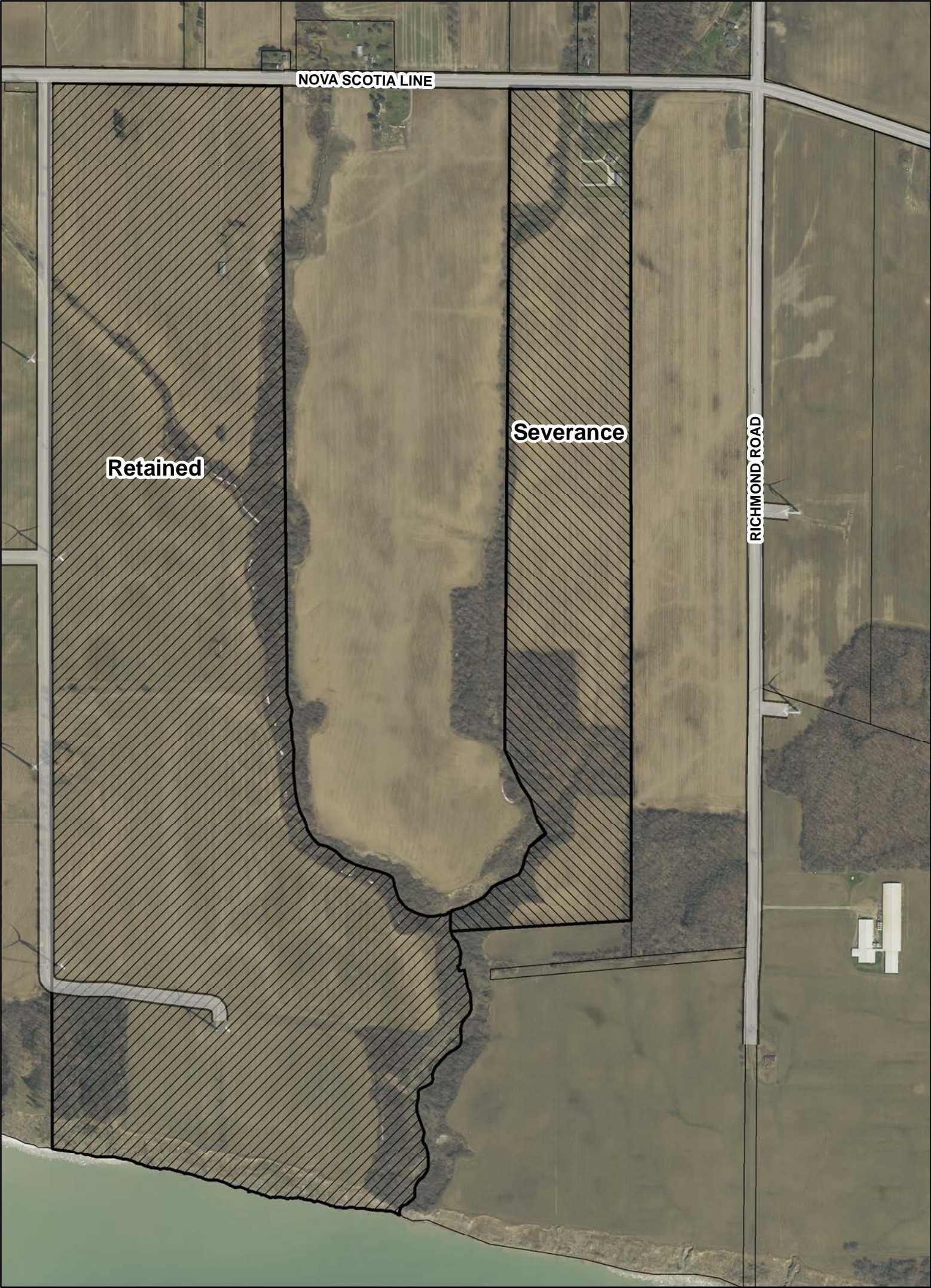
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss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

Dated at the Municipality of Central Elgin this 28<sup>th</sup> day of June, 2021.

Aisling Laverty  
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  
[www.progressivebynature.com](http://www.progressivebynature.com)

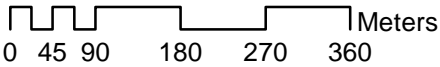




*Location Map*



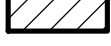


Subject Site: 53367 Nova Scotia Line  
File Number: E53-2021  
Owner: Marilyn and John Sebok  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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

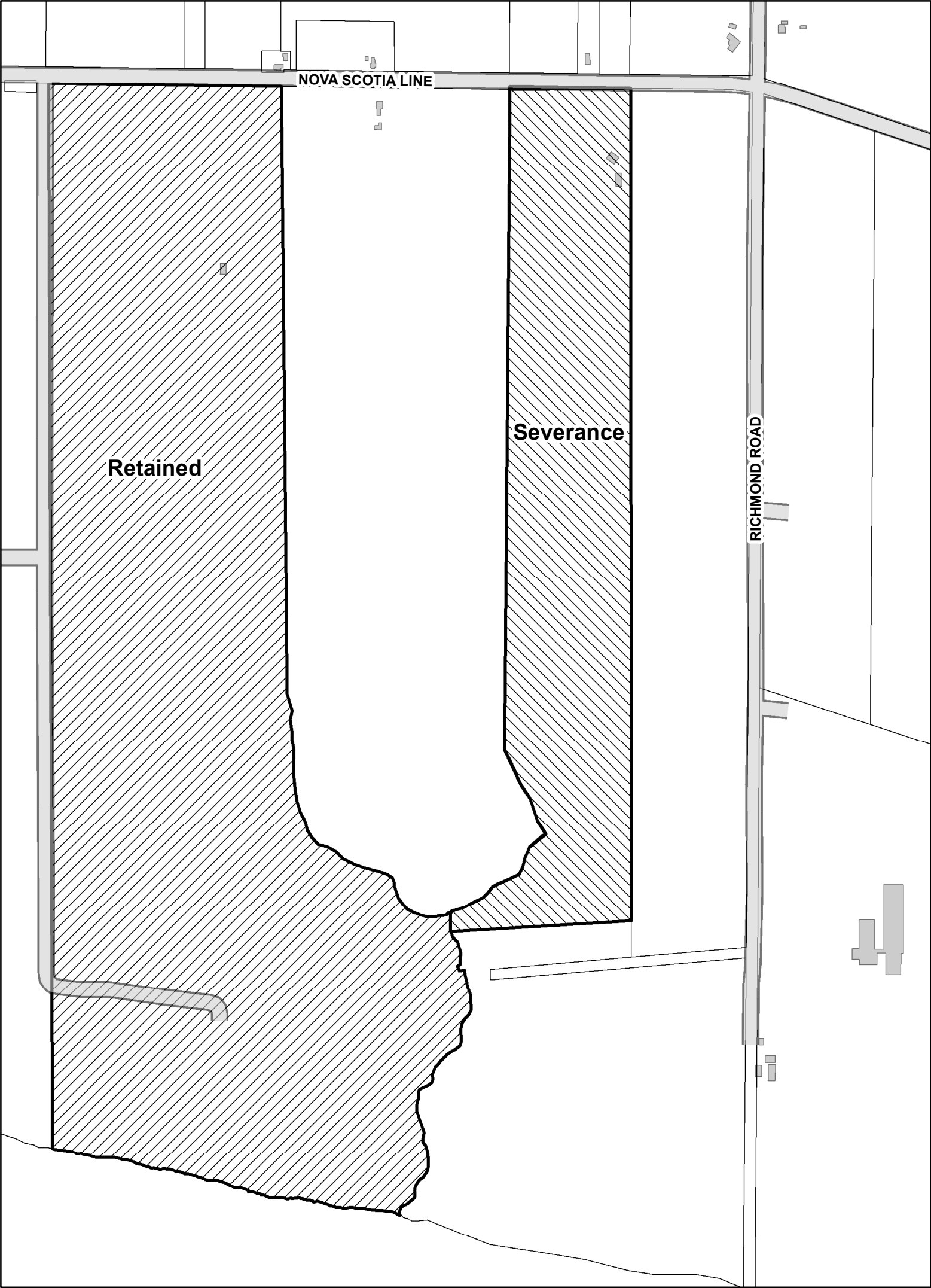


Scale 1:8,000

*Legend*

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

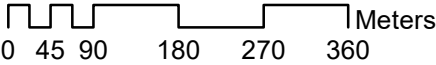




*Location Map*

Subject Site: 53367 Nova Scotia Line  
File Number: E53-2021  
Owner: Marilyn and John Sebok  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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



Scale 1:8,000

*Legend*

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



July 9, 2021

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

Dear Committee Members:

**RE: Land Severance Application E53/21 – John and Marilyn Sebok**

The Malahide Township Council passed the following Resolutions on July 8, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E53/21 in the name of Marilyn and John Sebok, relating to the property located at Part Lots 32, 33, 34 and 35, Concession 1, Geographic Township of Malahide, subject

to the  
following conditions:

- (i) 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.
- (ii) That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
- (iii) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (iv) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (v) 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.

We enclose Municipal Appraisal together with Municipal Report DS-21-34 for your records.

Yours very truly,  
TOWNSHIP OF MALAHIDE

A handwritten signature in cursive script, appearing to read "D. Wilson", is written in black ink.

Acting Clerk

Copy - John Seldon  
Rosemary Kennedy  
John and Marilyn Sebok

## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E53-21

Applicant John Sebok & Marilyn Sebok

Location CON 1 PT LOTS 32 TO 35 AND RP 11R5475 PARTS 4 6 7 AND 9 RP 11R5471 PT PART 1

### PART 1 - OFFICIAL PLAN

- |   |         |        |
|---|---------|--------|
| 1. Is there an O.P. in effect?              | Yes (X) | No ( ) |
| 2. Does the proposal conform with the O.P.? | Yes (X) | No ( ) |

Land Use Designation: \_\_\_\_\_

Policies: \_\_\_\_\_

### PART 2 - ZONING

- |   |         |        |
|---|---------|--------|
| 3. Is there a By-Law in effect?                                   | Yes (X) | No ( ) |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes ( ) | No (X) |

Comments:

Rezoning Required

- |  |         |        |
|--|---------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (X) | No ( ) |
|--|---------|--------|

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

- |   |         |        |
|---|---------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes ( ) | No (X) |
| 7. If so, is the Municipality prepared to provide those services?   | Yes ( ) | No ( ) |
| 8. Does the Municipality wish the Committee to impose conditions?   | Yes (X) | No ( ) |
| 9. Does Council recommend the application?                          | Yes (X) | No ( ) |

10. Does the municipality have other concerns that should be considered by the Committee?

See Conditions letter dated July 9, 2021



## Report to Council

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**REPORT NO.:** DS-21-34  
**DATE:** July 8, 2021  
**ATTACHMENT:** Report Photo, Application, Recommended Conditions  
**SUBJECT:** **Application for Consent to Sever of Marilyn & John Sebok  
(Authorized Agent: David Roe)**  
**LOCATION:** Part of Lots 32, 33, 34 & 35, Concession 1  
(53367 Nova Scotia Line)

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### **Recommendation:**

**THAT Report No. DS-21-34 entitled “Application for Consent to Sever of Marilyn & John Sebok” be received;**

**AND THAT the Application for Consent to Sever No. D10-E53-21 as submitted by Marilyn & John Sebok, relating to the property located at Part of Lots 32, 33, 34 & 35, Concession 1, (Geographic Township of Malahide), and known municipally as 53367 Nova Scotia Line, be supported for the reasons set out in this Report;**

**AND THAT this report be forwarded to the Land Division Committee for its review and consideration.**

### **Background:**

The subject application for Consent to Sever (the “Application”) has been submitted by David Roe on behalf of Marilyn & John Sebok in order to create one new farm parcel.

The Application relates to the property highlighted on the attached report photo, and located at Part of Lots 32, 33, 34 & 35, Concession 1, (Geographic Township of Malahide), known municipally as 53367 Nova Scotia Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on July 28, 2021.

## Comments/Analysis:

The subject property is approximately 129.40 hectares (319.75 acres) in area, and has approximately 651.60 metres (2137.80 feet) of combined frontage along Nova Scotia Line. There is a dwelling and garage on the parcel proposed to be severed and no existing structures on the other farmland parcel proposed to be retained. This subject property is amongst other typical agricultural land and uses, as well as being adjacent to Lake Erie to the south.

### County of Elgin Official Plan

The subject property is designated “Agriculture Area” on Schedule ‘A’, Land Use Plan. The subject property has no noted areas on Schedule ‘C’ of the County Official Plan (Aggregate and Petroleum Resources).

In addition to the above, the subject property is identified as having frontage along a “Tourism Corridor” on Schedule ‘B’, “Transportation Plan”.

### Malahide Official Plan

The subject property is designated “Agriculture” on Schedule ‘A1’ (Land Use Plan) and “Hazard Lands, Existing Petroleum Well(s), Significant Wetlands” on Schedule ‘A2’ (Constraints Plan).

The “Land Division” policies of section 2.1.6 apply.

Given that no development is proposed, the policies pertaining to the Constraints Plan (hazard lands, wetlands, etc.) do not need to be considered.

### Malahide Zoning By-law No. 22-18

The subject property is within the “Large Lot Agricultural (A3) Zone” on Key Map 104 of Schedule “A” to the Township’s Zoning By-law No. 22-18, and a portion of the subject property is identified as “Regulated Area”.

Through the associated Zoning By-law Amendment process, the proposed severed lot will be placed into the “General Agricultural (A1) Zone”. The “General Agricultural (A1) Zone” zone requires the following with regard to minimum lot area and frontage:

<b>“A1” Zone</b>	<b>Required</b>	<b>Proposed Severed Lot</b>
Min. Lot Area	20 ha	31.5 ha (77.83 acres)
Min. Lot Frontage	150m	213.8m (699 feet)

The proposed retained lot will remain in the “Large Lot Agricultural (A3) Zone”. The “Large Lot Agricultural (A3) Zone” zone requires the following with regard to minimum lot area and frontage:

<b>“A3” Zone</b>	<b>Required</b>	<b>Proposed Severed Lot</b>
Min. Lot Area	40 ha	97.9 ha (241.92 acre)
Min. Lot Frontage	150m	437.8m (1436.35 feet)

## **General Comments**

The Development Services Staff has considered the merits of the subject application against applicable Official Plan policies and the Township's Zoning By-law and recommends that the Council support the Application.

The Development Services Staff has also considered comments provided (if any) by other internal departments. Typical/standard conditions are recommended.

The Township Planner has also reviewed and generally has no concerns with the proposal.

The Planner notes that, given the existing topographical/physical constraints (ravines, drains, watercourses) on the smaller parcel to be severed (the easterly parcel), if the existing dwelling is ever to be severed through the surplus farm dwelling process (which isn't proposed at this time), that consideration should be given then to lot-additions of lands to the two neighbouring farm properties.

## **Financial Implications to Budget:**

The full cost of the consent and associated rezoning process is at the expense of the Applicant and has no implications to the Township's Operating Budget.

## **Relationship to Cultivating Malahide:**

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

The importance of sustainable planning promotes protection of natural and agricultural lands.

One of the goals that supports the "Our Land" Strategic Pillar is "Protect & Enhance Malahide's Agricultural Character". By respecting the agricultural land base through the land use planning process, the Council is achieving this goal.

Submitted by:	Approved by:
Allison Adams, Development Services Coordinator	Adam Betteridge, MCIP, RPP Chief Administrative Officer (Acting Director of Development Services/Planner)

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: June 30, 2021 ELGIN COUNTY ROAD NO.: 42 - 53367 Nova Scotia Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 53-21

OWNER: Marilyn and John Sebok

PROPERTY: LOT NO. PT LOTS 32, 33, 34, 35 CONCESSION: 1

REG'D PLAN: MUNICIPALITY: Malahide

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 lots/parcels up to 15m from the centreline of construction of Nova Scotia Line County Road (42) 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.....
- 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.....

X
- 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





**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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** Nancy Pasato, Manager of Planning  
**Date:** July 28, 2021  
**Application:** E 53-21

**Owner:**  
**Marilyn and John Sebok**  
53367 Nova Scotia Line  
Port Burwell, ON N0J 1T0

**Agent:**  
David Roe, Civic Planning Solutions  
599 Larch Street  
Delhi, ON N4B 3A7

**Location:** 53367 Nova Scotia Line, legally described as CON 8 S PT LOTS 11, 12  
RP;11R3070 PART 2 RP 11R681; PART 2, Township of Malahide.

**PROPOSAL**

The applicant proposes to sever a lot with a frontage of 213.8 metres (701.44 feet) along Nova Scotia Line, by a depth of 1466 metres (4809.71 feet) and an area of 31.5 hectares (77.83 acres), containing a dwelling and a garage, proposed to be severed for agricultural purposes and retain a lot with a frontage of 437.8 metres (1436.35 ft) by a depth of 1886 metres (6187.66 feet) and an area of 97.9 hectares (241.91 acres), proposed to maintain the existing agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural  
Woodland Overlay

**Local Municipality Zoning  
By-law**  
Large Lot Agricultural (A3)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Malahide* - THAT the Malahide Township Council has no objection to the Land Severance No. E53/21 in the name of Marilyn and John Sebok.

*Catfish Creek Conservation Authority* - no concerns with the above noted application.

*County Engineering* – supports the application subject to the provided conditions related to road widening and entrance permits.

### Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 2.3.4. discourages lot creation in agricultural areas. Lot creation may only be permitted for agricultural uses provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

The Applicant has indicated that the retained lands (97.9 hectares/241.91 acres) will maintain their current agricultural use. The proposed severed lands (31.5 hectares/77.83 acres) will also continue their agricultural use, with an existing dwelling and garage.

### County of Elgin Official Plan

The subject site is within the Agricultural Area designation of the Elgin County Official Plan (OP) and contains a Woodland Overlay as per the County's Official Plan Appendix 1. The County OP contains policy related to lot creation on lands in the Agricultural Area (Policy E 1.2.3.4). Policy E 1.2.3.4 a) allows for farm parcels to be severed provided that the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares, or as established in the local planning documents.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use. The severed lands, a farm parcel which contains a residence and a garage, are of a sufficient size to accommodate the existing single detached dwelling, garage and existing partial services (publicly owned and operated piped water system and privately owned and operated individual septic tank).

The proposed severance is a farm split. An existing agricultural lot is intended to be severed into two based on natural features existing on site. It is County planning staff's understanding that the severed parcel will be sold to a family member as part of estate and succession planning. Both parcels proposed will continue to remain in agricultural use, and both will be of a sufficient size to be used for agricultural uses.

### Local Municipality Official Plan and Zoning By-law

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan) and "Hazard Lands, Existing Petroleum Well(s), Significant Wetlands" on Schedule 'A2' (Constraints Plan). The "Land Division" policies of section 2.1.6 apply. Given that no development is proposed, the policies pertaining to the Constraints Plan (hazard lands, wetlands, etc.) do not need to be considered.

The subject property is within the Large Lot Agricultural (A3) Zone on Key Map 104 of Schedule "A" to the Township's Zoning By-law No. 22-18, and a portion of the subject property is identified as "Regulated Area".

Through the associated Zoning By-law Amendment process, the proposed severed lot will be placed into the General Agricultural (A1) Zone. The proposed retained lot will remain in the Large Lot Agricultural (A3) Zone.

**RECOMMENDATION:**

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions from the Land Division Committee in its decision from the County of Elgin:

1. That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Nova Scotia Line County Road 42 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. 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.
3. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
4. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

Additionally, it is recommended that the following conditions from the Township of Malahide be included as conditions for consent:

1. 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.
2. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
3. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.



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

4. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
5. 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.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 54-21**

**CON 12; LOT 23  
TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 47148 RON MCNEIL LINE**

**TAKE NOTICE that** an application has been made by **Margaret Alice Goodhue**, 44912 Edgeware Line, St. Thomas, ON N5P 3T3 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 47148 Ron McNeil Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 95.83 metres (314.40 feet) along Ron McNeil Line by a depth of 124 metres (406.82 feet) and an area of 0.935 hectares (2.31 acres) containing one residence, one frame barn and one shed, surplus to the needs of the owner. The owners are retaining 42 hectares (103.784 acres) proposed to remain in agricultural use.

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 JULY 28, 2021 AT 10:00 AM.  
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.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [alaverty@elgin.ca](mailto:alaverty@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

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.

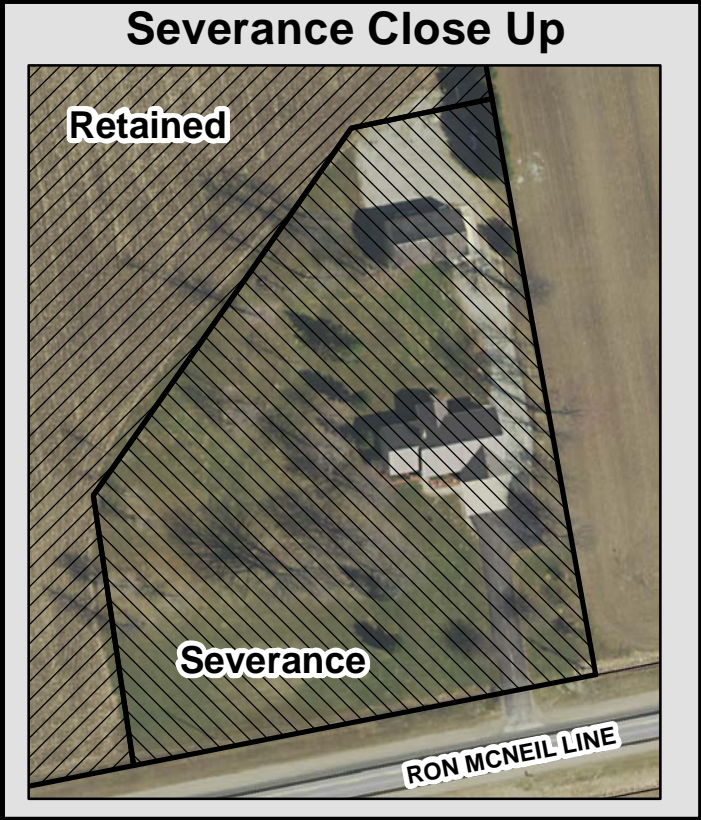
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss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

Dated at the Municipality of Central Elgin this 28<sup>th</sup> day of June, 2021.

Aisling Lavery  
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  
[www.progressivebynature.com](http://www.progressivebynature.com)

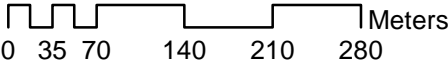




*Location Map*






Subject Site: 47148 Ron McNeil Line  
File Number: E54-2021  
Owner: Margaret Goodhue  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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



Scale 1:6,000

*Legend*

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





### Location Map

Subject Site: 47148 Ron McNeil Line  
File Number: E54-2021  
Owner: Margaret Goodhue  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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

N

0 35 70 140 210 280 Meters

### Legend

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



July 9, 2021.

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

Dear Committee Members:

**RE: Land Severance Application E54/21 – Margaret Goodhue**

The Malahide Township Council passed the following Resolutions on July 8, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E54/21 in the name of Margaret Goodhue, relating to the property located at Part Lot 23, Concession 12, Geographic Township of South Dorchester, subject to the following conditions:

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
- (vi) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.



- (vii) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (viii) 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.

We enclose Municipal Appraisal together with Municipal Report DS-21-33 for your records.

Yours very truly,  
TOWNSHIP OF MALAHIDE

A handwritten signature in black ink, appearing to read "D. Wilson", written in a cursive style.

DIANA WILSON  
Acting Clerk

Copy - John Seldon  
Rosemary Kennedy  
Margaret Goodhue

## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E54-21

Applicant Margaret Goodhue

Location CON 12 E PT LOT 23

### PART 1 - OFFICIAL PLAN

- |   |         |        |
|---|---------|--------|
| 1. Is there an O.P. in effect?              | Yes (X) | No ( ) |
| 2. Does the proposal conform with the O.P.? | Yes (X) | No ( ) |

Land Use Designation: \_\_\_\_\_

Policies: \_\_\_\_\_

### PART 2 - ZONING

- |   |         |        |
|---|---------|--------|
| 3. Is there a By-Law in effect?                                   | Yes (X) | No ( ) |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes ( ) | No (X) |

Comments:

Rezoning Required

- |  |         |        |
|--|---------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (X) | No ( ) |
|--|---------|--------|

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

- |   |         |        |
|---|---------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes ( ) | No (X) |
| 7. If so, is the Municipality prepared to provide those services?   | Yes ( ) | No ( ) |
| 8. Does the Municipality wish the Committee to impose conditions?   | Yes (X) | No ( ) |
| 9. Does Council recommend the application?                          | Yes (X) | No ( ) |

10. Does the municipality have other concerns that should be considered by the Committee?

See Conditions letter dated July 9, 2021



# Report to Council

---

**REPORT NO.:** DS-21-33  
**DATE:** July 8, 2021  
**ATTACHMENT:** Report Photo, Application, Recommended Conditions  
**SUBJECT:** **Application for Consent to Sever of Margaret Goodhue  
(Authorized Agent: Helen R. Button - Gunn & Associates)**  
**LOCATION:** East Part of Lot 23, Concession 12 (Geographic Township of South  
Dorchester) (47148 Ron McNeil Line)

---

## **Recommendation:**

**THAT Report No. DS-21-33 entitled “Application for Consent to Sever of Margaret Goodhue” be received;**

**AND THAT the Application for Consent to Sever No. D10-E54-21 as submitted by Margaret Goodhue, relating to the property located at East Part of Lot 23, Concession 12, (Geographic Township of South Dorchester), and known municipally as 47148 Ron McNeil Line, be supported for the reasons set out in this Report;**

**AND THAT this report and recommended conditions be forwarded to the Land Division Committee for its review and consideration.**

## **Background:**

The subject application for Consent to Sever (the “Application”) has been submitted by Helen R. Button - Gunn & Associates, on behalf of Margaret Goodhue in order to sever an existing dwelling as a result of a farm consolidation.

The Application relates to the property located at East Part of Lot 23, Concession 12, former South Dorchester, and known municipally as 47148 Ron McNeil Line.

## **Comments/Analysis:**

The subject farm property is approximately 42.93 hectares (106.09 acres) in area, and has approximately 313.43 metres (1028.31 feet) of frontage along Ron McNeil Line. There is an existing single-detached dwelling and one shed on the parcel proposed to be severed, and no existing structures on the farmland proposed to be retained. The subject property is bounded by non-farm residential uses, agricultural lands and an agricultural-related commercial/industrial business to the east.

### **County of Elgin Official Plan**

The subject property is designated “Agriculture Area” on Schedule ‘A’, Land Use Plan. The subject property has no noted areas on Schedule ‘C’ of the County Official Plan (Aggregate and Petroleum Resources).

In addition to the above, the subject property is identified as having frontage along a “County Minor Arterial” on Schedule ‘B’, “Transportation Plan”.

### **Malahide Official Plan**

The subject property is designated “Agriculture” on Schedule ‘A1’ (Land Use Plan).

Applications for the Severance of Surplus Farm Dwellings are to be considered in accordance with Section 2.1.7 of the Malahide Official Plan. In addition to other criteria of Section 2.1.7, the severed lot with the surplus farm dwelling shall be appropriately sized to support a private sanitary sewage treatment and disposal system and be serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

### **Malahide Zoning By-law No. 22-18**

The subject property is within the “Large Lot Agricultural (A3) Zone” on Key Map 17 of Schedule “A” to the Township’s Zoning By-law No. 22-18.

Through the associated Zoning By-law Amendment process, the proposed severed lot with the surplus farm dwelling will be placed into the “Small Lot Agricultural (A4) Zone” zone. The “Small Lot Agricultural (A4) Zone” zone requires the following with regard to minimum lot area and frontage:

<b>“A4” Zone</b>	<b>Required:</b>	<b>Proposed Severed Lot</b>
Min. Lot Area	2,000 m <sup>2</sup> (0.5 acre)	9,348 m <sup>2</sup> (2.31 acres)
Min. Lot Frontage	30m (98 feet)	95.83 m (314.40 feet)

The proposed retained farm lot will be placed into the “Special Agricultural (A2) Zone” zone. The “Special Agricultural (A2) Zone” zone requires the following with regard to minimum lot area and frontage:

<b>“A2” Zone</b>	<b>Required:</b>	<b>Proposed Retained Farm Lot</b>
Min. Lot Area	20 ha (50 acres)	42 ha (103.78 acres)
Min. Lot Frontage	150m (492 feet)	217.60 m (713.91 feet)

### **General Comments**

The Development Services Staff has considered the merits of the subject application against applicable Official Plan policies and the Township’s Zoning By-law and recommends that the Council support the Application.

The Development Services Staff has also considered comments provided (if any) by other internal departments. Notably, the Township’s Drainage Superintendent/ Engineering Technologist has advised that a revised assessment schedule in accordance with the Drainage Act, RSO 1990 is required.

The Township Planner has also reviewed and generally has no major concerns with the proposal. The Township Planner notes that the overall size of the proposed severed farm dwelling lot can possibly be considered to exceed the “appropriately sized” criteria of the Malahide Official Plan, specifically the area being retained to the west of the dwelling. The Planner notes that there are currently no specific criteria to determine what is considered “too large”, and that there are other examples of similar-sized previously severed parcels along Mapleton Line to the north.

### **Financial Implications to Budget:**

The full cost of the consent and associated rezoning process is at the expense of the Applicant and has no implications to the Township’s Operating Budget.

### **Relationship to Cultivating Malahide:**

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

The importance of sustainable planning includes promoting for the protection of agricultural lands. As such, one of the goals that support the “Our Land” Strategic Pillar relates to “Respect the agricultural land base through the land use planning process”.

New non-farm lot creation is permitted in very limited circumstances, including surplus farm dwelling severances. As such, the recommendation of this report supports the ICSP.

Submitted by:	Approved by:
Allison Adams, Development Services Coordinator	Adam Betteridge, MCIP, RPP Chief Administrative Officer (Acting Director of Development Services/Planner)

**COUNTY OF ELGIN ROAD SYSTEM**

**DATE:** June 30, 2021 **ELGIN COUNTY ROAD NO.:** 52 - 47148 RON MCNEIL LINE

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**  
**RE:**

**APPLICATION NO.:** E 54-21  
**OWNER:** Margaret Alice Goodhue  
**PROPERTY:** **LOT NO.** LOT 23 **CONCESSION:** 12  
**REG'D PLAN:** \_\_\_\_\_ **MUNICIPALITY:** Malahide

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 lots/parcels up to 15m from the centreline of construction of Ron McNeil Line County Road (52) 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 a new entrance to the severed and/or retained parcel(s). 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**

**From:** [Helen Button](#)  
**To:** [Aisling Lavery](#)  
**Subject:** RE: Application for Consent  
**Date:** June 2, 2021 2:00:30 PM  
**Attachments:** [image001.gif](#)  
[image002.jpg](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[Aerial photo of proposed severed lot.pdf](#)

---

Good afternoon Aisling,

Thanks for speaking with me this morning. Further to our discussion, I attach an aerial photo of this proposed severed lot to demonstrate the reasoning behind the larger than typical size of the lot.

The irregular shape is intended to keep the lot as small as possible. You can see in the aerial photo that the existing edge of the cultivated field runs along the diagonal lot line in the surveyor's sketch. None of the land inside the proposed lot is under cultivation and converting it would require the removal of a number of trees. The depth of the lot to the proposed northern boundary is just sufficient to accommodate the gravel parking/turn-around area and shed that serve the dwelling.

Please let me know if you have any further questions.

Yours truly,

**Helen R. Button**  
**Associate Lawyer**  
Gunn & Associates  
o/b Douglas George Gunn Professional Corporation  
108 Centre Street  
St. Thomas, ON N5R 2Z7  
Phone: 519-631-0700  
Fax: 519-631-1468  
[helenbutton@gunn.on.ca](mailto:helenbutton@gunn.on.ca)

-  
**Gunn & Associates has not experienced any significant disruptions of essential business operations, however, during these challenging times we have decided to implement particular policies and procedures to respond to COVID-19 so that we will be in a position to serve your legal needs. We are reducing our personnel working in the office, have closed our office to the public and are conducting meetings via telephone or videoconference. Staff will continue to have access to email and be in a position to pick up voice messages. We would appreciate receiving any correspondence or documentation via email so that we will be in a position to respond in a timely manner.**

**We wish you safety and health during this difficult situation.**

WARNING: From time to time, our spam scanners eliminate legitimate email from clients. If your email contains important instructions, please ensure that we acknowledge receipt of those instructions.



This communication is directed to you in confidence and solely to the person(s) listed above, and may not otherwise be distributed, copied or disclosed. The contents of this email may also be subject to solicitor-client privilege, and all rights to that privilege are expressly claimed and not waived. If you have received this email in error, please notify us immediately by telephone or by return email and delete this communication and any copy immediately. Thank you for your assistance.

---

**From:** Aisling Lavery <alavery@ELGIN.ca>  
**Sent:** June 1, 2021 4:20 PM  
**To:** Helen Button <helenbutton@gunn.on.ca>  
**Subject:** RE: Application for Consent

Thank you Helen.

Have a great evening.

Aisling

---

**From:** Helen Button <[helenbutton@gunn.on.ca](mailto:helenbutton@gunn.on.ca)>  
**Sent:** June 1, 2021 4:16 PM  
**To:** Aisling Lavery <[alavery@ELGIN.ca](mailto:alavery@ELGIN.ca)>  
**Subject:** RE: Application for Consent

Aisling,

I see now that the Application that was scanned and sent to you did not have the date of consultation with Adam Betteridge entered. That has been corrected in the attached.

I look forward to speaking with you tomorrow.

**Helen R. Button**  
**Associate Lawyer**  
Gunn & Associates  
o/b Douglas George Gunn Professional Corporation  
108 Centre Street  
St. Thomas, ON N5R 2Z7  
Phone: 519-631-0700  
Fax: 519-631-1468  
[helenbutton@gunn.on.ca](mailto:helenbutton@gunn.on.ca)

-

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---

**From:** Helen Button  
**Sent:** June 1, 2021 3:39 PM  
**To:** 'Aisling Laverty' <[alaverty@ELGIN.ca](mailto:alaverty@ELGIN.ca)>  
**Subject:** RE: Application for Consent

Hi Aisling,

That works. I'm not sure yet whether I'll be in the office or working remotely tomorrow, so please call my cell at 226-931-2441.

Thanks,

Helen

---

**From:** Aisling Laverty <[alaverty@ELGIN.ca](mailto:alaverty@ELGIN.ca)>  
**Sent:** June 1, 2021 3:36 PM  
**To:** Helen Button <[helenbutton@gunn.on.ca](mailto:helenbutton@gunn.on.ca)>  
**Subject:** RE: Application for Consent

Hi Helen,

I can give you a call tomorrow morning around nine if that works.

Aisling

---

**From:** Helen Button <[helenbutton@gunn.on.ca](mailto:helenbutton@gunn.on.ca)>  
**Sent:** June 1, 2021 3:05 PM  
**To:** Aisling Laverty <[alaverty@ELGIN.ca](mailto:alaverty@ELGIN.ca)>  
**Subject:** RE: Application for Consent

Good afternoon Aisling,

Thanks for your email. Is there a time that would be convenient for me to call you? It might be helpful to have a conversation.

Many thanks,

**Helen R. Button**  
**Associate Lawyer**  
Gunn & Associates  
o/b Douglas George Gunn Professional Corporation  
108 Centre Street  
St. Thomas, ON N5R 2Z7  
Phone: 519-631-0700  
Fax: 519-631-1468  
[helenbutton@gunn.on.ca](mailto:helenbutton@gunn.on.ca)

-

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---

**From:** Aisling Laverty <[alaverty@ELGIN.ca](mailto:alaverty@ELGIN.ca)>  
**Sent:** June 1, 2021 2:25 PM  
**To:** Helen Button <[helenbutton@gunn.on.ca](mailto:helenbutton@gunn.on.ca)>  
**Subject:** Application for Consent

Good afternoon Helen,

I have reviewed your submitted application for consent by Margaret Goodhue and am looking for

some clarification.

The proposed severed lot is 2.31 acres/0.935 hectares, which is typically larger than would be supported by the County. Is there a reason for the lot being this size? It could be helpful to submit any additional information you have that may support that size.

You've also not indicated whether or not you/your applicant have consulted with the local municipality on this matter. They could also provide guidance re: lot size as per their own policies and regulations.

Thanks,

**Aisling "Ashleen" Lavery**

*Planning Technician*



450 Sunset Drive

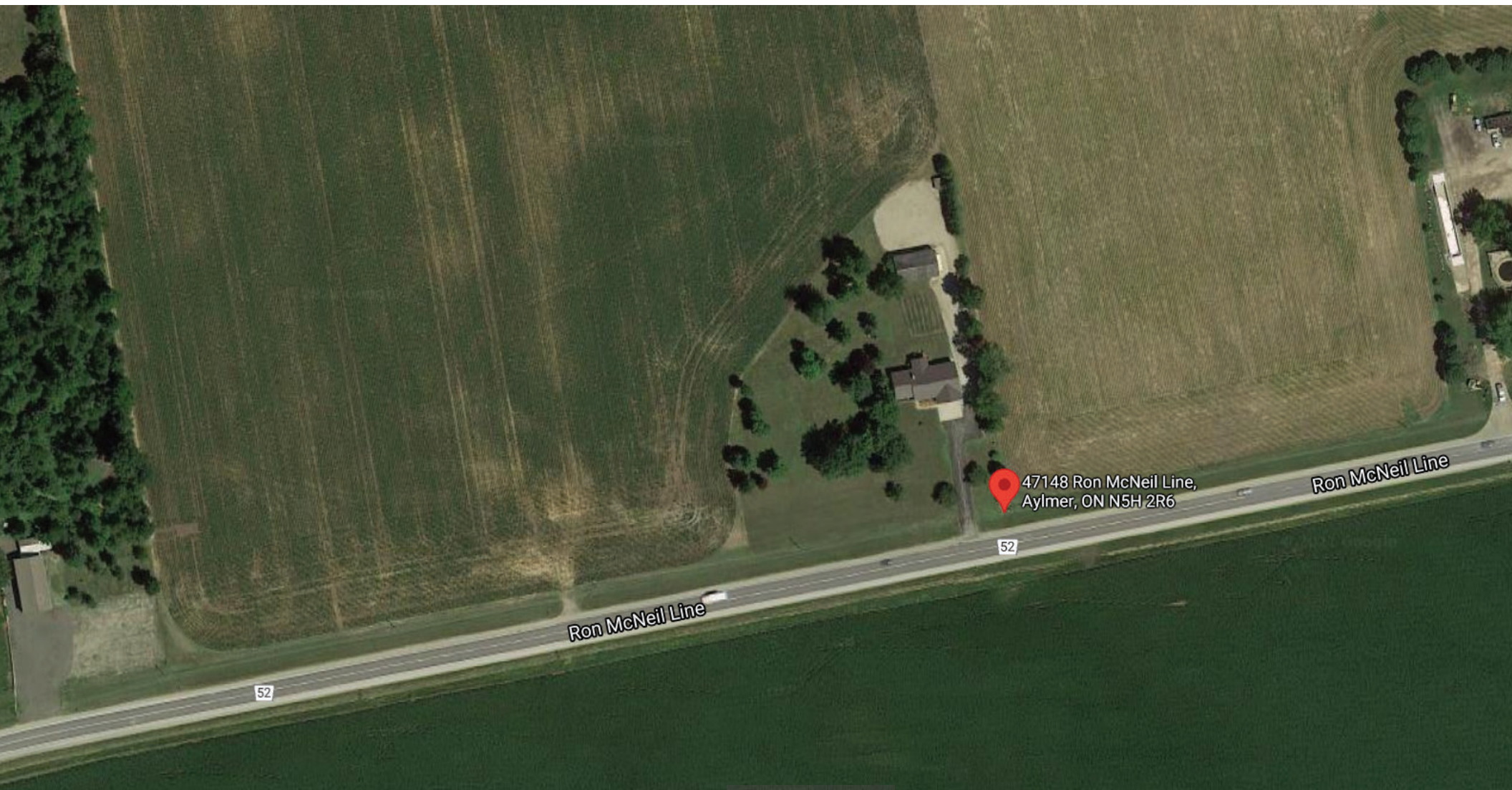
St. Thomas, ON. N5R 5V1

(519) 631-1460 ext. 122 | 226-377-6670

[www.elgincounty.ca](http://www.elgincounty.ca)



**Notice:** A number of Elgin County services are unavailable at this time due to the evolving health situation (COVID-19). Please visit [www.elgincounty.ca](http://www.elgincounty.ca) for daily updates.



47148 Ron McNeil Line,  
Aylmer, ON N5H 2R6

Ron McNeil Line

Ron McNeil Line

52

52







**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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** Nancy Pasato, Manager of Planning  
**Date:** July 28, 2021  
**Application:** E 54-21

**Owner:**  
**Margaret Alice Goodhue**  
44912 Edgeware Line  
St. Thomas, ON N5P 3T3

**Agent:**  
Helen R. Button, Gunn & Associates  
108 Centre Street  
St. Thomas, ON N5R 2Z7

**Location:** 47148 Ron McNeil Line, legally described as CON 12; LOT 23, Township of Malahide.

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 95.83 metres (314.40 feet) along Ron McNeil Line by a depth of 124 metres (406.82 feet) and an area of 0.935 hectares (2.31 acres) containing one residence, one frame barn and one shed, surplus to the needs of the owner. The owners are retaining 42 hectares (103.784 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

**Local Municipality Zoning  
By-law**  
Large Lot Agricultural (A3)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Malahide* - the Malahide Township Council has no objection to the Land Severance No. E54/21 subject to the provided conditions.

*Catfish Creek Conservation Authority* – no concerns.

*County Engineering* – supports the application subject to the provided conditions related to road widening and entrance permits.

**Planning Act and Provincial Policy Statement**

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for agricultural uses, agriculture-related uses, infrastructure, and a residence surplus to a farming operation as a result of farm consolidation, provided that:

- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The Applicant has indicated that the retained lands (42 hectares/103.784 acres) will maintain their current agricultural use. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.935 hectares/2.31 acres) will contain an existing dwelling and frame building. The proposed severed lot is larger than typically permitted for a surplus farm dwelling. This is due to the location of an existing treed area immediately to the west of the dwelling. This area is currently not farmed. The existing dwelling, septic bed and frame building are all located on the east side of the property, adjacent to this treed area. The proposed severed lot does not remove any additional farm lands which are currently being farmed by the proposed retained property.

#### County of Elgin Official Plan

The subject site is within the Agricultural Area designation of the Elgin County Official Plan (OP). The County OP contains policy related to lot creation on lands in the Agricultural Area (Policy E 1.2.3.4). New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use and are of a sufficient size. The severed lands, which contain a residence deemed surplus to the farming operation, are over a sufficient size to accommodate the existing single detached dwelling, frame building and existing private services (privately owned and operated individual septic tank and well), without taking away from the agricultural lands.

The severed lot is larger than typically permitted for a surplus farm dwelling. The proposed severed lands (0.62 hectares/1.53 acres) will contain an existing dwelling and frame building. However, due to the location of the existing green space/treed area, the proposed severed lot does not remove any farm lands from the retained lot. As such, planning staff are of the opinion the severed lot is appropriate, but encourage the applicant to explore options related to creating a regularly shaped lot of a smaller size.



Local Municipality Official Plan and Zoning By-law

The subject property is designated “Agriculture” on Schedule ‘A1’ (Land Use Plan). Applications for the Severance of Surplus Farm Dwellings are to be considered in accordance with Section 2.1.7 of the Malahide Official Plan. In addition to other criteria of Section 2.1.7, the severed lot with the surplus farm dwelling shall be appropriately sized to support a private sanitary sewage treatment and disposal system and be serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

The subject property is within the “Large Lot Agricultural (A3) Zone” on Key Map 17 of Schedule “A” to the Township’s Zoning By-law No. 22-18. Through the associated Zoning By-law Amendment process, the proposed severed lot with the surplus farm dwelling will be placed into the “Small Lot Agricultural (A4) Zone” zone. The proposed retained farm lot will be placed into the “Special Agricultural (A2) Zone” zone.

RECOMMENDATION:

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding surplus lot creation in agricultural areas. However, planning staff encourage the applicant to explore options related to creating a regularly shaped lot of a smaller size. Should the Land Division Committee approve this application, either as is or revised, planning staff recommends the following conditions:

1. That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Ron McNeil Line County Road 52 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. 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.
3. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
4. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

Additionally, it is recommended that the following conditions from the Township of Malahide be included as conditions for consent:

1. 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.

2. 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.
3. 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.
4. 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.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
8. 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.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 55-21**

**PLAN 319; LOTS 5 & 6; REGISTERED PLAN 33R104479  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 220 CHURCH STREET**

**TAKE NOTICE** that an application has been made by **Anthony and Cheryl Bennett**, 220 Church Street, Belmont, ON N0L 1B0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 220 Church Street, Municipality of Central Elgin.

The applicants propose to sever a parcel with a width of 20.1 metres (65.94 feet) along Church Street by a depth of 4.89 metres (16.04 feet) and an area of 98 metres squared (0.024 acres) to be conveyed to 216 Church Street. The owners are retaining 1347.28 metres squared (0.333 acres) proposed to remain in existing residential use.

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 JULY 28, 2021 AT 10:10 AM.  
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.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [alaverty@elgin.ca](mailto:alaverty@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

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 28<sup>th</sup> day of June, 2021.

Aisling Lavery  
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  
[www.progressivebynature.com](http://www.progressivebynature.com)

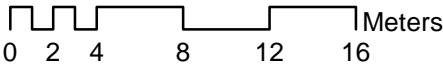




*Location Map*






Subject Site: 220 Church Street  
File Number: E55-2021  
Owner: Anthony and Cheryl Bennett  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

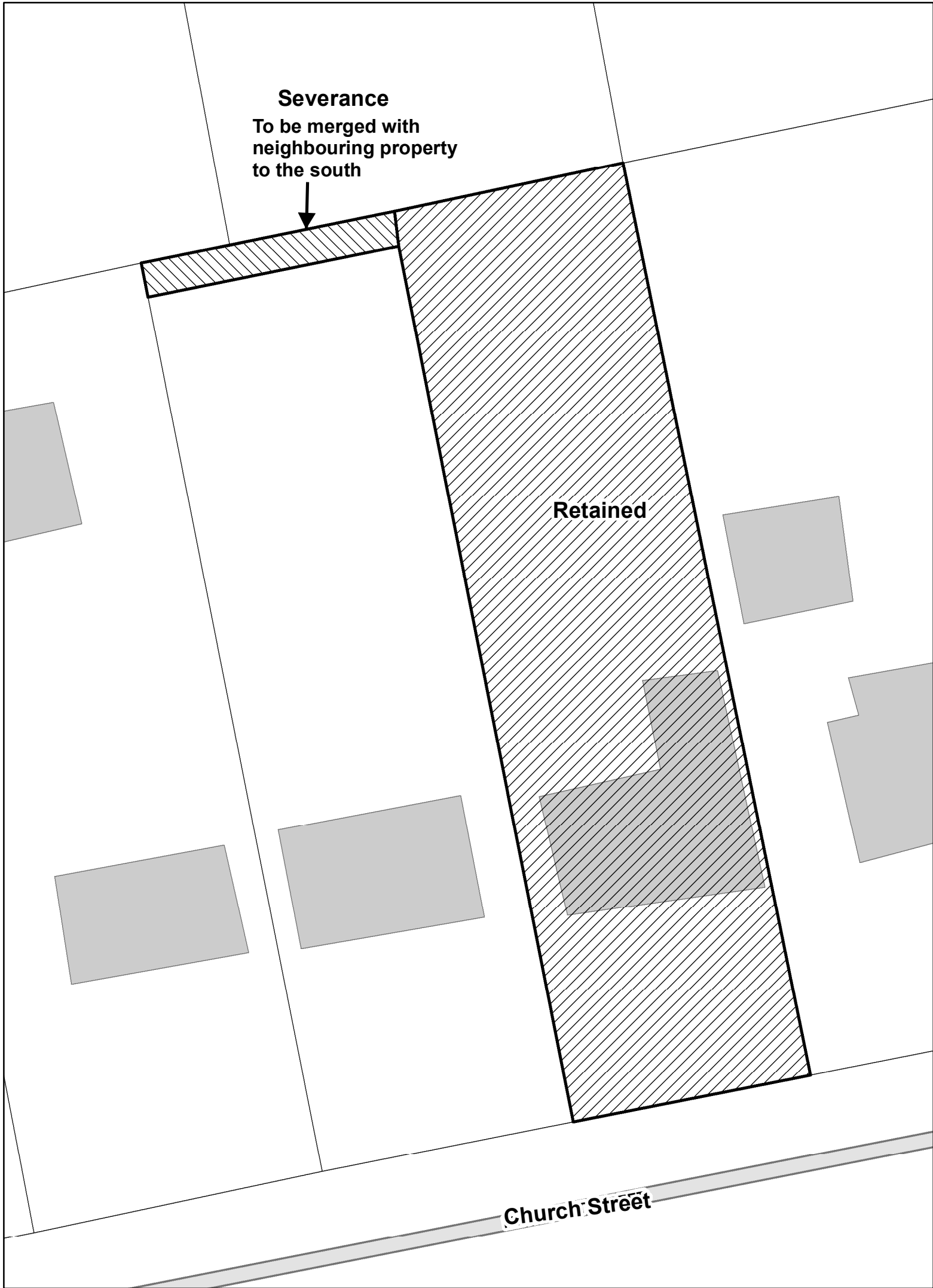
The Corporation of the County Elgin  
Prepared By: Planning and Development



Scale 1:350

*Legend*

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



### Location Map

Subject Site: 220 Church Street  
File Number: E55-2021  
Owner: Anthony and Cheryl Bennett  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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

N

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### Legend

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





The Corporation of the Municipality of  
**Central Elgin**

450 Sunset Drive, 1st Floor, St. Thomas, Ontario N5R 5V1 P: 519.631.4860 F: 519.631.4036

July 20<sup>th</sup>, 2021

VIA EMAIL

Nancy Pasato  
Manager of Planning  
County of Elgin  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1

Dear Ms. Pasato:

Re: Application for Consent E55/21 –  
Anthony & Cheryl Bennett, 220 Church Street

Please be advised that Council discussed the above noted application at their Regular/Planning Meeting dated Monday, July 19<sup>th</sup>, 2021 and the following resolution was passed:

THAT: Report CEP 28.21 re Application for Consent No. E55/21 - Anthony and Cheryl Bennett, 220 Church Street be received as information;  
AND THAT Council has no objections to Consent No. E55/21 subject to the following recommended conditions;

- the severed land be merged in title with the abutting lot to the south (216 Church St);
- that subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990 as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
- the Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
- the municipality be supplied with a copy of the Reference Plan and;
- a drainage reassessment be done, if necessary, at the owner's expense.

As per Council's direction, please note that a copy of the Planning Report is attached for your reference.

Yours truly,

Dianne Wilson  
Deputy Clerk/Records Management Coordinator

c.c. Anthony & Cheryl Bennett, Owner  
Trevor Marr, Agent  
S. Craig, Senior Planning Technician, CEPO

Encl.





The Corporation of the Municipality of  
**Central Elgin**

**REPORT**

<b>DATE:</b>	July 13, 2021	<b>REPORT:</b>	CEP.28.21
<b>TO:</b>	Mayor Sally Martyn and Council	<b>CEPO FILE:</b>	E55/21
<b>PREPARED BY:</b>	Steve Craig, Sr. Planning Technician Central Elgin Planning Department		
<b>SUBJECT:</b>	Application for a Consent No. E55/21 – Anthony and Cheryl Bennett 220 Church Street		
<b>ATTACHMENTS:</b>	Location Plan		
<b>TO COUNCIL:</b>	July 19, 2021		

**RECOMMENDATION:**

**THAT:** Report CEP.28.21 be received for information;

**AND THAT:** Should Council pass a resolution in support of consent application E055/21 to the Land Division Committee, staff recommends the following conditions:

- the severed land be merged in title with the abutting lot to the south (216 Church Street);
- that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
- the Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
- the Municipality of Central Elgin be provided with a copy of the Reference Plan.

**Background:**

Consent application E55/21 has been filed for the purpose of a lot addition.

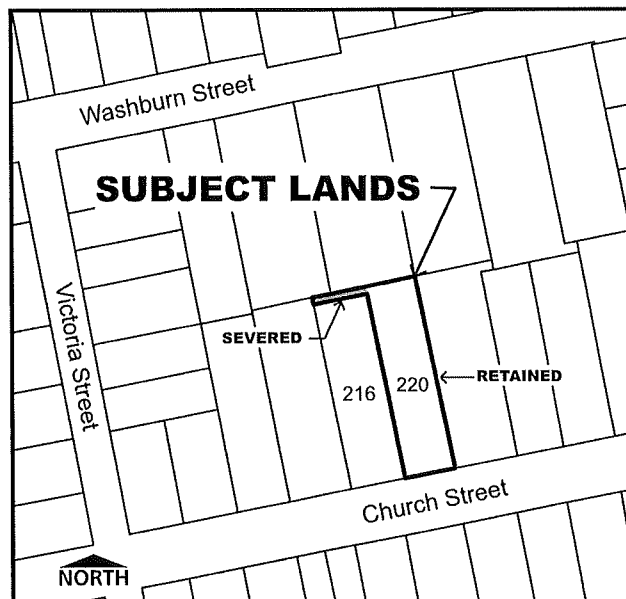
**Location:**

The subject lands are located on the north side of Church Street. The lands are described as, Plan 319, Block F, Lot 6, and RP 33R10479, Parts 6, 7, Municipality of Central Elgin.

**Proposal:**

The applicants are proposing to convey a 4.8m x 20.1m vacant parcel of land to the abutting lot to the south, municipally known as 216 Church Street. The severed lot will continue to be used for residential purposes. The applicants are proposing to retain a lot with frontage of 18.28m on Church Street, a lot depth of 73.67m and a lot area of 1,347.28m<sup>2</sup>, containing one single detached dwelling and one accessory building. The retained lot will continue to be used for residential purposes.

**Location Plan:**





## Staff Report

### 1. Official Plan

- The subject lands are within the "Residential" designation in accordance with Schedule "G" - Community of Belmont, Land Use Plan, to the Municipality of Central Elgin Official Plan. Where land is designated Residential on the Land Use Schedules to the Plan, a range of residential dwelling types and densities shall be permitted (4.2.1a).
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).

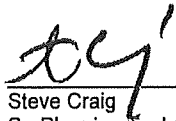
### 2. Zoning By-Law

- The subject lands are within the Single Residential "R2" Zone (R2) of the Village of Belmont Zoning By-Law No. 91-21, as amended. Permitted uses of the R2 zone include one single detached dwelling per lot, uses, buildings and structures accessory to the foregoing permitted use, and home occupation within a single detached dwelling (5.3.2).
- The minimum lot area for a single detached dwelling on an interior lot is 464.5m<sup>2</sup> (5.3.3(a)).
- The minimum lot frontage required for a single detached dwelling on an interior lot is 15m (5.3.3(c)).

### 3. County of Elgin Official Plan:

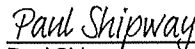
- The subject lands are located within the "Tier 1 Settlement Area" designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. There are a range of urban and rural settlement areas in Elgin County where there is a concentration of development and mix of permitted land uses including a variety of housing types, commercial and employment uses, institutional uses, community and recreational facilities, and open space (B1).
- A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan (E1.2.3.4).

Respectfully submitted:

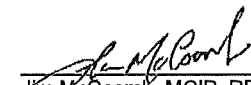


Steve Craig  
Sr. Planning Technician

Approved for submission:



Paul Shipway  
Acting CAO/Clerk



Jim McCoomb, MCIP, RPP  
Manager of Planning Services

**From:** [Joe Gordon](#)  
**To:** [Dawn Wittland-Graham](#)  
**Subject:** RE: Notice of Applications E 55-21 & E 59-21  
**Date:** July 2, 2021 8:29:03 AM

---

Good morning Dawn

Please accept this email as confirmation that KCCA staff have reviewed the subject notices of applications E55/21 and E59/21 and that based on our mandate and policies, we have no objection to their approval.

Thank you for the opportunity to comment.

Thank you,

Joe Gordon  
Assistant Manager  
Supervisor of Planning & Conservation Areas  
Kettle Creek Conservation Authority

-----Original Message-----

From: Dawn Wittland-Graham <[dwittlandgraham@ELGIN.ca](mailto:dwittlandgraham@ELGIN.ca)>  
Sent: June 30, 2021 3:04 PM  
To: Dianne Wilson <[DWilson@centralelgin.org](mailto:DWilson@centralelgin.org)>; Craig, Steve <[scraig@stthomas.ca](mailto:scraig@stthomas.ca)>; Brian Lima <[blima@ELGIN.ca](mailto:blima@ELGIN.ca)>; Joe Gordon <[joe@kettlecreekconservation.on.ca](mailto:joe@kettlecreekconservation.on.ca)>; [elginfarmers@gmail.com](mailto:elginfarmers@gmail.com)  
Cc: Nancy Pasato <[npasato@ELGIN.ca](mailto:npasato@ELGIN.ca)>; Aisling Lavery <[alavery@ELGIN.ca](mailto:alavery@ELGIN.ca)>; [tmarr@centralelgin.org](mailto:tmarr@centralelgin.org); Donald M. Ferguson <[dferguson@fergusondimeolaw.com](mailto:dferguson@fergusondimeolaw.com)>  
Subject: Notice of Applications E 55-21 & E 59-21

Good afternoon,

Please find attached the Notice of Application for file numbers E 55-21 & E 59--21 for the Elgin County Land Division Committee meeting being held on July 28, 2021.

If you wish to provide comments on this application please submit them to Aisling Lavery ([alavery@elgin.ca](mailto:alavery@elgin.ca)), Secretary-Treasurer by Tuesday, July 20, 2021 to be included in the agenda package and considered by the Land Division Committee.

Thank you,  
Dawn Wittland-Graham  
Administrative Assistant  
Engineering & Planning Services

450 Sunset Drive  
St. Thomas ON N5R 5V1  
(519)631-1460 Ext 183  
[dwittlandgraham@elgin.ca](mailto:dwittlandgraham@elgin.ca)

**COUNTY OF ELGIN ROAD SYSTEM**

**DATE:** June 30, 2021 **ELGIN COUNTY ROAD NO.:** \_\_\_\_\_

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**

**RE:**

**APPLICATION NO.:** E 55-21

**OWNER:** Anthony and Cheryl Bennett

**PROPERTY:** **LOT NO.** PLAN 319 LOTS 5 & 6; **CONCESSION:** 12

**REG'D PLAN:** 33R104479 **MUNICIPALITY:** Central Elgin

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 lots/parcels up to 15m from the centreline of construction of Ron McNeil Line County Road (52) 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 a new entrance to the severed and/or retained parcel(s). 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**



**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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** Nancy Pasato, Manager of Planning  
**Date:** July 28, 2021  
**Application:** E 55-21

**Owner:**  
**Anthony and Cheryl Bennett**  
220 Church Street  
Belmont, ON N0L 1B0

**Agent:**  
**Trevor Marr**  
216 Church Street  
Belmont, ON N0L1B0

**Location:** 220 Church Street – legally described as PLAN 319; LOTS 5 & 6; REGISTERED PLAN 33R104479, Municipality of Central Elgin.

**PROPOSAL**

The applicants propose to sever a parcel with a width of 20.1 metres (65.94 feet) along Church Street by a depth of 4.89 metres (16.04 feet) and an area of 98 metres squared (0.024 acres) to be conveyed to 216 Church Street. The owners are retaining 1347.28 metres squared (0.333 acres) proposed to remain in existing residential use.

**County of Elgin Official  
Plan**

Settlement Area Tier 1

**Local Municipality Official  
Plan**

Residential

**Local Municipality Zoning  
By-law**

Single Residential (R2)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – That Council recommends approval in support of this consent application, subject to the included conditions.

*Kettle Creek Conservation Authority* – no objections.

*County Engineering* – not on a County road.

**Planning Act and Provincial Policy Statement**

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.3 (Settlement Areas) outlines that settlement areas including cities, towns, villages and hamlets, are to be the focus of growth and development within municipalities.

Specifically, Policy 1.1.3.2 outlines that land use patterns within these settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

The Applicant has indicated the severed portion of the lands will be conveyed to the adjacent property at 216 Church Street, ultimately allowing the parcel at 216 Church Street to match up depth-wise with the surrounding parcels. The retained parcel will be used for existing residential.

#### County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 1 (Belmont) in the Elgin County Official Plan (OP).

Tier 1 settlement areas generally have the largest populations in the County and as a consequence have full municipal services (municipal water and sewage services). Given the type of servicing that is provided in these settlement areas and the potential for these settlement areas to be central communities where a range of uses and opportunities are and can be provided, this Plan directs the majority of new growth to Tier 1 settlement areas.

Policy E1.2.3.2 allows for boundary adjustments to existing lots, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties, and the boundary adjustment will not affect the viability of the agricultural parcels affected.

As stated previously by the Applicant, the severed lands are proposed to be retained and conveyed to the adjacent property at 216 Church Street and the retained parcel will be maintained as the existing residential use at 220 Church Street. The two lots created will facilitate in creating a more uniform urban fabric and currently, no changes to the land uses or servicing requirements are proposed.

#### Local Municipality Official Plan and Zoning By-law

The subject lands are designated Residential in accordance with Schedule G – Community of Belmont Land Use Plan. A consent for legal or technical reasons, such as an easement, is permitted provided the lots that are subject of the application comply with the Zoning By-law, or the consent will be conditional on a successful zoning amendment or minor variance.

The subject lands are within the Single Residential R2 Zone. One single detached dwelling per lot, buildings and structures accessory to the permitted use, and home occupations are permitted. The application complies with both the Official Plan and Zoning By-law.

#### RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in settlement areas. As

such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed; and
3. That the severed lands are deeded in the same name and interest as the abutting lot at 216 Church Street and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.

Additionally, it is recommended that the following conditions from the Municipality of Central Elgin be included as conditions for consent:

1. That the severed lands be merged with the abutting lot to the south (216 Church Street).
2. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands.
3. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive of mortgagee's interest; and
4. The Municipality of Central Elgin to be provided with a copy of the Reference Plan.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 56-21**

**CON 3 NORTH PART LOT 23  
TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 51455 CALTON LINE**

**TAKE NOTICE** that an application has been made by **Chester and Halina Glinski**, 52406 Calton Line, RR 6, Aylmer, ON N5H 2R5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 51455 Calton Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.021 feet) along Calton Line by a depth of 90.0 metres (295.276 feet) and an area of 2250 metres squared (0.556 acres) for future residential use. The owners are retaining 37.7 hectares (91.429 acres) proposed to remain in agricultural use.

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 JULY 28, 2021 AT 10:20 AM.  
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.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE  
RESTRICTED. PLEASE CONTACT [alaverty@elgin.ca](mailto:alaverty@elgin.ca) AT LEAST 24 HOURS  
BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR  
TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS  
POSSIBLE.**

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.

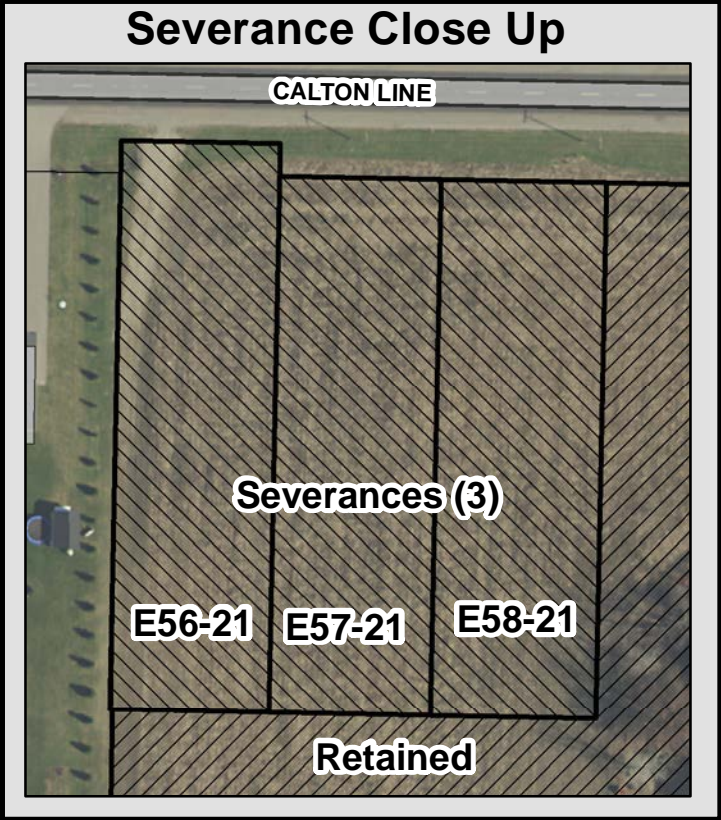
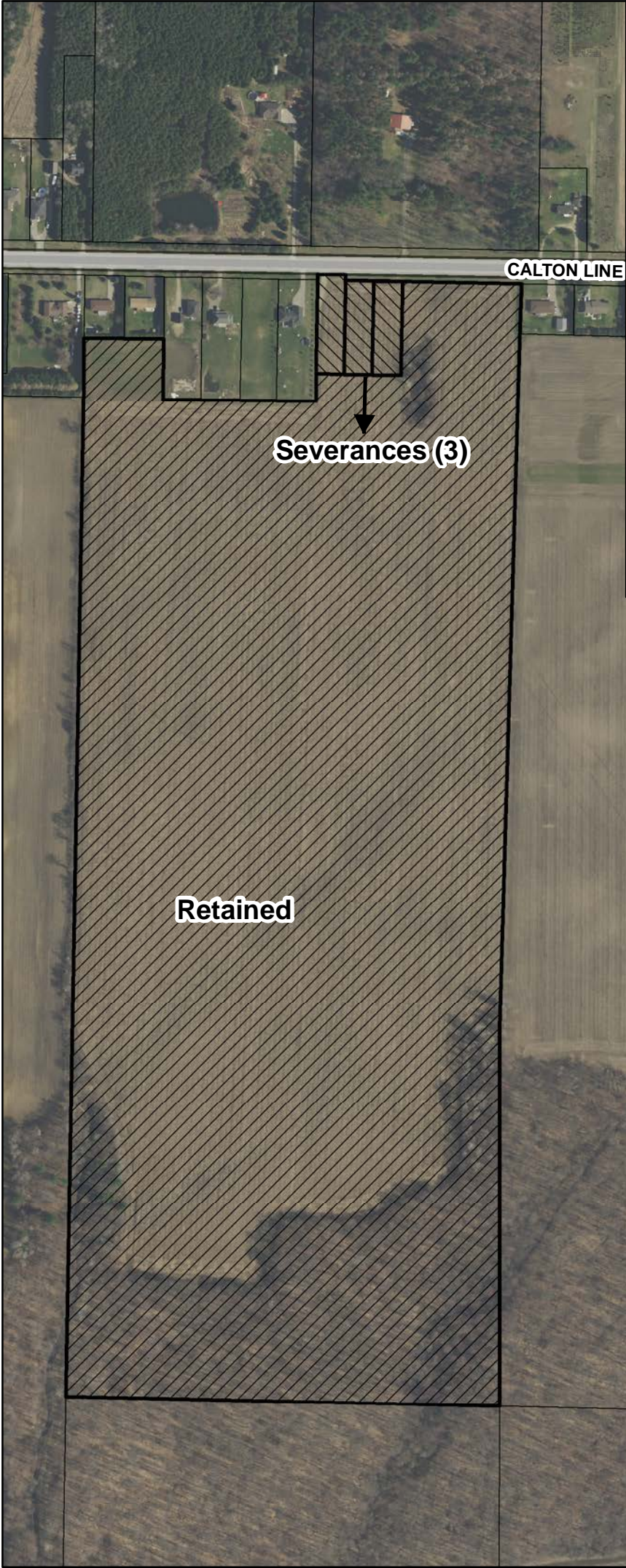
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss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

Dated at the Municipality of Central Elgin this 28<sup>th</sup> day of June, 2021.

Aisling Laverty  
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  
[www.progressivebynature.com](http://www.progressivebynature.com)

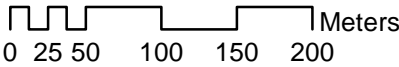




*Location Map*






Subject Site: 51455 Calton Line  
File Number: E56-2021, E57-2021 & E58-2021  
Owner: Chester and Halina Glinski  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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

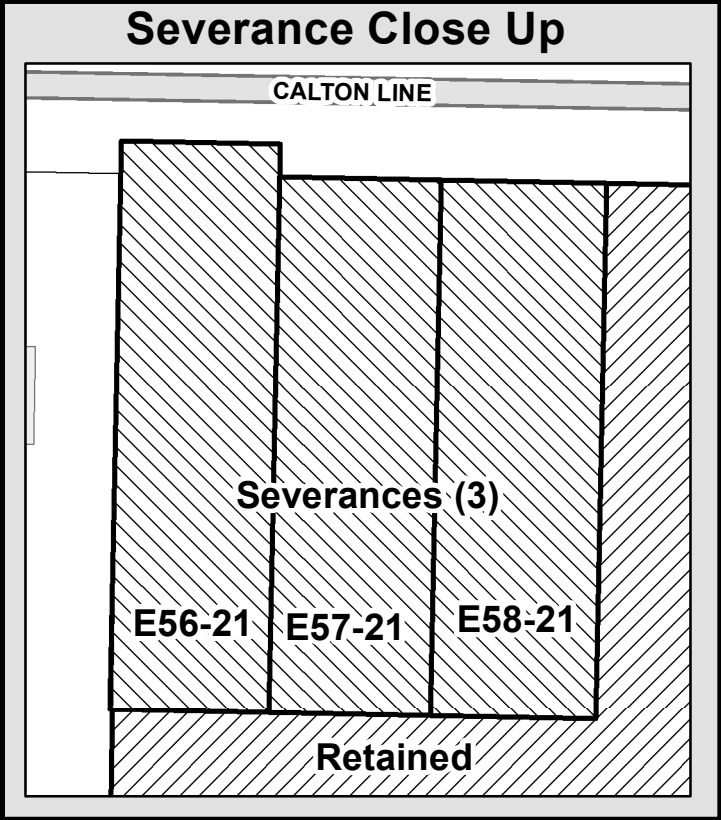
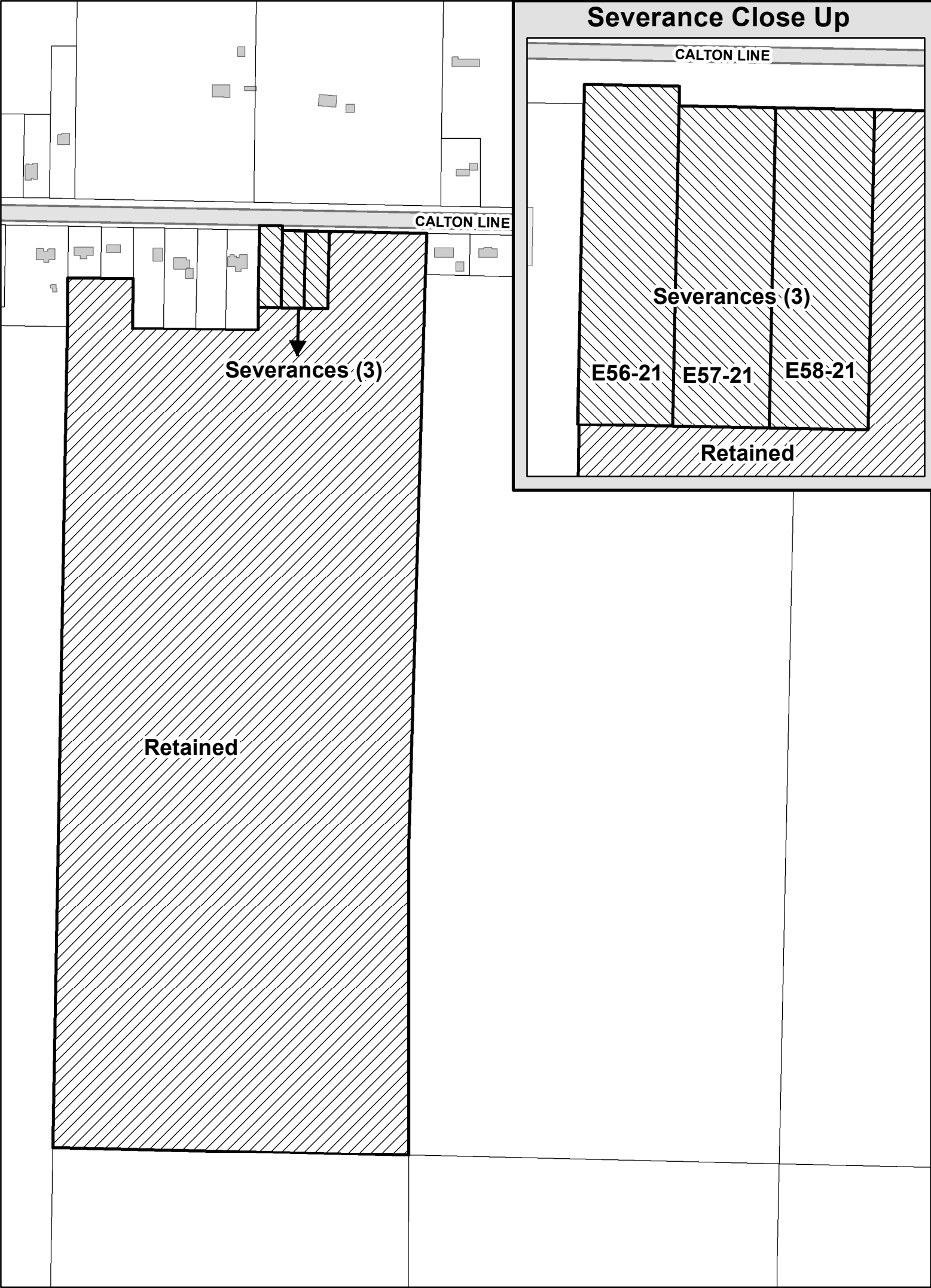


Scale 1:5,000

*Legend*

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

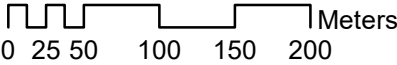




*Location Map*

Subject Site: 51455 Calton Line  
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Date: 06/28/2021

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



Scale 1:5,000

*Legend*

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



July 9, 2021.

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

Dear Committee Members:

**RE: Land Severance Application E56/21, E57/21 and E58/21  
– Chester and Halina Glinski**

The Malahide Township Council passed the following 3 Resolutions on July 8, 2021:

**Severance No. E56/21**

THAT the Malahide Township Council has no objection to the Land Severance No. E56/21 in the name of Chester and Halina Glinski, relating to the property located at Part Lot 23, Concession 3, Geographic Township of Malahide, subject to the following conditions:

- (i) 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.
- (ii) 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.
- (iii) 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.

- (iv) 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.
- (v) 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.
- (vi) That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
- (vii) 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.
- (viii) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (ix) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (x) 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.

**Severance No. E57/21**

THAT the Malahide Township Council has no objection to the Land Severance No. E57/21 in the name of Chester and Halina Glinski, relating to the property located at Part Lot 23, Concession 3, Geographic Township of Malahide, subject to the following conditions:

- (i) 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.
- (ii) 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.

- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
- (vii) 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.
- (viii) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (ix) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (x) 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.

#### **Severance No. E58/21**

THAT the Malahide Township Council has no objection to the Land Severance No. E58/21 in the name of Chester and Halina Glinski, relating to the property located at Part Lot 23, Concession 3, Geographic Township of Malahide, subject to the following conditions:

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
- (vii) 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.
- (viii) That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.

- (ix) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (x) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (xi) 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.

We enclose Municipal Appraisal together with Municipal Report DS-21-36 for your records.

Yours very truly,  
TOWNSHIP OF MALAHIDE

A handwritten signature in black ink, appearing to read 'D. Wilson', with a stylized, cursive script.

DIANA WILSON  
Acting Clerk

Copy - John Seldon  
Rosemary Kennedy  
Chester and Halina Glinski



## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E56-21,E57-21 & E58-21

Applicant Chester Glinski & Halina Glinski

Location CON 3 N PT LOT 23

### PART 1 - OFFICIAL PLAN

- |   |         |        |
|---|---------|--------|
| 1. Is there an O.P. in effect?              | Yes (X) | No ( ) |
| 2. Does the proposal conform with the O.P.? | Yes (X) | No ( ) |

Land Use Designation: \_\_\_\_\_

Policies: \_\_\_\_\_

### PART 2 - ZONING

- |   |         |         |
|---|---------|---------|
| 3. Is there a By-Law in effect?                                   | Yes (X) | No ( )  |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes ( ) | No (X ) |

Comments:

Rezoning Required

- |  |         |        |
|--|---------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (X) | No ( ) |
|--|---------|--------|

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

- |   |         |        |
|---|---------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes ( ) | No (X) |
| 7. If so, is the Municipality prepared to provide those services?   | Yes ( ) | No ( ) |
| 8. Does the Municipality wish the Committee to impose conditions?   | Yes (X) | No ( ) |
| 9. Does Council recommend the application?                          | Yes (X) | No ( ) |

10.Does the municipality have other concerns that should be considered by the Committee?

See Conditions letter dated July 9, 2021



# Report to Council

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**REPORT NO.:** DS-21-36  
**DATE:** July 8, 2021  
**ATTACHMENT:** Report Photos, Applications, Recommended Conditions  
**SUBJECT:** **Applications for Consent to Sever of Chester & Halina Glinski,  
(Authorized Agent: IBI Group c/o Paul Riley)**  
**LOCATION:** North Part of Lot 23, Concession 3 (Geographic Township of  
Malahide) (51455 Calton Line)

---

## **Recommendation:**

**THAT Report No. DS-21-36 entitled “Applications for Consent to Sever of Chester & Halina Glinski” be received;**

**AND THAT the Applications for Consent to Sever No. D10-E56-21, D10-E57-21 and D10-E58-21 as submitted by Chester & Halina Glinski, relating to the property located at North Part of Lot 23, Concession 3, (Geographic Township of Malahide), and known municipally as 51455 Calton Line, all be supported for the reasons set out in this Report;**

**AND THAT this report and the recommended conditions for each of the Applications be forwarded to the Land Division Committee for its review and consideration.**

## **Background:**

The subject applications for Consent to Sever (the “Applications”) has been submitted by IBI Group c/o Paul Riley, on behalf of Chester & Halina Glinski in order to create three new non-farm residential parcels in the Hamlet of Mount Salem.

The Applications relates to the property located at North Part of Lot 23, Concession 3, and known municipally as 51455 Calton Line.

The County Land Division Committee has scheduled a Public Hearing for the Applications to be considered on July 28, 2021.

## Comments/Analysis:

The subject property is currently under active cultivation, is approximately 37.93 hectares (93.71 acres) in area, and has approximately 185 metres (606.96 feet) of frontage along Calton Line. The Applications together propose to create three non-farm residential building lots with frontage along Calton Line while the retained land will remain as agricultural land as illustrated on the Report Photo.

### County of Elgin Official Plan

The subject property is designated “Tier 3 - Mount Salem” on Schedule ‘A’, Land Use Plan (The boundary of settlement area is established by the Malahide Official Plans). The subject property is identified as having frontage along a “County Minor Arterial” on Schedule ‘B’, “Transportation Plan”, and has no noted areas on Schedule ‘C’ of the County Official Plan (Aggregate and Petroleum Resources).

### Malahide Official Plan

The subject property is designated “Hamlet” on Schedule ‘A1’ (Land Use Plan), subject to Section 4.3 of the Official Plan applies to the Applications. These three lots will fill-out the remaining “Hamlet” designation as it applies to this property along Calton Line.

A small stand of trees exists in close proximity to the most easterly-proposed new lot (as visible on the attached report photo); this area is identified as being a “Watercourse” on Schedules ‘A1’ and ‘A2’ (Constraints Plan). The Township Planner has reviewed this area as it relates to the most easterly-proposed lot. The area appears to be sufficiently outside of the proposed lot, but will be assessed in more detail with the required drainage assessment (recommended as a condition by the Township’s Drainage Superintendent/Engineering Technologist).

The proposed development is in conformity with these policies.

### Malahide Zoning By-law No. 22-18

The subject property is within the “General Agricultural (A1) Zone” on Key Map 83 of Schedule “A” to the Township’s Zoning By-law No. 22-18. The proposed retained lot will remain in the “General Agricultural (A1) Zone”. Through the associated Zoning By-law Amendment process, the proposed severed residential lots will be placed into the “Hamlet Residential (HR) Zone”, which requires the following with regard to minimum lot area and frontage:

“HR” Zone	Required:	Proposed Severed Lot (per lot)
Min. Lot Area	1,850 m <sup>2</sup> (0.46 acre)	2,250m <sup>2</sup> (0.56 acre)
Min. Lot Frontage	25m (82 feet)	25m (82 feet)
Front Yard Depth	6m	Zoning requirements to be met with future construction of new dwelling.
Side Yard Width – Interior:	2m	
Rear Yard Depth:	7.5m	
Maximum Lot Coverage:	30%	

--	--	--

## **General Comments**

The Development Services Staff has considered the merits of the subject applications against applicable Official Plan policies and the Township's Zoning By-law and recommends that the Council support the Applications.

The Township Planner has also reviewed and has no concerns with the proposal.

There does appear to be a portion of land in front of the most westerly proposed lot which should be conveyed as road widening to the County, subject to the County confirming and imposing such as a condition.

## **Financial Implications to Budget:**

The full cost of the consent and associated rezoning process is at the expense of the Applicant and has no implications to the Township's Operating Budget.

## **Relationship to Cultivating Malahide:**

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

One of the goals that supports the "Our Land" Strategic Pillar is "Promote growth in a responsible manner". By promoting new development and directing growth to appropriate areas within the Township through its support of this proposal, the Council is achieving this goal.

Submitted by:	Approved by:
Allison Adams, Development Services Coordinator	Adam Betteridge, MCIP, RPP Chief Administrative Officer (Acting Director of Development Services/Township Planner)

**From:** [Aisling Lavery](#)  
**To:** [Nancy Pasato](#)  
**Subject:** RE: 51455 Calton Line Consent  
**Date:** June 9, 2021 10:51:00 AM  
**Attachments:** [image002.jpg](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

---

I just see now that Adam has confirmed this to be within the settlement area boundary...that is not reflected on their ZBL or OP but if he confirmed it, I think we're good there.

---

**From:** Nancy Pasato  
**Sent:** June 9, 2021 8:35 AM  
**To:** Aisling Lavery <[alavery@ELGIN.ca](mailto:alavery@ELGIN.ca)>  
**Subject:** FW: 51455 Calton Line Consent

Hi Aisling - can you review these sketches and let me know if you think anything is needed with the application, and if there are any issues with policy/etc.?

Thanks.

**Nancy Pasato**  
*Manager of Planning*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext.126  
[www.elgincounty.ca](http://www.elgincounty.ca)  


---

**From:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>  
**Sent:** June 8, 2021 1:55 PM  
**To:** Nancy Pasato <[npasato@ELGIN.ca](mailto:npasato@ELGIN.ca)>  
**Cc:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>  
**Subject:** RE: 51455 Calton Line Consent

Hi Adam and Nancy – here are the sketches showing the lots to aid in your review.  
The surveyors are not able to produce the surveyor sketch promptly based on their workload, it seems that all the surveyors are busy these days. I was planning to have the sketch / survey provided during the conditional period to move the file along.  
The driveway on the north side of Calton Line across from proposed Lot 3 is a good reference point to the settlement area boundary.  
I will hold off the application for the time being but am keen to have it in by June 16<sup>th</sup> for July 28<sup>th</sup>

meeting.

Let me know your thoughts and/or if you need anything else in support or would like to discuss.

Thank you,

Paul Riley BA, CPT

**IBI GROUP**

Suite 203 - 350 Oxford Street West

London ON N6H 1T3 Canada

tel +1 519 472 7328 ext 63008



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---

**From:** Paul Riley

**Sent:** Tuesday, June 8, 2021 12:39 PM

**To:** Nancy Pasato <[npasato@ELGIN.ca](mailto:npasato@ELGIN.ca)>

**Cc:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Subject:** 51455 Calton Line Consent

Hi Nancy – as discussed, below and attached is confirmation from Adam that the lands are within the settlement area. And suggesting pre-consultation would probably not be necessary.

Thank you,

Paul Riley BA, CPT

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tel +1 519 472 7328 ext 63008



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---

**From:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Sent:** Monday, March 29, 2021 10:00 AM

**To:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Subject:** RE: Malahide Official Plan question

Hi Paul, please find revised (corrected, and verified by Christine, our GIS Technician).

We really appreciate you noting this and bringing it to my attention- Christine and I are still trying to

find out why that adjustment was made and by who. That should not have happened at all.

Thanks,

**Adam Betteridge, MCIP, RPP**  
Office: 519.773.5344 x223

---

**From:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Sent:** March 23, 2021 4:00 PM

**To:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Subject:** RE: Malahide Official Plan question

Hi Adam –FYI

Paul Riley BA, CPT

[A Message from IBI Group's CEO on COVID-19: https://www.ibigroup.com/covid19-response](https://www.ibigroup.com/covid19-response)

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**From:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Sent:** Monday, March 22, 2021 4:27 PM

**To:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Subject:** RE: Malahide Official Plan question

Hi Paul- here you are.

This office had not completed a consolidation since (yes,) 2013 so I got one recently completed, just not yet posted to our website (there was a recent OPA I am waiting for it to pass appeal period).

Here is the consolidated schedules.

Let me know if you have any questions-

Adam

---

**From:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Sent:** March 22, 2021 3:57 PM

**To:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>



**Subject:** RE: Malahide Official Plan question

Hi Adam – can you send me a digital copy of the most recent Official Plan Schedule A1? The OP on the website says 2013. Perhaps the schedule hasn't changed but I would like to confirm.

Thanks,

**Paul Riley BA, CPT**

*A Message from IBI Group's CEO on COVID-19: <https://www.ibigroup.com/covid19-response>*

**IBI GROUP**

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---

**From:** Paul Riley

**Sent:** Monday, March 15, 2021 2:30 PM

**To:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Subject:** RE: Malahide Official Plan question

Hi Adam – I was speaking with Mr. Glinski about a minor expansion of Mt. Salem settlement area, you spoke with him about the project.

I was hoping to touch base briefly to discuss. Please let me know a time to talk or give me a call, 519-280-1933, I am mostly available this afternoon, tomorrow morning or afternoon between 2pm-4pm.

Thank you,

**Paul Riley BA, CPT**

*A Message from IBI Group's CEO on COVID-19: <https://www.ibigroup.com/covid19-response>*

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---

**From:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Sent:** Wednesday, February 24, 2021 12:01 PM

**To:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Cc:** Allison Adams <[AAdams@malahide.ca](mailto:AAdams@malahide.ca)>  
**Subject:** RE: Malahide Official Plan question

Hi Paul, I don't think that you and I have yet met but I am the new Planner for Malahide, having started here November of last year (3 months ago).

The Official Plan posted to our website was reviewed in 2013 as part of a 5-yr review process and such was ultimately approved by Council.

The Township has commenced another statutory 5-year review process, and we are nearing completion of such. Notice and Public Meetings have been held.

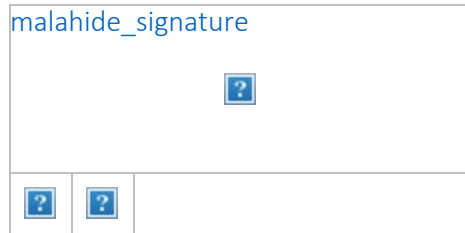
Considering the process is not yet finished, you are welcome to submit a formal request detailing the expansion, and such can be forwarded to the Township's Planning Consultant to be considered.

If you have any questions or concerns, please do not hesitate to call or email.

**Adam Betteridge, MCIP, RPP**

Director of Development Services  
Office: 519.773.5344 x223  
Fax: 519.773.5334

[malahide\\_signature](#)



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---

**From:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>  
**Sent:** February 22, 2021 10:39 AM  
**To:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>  
**Cc:** Allison Adams <[AAdams@malahide.ca](mailto:AAdams@malahide.ca)>  
**Subject:** Malahide Official Plan question

Hi Adam – what is the status of Malahide Official Plan 5-yr review? I have a potential client looking at a minor settlement are boundary expansion. The digital copy of the OP on your website says last 5-Yr Review completed Sept. 25, 2013. The County website suggests that the Review is finalized and awaiting approval from the Province?

Thank you,

Paul Riley BA, CPT

[A Message from IBI Group's CEO on COVID-19: https://www.ibigroup.com/covid19-response](https://www.ibigroup.com/covid19-response)

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**From:** [Tony Difazio](#)  
**To:** [Aisling Lavery](#)  
**Subject:** July 28, 2021 Consent Applications  
**Date:** July 21, 2021 2:05:59 PM

---

Hi Aisling,

We (CCCA) have no concerns with Consent Applications E48-21 (Friesen); E53-21 (Sebok); E54-21 (Goodhue), E56,57,58-21 (Glinski) and E60-21 (Dyck).

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

Regards,

A handwritten signature in black ink, appearing to read "Tony Difazio". The signature is fluid and cursive, with the first name "Tony" being more prominent than the last name "Difazio".

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:** June 30, 2021 **ELGIN COUNTY ROAD NO.:** 45 - 51455 CALTON LINE

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**

**RE:**

**APPLICATION NO.:** E 56-21, E 57-21 & E 58-21

**OWNER:** Chester and Halina Glinksi

**PROPERTY:** **LOT NO.** NORTH PART LOT 23 **CONCESSION:** 3

**REG'D PLAN:** \_\_\_\_\_ **MUNICIPALITY:** Malahide

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 .....<br><i>[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centreline of construction of Calton Line County Road (45) 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.</i> | <div style="border: 1px solid black; text-align: center; width: 50px; height: 50px; line-height: 50px;">X</div> |
| 2) A one-foot reserve is required along the N _____,<br>S _____, E _____ and/or W _____ property line .....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 3) Drainage pipes and/or catchbasin(s) are required .....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 5) A curb and gutter is required along the frontage .....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 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.....   | <div style="border: 1px solid black; text-align: center; width: 50px; height: 50px; line-height: 50px;">X</div> |
| 7) Technical Reports .....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....  | <div style="border: 1px solid black; text-align: center; width: 50px; height: 50px; line-height: 50px;">X</div> |
| 9) Lot Grading Plan is required for the severed lot.....  | <div style="border: 1px solid black; text-align: center; width: 50px; height: 50px; line-height: 50px;">X</div> |
| 10) The County has no concerns.....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 11) Not on County Road .....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 12) Please provide me with a copy of your action on this application .....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 13) Other...  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |

**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**



**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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** Nancy Pasato, Manager of Planning  
**Date:** July 28, 2021  
**Application:** E 56-21

**Owner:**  
**Chester and Halina Glinski**  
52406 Calton Line, RR 6  
Aylmer, ON N5H 2R5

**Agent:**  
IBI Group c/o Paul Riley  
203-350 Oxford Street West  
London ON N6H 1T3

**Location:** 51455 Calton Line, know legally as CON 3 NORTH PART LOT 23, Township of Malahide.

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.021 feet) along Calton Line by a depth of 90.0 metres (295.276 feet) and an area of 2250 metres squared (0.556 acres) for future residential use. The owners are retaining 37.7 hectares (91.429 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Settlement Area Tier 3

**Local Municipality Official  
Plan**  
Hamlet

**Local Municipality Zoning  
By-law**  
General Agriculture (A1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Malahide* - THAT the Applications for Consent to Sever No. D10-E56-21, D10-E57-21 and D10-E58-21 as submitted by Chester & Halina Glinski, be supported for the reasons set out in this Report.

*County Engineering* – no objections. Conditions 3, 4, 5 & 6 regarding right of way, direct connection, a potential entrance permit and lot grading must be satisfied.

*Catfish Creek Conservation Authority* – no concerns.

**Planning Act and Provincial Policy Statement**

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.4 (Rural Areas in Municipalities) outlines that settlement areas are to be the focus of growth and development within municipalities and land use patterns within settlement areas shall be based on densities and a mix of land uses. Additionally, land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

The Applicant has indicated the severed portion of the lands (2250 metres squared/0.556 acres) will be created for future residential use. The retained parcel of the lands (37.7 hectares/91.429 acres) will be used for the existing agricultural purpose. The proposed severed lots are deemed to be within the settlement area.

#### County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 3 (Mount Salem) in the Elgin County Official Plan (OP). The third tier includes those settlement areas which are generally the smallest communities in the County, are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services). Limited development (including new lot creation) is permitted in these settlement areas given the absence of full municipal services. The proposed severed and retained lands will be privately serviced.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access; the proposed retained and severed lots have adequate size and frontage in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists or will exist; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. The applicant has addressed the abovementioned criteria and planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

#### Local Municipality Official Plan and Zoning By-law

The subject property is designated "Hamlet" on Schedule 'A1' (Land Use Plan), subject to Section 4.3 of the Official Plan applies to the Applications. These three lots will fill-out the remaining "Hamlet" designation as it applies to this property along Calton Line.

A small stand of trees exists in close proximity to the most easterly-proposed new lot (as visible on the attached report photo); this area is identified as being a "Watercourse" on Schedules 'A1' and 'A2' (Constraints Plan). The Township Planner has reviewed this area as it relates to the most easterly-proposed lot. The area appears to be sufficiently outside of the proposed lot, but will be assessed in more detail with the required drainage assessment (recommended as a condition by the Township's Drainage Superintendent/Engineering Technologist).



The subject property is within the “General Agricultural (A1) Zone” on Key Map 83 of Schedule “A” to the Township’s Zoning By-law No. 22-18. The proposed retained lot will remain in the “General Agricultural (A1) Zone”. Through the associated Zoning By-law Amendment process, the proposed severed residential lots will be placed into the “Hamlet Residential (HR) Zone”, which requires the following with regard to minimum lot area and frontage.

**RECOMMENDATION:**

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed
3. That the owners dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Calton Line County Road 45 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.
4. 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;
5. 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; and
6. A lot grading plan is required for the severed lot.

Additionally, it is recommended that the following conditions from the Township of Malahide be included as conditions for consent:

1. 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.
2. 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.

3. 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.
4. 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.
5. 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.
6. That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
7. 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.
8. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
10. 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.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 57-21**

**CON 3 NORTH PART LOT 23  
TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 51455 CALTON LINE**

**TAKE NOTICE** that an application has been made by **Chester and Halina Glinski**, 52406 Calton Line, RR 6, Aylmer, ON N5H 2R5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 51455 Calton Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.021 feet) along Calton Line by a depth of 90.0 metres (295.276 feet) and an area of 2250 metres squared (0.556 acres) for future residential use. The owners are retaining 36.7 hectares (90.873 acres) proposed to remain in agricultural use.

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 JULY 28, 2021 AT 10:20 AM.  
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.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [alaverty@elgin.ca](mailto:alaverty@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

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.

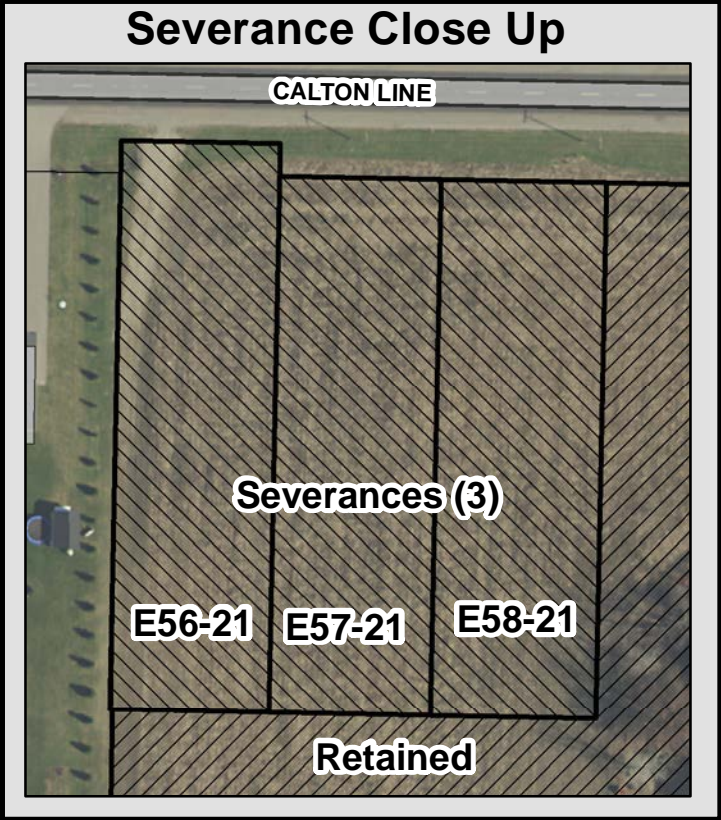
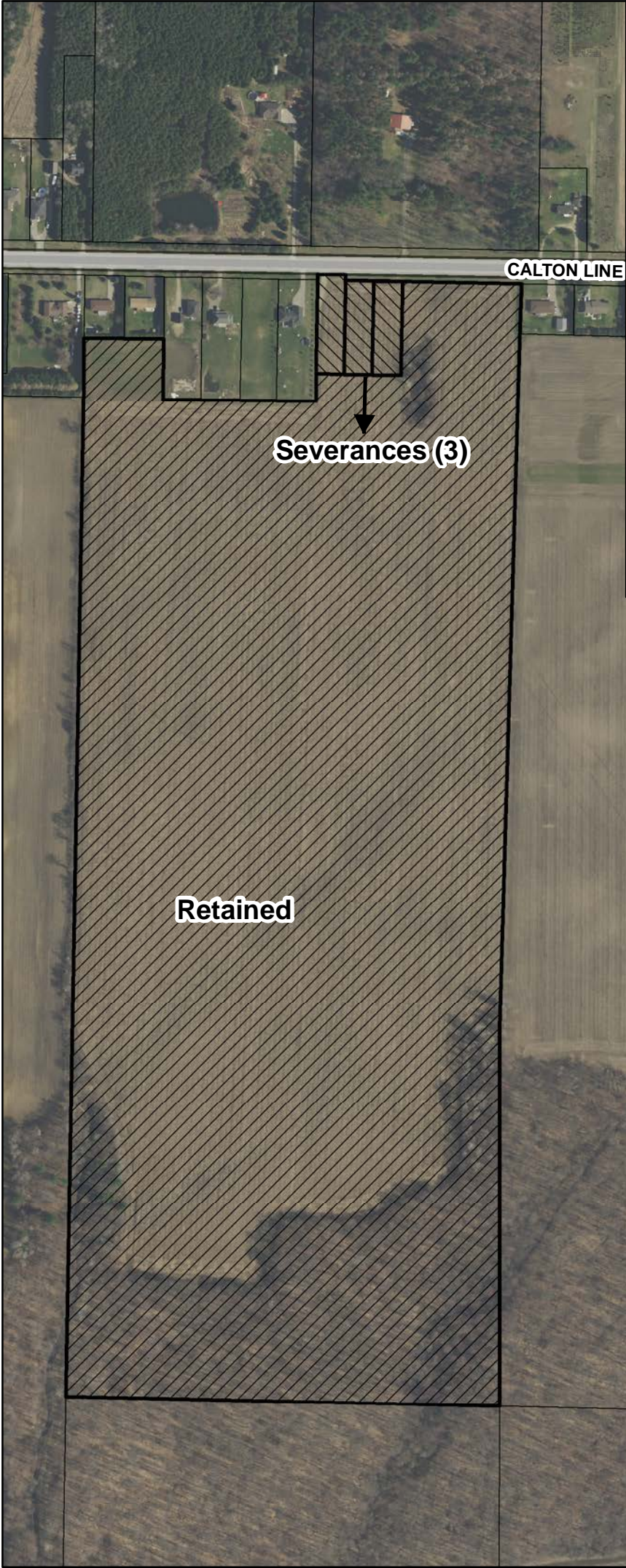
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss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

Dated at the Municipality of Central Elgin this 28<sup>th</sup> day of June, 2021.

Aisling Laverty  
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  
[www.progressivebynature.com](http://www.progressivebynature.com)

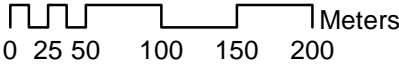




*Location Map*






Subject Site: 51455 Calton Line  
File Number: E56-2021, E57-2021 & E58-2021  
Owner: Chester and Halina Glinski  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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

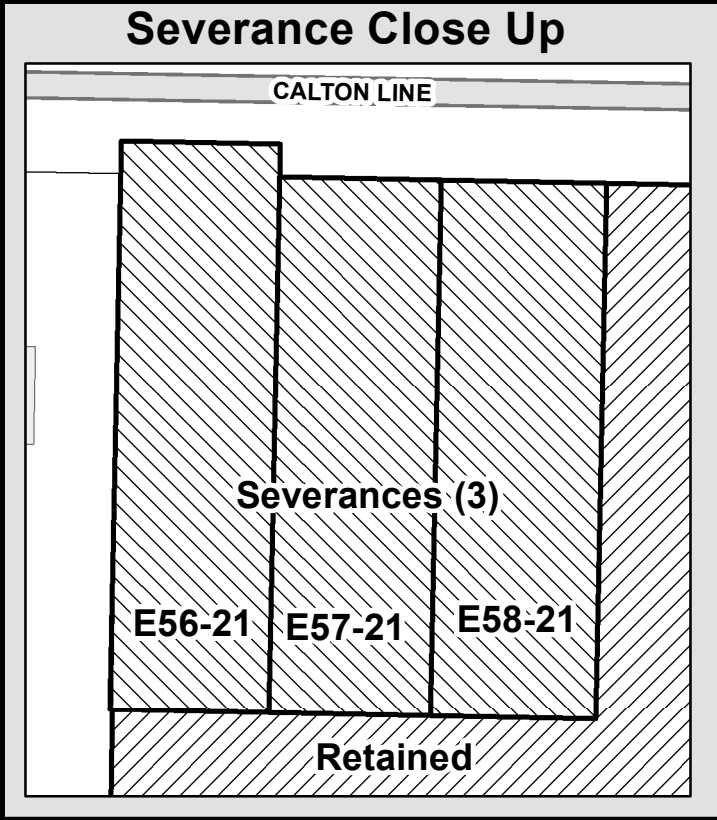
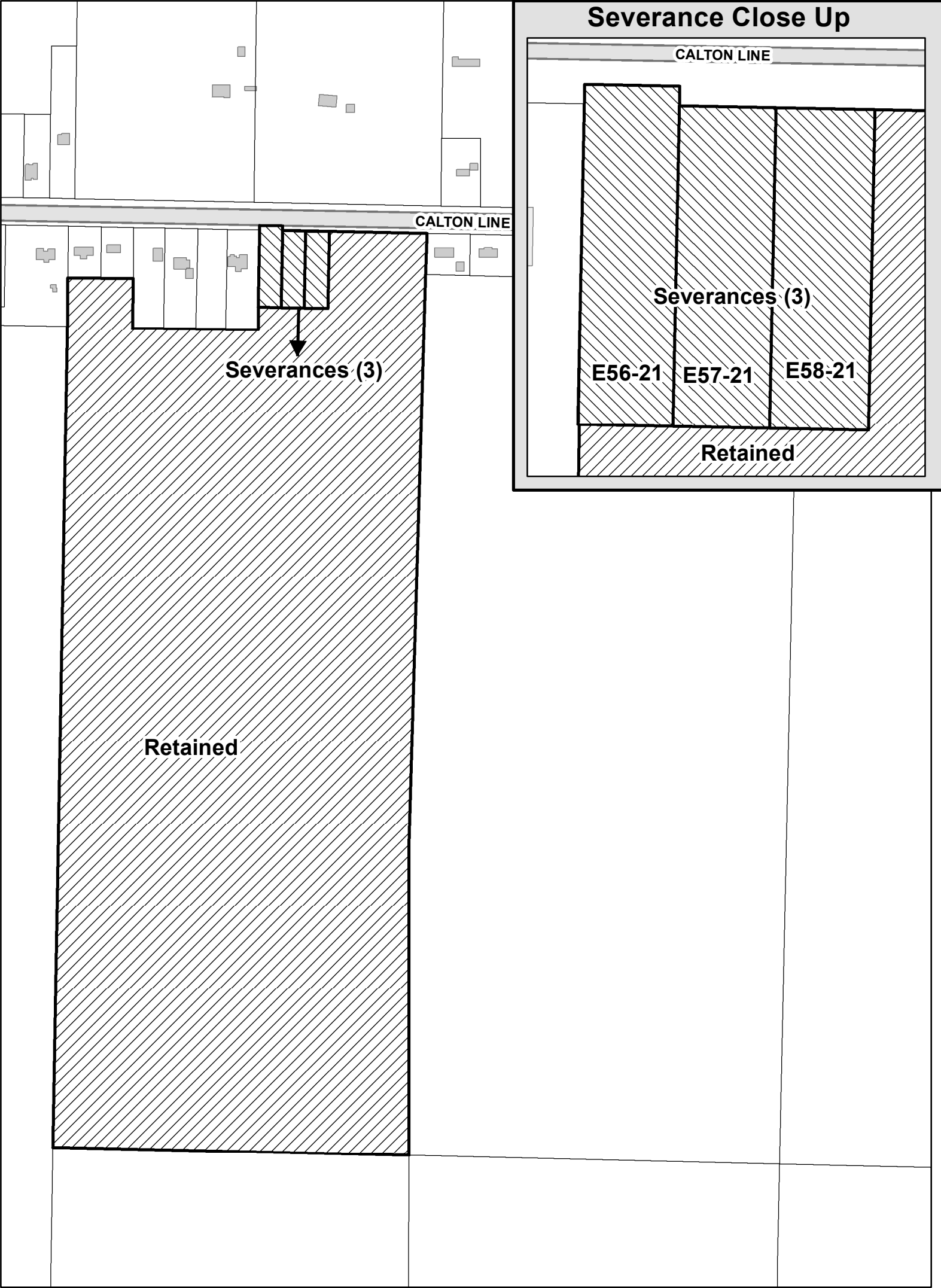


Scale 1:5,000

*Legend*

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





### Location Map

Subject Site: 51455 Calton Line  
File Number: E56-2021, E57-2021 & E58-2021  
Owner: Chester and Halina Glinski  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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

### Legend

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

Scale 1:5,000



July 9, 2021.

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

Dear Committee Members:

**RE: Land Severance Application E56/21, E57/21 and E58/21  
– Chester and Halina Glinski**

The Malahide Township Council passed the following 3 Resolutions on July 8, 2021:

**Severance No. E56/21**

THAT the Malahide Township Council has no objection to the Land Severance No. E56/21 in the name of Chester and Halina Glinski, relating to the property located at Part Lot 23, Concession 3, Geographic Township of Malahide, subject to the following conditions:

- (i) 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.
- (ii) 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.
- (iii) 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.

- (iv) 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.
- (v) 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.
- (vi) That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
- (vii) 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.
- (viii) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (ix) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (x) 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.

**Severance No. E57/21**

THAT the Malahide Township Council has no objection to the Land Severance No. E57/21 in the name of Chester and Halina Glinski, relating to the property located at Part Lot 23, Concession 3, Geographic Township of Malahide, subject to the following conditions:

- (i) 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.
- (ii) 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.

- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
- (vii) 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.
- (viii) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (ix) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (x) 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.

#### **Severance No. E58/21**

THAT the Malahide Township Council has no objection to the Land Severance No. E58/21 in the name of Chester and Halina Glinski, relating to the property located at Part Lot 23, Concession 3, Geographic Township of Malahide, subject to the following conditions:

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
- (vii) 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.
- (viii) That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.

- (ix) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (x) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (xi) 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.

We enclose Municipal Appraisal together with Municipal Report DS-21-36 for your records.

Yours very truly,  
TOWNSHIP OF MALAHIDE

A handwritten signature in black ink, appearing to read 'D. Wilson', with a stylized, cursive script.

DIANA WILSON  
Acting Clerk

Copy - John Seldon  
Rosemary Kennedy  
Chester and Halina Glinski

## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E56-21,E57-21 & E58-21

Applicant Chester Glinski & Halina Glinski

Location CON 3 N PT LOT 23

### PART 1 - OFFICIAL PLAN

- |   |         |        |
|---|---------|--------|
| 1. Is there an O.P. in effect?              | Yes (X) | No ( ) |
| 2. Does the proposal conform with the O.P.? | Yes (X) | No ( ) |

Land Use Designation: \_\_\_\_\_

Policies: \_\_\_\_\_

### PART 2 - ZONING

- |   |         |         |
|---|---------|---------|
| 3. Is there a By-Law in effect?                                   | Yes (X) | No ( )  |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes ( ) | No (X ) |

Comments:

Rezoning Required

- |  |         |        |
|--|---------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (X) | No ( ) |
|--|---------|--------|

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

- |   |         |        |
|---|---------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes ( ) | No (X) |
| 7. If so, is the Municipality prepared to provide those services?   | Yes ( ) | No ( ) |
| 8. Does the Municipality wish the Committee to impose conditions?   | Yes (X) | No ( ) |
| 9. Does Council recommend the application?                          | Yes (X) | No ( ) |

10. Does the municipality have other concerns that should be considered by the Committee?

See Conditions letter dated July 9, 2021



## Report to Council

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**REPORT NO.:** DS-21-36  
**DATE:** July 8, 2021  
**ATTACHMENT:** Report Photos, Applications, Recommended Conditions  
**SUBJECT:** **Applications for Consent to Sever of Chester & Halina Glinski,  
(Authorized Agent: IBI Group c/o Paul Riley)**  
**LOCATION:** North Part of Lot 23, Concession 3 (Geographic Township of  
Malahide) (51455 Calton Line)

---

### **Recommendation:**

**THAT Report No. DS-21-36 entitled “Applications for Consent to Sever of Chester & Halina Glinski” be received;**

**AND THAT the Applications for Consent to Sever No. D10-E56-21, D10-E57-21 and D10-E58-21 as submitted by Chester & Halina Glinski, relating to the property located at North Part of Lot 23, Concession 3, (Geographic Township of Malahide), and known municipally as 51455 Calton Line, all be supported for the reasons set out in this Report;**

**AND THAT this report and the recommended conditions for each of the Applications be forwarded to the Land Division Committee for its review and consideration.**

### **Background:**

The subject applications for Consent to Sever (the “Applications”) has been submitted by IBI Group c/o Paul Riley, on behalf of Chester & Halina Glinski in order to create three new non-farm residential parcels in the Hamlet of Mount Salem.

The Applications relates to the property located at North Part of Lot 23, Concession 3, and known municipally as 51455 Calton Line.

The County Land Division Committee has scheduled a Public Hearing for the Applications to be considered on July 28, 2021.

## Comments/Analysis:

The subject property is currently under active cultivation, is approximately 37.93 hectares (93.71 acres) in area, and has approximately 185 metres (606.96 feet) of frontage along Calton Line. The Applications together propose to create three non-farm residential building lots with frontage along Calton Line while the retained land will remain as agricultural land as illustrated on the Report Photo.

### County of Elgin Official Plan

The subject property is designated “Tier 3 - Mount Salem” on Schedule ‘A’, Land Use Plan (The boundary of settlement area is established by the Malahide Official Plans). The subject property is identified as having frontage along a “County Minor Arterial” on Schedule ‘B’, “Transportation Plan”, and has no noted areas on Schedule ‘C’ of the County Official Plan (Aggregate and Petroleum Resources).

### Malahide Official Plan

The subject property is designated “Hamlet” on Schedule ‘A1’ (Land Use Plan), subject to Section 4.3 of the Official Plan applies to the Applications. These three lots will fill-out the remaining “Hamlet” designation as it applies to this property along Calton Line.

A small stand of trees exists in close proximity to the most easterly-proposed new lot (as visible on the attached report photo); this area is identified as being a “Watercourse” on Schedules ‘A1’ and ‘A2’ (Constraints Plan). The Township Planner has reviewed this area as it relates to the most easterly-proposed lot. The area appears to be sufficiently outside of the proposed lot, but will be assessed in more detail with the required drainage assessment (recommended as a condition by the Township’s Drainage Superintendent/Engineering Technologist).

The proposed development is in conformity with these policies.

### Malahide Zoning By-law No. 22-18

The subject property is within the “General Agricultural (A1) Zone” on Key Map 83 of Schedule “A” to the Township’s Zoning By-law No. 22-18. The proposed retained lot will remain in the “General Agricultural (A1) Zone”. Through the associated Zoning By-law Amendment process, the proposed severed residential lots will be placed into the “Hamlet Residential (HR) Zone”, which requires the following with regard to minimum lot area and frontage:

“HR” Zone	Required:	Proposed Severed Lot (per lot)
Min. Lot Area	1,850 m <sup>2</sup> (0.46 acre)	2,250m <sup>2</sup> (0.56 acre)
Min. Lot Frontage	25m (82 feet)	25m (82 feet)
Front Yard Depth	6m	Zoning requirements to be met with future construction of new dwelling.
Side Yard Width – Interior:	2m	
Rear Yard Depth:	7.5m	
Maximum Lot Coverage:	30%	

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## **General Comments**

The Development Services Staff has considered the merits of the subject applications against applicable Official Plan policies and the Township's Zoning By-law and recommends that the Council support the Applications.

The Township Planner has also reviewed and has no concerns with the proposal.

There does appear to be a portion of land in front of the most westerly proposed lot which should be conveyed as road widening to the County, subject to the County confirming and imposing such as a condition.

## **Financial Implications to Budget:**

The full cost of the consent and associated rezoning process is at the expense of the Applicant and has no implications to the Township's Operating Budget.

## **Relationship to Cultivating Malahide:**

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

One of the goals that supports the "Our Land" Strategic Pillar is "Promote growth in a responsible manner". By promoting new development and directing growth to appropriate areas within the Township through its support of this proposal, the Council is achieving this goal.

Submitted by:	Approved by:
Allison Adams, Development Services Coordinator	Adam Betteridge, MCIP, RPP Chief Administrative Officer (Acting Director of Development Services/Township Planner)



**From:** [Aisling Lavery](#)  
**To:** [Nancy Pasato](#)  
**Subject:** RE: 51455 Calton Line Consent  
**Date:** June 9, 2021 10:51:00 AM  
**Attachments:** [image002.jpg](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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I just see now that Adam has confirmed this to be within the settlement area boundary...that is not reflected on their ZBL or OP but if he confirmed it, I think we're good there.

---

**From:** Nancy Pasato  
**Sent:** June 9, 2021 8:35 AM  
**To:** Aisling Lavery <[alavery@ELGIN.ca](mailto:alavery@ELGIN.ca)>  
**Subject:** FW: 51455 Calton Line Consent

Hi Aisling - can you review these sketches and let me know if you think anything is needed with the application, and if there are any issues with policy/etc.?

Thanks.

**Nancy Pasato**  
*Manager of Planning*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext.126  
[www.elgincounty.ca](http://www.elgincounty.ca)  


---

**From:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>  
**Sent:** June 8, 2021 1:55 PM  
**To:** Nancy Pasato <[npasato@ELGIN.ca](mailto:npasato@ELGIN.ca)>  
**Cc:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>  
**Subject:** RE: 51455 Calton Line Consent

Hi Adam and Nancy – here are the sketches showing the lots to aid in your review.  
The surveyors are not able to produce the surveyor sketch promptly based on their workload, it seems that all the surveyors are busy these days. I was planning to have the sketch / survey provided during the conditional period to move the file along.  
The driveway on the north side of Calton Line across from proposed Lot 3 is a good reference point to the settlement area boundary.  
I will hold off the application for the time being but am keen to have it in by June 16<sup>th</sup> for July 28<sup>th</sup>

meeting.

Let me know your thoughts and/or if you need anything else in support or would like to discuss.

Thank you,

Paul Riley BA, CPT

**IBI GROUP**

Suite 203 - 350 Oxford Street West

London ON N6H 1T3 Canada

tel +1 519 472 7328 ext 63008



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**From:** Paul Riley

**Sent:** Tuesday, June 8, 2021 12:39 PM

**To:** Nancy Pasato <[npasato@ELGIN.ca](mailto:npasato@ELGIN.ca)>

**Cc:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Subject:** 51455 Calton Line Consent

Hi Nancy – as discussed, below and attached is confirmation from Adam that the lands are within the settlement area. And suggesting pre-consultation would probably not be necessary.

Thank you,

Paul Riley BA, CPT

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**From:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Sent:** Monday, March 29, 2021 10:00 AM

**To:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Subject:** RE: Malahide Official Plan question

Hi Paul, please find revised (corrected, and verified by Christine, our GIS Technician).

We really appreciate you noting this and bringing it to my attention- Christine and I are still trying to

find out why that adjustment was made and by who. That should not have happened at all.

Thanks,

**Adam Betteridge, MCIP, RPP**  
Office: 519.773.5344 x223

---

**From:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Sent:** March 23, 2021 4:00 PM

**To:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Subject:** RE: Malahide Official Plan question

Hi Adam –FYI

Paul Riley BA, CPT

[A Message from IBI Group's CEO on COVID-19: https://www.ibigroup.com/covid19-response](https://www.ibigroup.com/covid19-response)

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**From:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Sent:** Monday, March 22, 2021 4:27 PM

**To:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Subject:** RE: Malahide Official Plan question

Hi Paul- here you are.

This office had not completed a consolidation since (yes,) 2013 so I got one recently completed, just not yet posted to our website (there was a recent OPA I am waiting for it to pass appeal period).

Here is the consolidated schedules.

Let me know if you have any questions-

Adam

---

**From:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Sent:** March 22, 2021 3:57 PM

**To:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Subject:** RE: Malahide Official Plan question

Hi Adam – can you send me a digital copy of the most recent Official Plan Schedule A1? The OP on the website says 2013. Perhaps the schedule hasn't changed but I would like to confirm.

Thanks,

**Paul Riley BA, CPT**

*A Message from IBI Group's CEO on COVID-19: <https://www.ibigroup.com/covid19-response>*

**IBI GROUP**

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London ON N6H 1T3 Canada  
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---

**From:** Paul Riley

**Sent:** Monday, March 15, 2021 2:30 PM

**To:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Subject:** RE: Malahide Official Plan question

Hi Adam – I was speaking with Mr. Glinski about a minor expansion of Mt. Salem settlement area, you spoke with him about the project.

I was hoping to touch base briefly to discuss. Please let me know a time to talk or give me a call, 519-280-1933, I am mostly available this afternoon, tomorrow morning or afternoon between 2pm-4pm.

Thank you,

**Paul Riley BA, CPT**

*A Message from IBI Group's CEO on COVID-19: <https://www.ibigroup.com/covid19-response>*

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**From:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Sent:** Wednesday, February 24, 2021 12:01 PM

**To:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Cc:** Allison Adams <[AAdams@malahide.ca](mailto:AAdams@malahide.ca)>  
**Subject:** RE: Malahide Official Plan question

Hi Paul, I don't think that you and I have yet met but I am the new Planner for Malahide, having started here November of last year (3 months ago).

The Official Plan posted to our website was reviewed in 2013 as part of a 5-yr review process and such was ultimately approved by Council.

The Township has commenced another statutory 5-year review process, and we are nearing completion of such. Notice and Public Meetings have been held.

Considering the process is not yet finished, you are welcome to submit a formal request detailing the expansion, and such can be forwarded to the Township's Planning Consultant to be considered.

If you have any questions or concerns, please do not hesitate to call or email.

**Adam Betteridge, MCIP, RPP**

Director of Development Services  
Office: 519.773.5344 x223  
Fax: 519.773.5334

[malahide\\_signature](#)



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**From:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>  
**Sent:** February 22, 2021 10:39 AM  
**To:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>  
**Cc:** Allison Adams <[AAdams@malahide.ca](mailto:AAdams@malahide.ca)>  
**Subject:** Malahide Official Plan question

Hi Adam – what is the status of Malahide Official Plan 5-yr review? I have a potential client looking at a minor settlement are boundary expansion. The digital copy of the OP on your website says last 5-Yr Review completed Sept. 25, 2013. The County website suggests that the Review is finalized and awaiting approval from the Province?

Thank you,

Paul Riley BA, CPT

[A Message from IBI Group's CEO on COVID-19: https://www.ibigroup.com/covid19-response](https://www.ibigroup.com/covid19-response)

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**From:** [Tony Difazio](#)  
**To:** [Aisling Lavery](#)  
**Subject:** July 28, 2021 Consent Applications  
**Date:** July 21, 2021 2:05:59 PM

---

Hi Aisling,

We (CCCA) have no concerns with Consent Applications E48-21 (Friesen); E53-21 (Sebok); E54-21 (Goodhue), E56,57,58-21 (Glinski) and E60-21 (Dyck).

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

Regards,

A handwritten signature in black ink, appearing to read "Tony Difazio". The signature is fluid and cursive, with the first name "Tony" being more prominent than the last name "Difazio".

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:** June 30, 2021 **ELGIN COUNTY ROAD NO.:** 45 - 51455 CALTON LINE

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**

**RE:**

**APPLICATION NO.:** E 56-21, E 57-21 & E 58-21

**OWNER:** Chester and Halina Glinksi

**PROPERTY:** **LOT NO.** NORTH PART LOT 23 **CONCESSION:** 3

**REG'D PLAN:** \_\_\_\_\_ **MUNICIPALITY:** Malahide

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 .....<br><i>[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centreline of construction of Calton Line County Road (45) 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.</i> | <div style="border: 1px solid black; width: 40px; height: 40px; line-height: 40px; margin: 0 auto;">X</div>  |
| 2) A one-foot reserve is required along the N _____,<br>S _____, E _____ and/or W _____ property line .....   | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                      |
| 3) Drainage pipes and/or catchbasin(s) are required .....   | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                      |
| 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....   | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                      |
| 5) A curb and gutter is required along the frontage .....   | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                      |
| 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.....   | <div style="border: 1px solid black; width: 40px; height: 40px; line-height: 40px; margin: 0 auto;">X</div>  |
| 7) Technical Reports .....  | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                      |
| 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....  | <div style="border: 1px solid black; width: 40px; height: 40px; line-height: 40px; margin: 0 auto;">X</div>  |
| 9) Lot Grading Plan is required for the severed lot.....  | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto; text-align: center;">X</div> |
| 10) The County has no concerns.....   | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                      |
| 11) Not on County Road .....  | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                      |
| 12) Please provide me with a copy of your action on this application .....  | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                      |
| 13) Other...  | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>                      |

**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**



**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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** Nancy Pasato, Manager of Planning  
**Date:** July 28, 2021  
**Application:** E 57-21

**Owner:**  
**Chester and Halina Glinski**  
52406 Calton Line, RR 6  
Aylmer, ON N5H 2R5

**Agent:**  
IBI Group c/o Paul Riley  
203-350 Oxford Street West  
London ON N6H 1T3

**Location:** 51455 Calton Line, know legally as CON 3 NORTH PART LOT 23, Township of Malahide.

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.021 feet) along Calton Line by a depth of 90.0 metres (295.276 feet) and an area of 2250 metres squared (0.556 acres) for future residential use. The owners are retaining 37.7 hectares (91.429 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Settlement Area Tier 3

**Local Municipality Official  
Plan**  
Hamlet

**Local Municipality Zoning  
By-law**  
General Agriculture (A1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Malahide* - THAT the Applications for Consent to Sever No. D10-E56-21, D10-E57-21 and D10-E58-21 as submitted by Chester & Halina Glinski, be supported for the reasons set out in this Report.

*County Engineering* – no objections. Conditions 3, 4, 5 & 6 regarding right of way, direct connection, a potential entrance permit and lot grading must be satisfied.

*Catfish Creek Conservation Authority* – no concerns.

**Planning Act and Provincial Policy Statement**

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.4 (Rural Areas in Municipalities) outlines that settlement areas are to be the focus of growth and development within municipalities and land use patterns within settlement areas shall be based on densities and a mix of land uses. Additionally, land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

The Applicant has indicated the severed portion of the lands (2250 metres squared/0.556 acres) will be created for future residential use. The retained parcel of the lands (37.7 hectares/91.429 acres) will be used for the existing agricultural purpose. The proposed severed lots are deemed to be within the settlement area.

#### County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 3 (Mount Salem) in the Elgin County Official Plan (OP). The third tier includes those settlement areas which are generally the smallest communities in the County, are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services). Limited development (including new lot creation) is permitted in these settlement areas given the absence of full municipal services. The proposed severed and retained lands will be privately serviced.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access; the proposed retained and severed lots have adequate size and frontage in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists or will exist; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. The applicant has addressed the abovementioned criteria and planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

#### Local Municipality Official Plan and Zoning By-law

The subject property is designated "Hamlet" on Schedule 'A1' (Land Use Plan), subject to Section 4.3 of the Official Plan applies to the Applications. These three lots will fill-out the remaining "Hamlet" designation as it applies to this property along Calton Line.

A small stand of trees exists in close proximity to the most easterly-proposed new lot (as visible on the attached report photo); this area is identified as being a "Watercourse" on Schedules 'A1' and 'A2' (Constraints Plan). The Township Planner has reviewed this area as it relates to the most easterly-proposed lot. The area appears to be sufficiently outside of the proposed lot, but will be assessed in more detail with the required drainage assessment (recommended as a condition by the Township's Drainage Superintendent/Engineering Technologist).

The subject property is within the “General Agricultural (A1) Zone” on Key Map 83 of Schedule “A” to the Township’s Zoning By-law No. 22-18. The proposed retained lot will remain in the “General Agricultural (A1) Zone”. Through the associated Zoning By-law Amendment process, the proposed severed residential lots will be placed into the “Hamlet Residential (HR) Zone”, which requires the following with regard to minimum lot area and frontage.

**RECOMMENDATION:**

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed
3. That the owners dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Calton Line County Road 45 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.
4. 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;
5. 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; and
6. A lot grading plan is required for the severed lot.

Additionally, it is recommended that the following conditions from the Township of Malahide be included as conditions for consent:

1. 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.
2. 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.

3. 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.
4. 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.
5. 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.
6. That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
7. 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.
8. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
10. 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.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 58-21**

**CON 3 NORTH PART LOT 23  
TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 51455 CALTON LINE**

**TAKE NOTICE** that an application has been made by **Chester and Halina Glinski**, 52406 Calton Line, RR 6, Aylmer, ON N5H 2R5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 51455 Calton Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.021 feet) along Calton Line by a depth of 90.0 metres (295.276 feet) and an area of 2250 metres squared (0.556 acres) for future residential use. The owners are retaining 36.54 hectares (90.317 acres) proposed to remain in agricultural use.

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 JULY 28, 2021 AT 10:20 AM.  
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.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [alaverty@elgin.ca](mailto:alaverty@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

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.

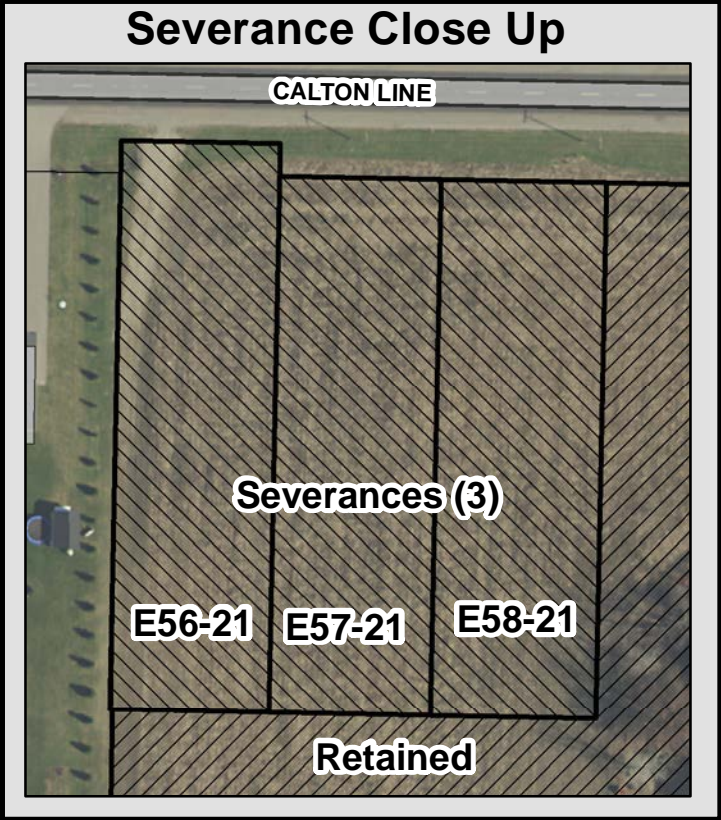
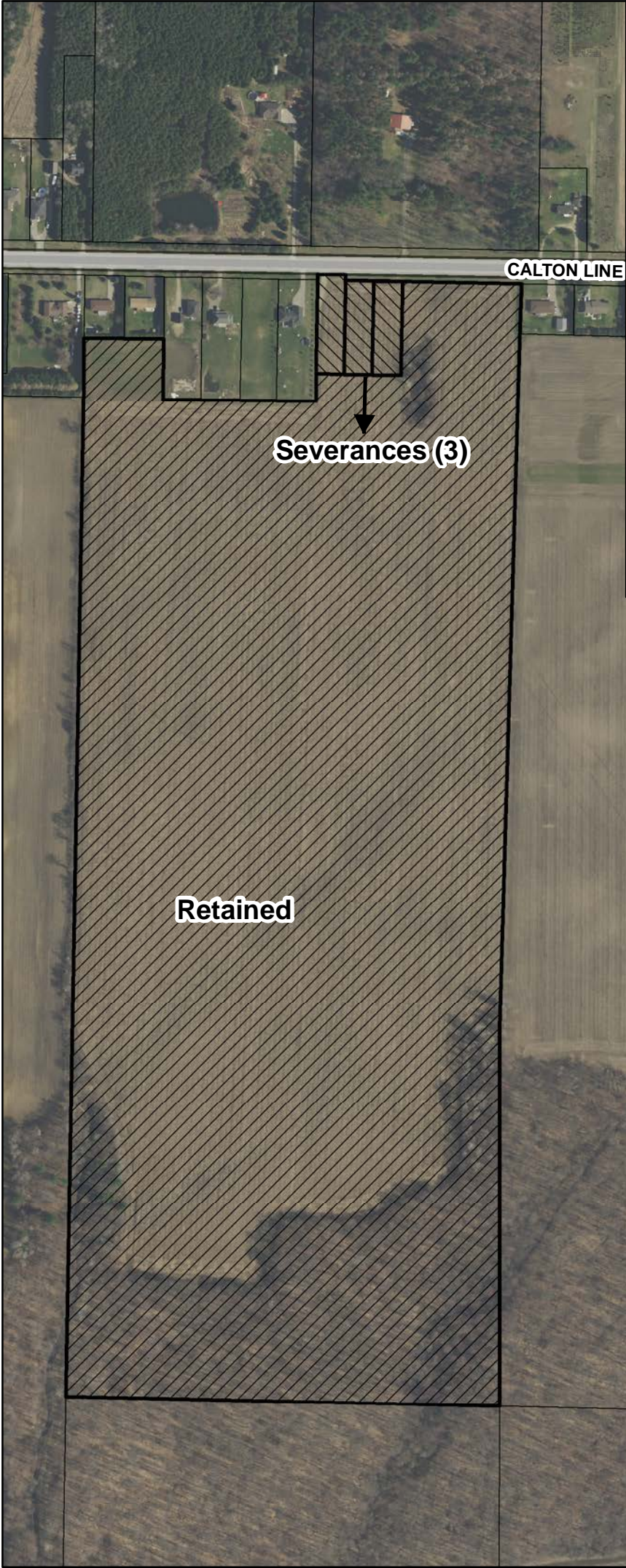
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss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

Dated at the Municipality of Central Elgin this 28<sup>th</sup> day of June, 2021.

Aisling Laverty  
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  
[www.progressivebynature.com](http://www.progressivebynature.com)

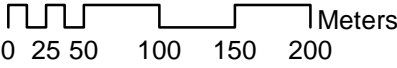




*Location Map*






Subject Site: 51455 Calton Line  
File Number: E56-2021, E57-2021 & E58-2021  
Owner: Chester and Halina Glinski  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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

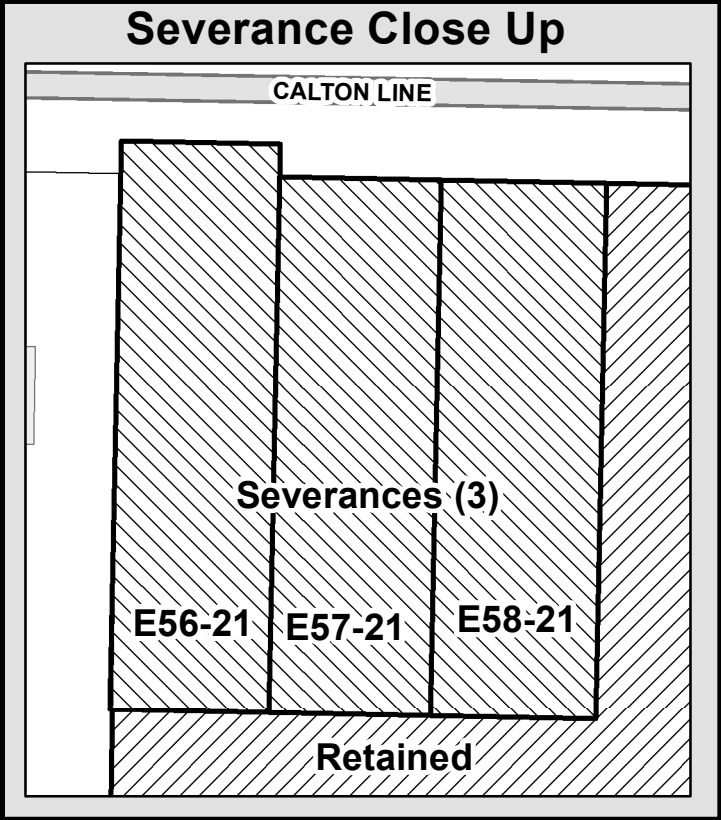
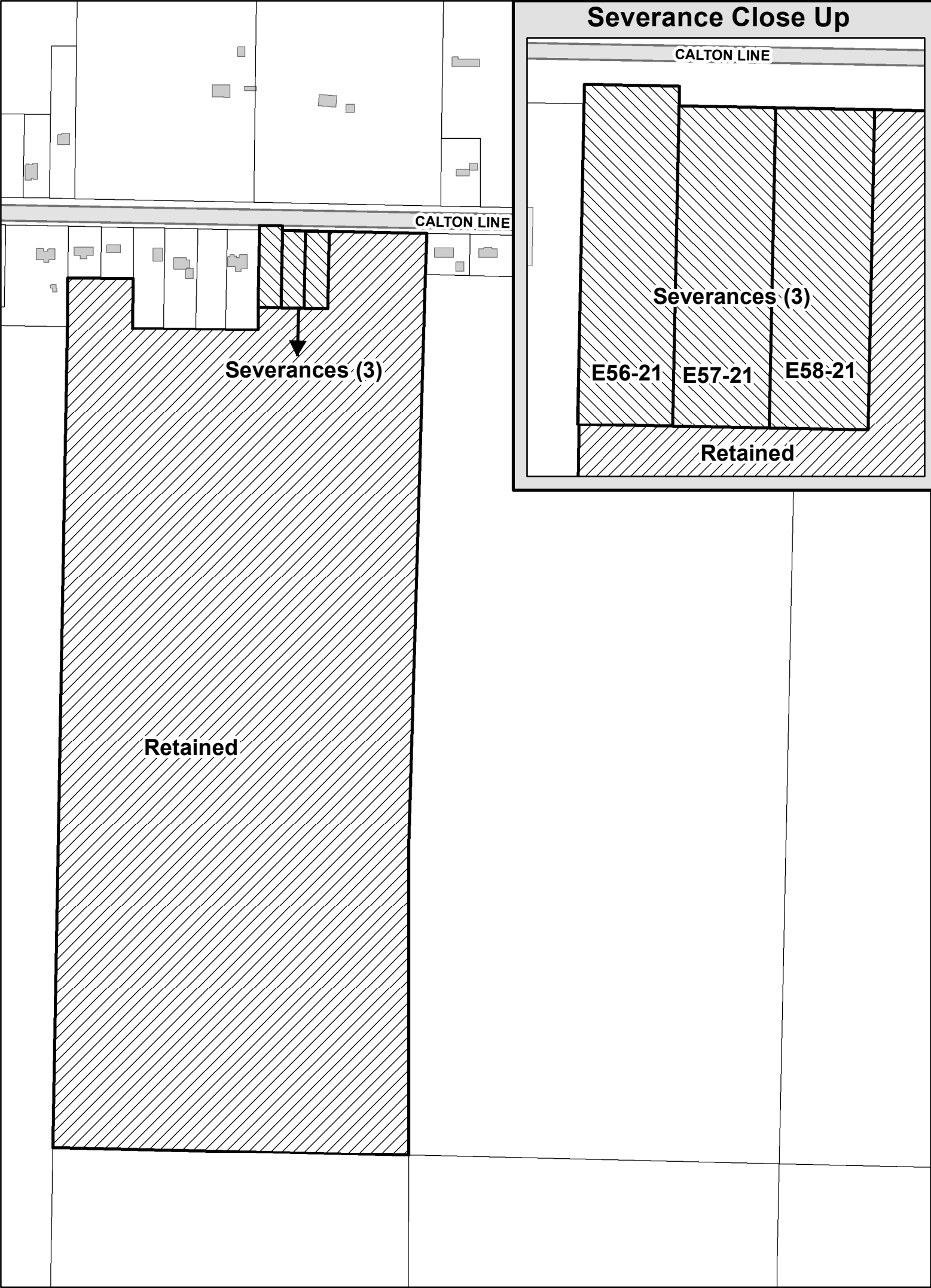


Scale 1:5,000

*Legend*

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





### Location Map

Subject Site: 51455 Calton Line  
File Number: E56-2021, E57-2021 & E58-2021  
Owner: Chester and Halina Glinski  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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

N

Meters  
0 25 50 100 150 200

Scale 1:5,000

### Legend

Subject Site

Severance

Retained

Elgin Road Network

Buildings



July 9, 2021.

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

Dear Committee Members:

**RE: Land Severance Application E56/21, E57/21 and E58/21  
– Chester and Halina Glinski**

The Malahide Township Council passed the following 3 Resolutions on July 8, 2021:

**Severance No. E56/21**

THAT the Malahide Township Council has no objection to the Land Severance No. E56/21 in the name of Chester and Halina Glinski, relating to the property located at Part Lot 23, Concession 3, Geographic Township of Malahide, subject to the following conditions:

- (i) 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.
- (ii) 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.
- (iii) 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.

- (iv) 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.
- (v) 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.
- (vi) That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
- (vii) 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.
- (viii) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (ix) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (x) 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.

**Severance No. E57/21**

THAT the Malahide Township Council has no objection to the Land Severance No. E57/21 in the name of Chester and Halina Glinski, relating to the property located at Part Lot 23, Concession 3, Geographic Township of Malahide, subject to the following conditions:

- (i) 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.
- (ii) 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.

- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
- (vii) 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.
- (viii) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (ix) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (x) 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.

#### **Severance No. E58/21**

THAT the Malahide Township Council has no objection to the Land Severance No. E58/21 in the name of Chester and Halina Glinski, relating to the property located at Part Lot 23, Concession 3, Geographic Township of Malahide, subject to the following conditions:

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
- (vii) 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.
- (viii) That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.

- (ix) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (x) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (xi) 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.

We enclose Municipal Appraisal together with Municipal Report DS-21-36 for your records.

Yours very truly,  
TOWNSHIP OF MALAHIDE

A handwritten signature in black ink, appearing to read 'D. Wilson', written in a cursive style.

DIANA WILSON  
Acting Clerk

Copy - John Seldon  
Rosemary Kennedy  
Chester and Halina Glinski

## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E56-21,E57-21 & E58-21

Applicant Chester Glinski & Halina Glinski

Location CON 3 N PT LOT 23

### PART 1 - OFFICIAL PLAN

- |   |         |        |
|---|---------|--------|
| 1. Is there an O.P. in effect?              | Yes (X) | No ( ) |
| 2. Does the proposal conform with the O.P.? | Yes (X) | No ( ) |

Land Use Designation: \_\_\_\_\_

Policies: \_\_\_\_\_

### PART 2 - ZONING

- |   |         |         |
|---|---------|---------|
| 3. Is there a By-Law in effect?                                   | Yes (X) | No ( )  |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes ( ) | No (X ) |

Comments:

Rezoning Required

- |  |         |        |
|--|---------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (X) | No ( ) |
|--|---------|--------|

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

- |   |         |        |
|---|---------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes ( ) | No (X) |
| 7. If so, is the Municipality prepared to provide those services?   | Yes ( ) | No ( ) |
| 8. Does the Municipality wish the Committee to impose conditions?   | Yes (X) | No ( ) |
| 9. Does Council recommend the application?                          | Yes (X) | No ( ) |

10. Does the municipality have other concerns that should be considered by the Committee?

See Conditions letter dated July 9, 2021





# Report to Council

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**REPORT NO.:** DS-21-36  
**DATE:** July 8, 2021  
**ATTACHMENT:** Report Photos, Applications, Recommended Conditions  
**SUBJECT:** **Applications for Consent to Sever of Chester & Halina Glinski,  
(Authorized Agent: IBI Group c/o Paul Riley)**  
**LOCATION:** North Part of Lot 23, Concession 3 (Geographic Township of  
Malahide) (51455 Calton Line)

---

## **Recommendation:**

**THAT Report No. DS-21-36 entitled “Applications for Consent to Sever of Chester & Halina Glinski” be received;**

**AND THAT the Applications for Consent to Sever No. D10-E56-21, D10-E57-21 and D10-E58-21 as submitted by Chester & Halina Glinski, relating to the property located at North Part of Lot 23, Concession 3, (Geographic Township of Malahide), and known municipally as 51455 Calton Line, all be supported for the reasons set out in this Report;**

**AND THAT this report and the recommended conditions for each of the Applications be forwarded to the Land Division Committee for its review and consideration.**

## **Background:**

The subject applications for Consent to Sever (the “Applications”) has been submitted by IBI Group c/o Paul Riley, on behalf of Chester & Halina Glinski in order to create three new non-farm residential parcels in the Hamlet of Mount Salem.

The Applications relates to the property located at North Part of Lot 23, Concession 3, and known municipally as 51455 Calton Line.

The County Land Division Committee has scheduled a Public Hearing for the Applications to be considered on July 28, 2021.

## Comments/Analysis:

The subject property is currently under active cultivation, is approximately 37.93 hectares (93.71 acres) in area, and has approximately 185 metres (606.96 feet) of frontage along Calton Line. The Applications together propose to create three non-farm residential building lots with frontage along Calton Line while the retained land will remain as agricultural land as illustrated on the Report Photo.

### County of Elgin Official Plan

The subject property is designated “Tier 3 - Mount Salem” on Schedule ‘A’, Land Use Plan (The boundary of settlement area is established by the Malahide Official Plans). The subject property is identified as having frontage along a “County Minor Arterial” on Schedule ‘B’, “Transportation Plan”, and has no noted areas on Schedule ‘C’ of the County Official Plan (Aggregate and Petroleum Resources).

### Malahide Official Plan

The subject property is designated “Hamlet” on Schedule ‘A1’ (Land Use Plan), subject to Section 4.3 of the Official Plan applies to the Applications. These three lots will fill-out the remaining “Hamlet” designation as it applies to this property along Calton Line.

A small stand of trees exists in close proximity to the most easterly-proposed new lot (as visible on the attached report photo); this area is identified as being a “Watercourse” on Schedules ‘A1’ and ‘A2’ (Constraints Plan). The Township Planner has reviewed this area as it relates to the most easterly-proposed lot. The area appears to be sufficiently outside of the proposed lot, but will be assessed in more detail with the required drainage assessment (recommended as a condition by the Township’s Drainage Superintendent/Engineering Technologist).

The proposed development is in conformity with these policies.

### Malahide Zoning By-law No. 22-18

The subject property is within the “General Agricultural (A1) Zone” on Key Map 83 of Schedule “A” to the Township’s Zoning By-law No. 22-18. The proposed retained lot will remain in the “General Agricultural (A1) Zone”. Through the associated Zoning By-law Amendment process, the proposed severed residential lots will be placed into the “Hamlet Residential (HR) Zone”, which requires the following with regard to minimum lot area and frontage:

“HR” Zone	Required:	Proposed Severed Lot (per lot)
Min. Lot Area	1,850 m <sup>2</sup> (0.46 acre)	2,250m <sup>2</sup> (0.56 acre)
Min. Lot Frontage	25m (82 feet)	25m (82 feet)
Front Yard Depth	6m	Zoning requirements to be met with future construction of new dwelling.
Side Yard Width – Interior:	2m	
Rear Yard Depth:	7.5m	
Maximum Lot Coverage:	30%	

--	--	--

## **General Comments**

The Development Services Staff has considered the merits of the subject applications against applicable Official Plan policies and the Township's Zoning By-law and recommends that the Council support the Applications.

The Township Planner has also reviewed and has no concerns with the proposal.

There does appear to be a portion of land in front of the most westerly proposed lot which should be conveyed as road widening to the County, subject to the County confirming and imposing such as a condition.

## **Financial Implications to Budget:**

The full cost of the consent and associated rezoning process is at the expense of the Applicant and has no implications to the Township's Operating Budget.

## **Relationship to Cultivating Malahide:**

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

One of the goals that supports the "Our Land" Strategic Pillar is "Promote growth in a responsible manner". By promoting new development and directing growth to appropriate areas within the Township through its support of this proposal, the Council is achieving this goal.

Submitted by:	Approved by:
Allison Adams, Development Services Coordinator	Adam Betteridge, MCIP, RPP Chief Administrative Officer (Acting Director of Development Services/Township Planner)

**From:** [Aisling Lavery](#)  
**To:** [Nancy Pasato](#)  
**Subject:** RE: 51455 Calton Line Consent  
**Date:** June 9, 2021 10:51:00 AM  
**Attachments:** [image002.jpg](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

---

I just see now that Adam has confirmed this to be within the settlement area boundary...that is not reflected on their ZBL or OP but if he confirmed it, I think we're good there.

---

**From:** Nancy Pasato  
**Sent:** June 9, 2021 8:35 AM  
**To:** Aisling Lavery <[alavery@ELGIN.ca](mailto:alavery@ELGIN.ca)>  
**Subject:** FW: 51455 Calton Line Consent

Hi Aisling - can you review these sketches and let me know if you think anything is needed with the application, and if there are any issues with policy/etc.?

Thanks.

**Nancy Pasato**  
*Manager of Planning*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext.126  
[www.elgincounty.ca](http://www.elgincounty.ca)  


---

**From:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>  
**Sent:** June 8, 2021 1:55 PM  
**To:** Nancy Pasato <[npasato@ELGIN.ca](mailto:npasato@ELGIN.ca)>  
**Cc:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>  
**Subject:** RE: 51455 Calton Line Consent

Hi Adam and Nancy – here are the sketches showing the lots to aid in your review.  
The surveyors are not able to produce the surveyor sketch promptly based on their workload, it seems that all the surveyors are busy these days. I was planning to have the sketch / survey provided during the conditional period to move the file along.  
The driveway on the north side of Calton Line across from proposed Lot 3 is a good reference point to the settlement area boundary.  
I will hold off the application for the time being but am keen to have it in by June 16<sup>th</sup> for July 28<sup>th</sup>

meeting.

Let me know your thoughts and/or if you need anything else in support or would like to discuss.

Thank you,

Paul Riley BA, CPT

**IBI GROUP**

Suite 203 - 350 Oxford Street West

London ON N6H 1T3 Canada

tel +1 519 472 7328 ext 63008



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**From:** Paul Riley

**Sent:** Tuesday, June 8, 2021 12:39 PM

**To:** Nancy Pasato <[npasato@ELGIN.ca](mailto:npasato@ELGIN.ca)>

**Cc:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Subject:** 51455 Calton Line Consent

Hi Nancy – as discussed, below and attached is confirmation from Adam that the lands are within the settlement area. And suggesting pre-consultation would probably not be necessary.

Thank you,

Paul Riley BA, CPT

**IBI GROUP**

Suite 203 - 350 Oxford Street West

London ON N6H 1T3 Canada

tel +1 519 472 7328 ext 63008



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---

**From:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Sent:** Monday, March 29, 2021 10:00 AM

**To:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Subject:** RE: Malahide Official Plan question

Hi Paul, please find revised (corrected, and verified by Christine, our GIS Technician).

We really appreciate you noting this and bringing it to my attention- Christine and I are still trying to

find out why that adjustment was made and by who. That should not have happened at all.

Thanks,

**Adam Betteridge, MCIP, RPP**  
Office: 519.773.5344 x223

---

**From:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Sent:** March 23, 2021 4:00 PM

**To:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Subject:** RE: Malahide Official Plan question

Hi Adam –FYI

Paul Riley BA, CPT

[A Message from IBI Group's CEO on COVID-19: https://www.ibigroup.com/covid19-response](https://www.ibigroup.com/covid19-response)

**IBI GROUP**

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London ON N6H 1T3 Canada  
tel +1 519 472 7328 ext 63008



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**From:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Sent:** Monday, March 22, 2021 4:27 PM

**To:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Subject:** RE: Malahide Official Plan question

Hi Paul- here you are.

This office had not completed a consolidation since (yes,) 2013 so I got one recently completed, just not yet posted to our website (there was a recent OPA I am waiting for it to pass appeal period).

Here is the consolidated schedules.

Let me know if you have any questions-

Adam

---

**From:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>

**Sent:** March 22, 2021 3:57 PM

**To:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Subject:** RE: Malahide Official Plan question

Hi Adam – can you send me a digital copy of the most recent Official Plan Schedule A1? The OP on the website says 2013. Perhaps the schedule hasn't changed but I would like to confirm.

Thanks,

**Paul Riley BA, CPT**

*A Message from IBI Group's CEO on COVID-19: <https://www.ibigroup.com/covid19-response>*

**IBI GROUP**

Suite 203 - 350 Oxford Street West  
London ON N6H 1T3 Canada  
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---

**From:** Paul Riley

**Sent:** Monday, March 15, 2021 2:30 PM

**To:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Subject:** RE: Malahide Official Plan question

Hi Adam – I was speaking with Mr. Glinski about a minor expansion of Mt. Salem settlement area, you spoke with him about the project.

I was hoping to touch base briefly to discuss. Please let me know a time to talk or give me a call, 519-280-1933, I am mostly available this afternoon, tomorrow morning or afternoon between 2pm-4pm.

Thank you,

**Paul Riley BA, CPT**

*A Message from IBI Group's CEO on COVID-19: <https://www.ibigroup.com/covid19-response>*

**IBI GROUP**

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**From:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>

**Sent:** Wednesday, February 24, 2021 12:01 PM

**To:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>



**Cc:** Allison Adams <[AAdams@malahide.ca](mailto:AAdams@malahide.ca)>  
**Subject:** RE: Malahide Official Plan question

Hi Paul, I don't think that you and I have yet met but I am the new Planner for Malahide, having started here November of last year (3 months ago).

The Official Plan posted to our website was reviewed in 2013 as part of a 5-yr review process and such was ultimately approved by Council.

The Township has commenced another statutory 5-year review process, and we are nearing completion of such. Notice and Public Meetings have been held.

Considering the process is not yet finished, you are welcome to submit a formal request detailing the expansion, and such can be forwarded to the Township's Planning Consultant to be considered.

If you have any questions or concerns, please do not hesitate to call or email.

**Adam Betteridge, MCIP, RPP**

Director of Development Services  
Office: 519.773.5344 x223  
Fax: 519.773.5334

[malahide\\_signature](#)



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---

**From:** Paul Riley <[paul.riley@ibigroup.com](mailto:paul.riley@ibigroup.com)>  
**Sent:** February 22, 2021 10:39 AM  
**To:** Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>  
**Cc:** Allison Adams <[AAdams@malahide.ca](mailto:AAdams@malahide.ca)>  
**Subject:** Malahide Official Plan question

Hi Adam – what is the status of Malahide Official Plan 5-yr review? I have a potential client looking at a minor settlement are boundary expansion. The digital copy of the OP on your website says last 5-Yr Review completed Sept. 25, 2013. The County website suggests that the Review is finalized and awaiting approval from the Province?

Thank you,

Paul Riley BA, CPT

[A Message from IBI Group's CEO on COVID-19: https://www.ibigroup.com/covid19-response](https://www.ibigroup.com/covid19-response)

**IBI GROUP**

Suite 203 - 350 Oxford Street West

London ON N6H 1T3 Canada

tel +1 519 472 7328 ext 63008



NOTE: This email message/attachments may contain privileged and confidential information. If received in error, please notify the sender and delete this e-mail message.  
NOTE: Ce courriel peut contenir de l'information privilégiée et confidentielle. Si vous avez reçu ce message par erreur, veuillez le mentionner immédiatement à l'expéditeur et effacer ce courriel.

**From:** [Tony Difazio](#)  
**To:** [Aisling Lavery](#)  
**Subject:** July 28, 2021 Consent Applications  
**Date:** July 21, 2021 2:05:59 PM

---

Hi Aisling,

We (CCCA) have no concerns with Consent Applications E48-21 (Friesen); E53-21 (Sebok); E54-21 (Goodhue), E56,57,58-21 (Glinski) and E60-21 (Dyck).

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

Regards,

A handwritten signature in black ink, appearing to read "Tony Difazio". The signature is fluid and cursive, with the first name "Tony" being more prominent than the last name "Difazio".

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:** June 30, 2021 **ELGIN COUNTY ROAD NO.:** 45 - 51455 CALTON LINE

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**

**RE:**

**APPLICATION NO.:** E 56-21, E 57-21 & E 58-21

**OWNER:** Chester and Halina Glinksi

**PROPERTY:** **LOT NO.** NORTH PART LOT 23 **CONCESSION:** 3

**REG'D PLAN:** \_\_\_\_\_ **MUNICIPALITY:** Malahide

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 .....<br><i>[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centreline of construction of Calton Line County Road (45) 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.</i> | <div style="border: 1px solid black; text-align: center; width: 50px; height: 50px; line-height: 50px;">X</div> |
| 2) A one-foot reserve is required along the N _____,<br>S _____, E _____ and/or W _____ property line .....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 3) Drainage pipes and/or catchbasin(s) are required .....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 5) A curb and gutter is required along the frontage .....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 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.....   | <div style="border: 1px solid black; text-align: center; width: 50px; height: 50px; line-height: 50px;">X</div> |
| 7) Technical Reports .....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....  | <div style="border: 1px solid black; text-align: center; width: 50px; height: 50px; line-height: 50px;">X</div> |
| 9) Lot Grading Plan is required for the severed lot.....  | <div style="border: 1px solid black; text-align: center; width: 50px; height: 50px; line-height: 50px;">X</div> |
| 10) The County has no concerns.....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 11) Not on County Road .....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 12) Please provide me with a copy of your action on this application .....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 13) Other...  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |

**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**



**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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** Nancy Pasato, Manager of Planning  
**Date:** July 28, 2021  
**Application:** E 58-21

**Owner:**  
**Chester and Halina Glinski**  
52406 Calton Line, RR 6  
Aylmer, ON N5H 2R5

**Agent:**  
IBI Group c/o Paul Riley  
203-350 Oxford Street West  
London ON N6H 1T3

**Location:** 51455 Calton Line, know legally as CON 3 NORTH PART LOT 23, Township of Malahide.

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.021 feet) along Calton Line by a depth of 90.0 metres (295.276 feet) and an area of 2250 metres squared (0.556 acres) for future residential use. The owners are retaining 37.7 hectares (91.429 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Settlement Area Tier 3

**Local Municipality Official  
Plan**  
Hamlet

**Local Municipality Zoning  
By-law**  
General Agriculture (A1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Malahide* - THAT the Applications for Consent to Sever No. D10-E56-21, D10-E57-21 and D10-E58-21 as submitted by Chester & Halina Glinski, be supported for the reasons set out in this Report.

*County Engineering* – no objections. Conditions 3, 4, 5 & 6 regarding right of way, direct connection, a potential entrance permit and lot grading must be satisfied.

*Catfish Creek Conservation Authority* – no concerns.

**Planning Act and Provincial Policy Statement**

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.4 (Rural Areas in Municipalities) outlines that settlement areas are to be the focus of growth and development within municipalities and land use patterns within settlement areas shall be based on densities and a mix of land uses. Additionally, land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

The Applicant has indicated the severed portion of the lands (2250 metres squared/0.556 acres) will be created for future residential use. The retained parcel of the lands (37.7 hectares/91.429 acres) will be used for the existing agricultural purpose. The proposed severed lots are deemed to be within the settlement area.

#### County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 3 (Mount Salem) in the Elgin County Official Plan (OP). The third tier includes those settlement areas which are generally the smallest communities in the County, are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services). Limited development (including new lot creation) is permitted in these settlement areas given the absence of full municipal services. The proposed severed and retained lands will be privately serviced.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access; the proposed retained and severed lots have adequate size and frontage in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists or will exist; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. The applicant has addressed the abovementioned criteria and planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

#### Local Municipality Official Plan and Zoning By-law

The subject property is designated "Hamlet" on Schedule 'A1' (Land Use Plan), subject to Section 4.3 of the Official Plan applies to the Applications. These three lots will fill-out the remaining "Hamlet" designation as it applies to this property along Calton Line.

A small stand of trees exists in close proximity to the most easterly-proposed new lot (as visible on the attached report photo); this area is identified as being a "Watercourse" on Schedules 'A1' and 'A2' (Constraints Plan). The Township Planner has reviewed this area as it relates to the most easterly-proposed lot. The area appears to be sufficiently outside of the proposed lot, but will be assessed in more detail with the required drainage assessment (recommended as a condition by the Township's Drainage Superintendent/Engineering Technologist).

The subject property is within the “General Agricultural (A1) Zone” on Key Map 83 of Schedule “A” to the Township’s Zoning By-law No. 22-18. The proposed retained lot will remain in the “General Agricultural (A1) Zone”. Through the associated Zoning By-law Amendment process, the proposed severed residential lots will be placed into the “Hamlet Residential (HR) Zone”, which requires the following with regard to minimum lot area and frontage.

**RECOMMENDATION:**

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed
3. That the owners dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centerline of construction of Calton Line County Road 45 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.
4. 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;
5. 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; and
6. A lot grading plan is required for the severed lot.

Additionally, it is recommended that the following conditions from the Township of Malahide be included as conditions for consent:

1. 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.
2. 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.



3. 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.
4. 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.
5. 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.
6. That the applicants initiate and assume the full cost associated with the required Development Agreement in accordance with section 53 of the Ontario Planning Act, R.S.O. 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.
7. 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.
8. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
10. 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.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 59-21**

**CON 2; NORTH HALF OF LOT 13  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 44651 ROBERTS LINE**

**TAKE NOTICE that** an application has been made by **Malcolm John Ferguson**, 46320 Southdale Line, St. Thomas, ON N5P 3S6 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 44651 Roberts Line, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 49.7 metres (314.40 feet) along Roberts Line by a depth of 85.4 metres (406.82 feet) and an area of 0.424 hectares (1.05 acres) containing one residence, and two storage sheds, surplus to the needs of the owner. The owners are retaining 36.75 hectares (90.81 acres) proposed to remain in agricultural use.

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 JULY 28, 2021 AT 10:35 AM.  
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.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [alaverty@elgin.ca](mailto:alaverty@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

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.

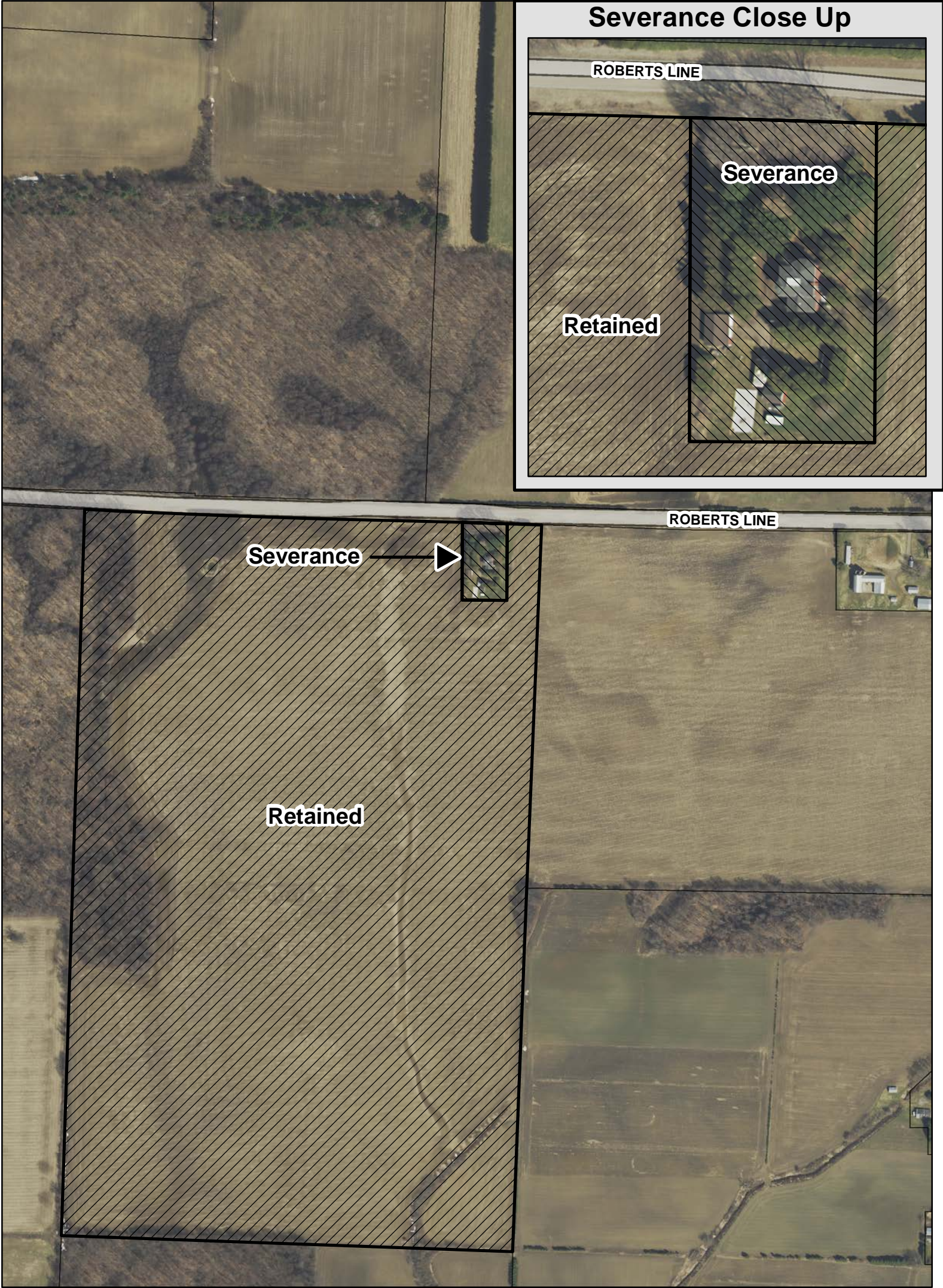
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss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

Dated at the Municipality of Central Elgin this 28<sup>th</sup> day of June, 2021.

Aisling Lavery  
Secretary-Treasurer  
Land Division Committee

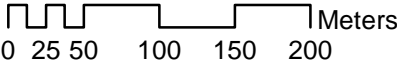
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)





*Location Map*



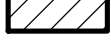


Subject Site: 44651 Roberts Line  
File Number: E59-2021  
Owner: Malcolm Ferguson  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021



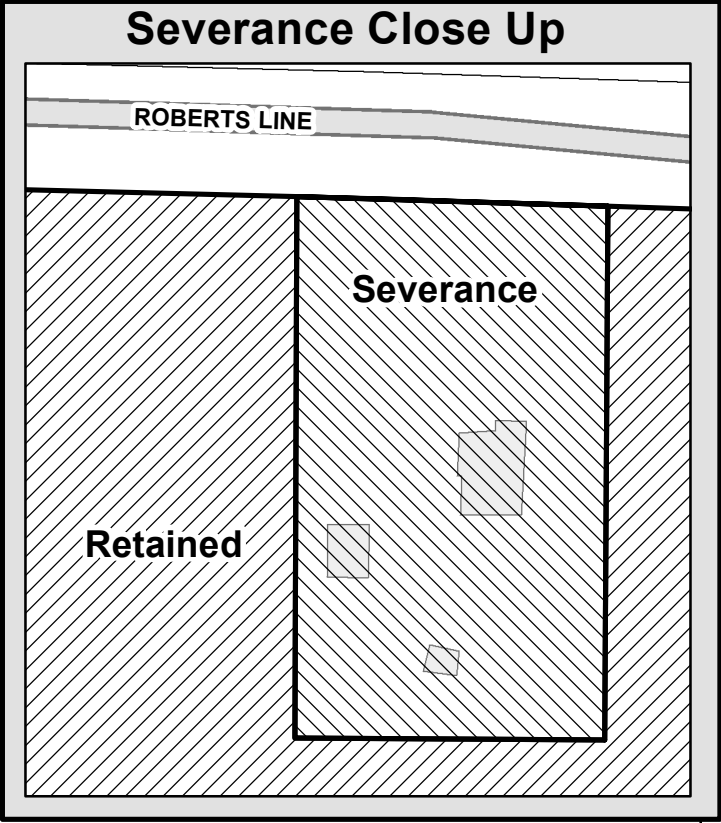
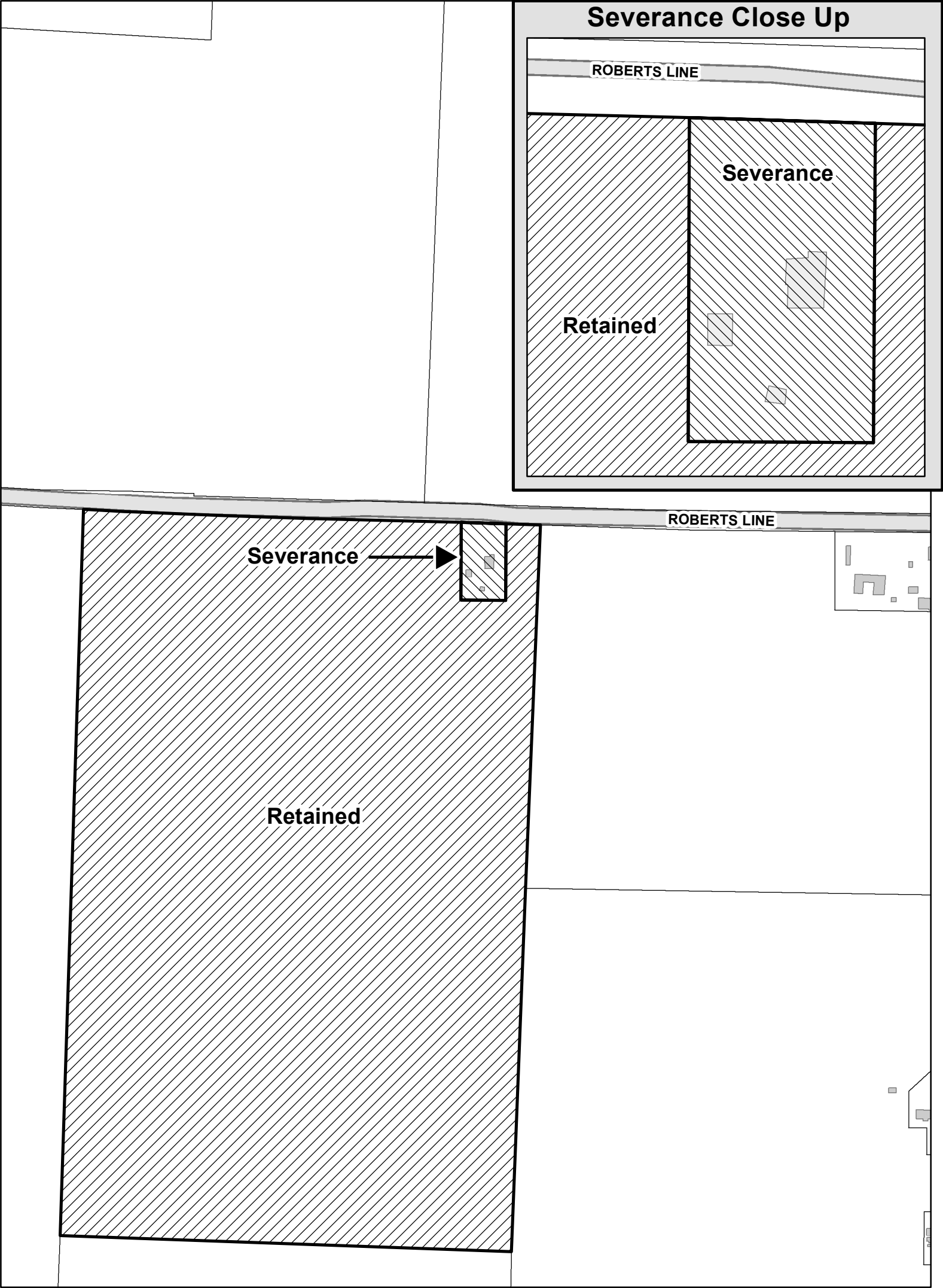
The Corporation of the County Elgin  
Prepared By: Planning and Development

Scale 1:5,000

*Legend*

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





### Location Map

Subject Site: 44651 Roberts Line  
File Number: E59-2021  
Owner: Malcolm Ferguson  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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

N

0 25 50 100 150 200 Meters

### Legend

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



The Corporation of the Municipality of  
**Central Elgin**

450 Sunset Drive, 1st Floor, St. Thomas, Ontario N5R 5V1 P: 519.631.4860 F: 519.631.4036

July 20<sup>th</sup>, 2021

VIA EMAIL

Nancy Pasato  
Manager of Planning  
County of Elgin  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1

Dear Ms. Pasato:

Re: Application for Consent E59/21 –  
Malcolm John Ferguson, 44651 Roberts Line

Please be advised that Council discussed the above noted application at their Regular/Planning Meeting dated Monday, July 19<sup>th</sup>, 2021 and the following resolution was passed:

THAT: Report CEP 29.21 re Application for a Consent No. E59/21 - Malcolm John Ferguson, 44651 Roberts Line be received as information;

AND THAT: Council has no objections to Consent No. E59/21 subject to the following recommended conditions:

- approval of a Zoning By-law Amendment to prohibit residential dwelling on the retained lot;
- the existing accessory building on the severed lot be brought into conformity with the Zoning By-law;
- the municipality be supplied with a copy of the Reference Plan and;
- a drainage reassessment be done, if necessary, at the owner's expense.

As per Council's direction, please note that a copy of the Planning Report is attached for your reference.

Yours truly,

Dianne Wilson  
Deputy Clerk/Records Management Coordinator

c.c. Malcolm John Ferguson, Owner  
Donald M. Ferguson, Agent  
S. Craig, Senior Planning Technician, CEPO

Encl.





The Corporation of the Municipality of  
**Central Elgin**

**REPORT**

<b>DATE:</b>	July 13, 2021	<b>REPORT:</b>	CEP.29.21
<b>TO:</b>	Mayor Sally Martyn and Council	<b>CEPO FILE:</b>	E59/21
<b>PREPARED BY:</b>	Steve Craig, Sr. Planning Technician Central Elgin Planning Department		
<b>SUBJECT:</b>	Application for a Consent No. E59/21 – Malcolm John Ferguson  44651 Roberts Line		
<b>ATTACHMENTS:</b>	Location Plan		
<b>TO COUNCIL:</b>	July 19, 2021		

**RECOMMENDATION:**

**THAT:** Report CEP.29.21 be received for information;

**AND THAT:** Should Council pass a resolution in support of consent application E59/21 to the Land Division Committee, staff recommends the following conditions:

- approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
- the existing accessory building on the severed lot be brought into conformity with the Zoning By-law; and
- a copy of the reference plan be provided to the Municipality of Central Elgin.

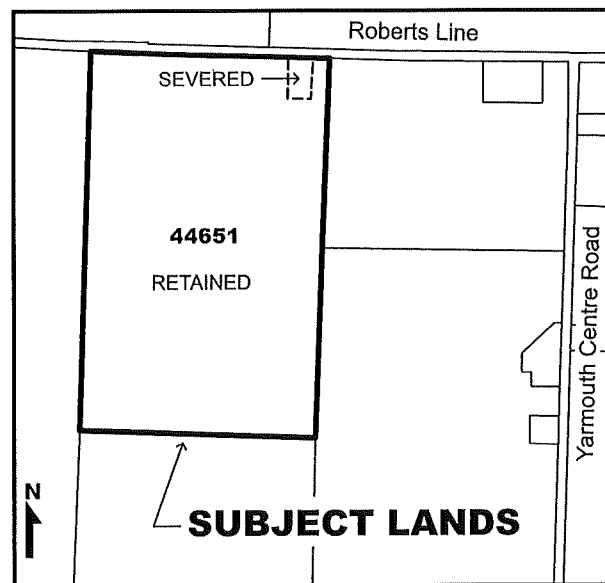
**Background:**

Consent application E59/21 has been filed for the purpose of creating a lot containing a residence surplus to a farm operation.

**Location:**

The subject lands are located on the south side of Roberts Line, west of Yarmouth Centre Road. The lands are described as, Concession 2, North Part Lot 13, Municipality of Central Elgin.

**Location Plan:**



**Proposal:**

The applicant is proposing to sever a lot with frontage of 49.7m on Roberts Line, and an area of 4,244m<sup>2</sup>, containing one single detached dwelling and two accessory buildings. The severed lot will be used for rural residential purposes. The applicant is proposing to retain a vacant lot with frontage of 456m on Roberts Line and an area of 36.75ha. The retained lot will continue to be used for agricultural purposes.

**Staff Report**

**1. Official Plan**

- The subject lands are within the Agricultural designation in accordance with Schedule "A" – Land Use Plan to the Municipality of Central Elgin Official Plan.

- A consent for the purposes of creating a lot containing a residence surplus to a farm operation is permitted within the Agricultural designation. A residence surplus to a farm operation dwelling is defined as an existing farm residence that is rendered surplus as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. The following criteria shall apply (4.1.4(c)):
  1. The lot containing the residence surplus to a farm operation:
    - i) Shall be in compliance with the regulations of the applicable zoning by-law;
    - ii) Should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 of the Plan. Exceptions may be considered based on individual site circumstances, the loss of any additional productive farmlands will be avoided;
    - iii) Shall be in compliance with the Municipality's property standards by-law;
    - iv) May contain accessory farm buildings and structures that are not deemed to be livestock facilities; and
    - v) Shall not contain any buildings or structures deemed unsafe in accordance with the Ontario Building Code Act or its successor.
  2. The lot that is being consolidated into the farm operation:
    - i) Shall be in compliance with the regulations of the applicable zoning by-law for farm use;
    - ii) Shall be rezoned to prohibit any new residential dwelling unit; and
    - iii) May be subject to alternative measures as deemed necessary by Council to ensure that no new dwelling unit is permitted.
  3. Council may request that an applicant provide evidence as to the nature of the existing farm operation, including but not necessarily limited to applicable membership in a farm organization and/or evidence of farm business registration in accordance with the Farm Registration and Farm Organizations Funding Act, 1993 or its successor.

## 2. Zoning By-Law

- The subject lands are within the Open Space Zone 1 (OS1) of the Township of Yarmouth Zoning By-Law 1998, as amended. Permitted uses of the OS1 zone include farm use, rural-residential use, institutional use, home occupations and accessory uses (8.2.1.2).
- The minimum lot area required for farm use is 10.11ha (2.52(a)).
- The minimum lot area for rural rural-residential uses is 1,858m<sup>2</sup> (8.2.1.3).
- The minimum lot frontage for rural rural-residential uses 30.48m (8.2.1.4).

## 3. County of Elgin Official Plan:

- The subject lands are within the Agricultural designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- In accordance with intent of the Official Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if (E1.2.3.4):
  - a) the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares as established in the local planning documents; or,
  - b) the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farm land created by consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation; or,
  - c) the lot is required for an agricultural-related use, as outlined in Section C2.6 of the Plan, provided the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services.

## Comments:


- In accordance with the surplus farm dwelling policies of the Official Plan(s) the applicant will need to file a Zoning By-law Amendment application to prohibit any new residential dwelling units on the retained lands.
- The surplus farm dwelling lot contains an accessory building 4.92ft (1.5m) from the westerly side lot line, whereas the OS1 zone requires a minimum setback of 15ft. Options to bring the accessory building into conformity with the Zoning By-law include removal, relocation or recognized through the Zoning By-law Amendment.

Respectfully submitted:

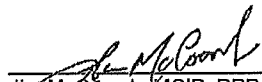
Approved for submission:



Steve Craig  
Sr. Planning Technician



Paul Shipway  
CAO/Clerk



Jim McCoomb, MCIP, RPP  
Manager of Planning Services

**From:** [Joe Gordon](#)  
**To:** [Dawn Wittland-Graham](#)  
**Subject:** RE: Notice of Applications E 55-21 & E 59-21  
**Date:** July 2, 2021 8:29:03 AM

---

Good morning Dawn

Please accept this email as confirmation that KCCA staff have reviewed the subject notices of applications E55/21 and E59/21 and that based on our mandate and policies, we have no objection to their approval.

Thank you for the opportunity to comment.

Thank you,

Joe Gordon  
Assistant Manager  
Supervisor of Planning & Conservation Areas  
Kettle Creek Conservation Authority

-----Original Message-----

From: Dawn Wittland-Graham <[dwittlandgraham@ELGIN.ca](mailto:dwittlandgraham@ELGIN.ca)>  
Sent: June 30, 2021 3:04 PM  
To: Dianne Wilson <[DWilson@centralelgin.org](mailto:DWilson@centralelgin.org)>; Craig, Steve <[scraig@stthomas.ca](mailto:scraig@stthomas.ca)>; Brian Lima <[blima@ELGIN.ca](mailto:blima@ELGIN.ca)>; Joe Gordon <[joe@kettlecreekconservation.on.ca](mailto:joe@kettlecreekconservation.on.ca)>; [elginfarmers@gmail.com](mailto:elginfarmers@gmail.com)  
Cc: Nancy Pasato <[npasato@ELGIN.ca](mailto:npasato@ELGIN.ca)>; Aisling Lavery <[alavery@ELGIN.ca](mailto:alavery@ELGIN.ca)>; [tmarr@centralelgin.org](mailto:tmarr@centralelgin.org); Donald M. Ferguson <[dferguson@fergusondimeolaw.com](mailto:dferguson@fergusondimeolaw.com)>  
Subject: Notice of Applications E 55-21 & E 59-21

Good afternoon,

Please find attached the Notice of Application for file numbers E 55-21 & E 59--21 for the Elgin County Land Division Committee meeting being held on July 28, 2021.

If you wish to provide comments on this application please submit them to Aisling Lavery ([alavery@elgin.ca](mailto:alavery@elgin.ca)), Secretary-Treasurer by Tuesday, July 20, 2021 to be included in the agenda package and considered by the Land Division Committee.

Thank you,  
Dawn Wittland-Graham  
Administrative Assistant  
Engineering & Planning Services

450 Sunset Drive  
St. Thomas ON N5R 5V1  
(519)631-1460 Ext 183  
[dwittlandgraham@elgin.ca](mailto:dwittlandgraham@elgin.ca)



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: June 30, 2021 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 59-21

OWNER: Malcolm John Ferguson

PROPERTY: LOT NO. NORTH HALF OF LOT 13 CONCESSION: 2

REG'D PLAN: MUNICIPALITY: Central Elgin

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 lots/parcels 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 a new entrance to the severed and/or retained parcel(s). 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



**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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** Nancy Pasato, Manager of Planning  
**Date:** July 28, 2021  
**Application:** E 59-21

**Owner:**  
**Malcolm John Ferguson**  
46320 Southdale Line  
St. Thomas, ON N5P 3S6

**Agent:**  
Donald M. Ferguson  
211-750 Talbot Street  
St. Thomas, ON N5P 1E2

**Location:** 44651 Roberts Line, legally described as CON 2; NORTH HALF OF LOT 13,  
Municipality of Central Elgin.

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 49.7 metres (314.40 feet) along Roberts Line by a depth of 85.4 metres (406.82 feet) and an area of 0.424 hectares (1.05 acres) containing one residence, and two storage sheds, surplus to the needs of the owner. The owners are retaining 36.75 hectares (90.81 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

**Local Municipality Zoning  
By-law**  
Open Space (OS1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – Council has no objections to this consent application, subject to the provided conditions.

*Kettle Creek Conservation Authority* - staff of KCCA has reviewed the following notice of application for consent and has no objection.

*County Engineering* – not on a County road.

**Planning Act and Provincial Policy Statement**

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for agricultural uses, agriculture-related uses, infrastructure, and a residence surplus to a farming operation as a result of farm consolidation, provided that:

- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The Applicant has indicated that the retained lands (36.75 hectares/90.81 acres) will maintain their current agricultural use. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.424 hectares/1.05 acres) will contain an existing dwelling and two storage sheds. The severed lot ensures adequate space for appropriate servicing, without taking away from the agricultural features of the area.

#### County of Elgin Official Plan

The subject site is within the Agricultural Area designation of the Elgin County Official Plan (OP). The County OP contains policy related to lot creation on lands in the Agricultural Area (Policy E 1.2.3.4). New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.

The Applicant has previously indicated that the retained lands will maintain their existing agricultural use and are of a sufficient size (36.75 hectares/90.81 acres). The severed lands, which contain a residence and two storage sheds deemed surplus to the farming operation, are of a sufficient size to accommodate the existing single detached dwelling and existing private services (privately owned and operated individual well and privately owned and operated individual septic tank), without taking away from the agricultural features of the area.

#### Local Municipality Official Plan and Zoning By-law

The subject lands are within the Agricultural designation in accordance with Schedule A Land Use Plan to the Municipality of Central Elgin. A consent for the purpose of creating a lot containing a residence surplus to the farm operation is permitted provided it meets the criteria as contained in the Official Plan.

The subject lands are within the Open Space (OS1) Zone of the Township of Yarmouth Zoning By-law. Permitted uses include farm use with a minimum lot area required of 10.1ha (2.52 acres), rural residential uses with a minimum lot area of 1185m<sup>2</sup> and a lot frontage of

30.48m. A zoning amendment will be required for the retained lands to prohibit any new residential dwelling and the existing accessory building on the severed lands will be required to come into conformity with the zoning by-law through removal, relocation, a minor variance or a zoning amendment.

**RECOMMENDATION:**

The application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding surplus lot creation in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions from the Land Division Committee in its decision from the County of Elgin:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed.

Additionally, it is recommended that the following conditions from the Municipality of Central Elgin be included as conditions for consent:

1. Approval of a Zoning By-law Amendment to prohibit residential dwelling on the retained lot;
2. The existing accessory building on the severed lot be brought into conformity with the Zoning By-law;
3. The municipality be supplied with a copy of the Reference Plan; and
4. A drainage reassessment be done, if necessary, at the owner's expense.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 60-21**

**CON 3; PT LOT 20, RP 11R8425 PARTS 1 AND 2  
TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 6501 SPRINGFIELD ROAD**

**TAKE NOTICE** that an application has been made by **Will and Eva Dyck**, 6501 Springfield Road, Aylmer, ON N5H 2R5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 6501 Springfield Road, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.02 feet) along Springfield Road by a depth of 67.79 metres (222.41 feet) and an area of 1695.6 square metres (0.42 acres) for future residential use. The owners are retaining 9410.6 square metres (2.32 acres) to remain in residential use.

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 JULY 28, 2021 AT 10:45 AM.  
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.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [alaverty@elgin.ca](mailto:alaverty@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

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.

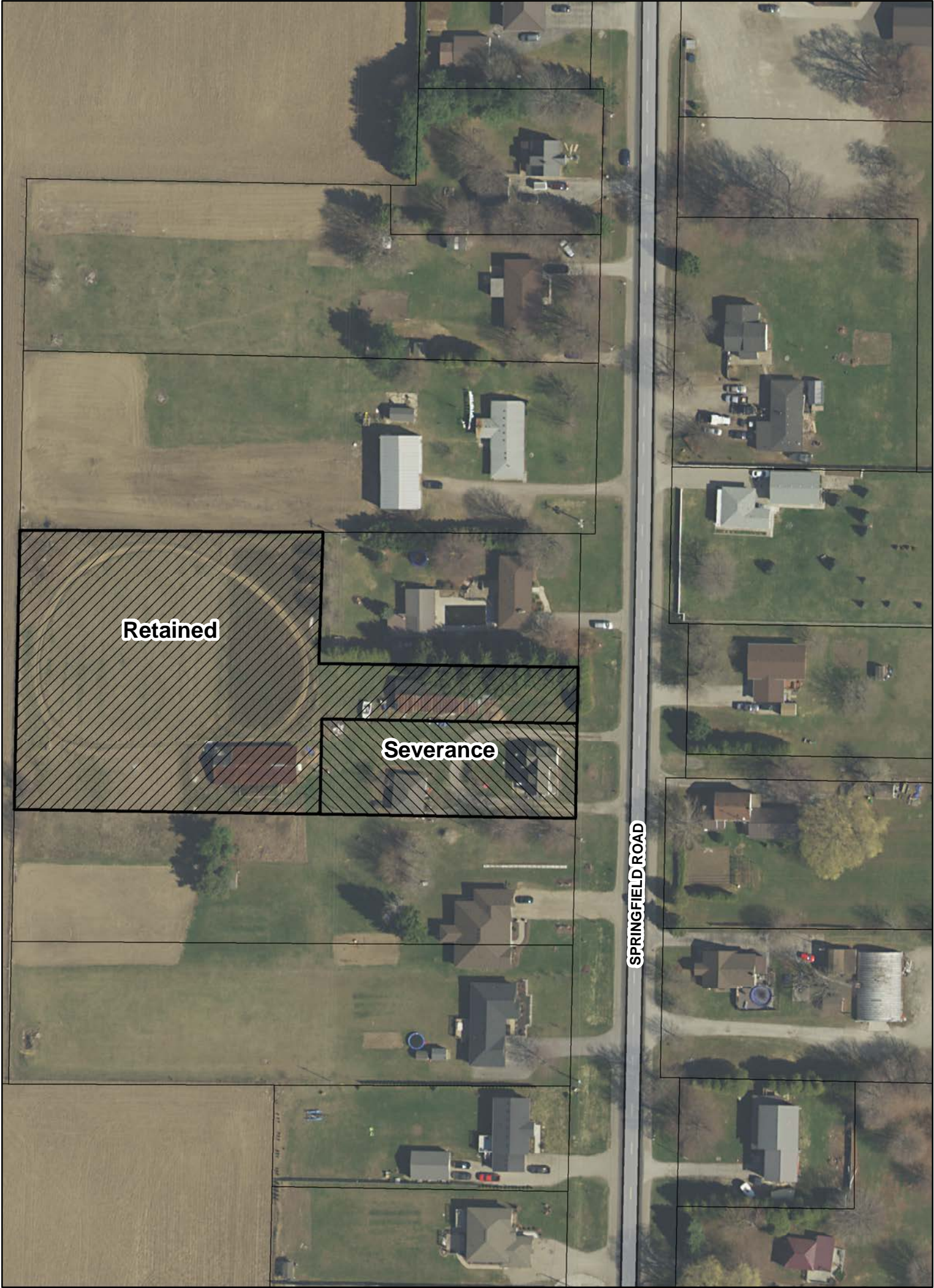
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss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

Dated at the Municipality of Central Elgin this 28<sup>th</sup> day of June, 2021.

Aisling Laverty  
Secretary-Treasurer  
Land Division Committee

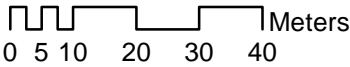
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)





*Location Map*

Subject Site: 6501 Springfield Road  
File Number: E60-2021  
Owner: Will and Eva Dyck  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

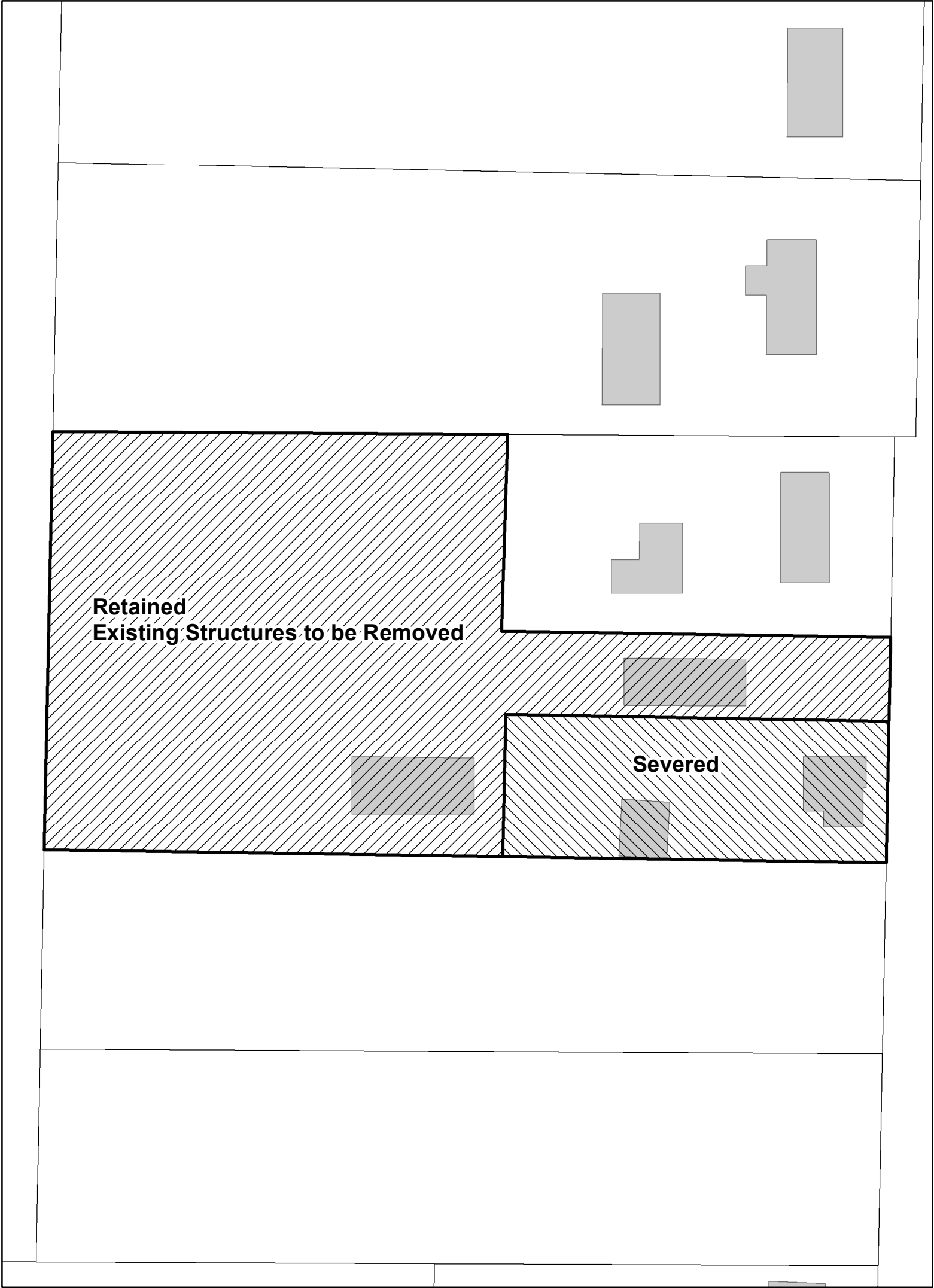


The Corporation of the County Elgin  
Prepared By: Planning and Development

Scale 1:1,200

*Legend*

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



### Location Map - REVISED

Subject Site: 6501 Springfield Road  
File Number: E60-2021  
Owner: Will and Eva Dyck  
Planner: Nancy Pasato  
Created By: AL  
Date: 07/12/2021

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

Meters

0 4.5 9 18 27 36

Scale 1:800

### Legend

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



July 13, 2021

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

Attention: Land Division Committee  
Nancy Pasato

Dear Ms. Pasato,

**RE: Application E60-21 for Consent to Sever of Wilhelm & Eva Dyck,  
(Authorized Agent: Zelinka Priamo Ltd. c/o Katelyn Crowley)**

The Township is requesting a deferral of the above noted severance application submitted to the Township for review that was scheduled for public hearing on July 28, 2021. This deferral will provide staff the necessary time required for a complete review of this application. A report and conditions will be provided for your next scheduled Land Division Committee meeting on August 25, 2021.

We trust this to be satisfactory. Please do not hesitate to contact us should you have further enquiries.

Respectfully,

Allison Adams  
Development Services Coordinator  
Township of Malahide  
519-773-5344x222  
[aadams@malahide.ca](mailto:aadams@malahide.ca)

cc: Zelinka Priamo Ltd. - Katelyn Crowley  
Township of Malahide CAO – Adam Betteridge



**COUNTY OF ELGIN ROAD SYSTEM**

**DATE:** June 30, 2021 **ELGIN COUNTY ROAD NO.:** 40 - 6501 SPRINGFIELD ROAD

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**

**RE:**

**APPLICATION NO.:** E 60-21

**OWNER:** Will and Eva Dyck

<b>PROPERTY:</b>	<b>LOT NO.</b>	<u>PT LOT 20</u>	<b>CONCESSION:</b>	<u>3</u>
	<b>REG'D PLAN:</b>	<u>11R8425 PARTS 1 AND 2</u>	<b>MUNICIPALITY:</b>	<u>Malahide</u>

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 lots/parcels up to 15m from the centreline of construction of Springfield Road County Road (40) 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 and retained lots 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, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....

X
- 9) Lot Grading Plan is required for the severed and retained lots.....

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**



**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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** Nancy Pasato, Manager of Planning  
**Date:** July 28, 2021  
**Application:** E 60-21

**Owner:**  
**Will and Eva Dyck**  
6501 Springfield Road  
Aylmer ON N5H 2R5

**Agent:**  
**Zelinka Priamo Ltd. (c/o Katelyn Crowley)**  
318 Wellington Road  
London ON N6C 4P4

**Location:** 6501 Springfield Road – legally described as CON 3; PT LOT 20, RP 11R8425 PARTS 1 AND 2, Township of Malahide.

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 25.0 metres (82.02 feet) along Springfield Road by a depth of 67.79 metres (222.41 feet) and an area of 1695.6 square metres (0.42 acres) for residential use. The owners are retaining 9410.6 square metres (2.32 acres) for future residential use (existing structures to be removed).

**County of Elgin Official  
Plan**  
Settlement Area Tier 3

**Local Municipality Official  
Plan**  
Hamlet

**Local Municipality Zoning  
By-law**  
Hamlet Residential

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Township of Malahide* – The Township is requesting a deferral of this severance application to provide adequate time to complete a full review of the application package.

*County Engineering* – has no objections subject to the provided conditions related to road widening, direct connect to a legal outlet, entrance permits, and lot grading plans.

*Catfish Creek Conservation Authority* – no concerns.

**Planning Act and Provincial Policy Statement**

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.3 (Settlement Areas) outlines that settlement areas including cities, towns, villages

and hamlets, are to be the focus of growth and development within municipalities. Specifically, Policy 1.1.3.2 outlines that land use patterns within these settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

The Applicant has indicated the two existing structures on the retained lot will be removed. The retained lot will be vacant after the removal of these structures. The severed portion of the lands will be maintained for residential use and contains an existing dwelling and accessory shed. The proposed severed and retained lots are within a settlement area.

#### County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 3 (Mount Salem) in the Elgin County Official Plan (OP). The third tier includes those settlement areas which are generally the smallest communities in the County, are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services). Limited development (including new lot creation) is permitted in these settlement areas given the absence of full municipal services.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access permitting; the proposed retained and severed lots have adequate size and frontage in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists or will exist; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. The application has addressed the abovementioned criteria and planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

Further stated by the applicant, the severed parcel (1695.6 square metres/0.42 acres) is proposed to maintain the existing residential use with one dwelling and one accessory structure existing on the lot. The retained parcel (9410.6 square metres /2.32 acres)) is proposed to be for future residential use. The two existing structures on the retained lands will be demolished. The severed lot is privately serviced (privately owned and operated individual well and sanitary sewage system).

#### Local Municipality Official Plan and Zoning By-law

The subject site is designated Hamlet in the Township of Malahide's Official Plan and is zoned Hamlet Residential (HR) in in the Township's Zoning By-law.

The Township is requesting a deferral of this severance application to provide adequate time to complete a full review of the application package.

#### RECOMMENDATION:



**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)

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in settlement areas. However, the Township of Malahide has requested a deferral of this application. This deferral will provide Township staff the necessary time required for a complete review of this application. A report and conditions will be provided at the next scheduled Land Division Committee meeting on August 25, 2021. As such, County planning staff supports this request and recommends deferral of application E 60-21.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 61-21**

**CON 4; SOUTH HALF OF LOT 13  
MUNICIPALITY OF DUTTON DUNWICH  
MUNICIPAL ADDRESS: 12186 CURRIE ROAD**

**TAKE NOTICE that** an application has been made by **Carl McLeod and Sons Ltd.**, 29281 Aberdeen Line, Dutton ON N0I 1J0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 12186 Currie Road, Municipality of Dutton Dunwich.

The applicants propose to sever a parcel with a frontage of 41.2 metres (135.17 feet) along Currie Road by a depth of 108 metres (354.33 feet) and an area of 0.4450 hectares (1.09 acres) containing one residence, with a detached garage, surplus to the needs of the owner. The owners are retaining 40.4 hectares (99.83 acres) proposed to remain in agricultural use.

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 JULY 28, 2021 AT 10:55 AM.  
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.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [alaverty@elgin.ca](mailto:alaverty@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

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 28<sup>th</sup> day of June, 2021.

Aisling Lavery  
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  
[www.progressivebynature.com](http://www.progressivebynature.com)

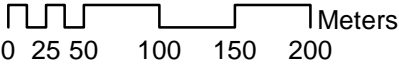




*Location Map*



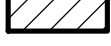


Subject Site: 12186 Currie Road  
File Number: E61-2021  
Owner: Carl McLeod & Sons Ltd.  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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

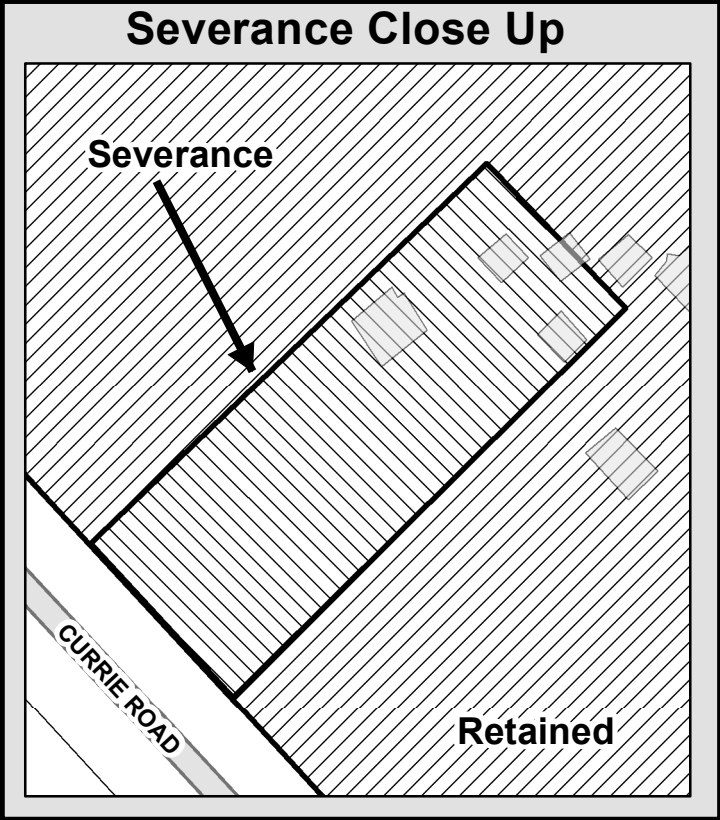
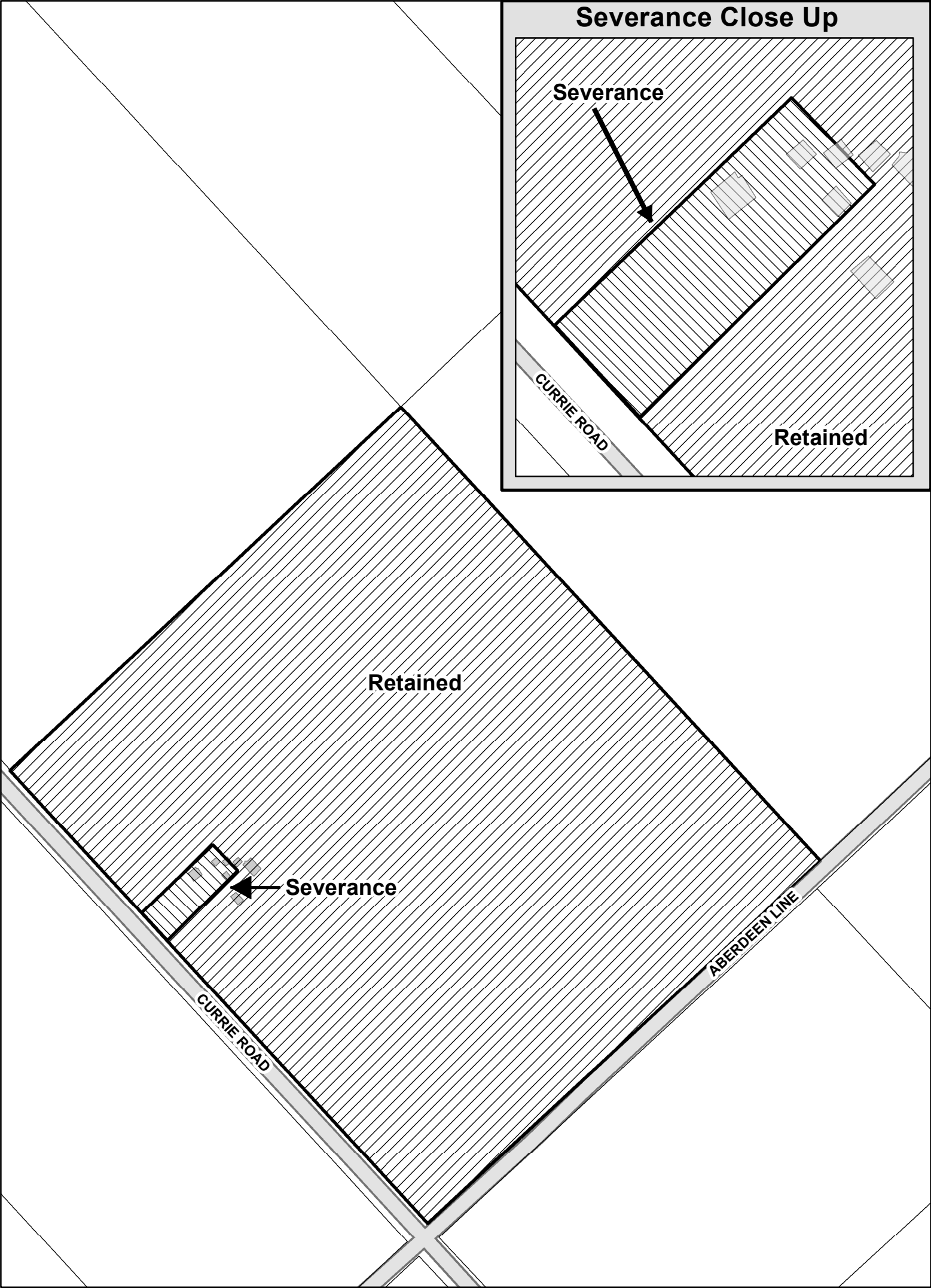


Scale 1:5,000

*Legend*

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

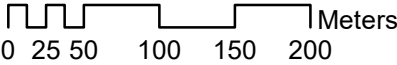




*Location Map*






Subject Site: 12186 Currie Road  
File Number: E61-2021  
Owner: Carl McLeod & Sons Ltd.  
Planner: Nancy Pasato  
Created By: AL  
Date: 06/28/2021

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



Scale 1:5,000

*Legend*

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



**From:** [Aisling Lavery](#)  
**To:** [Nancy Pasato](#)  
**Subject:** RE: E 61-21 - Application for Consent  
**Date:** June 21, 2021 8:58:00 AM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.jpg](#)

---

2/3 listed addresses are farms and the final one is a house in Dutton. All appear to have the same owner (the applicant).

Thanks,  
Aisling

---

**From:** Nancy Pasato  
**Sent:** June 21, 2021 8:15 AM  
**To:** Aisling Lavery <[alavery@ELGIN.ca](mailto:alavery@ELGIN.ca)>  
**Subject:** RE: E 61-21 - Application for Consent

Just do a quick check to make sure those other properties listed appear to be owned by the applicants and they are farms. Thanks.

**Nancy Pasato**  
*Manager of Planning*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext.126  
[www.elgincounty.ca](http://www.elgincounty.ca)



---

**From:** Aisling Lavery  
**Sent:** June 18, 2021 4:38 PM  
**To:** Nancy Pasato <[npasato@ELGIN.ca](mailto:npasato@ELGIN.ca)>  
**Subject:** FW: E 61-21 - Application for Consent

Hi Nancy,

we've got Appendix C saved in the folder now but what do I need for proof of ownership? Is this enough or do I need a legal document of some kind?

Thanks,  
Aisling

**From:** Sandy & Carl McLeod <[mcleodandsons@gmail.com](mailto:mcleodandsons@gmail.com)>

**Sent:** June 18, 2021 3:51 PM

**To:** Aisling Laverty <[alaverty@ELGIN.ca](mailto:alaverty@ELGIN.ca)>

**Subject:** Re: E 61-21 - Application for Consent

Good afternoon Ashleen,

Please find attached Appendix C.

The ownership of this property is 98% Carl McLeod & Sons Ltd, 1% Randi Victor McLeod and 1% Timothy David McLeod, we purchased this property in December 2020.

Thank you,  
Karlye

On Fri, Jun 18, 2021 at 3:17 PM Aisling Laverty <[alaverty@elgin.ca](mailto:alaverty@elgin.ca)> wrote:

Good afternoon,

We've reviewed your application and are hoping you can clear up a few things for us.

Can you please confirm the ownership of this property? Our internal mapping system and the application list two different owners. Can you please provide verification of the proper/legal owner?

Additionally, as this a surplus farm dwelling, can you please complete and supply Appendix C of the application? This will be required by no later than Tuesday, June 22, 2021. If you cannot have it done in this time, your application will be pushed to the next meeting in August.

The application, including Appendix C can be found here:

<https://www.elgincounty.ca/wp-content/uploads/2020/11/Application-for-Consent-Revised-November-2020-Fillable.pdf>

Thanks,  
Aisling

**Aisling "Ashleen" Laverty**

*Planning Technician*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 122 | 226-377-6670  
[www.elgincounty.ca](http://www.elgincounty.ca)



## COUNCIL RESOLUTION



Res: 2021.13. 30

Wednesday, July 14, 2021

Moved by: \_\_\_\_Hentz\_\_\_\_\_

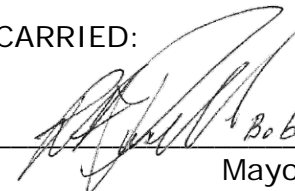
Seconded by: \_\_\_\_Drouillard\_\_\_\_\_

**THAT** the Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E61/21 for 12186 Currie Road, Municipality of Dutton Dunwich, provided the following conditions are included:

- 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 fees, set out in the Fees By-law, be paid to the Municipality;
- 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; and
- i) That 911 addresses be established for the retained and severed parcels.

<u>Recorded Vote</u>	<u>Yeas</u>	<u>Nays</u>
P. Corneil	__x__	____
A. Drouillard	__x__	____
K. Loveland	__x__	____
M. Hentz	__x__	____
B. Purcell – Mayor	__x__	____

CARRIED:

  
\_\_\_\_\_  
Bob  
Mayor

DEFEATED:

\_\_\_\_\_  
Mayor



## COUNCIL RESOLUTION



Res: 2021.13. 31

Wednesday, July 14, 2021

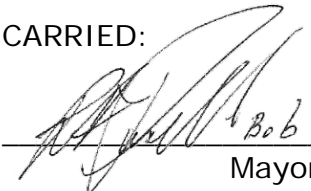
Moved by: \_\_\_\_\_Drouillard\_\_\_\_\_

Seconded by: \_\_\_\_\_Corneil\_\_\_\_\_

**THAT** the Council of the Municipality of Dutton Dunwich waives the requirement for an Environmental Impact Assessment be conducted to the satisfaction of the Municipality in consultation with the Lower Thames Valley Conservation Authority for Severance Application E 61/21, 12186 Currie Road, Municipality of Dutton Dunwich, filed by Carl McLeod and Sons Ltd.

<u>Recorded Vote</u>	<u>Yeas</u>	<u>Nays</u>
P. Corneil	<u>  x  </u>	<u>     </u>
A. Drouillard	<u>  x  </u>	<u>     </u>
K. Loveland	<u>  x  </u>	<u>     </u>
M. Hentz	<u>  x  </u>	<u>     </u>
B. Purcell – Mayor	<u>  x  </u>	<u>     </u>

CARRIED:

  
\_\_\_\_\_  
Mayor

DEFEATED:

\_\_\_\_\_  
Mayor



Municipality of  
**Dutton Dunwich**

**TO:** Mayor and Members of Council

**FROM:** Tracey Pillon-Abbs, MCIP, RPP, Planner

**DATE:** July 14, 2021

**SUBJECT:** Application for Severance – 12186 Currie Road (E61/21), Municipality of Dutton Dunwich – Carl McLeod & Sons Ltd.

---

**RECOMMENDATION:**

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E61/21 for 12186 Currie Road, Municipality of Dutton Dunwich, provided the following conditions are included:

- 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 an Environmental Impact Assessment be conducted to the satisfaction of the Municipality in consultation with the Lower Thames Valley Conservation Authority;
- f) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- g) That taxes are to be paid in full;
- h) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality; 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 Municipality.

## **FOR INFORMATION:**

### **Reasons for and Nature of the Application**

A severance application was submitted to the County of Elgin Land Division Committee (E27/21) by Carl McLeod & Sons Ltd., the owner of the subject property.

The owner is requesting the severance of a surplus farm dwelling from a parcel of land to be conveyed to Daniel Alderton and Kariye McLeod Alderton.

The subject parcel is legally described as Concession 4, S ½ Lot 13, locally known as 12186 Currie Road, Municipality of Dutton Dunwich. The subject lands are located along the northeast side of Currie Road (see area in yellow on the attached Key Map).

The proposed severed parcel will have an area of 0.4445 ha, a depth of 108 m and a frontage of 41.2 m. Access to the subject property will be from the municipal road. The proposed severed parcel is used for residential purposes, has 1 dwelling and 1 accessory building and is serviced by municipal water (existing easement) and private septic services (see attached Sketch).

The proposed retained parcel will have an area of 40.4 ha, an irregular depth and a frontage of 575.388 m. Access to the subject property will be from the municipal road. The proposed retained parcel is used for agricultural purposes, has no buildings and no services (see attached Sketch).

Agricultural and rural residential uses surround the subject lands.

Several drains run through the property. In addition, a large woodlot is located at the east southeast side of the property and a small wooded area near the existing accessory building.

A portion of the northeast corner of the property is regulated by the Lower Thames Valley Conservation Authority (LTVCA).

There is a hydro easement that runs along the north portion of the retained lands.

The proposed severance application was circulated to municipal staff (see attached Comments).

### **Planning Policy Review**

#### **Provincial Policy Statement**

Under Section 3(5) of the *Planning Act*, the Municipality “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements, 2020 (PPS).

Section 2.3.4 Lot Creation for prime agricultural areas was evaluated.

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

The surplus residence is the result of farm consolidation for the current owners. As a condition of severance, the balance of the farm will be required to be rezoned to prohibit residential buildings/structures.

New land uses, including the creation of lots and new or expanding livestock facilities, shall comply with the Minimum Distance Separation I (MDS I) Formula. The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities.

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

#### County of Elgin Official Plan

The subject lands are designated 'Agricultural Area' on Schedule 'A' Land Use of the County of Elgin Official Plan (COP) with a portion subject to 'Natural Heritage Features and Areas' on Appendix #1 and 'Aggregate Resources Area' on Schedule 'C'.

Section E1.2.3.4 Lot Creation on Lands in the Agricultural Area contains the policies that permit this type of severance as set out in the Agricultural Area designation. The severance to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation is permitted provided that the development of a new residential use is prohibited on the retained parcel, created by the consent to sever.

Section C4.1b) sets out that the objective is to protect known deposits of aggregate resources and areas of potential mineral aggregate resources for potential future extraction.

Section D1.2.6 sets out that development and site alteration is not permitted in the Woodlands unless an Environmental Impact Statement has been completed, demonstrating there will be no negative impact to the natural heritage features.

**Comment:** The proposed severed parcel and retained parcel are in conformity with the County policies, provided the sewage disposal can be adequately addressed and that the lands are appropriately zoned. The house is habitable, the owners have indicated the severance is the result of farm consolidation, and as a condition of severance, a zoning by-law amendment is required to prohibit the development of a new residential use.

Lot creation is considered development and is within and adjacent to the woodlands area. As a condition of severance, an Environmental Impact Statement shall be completed. The proposed lot is within the Aggregate Resources Area, however, no new development is proposed.



The proposed severance conforms to the intent of the County of Elgin OP.

Municipality of Dutton Dunwich Official Plan

The subject lands are designated “Agriculture” on Schedule ‘A’ - Land Use Plan of the current and adopted Official Plan (OP) with a portion subject to Hazardous Lands, on Schedule ‘B’ - Natural Heritage and Natural Hazards and Mineral Aggregate Resources on Schedule ‘C’ – Natural Resources in the current OP.

Section 2.1.16 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria. Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of ten years;*  
Records indicate that the dwelling has been in existence for more than ten years.
- b) *The lot with the surplus farm dwelling should be no larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*  
The proposed lot has an existing private sanitary sewage treatment and disposal system.
- c) *The lot with the surplus farm dwelling must meet the provisions of the Minimum Distance Separation I requirements;*  
The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner on the application.
- d) *The lot with the surplus farm dwelling must comply with the provisions of an appropriate ‘Rural Residential’ zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a variance is granted;*  
The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) *The retained agricultural lands must meet the Special Agricultural (A2) Zone provisions of the Zoning By-law unless the by-law is otherwise amended or a variance is granted;*  
The proposed retained parcel meets all A2 Zone provisions, pending a zoning amendment.
- f) *In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;*  
There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.
- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred.*

The owners have indicated the retained parcel will result in farm consolidation and will be operated with other farm parcels as one farming operation.

Section 2.1.17 states *additional residential dwelling units will be prohibited on retained agricultural parcels of land regardless of the change in property boundary or ownership. This restriction will be addressed by placing the retained lands into a Special Agricultural Zone prohibiting the construction of additional residential units.*

The proposed retained parcel will be rezoned to A2 which prohibits residential uses.

Section 2.1.18 states *a farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation within the Municipality of Dutton Dunwich or in an adjacent municipality.*

The owners have confirmed this in writing in their severance application.

Section 2.2 sets out that the goal is to protect areas with mineral aggregate resource potential.

Section 5.3.5 sets out that development or site alteration is not permitted in significant woodlands or adjacent to significant woodlands unless an Environmental Impact Statement has been completed which demonstrates there will be no negative impacts on the natural features or their ecological functions.

Section 4 set out that development and/or site alteration is not permitted in the Hazardous Lands without advice/approval from LTVCA.

**Comments:** The above-noted land division criteria can be complied with.

The proposed severed lot is within the Aggregate Resources Area and Hazardous Lands, however, no new development is proposed. It should be noted that the County of Elgin Natural Heritage Features and Areas do not appear on the Dutton Dunwich Official Plan.

The proposed severance application conforms to the intent of the Municipality of Dutton Dunwich OP.

#### Municipality of Dutton Dunwich Comprehensive Zoning By-law (ZBL)

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 6 with a portion subject to LTVCA Regulation Limit.

As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels. The severed parcel will be rezoned to a Special Rural Residential (RS) Zone to permit non-farm residential uses.

The retained parcel will be rezoned to a Special Agricultural (A2) Zone to allow the existing dwelling, however, it will not be allowed to be severed in the future, and any new dwellings will be prohibited.

**Comments:** The proposed severance application shall comply with the permitted uses and regulations set out in the ZBL.

**CONCLUSION:**

Administration recommends approval for the proposed severance application with the conditions noted in the resolution.

The resolution will then be forward to the Land Division Committee of the County of Elgin for consideration.

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP

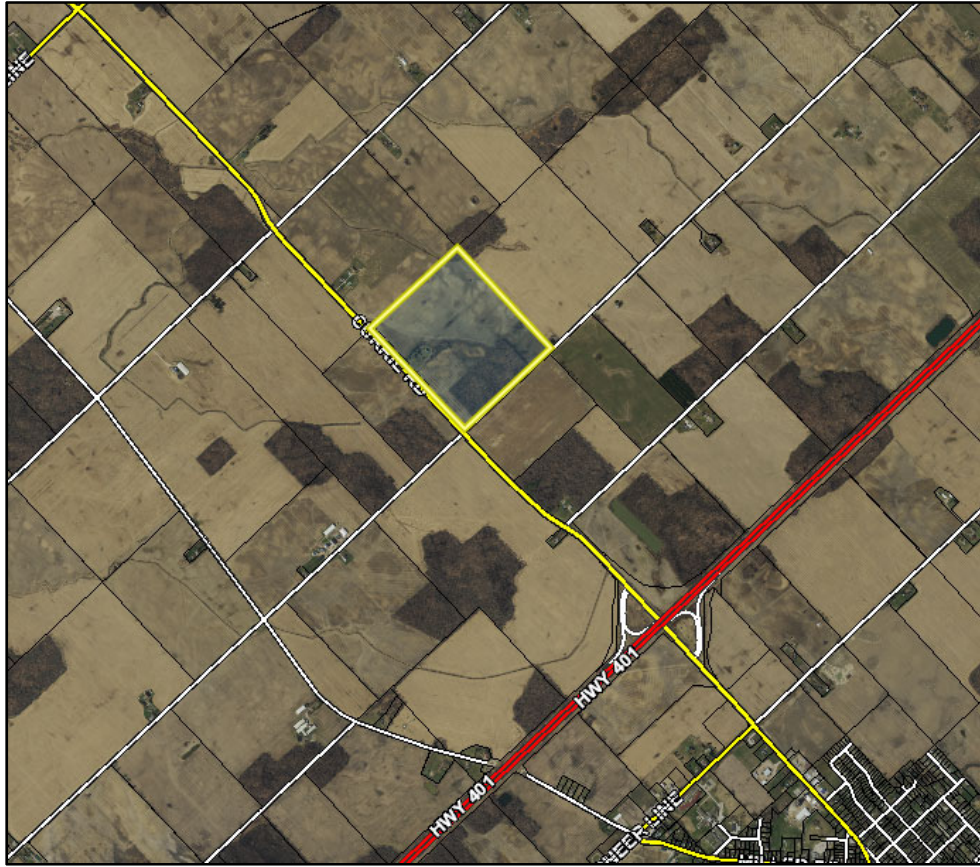
Planner

Approved for Submission

Heather Bouw

CAO/Clerk

## KEY MAP



[illegible]

## Tracey Pillon-Abbs

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**From:** Tim Hansen  
**Sent:** Thursday, July 08, 2021 8:22 AM  
**To:** Tracey Pillon-Abbs  
**Subject:** RE: E 61 21

Tracey

As shown on drawings this proposed severed parcel water service is fed off of Aberdeen line. There is no watermain that fronts this property so this water service needs to stay with the proposed severed portion. I see this is noted on the application request drawing requesting an easement for the water service so I am good with this severance application, Thanks

**Tim Hansen**  
**Water Operations Manager**  
**Mun. Dutton/Dunwich**  
[thansen@duttondunwich.on.ca](mailto:thansen@duttondunwich.on.ca)  
T- 519-762-2204  
C- 519-933-6483  
On Call- 519-762-2733

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**From:** Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>  
**Sent:** July 7, 2021 7:02 PM  
**To:** Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Dan Lundy <DLundy@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>  
**Subject:** E 61 21

Please see attached severance application for a surplus dwelling lot.

Would you please let me know if you have any comments or conditions ASAP, if possible?

Regards,

**Tracey Pillon-Abbs, MCIP, RPP**  
**Planner**



**199 Currie Road**  
**Dutton, Ontario N0L 1J0**  
**T 519.762.2204 F 519.762.2278**

MUNICIPAL APPRAISAL SHEET

Your assistance is requested by the Elgin County Land Division Committee in answering the questions below. Please complete and attached relevant excerpts from the appropriate Official Plan and Zoning By-Law. Should you have any questions, please call this office.

Submission E 61 21

Applicant Carl McLeod & Sons Ltd.

Location 12186 Currie Road

OFFICIAL PLAN

1. Is there an O.P. in effect?
- Yes (X )No ( )
2. Does the proposal conform with the O.P.?
- Yes (X )No ( )

Land Use Designation: The subject lands are designated “Agriculture” on Schedule ‘A’ - Land Use Plan of the current and adopted Official Plan (OP) with a portion subject to Hazardous Lands, on Schedule ‘B’ - Natural Heritage and Natural Hazards and Mineral Aggregate Resources on Schedule ‘C” – Natural Resources in the current OP.

Policies: Section 2.1.16 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria. The proposed severed lot is within the Aggregate Resources Area and Hazardous Lands, however, no new development is proposed. It should be noted that the County of Elgin Natural Heritage Features and Areas do not appear on the Dutton Dunwich Official Plan.

ZONING

3. Is there a By-Law in effect?
- Yes (X )No ( )
4. Does the proposal conform with all requirements of the By-Law?
- Yes ( )No (X )

Comments: As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels. The severed parcel will be rezoned to a Special Rural Residential (RS) Zone to permit non-farm residential uses. The retained parcel will be rezoned to a Special Agricultural (A2) Zone to allow the existing dwelling, however it will not be allowed to be severed in the future and any new dwellings will be prohibited.

5. If not, is the Municipality prepared to amend the By-Law?
- Yes (X )No ( )

OTHER

6. Does the Municipality foresee demand for new municipal services?
- Yes ( )No (X )
7. If so, is the Municipality prepared to provide those services?
- Yes ( )No (X )
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:
- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ( )
- (b) the dedication of highways ( )
- (c) the dedication of land for highway widening ( )
- (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ( )



Does the Municipality wish the Committee to impose conditions relating to the above? Please indicate. Yes (X) No ( )

9. Does Council recommend the application? Yes (X) No ( )

10. Does the municipality have other concerns that should be considered by the Committee?

Resolution to be forwarded.

**COUNTY OF ELGIN ROAD SYSTEM**

**DATE:** June 30, 2021 **ELGIN COUNTY ROAD NO.:** 8 - 12186 CURRIE ROAD

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**

**RE:**

**APPLICATION NO.:** E 61-21

**OWNER:** Carl McLeod and Sons Ltd.

**PROPERTY:** **LOT NO.** SOUTH HALF OF LOT 13 **CONCESSION:** 4

**REG'D PLAN:** \_\_\_\_\_ **MUNICIPALITY:** Dutton Dunwich

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 .....<br><i>[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centreline of construction of Currie Road County Road (8) 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.</i> | <div style="border: 1px solid black; width: 50px; height: 50px; text-align: center; line-height: 50px;">X</div> |
| 2) A one-foot reserve is required along the N _____,<br>S _____, E _____ and/or W _____ property line .....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 3) Drainage pipes and/or catchbasin(s) are required .....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 4) A Drainage Report is required under the Drainage Act * (By Professional Engineer).....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 5) A curb and gutter is required along the frontage .....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 6) Direct Connection to a legal outlet for the severed and retained lots 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.....  | <div style="border: 1px solid black; width: 50px; height: 40px;"></div>   |
| 7) Technical Reports .....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....   | <div style="border: 1px solid black; width: 50px; height: 40px; text-align: center; line-height: 40px;">X</div> |
| 9) Lot Grading Plan is required for the severed and retained lots.....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 10) The County has no concerns.....  | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 11) Not on County Road .....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 12) Please provide me with a copy of your action on this application .....   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |
| 13) Other...   | <div style="border: 1px solid black; width: 50px; height: 20px;"></div>   |

**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**



**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

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** Nancy Pasato, Manager of Planning  
**Date:** July 28, 2021  
**Application:** E 61-21

---

**Owner:**

**Carl McLeod and Sons Ltd.**

29281 Aberdeen Line, Dutton ON N0I 1J0

**Location:** 12186 Currie Road, legally described as CON 4; SOUTH HALF OF LOT 13,  
Municipality of Dutton Dunwich.

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 41.2 metres (135.17 feet) along Currie Road by a depth of 108 metres (354.33 feet) and an area of 0.4450 hectares (1.09 acres) containing one residence, with a detached garage, surplus to the needs of the owner. The owners are retaining 40.4 hectares (99.83 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**

Agricultural Areas

**Local Municipality Official  
Plan**

Large Lot Agricultural (A3) Zone

**Local Municipality  
Zoning By-law**

Agricultural (A1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Dutton Dunwich* - THAT the Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E61/21 for 12186 Currie Road, subject to the provided conditions.

*County Engineering* – no objections subject to the conditions related to road widening and entrance permits.

*Lower Thames Valley Conservation Authority* - in consultation with the Lower Thames Valley Conservation Authority, the Council of the Municipality of Dutton Dunwich waived the requirement for an Environmental Impact Assessment be conducted to the satisfaction of the Municipality for Severance Application E 61/21.

### Planning Act and Provincial Policy Statement

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

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for agricultural uses, agriculture-related uses, infrastructure, and a residence surplus to a farming operation as a result of farm consolidation, provided that:

- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The Applicant has indicated that the retained lands will maintain their current agricultural use. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.4450 hectares/1.09 acres) will contain an existing dwelling, a detached garage, and the existing partial servicing (publicly owned and operated piped water system and privately owned and operated individual septic tank).

### County of Elgin Official Plan

The subject site is within the Agricultural Area designation of the Elgin County Official Plan (OP). A portion of the subject site contains the Woodland overlay, as per Appendix 1, and the Aggregate overlay, as per Appendix C of the County OP. New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.

The Applicant has previously indicated that the retained lands (40.4 hectares/99.83 acres) will maintain their existing agricultural use. The proposed severance (0.4450 hectares/1.09 acres) is not taking away from existing farmland and the proposed severance is in keeping with the existing residence and yard, and is consistent with the Elgin County OP.

The portion of the subject site containing the Woodland overlay is remaining with the retained parcel and staff expect no concerns or issues related to the OP overlay. The portion of the lands containing the Aggregate overlay will maintain its current use and will be farmed.

### Local Municipality Official Plan and Zoning By-law

The subject lands are designated “Agriculture” on Schedule ‘A’ - Land Use Plan of the current and adopted Official Plan (OP) with a portion subject to Hazardous Lands, on Schedule ‘B’ - Natural Heritage and Natural Hazards and Mineral Aggregate Resources on Schedule ‘C’ – Natural Resources in the current OP.

Section 2.1.16 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the Agriculture designation subject to several criteria. The application demonstrates compliance with said land division criteria.

The proposed severed lot is within the Aggregate Resources Area and Hazardous Lands, however, no new development is proposed. It should be noted that the County of Elgin Natural Heritage Features and Areas do not appear on the Dutton Dunwich Official Plan. The proposed severance application conforms to the intent of the Municipality of Dutton Dunwich OP.

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2004-24, the subject lands are zoned Large Lot Agricultural (A3) Zone on Map 6 with a portion subject to LTVCA Regulation Limit.

As a condition of severance, a Zoning By-law Amendment is required to rezone the severed and retained parcels. The severed parcel will be rezoned to a Special Rural Residential (RS) Zone to permit non-farm residential uses.

The retained parcel will be rezoned to a Special Agricultural (A2) Zone to allow the existing dwelling, however, it will not be allowed to be severed in the future, and any new dwellings will be prohibited.

### RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation for surplus dwellings in agricultural areas. As such, planning staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. That the owner dedicate lands along the frontage of the severed and retained lots/parcel up to 15m from the centerline of construction of Currie Road County Road 8 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. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.
3. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
4. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed

It is recommended that the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent:

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
2. That septic system review for the severed parcel has been completed;
3. That Municipal drain re-apportionments have been completed;
4. 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;
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
6. That taxes are to be paid in full;
7. That all Dutton Dunwich planning fees, set out in the Fees By-law, be paid to the Municipality;
8. 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; and
9. That 911 addresses be established for the retained and severed parcels.

## **Proposed Changes to Minister's Regulations Under the Planning Act & Impacts on the Elgin County Land Division Committee**

**July 2021**

### **Legislative Background**

Bill 276 - the Supporting Recovery and Competitiveness Act, 2021, was introduced on April 15, 2021 and received Royal Assent on June 3, 2021. Once proclaimed, Schedule 24 to Bill 276 will make policy changes to the Planning Act related to control of the division of land (i.e. subdivision control, plans of subdivision, consents and validations), as well as other housekeeping or consequential changes.

The Environmental Registry of Ontario posted the proposed changes under ERO 019-3495. Comments were received from April 15, 2021 - May 25, 2021 (40 days).

Comments submitted were generally supportive of the proposed changes. The proposed changes were developed to help reduce red tape, speed up the land division process for the benefit of the public, and provide clarity and consistency across the province.

Specifically, the two measures that received the most support were:

1. ending automatic mergers resulting from the death of a joint tenant, and
2. the extension of the timeframe to fulfill the conditions of approval for a consent.

Submissions from agricultural and conservation authority stakeholders noted the importance of ensuring the proposed changes don't negatively impact planning policy objectives related to agricultural lands, natural heritage features and natural hazards. This is especially important in a municipality such as Elgin County where there are an abundance of natural features and agricultural lands.

### **Proposed Changes to Consents/Consent Applications**

The following outlines seven key changes to the consent application process that will impact Elgin County:

1. *Applicant* – Schedule 24 will allow the “purchaser” (or the purchaser’s agent) to apply for a consent.
  - May make surplus farm dwelling consent applications more transparent.
  - Updates to the application form will be required. (I.e. a section for purchaser’s information could be included, an indication of who the applicant is including the option for it to be the purchaser).
2. *Amendments to Applications* – permit applications to be amended prior to the hearing by the consent-granting authority.
  - The approval authority can impose conditions on the amended application.
  - Could potentially require re-circulation of notice if the amendments require.
3. *Public Meetings* – a regulation requiring a public meeting for a consent application can specify other requirements related to the public meeting. Additionally, after a notice of appeal is



received, the municipality or minister may be required to provide materials specified to the Tribunal.

- No implications for the Committee members. This is more directed at the Municipality/Secretary-Treasurer role.
  - Includes: specifying one or more purposes of the public meeting, such persons or entities who are entitled to make representations at the public meeting and any information required to be made available at the public meeting
4. *Time to Complete Conditions* - Increased from 1 year to 2
- Potential for less requests for extension and/or re-submissions of applications when conditions haven't been met.
  - Notices and information/guidelines will have to be updated accordingly.
5. *Consent Certificate (Retained Lands)* – a new tool will be introduced to allow a certificate to be issued in respect of the retained land resulting from a consent.
- This requirement would be subject to the applicant, as part of the application for a consent, providing a legal description for the retained land which can be registered.
  - Application form may have to be updated to reflect this or a new form specifically for this, when applicable, could be created.
  - Will this be required to form part of a 'complete application'?
  - A certificate will have to be developed for the proposed change.
6. *Certificate of Cancellation for Previously Conveyed Lands* - Allow owners, chargees (ex. mortgage holders), purchasers or their agents to apply to the municipality or the Minister for a certificate of cancellation in respect of land previously conveyed with a consent that, if approved and registered, would remove the application of specified exceptions from subdivision control in relation to the land (and thereby potentially merging the lots involved).
- Implications –
7. *Validation of Title* – O. Reg. 144/95 is proposed to be revoked
- A decision to issue a certificate of validation will be subject to the same criteria to a decision to grant a consent.
8. *Automatic Mergers* – a new clause 50(3) (a.1) will end automatic mergers resulting from the death of a joint tenant, when the whole parcel of land was owned by, or abutted land previously owned by, joint tenants, and the ownership would have otherwise merged.
- Ending automatic mergers resulting from the death of a joint tenant will reduce red tape and will result in less applications being submitted for consent as a result.

#### **Relevant Links:**

21-MMAH008 - Proposed complementary and consequential changes to Minister's regulations under the Planning Act

<https://www.ontariocanada.com/registry/view.do?postingId=38047&language=en>

Bill 276 (Schedule 24 is PA changes):

<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-276>

Environmental Registry of Ontario 019-3495:

<https://ero.ontario.ca/index.php/notice/019-3495>

O. Reg. 197/96: Consent Applications

<https://www.ontario.ca/laws/regulation/960197>

O. Reg. 144/95: Criteria – Validation of Title

<https://www.ontario.ca/laws/regulation/950144>