



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, January 26, 2022 9:00 A.M

- 1st Call to Order
- 2nd Election of Chair & Vice Chair
- 3rd Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 4th Adoption of Minutes
- 5th Business Arising Out of Minutes
- 6th Disclosure of Pecuniary Interest or the General Nature Thereof
- 7th Correspondence
- 8th Business Arising from Correspondence
- 9th New Business
- 10th Consent Applications
 - 9:20am E 50-21 W.D Bronz Ltd (Amended Decision) – 9222-9228 Alward St – Municipality of Bayham
 - 9:30am E 1-22 Wendy D'Angelo - 11789 Superior St – Township of Malahide
 - 9:40am E 2-22 Kurt & Nicole Benoit-Smith
62 Victoria St N – Town of Aylmer
 - 9:50am E 3-22 Pioneer Hay Sales Ltd - 35229 Line – Township of Southwold
 - 10:00am E 4-22 Charles Wickens, Kara Deshaw & Frederick Deshaw - 442C West Edith Cavell Blvd – Municipality of Central Elgin
- 11th Date of Next Meeting
- 12th Adjournment



VIRTUAL MEETING: IN-PERSON PARTICIPATION RESTRICTED

NOTE FOR MEMBERS OF THE PUBLIC:

Please click the link below to watch the Council Meeting:

<https://www.facebook.com/ElginCountyAdmin/>

Accessible formats available upon request.



Corporation of the County of Elgin

Land Division Committee

Minutes

December 15, 2021

County of Elgin Land Division Committee met this 15th day of December 2021. The meeting was held in a hybrid in-person/electronic format with Committee Members and staff participating as indicated below.

Committee Members Present (in-person):

Dugald Aldred
John Andrews
John R. “Ian” Fleck, Chairman
Rosemary Kennedy
Dennis O’Grady, Vice-Chairman
John Seldon
Jack Van Kasteren

Staff Present (in-person):

Julie Gonyou, CAO & Clerk / Land Division Committee Secretary-Treasurer
Brian Lima, General Manager of Engineering, Planning & Enterprise
Dawn Wittland-Graham, Recording Secretary

City of St. Thomas – Interim Planning Support:

Lou Pompili, Director of Planning and Building Services
Jim McCoomb, Manager of Planning Services
Kevin McClure, Planner

1. CALL TO ORDER

The meeting convened at 9:00 a.m. with John R “Ian” Fleck in the Chair.

2. ADOPTION OF MINUTES

Moved by: Rosemary Kennedy
Seconded by: Dugald Aldred

RESOLVED THAT the minutes of the meeting held on November 24, 2021 be adopted.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O’Grady	X		
Aylmer	Jack Van Kasteren	X		
Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
TOTAL		7	0	0

- Motion Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

4. INQUIRIES FROM LAND DIVISION COMMITTEE MEMBERS

General Manager of Engineering, Planning & Enterprise introduced St Thomas Planning staff who will provide interim support to the County of Elgin Land Division Committee while the County recruits for the vacant Manager of Planning position.

Jack Van Kasteren made an inquiry regarding whether enhanced communications to Elgin’s constituent municipalities is required. Chairman Fleck indicated that local planning staff are well-informed of the Committee’s activities and suggested that additional communication efforts are not required at this time.

5. APPLICATIONS FOR CONSENT:

Application E 87-21 – 9:20 a.m.

A. May Gifford CO Ken Gifford 37362 Lakeline, Port Stanley ON N5L 1J1

The applicants propose to sever a parcel with an area of 0.46 hectares (1.14 acres), to be conveyed to the adjacent property at 37362 Lakeline Road. The applicants are retaining a parcel with an area of 11.75 hectares (29.03 acres), containing a house and one storage barn, proposed to remain in residential use.

The applicants are also proposing to create an easement 9.15 metres (30.02 feet) wide and 135.7 metres (445.21 feet) long, over 37362 Lakeline Road, to recognize the existing shared access (common driveway), in favour of 37362, 37360 & 37358 Lakeline Road.

Chairman Fleck requested that the applicant’s agents and any interested parties

who wish to speak to this application introduce themselves to the Committee.

Agent: Laverne Kirkness was present electronically.

Owner: Ken Gifford was present in-person.

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Southwold Council	Recommends approval of application subject to the conditions provided
2	Kettle Creek Conservation Authority	No comments provided
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided
5	Other	n/a

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

Moved by: John Andrews

Seconded by: Dennis O'Grady

RESOLVED THAT severance application E87-21 be approved 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 a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.
4. That the severed lands are deeded in the same name and interest as the abutting lot at 37362 Lakeline Road and that Section 50 (3) of the Planning Act applies to any future consent affecting the same lands.

Additionally, 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 south, 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 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.
8. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
9. That the Applicant's Solicitor prepare an Easement Agreement between the severed parcel, retained parcel and owner of 37358 Lake Line (adjacent lands to the west) for the existing driveway and other services, to be registered on title at the Owner's sole cost and expense, to the satisfaction and clearance of the Municipality.
10. That prior to 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.

Recorded Vote – E87-21		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O'Grady	X		
Aylmer	Jack Van Kasteren	X		
Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
TOTAL		7	0	0

- Motion Carried.

Application E 89-21 – 9:30 a.m.

Community of Christ, 54246 Eden Line, Aylmer ON N5H 2R3

The applicants propose to sever a parcel with a frontage of 36.09 meters (118.41 feet) by a depth of 72.31 metres (237.23 feet) and an area of 0.3 hectares (0.71 acres) for future residential use, and retain a parcel with an area of 0.93 hectares (2.29 acres) proposed to remain in institutional use (place of worship).

Chairman Fleck requested that the applicant's agents and any interested parties who wish to speak to this application introduce themselves to the Committee

Agent: David Roe was present electronically

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Bayham Council	Recommends approval of application subject to the conditions provided
2	Long Point Conservation Authority	No comments provided
3	Elgin County Engineering Services	Subject to the provided conditions related to road widening, direct connection to a legal outlet, entrance permits and lot grading
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided
5	Other	n/a

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

Moved by: Jack Van Kasteren

Seconded by: John Seldon

RESOLVED THAT severance application E89-21 be approved 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 a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Eden Line County Road (44) 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;
5. 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;
6. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel. All costs associated with this shall be borne by the owner; and
7. A Lot Grading Plan is required for the severed lot.

Additionally, the following conditions from the Municipality of Bayham be included as conditions for consent:

1. Installation of a private well on the severed lot 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. Rezoning the severed lot from Institutional (I) Zone to Hamlet Residential (HR) Zone to permit residential development/use;
3. Cash-in-lieu of Parkland Fee for severed lot payable to the municipality.
4. Municipal lot assessment for soil evaluation (septic);
5. Confirmation of the actual location of the existing septic bed to confirm suitable setback from the lot line Parcel "B";
6. Digital copy of the final survey provided to the municipality;
7. Purchase civic number signage for the severed lot;
8. Planning Report fee payable to the municipality;
9. Engineered drainage plan for the severed and retained lands; and
10. Confirmation of suitability of access to County Rd 44 (Eden Line).

Recorded Vote – E89-21		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O'Grady	X		
Aylmer	Jack Van Kasteren	X		

Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
TOTAL		7	0	0

- Motion Carried.

Application E 90-21 – 9:30 a.m.

Community of Christ, 54246 Eden Line, Aylmer ON N5H 2R3

The applicants propose to sever a parcel with a frontage of 40.22 meters (131.95 feet) by a depth of 72.62 metres (238.25 feet) and an area of 0.3 hectares (0.71 acres) for future residential use, and retain a parcel with an area of 0.6 hectares (1.5 acres) proposed to remain in institutional use (place of worship).

Chairman Fleck requested that the applicant's agents and any interested parties who wish to speak to this application introduce themselves to the Committee.

Agent: David Roe was present electronically

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Bayham Council	Recommends approval of application subject to the conditions provided
2	Long Point Conservation Authority	No comments provided
3	Elgin County Engineering Services	The County has no objections, subject to the provided conditions related to road widening and entrance permits.
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided
5	Other	n/a

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

Moved by: John Seldon

Seconded by: Rosemary Kennedy

RESOLVED THAT severance application E90-21 be approved 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 a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Eden Line County Road (44) and Culloden Road County Road (46) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner;
5. 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;
6. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel. All costs associated with this shall be borne by the owner; and
7. A Lot Grading Plan is required for the severed lot.

Additionally, the following conditions from the Municipality of Bayham be included as conditions for consent:

1. Installation of a private well on the severed lot 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. Rezoning the severed lot from Institutional (I) Zone to Hamlet Residential (HR) Zone to permit residential development/use;
3. Cash-in-lieu of Parkland Fee for severed lot payable to the municipality.
4. Municipal lot assessment for soil evaluation (septic);
5. Confirmation of the actual location of the existing septic bed to confirm suitable setback from the lot line Parcel "B";
6. Digital copy of the final survey provided to the municipality;
7. Purchase civic number signage for the severed lot;
8. Planning Report fee payable to the municipality;
9. Engineered drainage plan for the severed and retained lands; and
10. Confirmation of suitability of access to County Rd 44 (Eden Line).

Recorded Vote – E 90-21		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O’Grady	X		
Aylmer	Jack Van Kasteren	X		

Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
TOTAL		7	0	0

- Motion Carried.

Application E 91-21 – 9:40 a.m.

Argyle Farms Brookwood Inc & Argyle Hills Inc, 29963 Silver Clay Line, Dutton, ON N0L 1J0

The applicants propose to sever a parcel with a frontage of 56 metres (183.73 feet) along Silver Clay Line by a depth of 80 metres (262.47 feet) and an area of 0.44 hectares (1.1 acres) containing one residence and two sheds, surplus to the needs of the owner. The applicants are retaining 42.3 hectares (104.5 acres), proposed to remain in agricultural use.

Chairman Fleck requested that the applicant's agents and any interested parties who wish to speak to this application introduce themselves to the Committee.

Agent: Dan McKillop was present electronically

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich Council	Recommends approval of application subject to the conditions provided
2	Lower Thames Valley Conservation Authority	Staff have no objections to the application as submitted
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided
5	Other	n/a

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

Moved by: John Andrews
Seconded by: Dugald Aldred

RESOLVED THAT severance application E91-21 be approved 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 a copy of registered deed for the severed parcel once completed; and
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.

Additionally, 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 a 911 sign be established for the severed and retained parcels;
8. That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality;
9. That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official; 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.

Recorded Vote – E 91-21		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O'Grady	X		
Aylmer	Jack Van Kasteren	X		
Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
TOTAL		7	0	0

- Motion Carried.

Applications E 92-21 – 9:50 a.m.

Rockx Farms Limited, 163663 Brownsville Road, Brownsville ON N0L 1C0

The applicants propose to sever a parcel with a frontage of 43 metres (183.73 feet) along Lyons Line by a depth of 67 metres (262.47 feet) and an area of 0.29 hectares (0.71 acres) containing one residence, surplus to the needs of the owner. The applicants are retaining 38.31 hectares (94.67 acres), proposed to remain in agricultural use.

Chairman Fleck requested that the applicant's agents and any interested parties who wish to speak to this application introduce themselves to the Committee.

Agent: Ryan Verhoog was present electronically

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide Council	Recommends approval of application subject to the conditions provided
2	Catfish Creek Conservation Authority	Staff have no objections to the application as submitted
3	Elgin County Engineering Services	Subject to the provided conditions related to road widening and entrance permit.
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided
5	Other	n/a

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

Moved by: John Andrews

Seconded by: Rosemary Kennedy

RESOLVED THAT severance application E92-21 be approved 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 a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Lyons Line County Road (48) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner; and
5. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

Additionally, the following conditions from the Township of Malahide be included as conditions for consent:

1. That a Zoning By-law Amendment is in force and effect for the severed and 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 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.
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. 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.
9. That the applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment 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.

Recorded Vote – E 91-21		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O’Grady	X		
Aylmer	Jack VanKasteren	X		
Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
TOTAL		7	0	0

- Motion Carried.

6. ADJOURNMENT

The Committee adjourned at 10:05 a.m. to meet again on January 26, 2022 at 9:00 a.m.

Julie Gonyou, Secretary-Treasurer

John “Ian” Fleck, Chairman



Application #E 50-21

January 26, 2022

AMENDED DECISION

In the matter of an application for a consent pursuant to Section 53 (1) of the Planning Act, R.S.O. 1990, as amended, as it affects the following property:

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

The applicant proposes to sever a lot, containing an existing semi-detached dwelling, with **a revised area of 814.8 square metres (0.20 acres) and retain a lot with a revised area of 879.1 square metres (0.217 acres)**, each proposed to be used for existing residential use (one unit of a semi-detached dwelling for each the severed and retained lots).

Original Decision: July 30, 2021

Amended Decision: January 26, 2022

Consent requested by: W.D. Bronz Ltd

Consent granted to: W.D. Bronz Ltd.

DECISION: The Elgin County Land Division Committee considered all written and oral submissions received on this application, the effect of which helped the committee to make an informed decision.

Conditions: This Decision will expire unless a deed is presented for stamping by: **July 28, 2022.**

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

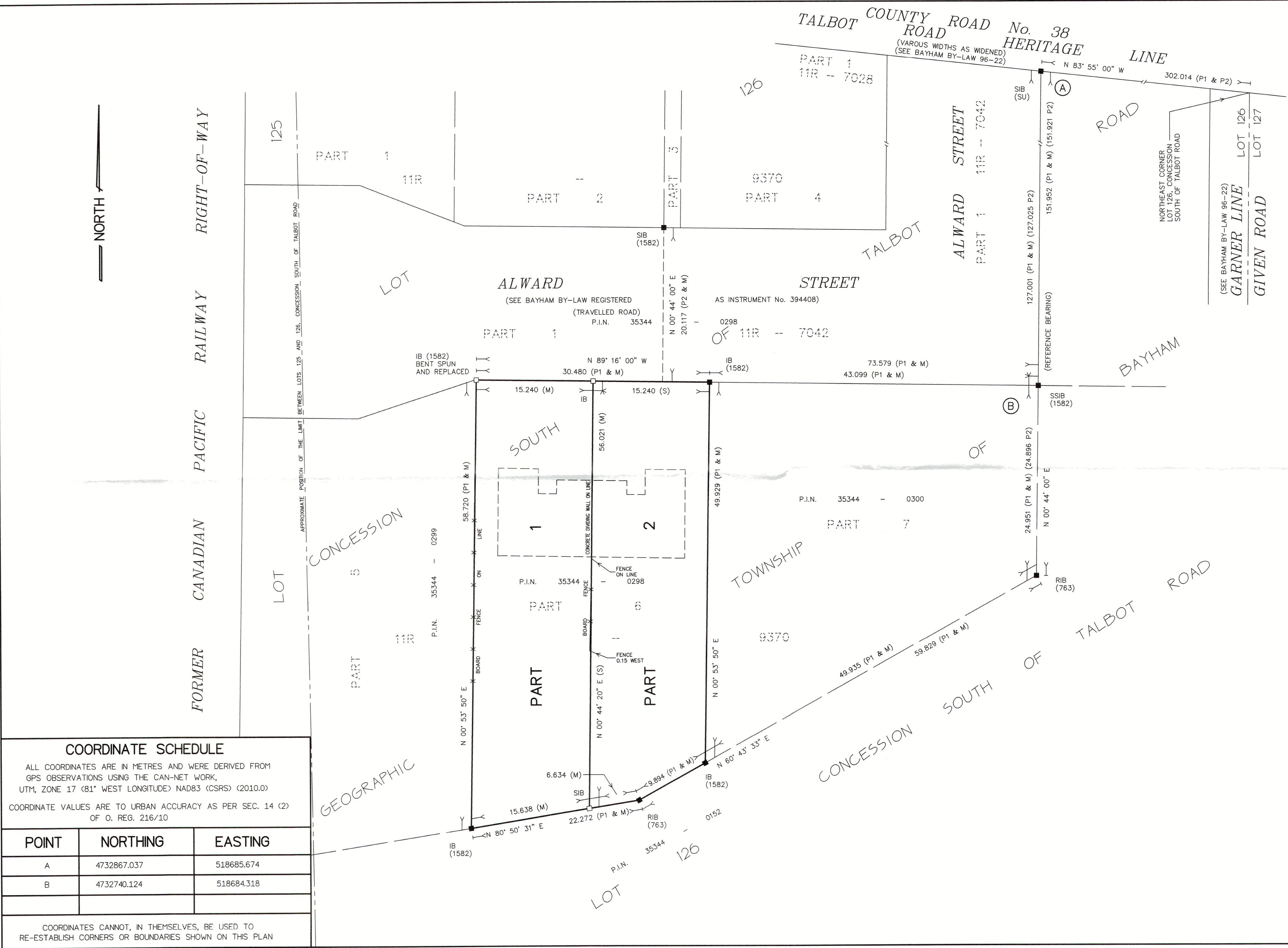
1. Digital Copy of the final survey;
2. Planning report fee payable to the municipality;
3. Cash in Lieu of parkland dedication fee payable to the Municipality;
4. Rezoning of both the retained and severed parcel to permit a reduced minimum lot area and reduced minimum lot frontage;
5. Provide confirmation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

That the requirements of the County of Elgin and the Land Division Committee are met, including the following:

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.

Reasons: Creation of a new lot.

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



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

DATE **NOVEMBER 15, 2021**

KIM S. HUSTED O.L.S.

PLAN 11R-

RECEIVED AND DEPOSITED

DATE _____

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

PART SCHEDULE				
PART	LOT	CON	P.I.N.	AREA
1	PART OF 126	SOUTH OF TALBOT ROAD	PART OF 35344-0298	879.1 SQ. METRES
2	PART OF 126	SOUTH OF TALBOT ROAD	PART OF 35344-0298	814.8 SQ. METRES

PARTS 1 AND 2 COMPRISE ALL OF P.I.N. 35344-0298

PLAN OF SURVEY OF
PART OF LOT 126
CONCESSION SOUTH OF TALBOT ROAD
GEOGRAPHIC TOWNSHIP OF BAYHAM
MUNICIPALITY OF BAYHAM
COUNTY OF ELGIN

SCALE 1:300

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

KIM HUSTED SURVEYING LTD.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

(1) - THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM

(2) - THIS SURVEY WAS COMPLETED ON THE 8th DAY OF OCTOBER, 2021

NOVEMBER 15, 2021

DATE _____

KIM S. HUSTED
ONTARIO LAND SURVEYOR

NOTES

(1) - BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF ALWARD STREET AS SHOWN ON DEPOSITED PLAN 11R-9370 HAVING A BEARING OF N 00° 44' 00" E

(2) - TO CONVERT BEARINGS SHOWN ON THIS PLAN TO GRID BEARINGS
- SUBTRACT 00° 07' 16" FROM THE NORTHEAST BEARINGS
- ADD 00° 07' 16" TO THE NORTHWEST BEARINGS

(3) - DISTANCES SHOWN ON THIS PLAN ARE METRIC GROUND DISTANCES AND CAN BE CONVERTED TO METRIC GRID DISTANCES BY MULTIPLYING BY 0.99936221

LEGEND		
■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
RIB	DENOTES	ROUND IRON BAR
(WIT.)	DENOTES	WITNESS
(763)	DENOTES	R.L. LEMON, O.L.S.
(1582)	DENOTES	KIM HUSTED SURVEYING LTD.
(SU)	DENOTES	SOURCE UNKNOWN
(P1)	DENOTES	DEPOSITED PLAN 11R-9370
(P2)	DENOTES	DEPOSITED PLAN 11R-7042
(M)	DENOTES	MEASURED
(S)	DENOTES	SET
P.I.N.	DENOTES	PROPERTY IDENTIFIER NUMBER

KIM HUSTED SURVEYING LTD.
ONTARIO LAND SURVEYOR
30 HARVEY STREET, TILLSONBURG ONTARIO, N4G 3J8
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 18-14285 REFERENCE: FF8

DISK No. 646 DWG. WLP CKD. JGD

COORDINATE SCHEDULE		
ALL COORDINATES ARE IN METRES AND WERE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET WORK, UTM, ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0)		
COORDINATE VALUES ARE TO URBAN ACCURACY AS PER SEC. 14 (2) OF O. REG. 216/10		
POINT	NORTHING	EASTING
A	4732867.037	518685.674
B	4732740.124	518684.318
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN		



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 1-22**

**LOTS 105-110,
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 11789 SUPERIOR STREET**

TAKE NOTICE that an application has been made by Wendy D'Angelo, 11789 Superior St. Springfield ON N0L 2J0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11789 Superior St, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 60.38 metres (198.10 feet) along Superior Street by a depth of 24.14 metres (79.20 feet) and an area of 0.14 hectares (.35 acres) for future residential use. The applicants are retaining 0.13 hectares (.32 acres), proposed 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 JANUARY 26, 2022 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.

DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT blima@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.

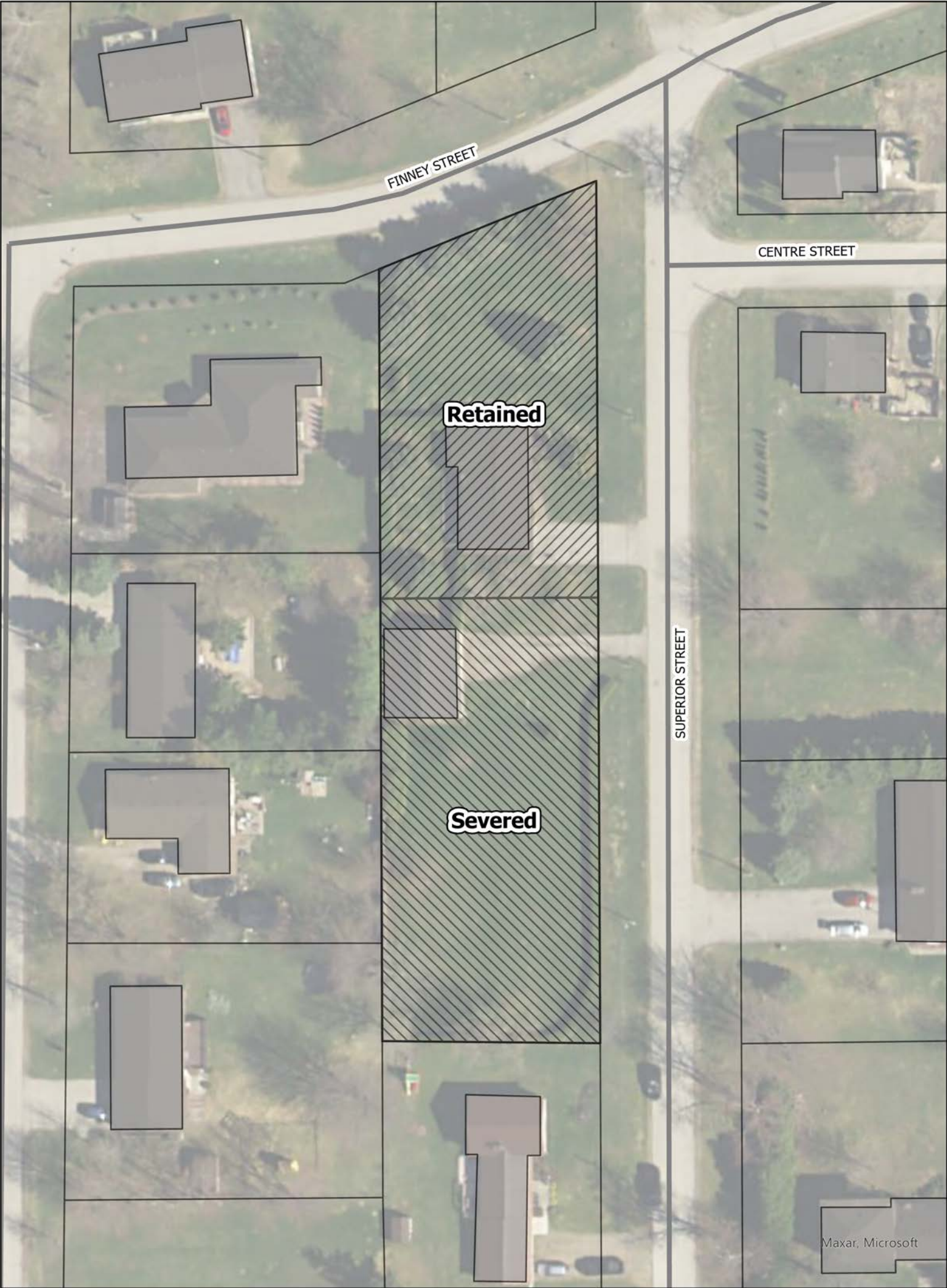
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 Ontario Land Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 23rd day of December, 2021.

Brian Lima
For the Acting Secretary-Treasurer
Land Division Committee

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



Location Map

Subject Site: 11789 Superior Street
File Number: E 1-2022
Owner: Wendy D'Angelo
Planner: Unknown
Created By: TE
Date: 12/16/2021

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



Legend



Subject Site



Severed



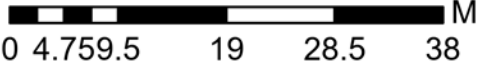
Retained



Elgin Road Network



Buildings



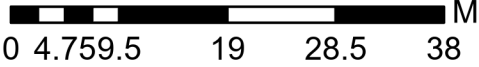


Location Map

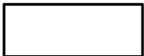


Subject Site: 11789 Superior Street
File Number: E 1-2022
Owner: Wendy D'Angelo
Planner: Unknown
Created By: TE
Date: 12/16/2021

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



Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

From: [Tony Difazio](#)
To: [Dawn Wittland-Graham](#)
Subject: RE: E 1-22 & E 2-22 - Notice of Application
Date: January 17, 2022 10:14:06 AM

This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Dawn,

We (CCCA) have no concerns with the above noted applications.

Regards,

Tony Difazio
Resource Planning Coordinator

-----Original Message-----

From: Dawn Wittland-Graham <dwittlandgraham@ELGIN.ca>
Sent: January 10, 2022 3:09 PM
To: Tony Difazio <planning@catfishcreek.ca>
Subject: E 1-22 & E 2-22 - Notice of Application

Good afternoon,

Please find attached the Notice of Application for file number E 1-22 & E 2-22 for the Elgin County Land Division Committee meeting being held on January 26, 2022.

If you wish to provide comments on this application please submit them to Brian Lima (blima@elgin.ca), Acting for the Secretary-Treasurer by Tuesday, January 18, 2022 to be included in the agenda package and considered by the Land Division Committee.

My apologies on sending this later than normal. The Applicants and neighbouring properties mailings went out in the December 23, 2021.

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

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 <<https://www.elgincounty.ca>> for daily updates.

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 10, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 1-22

OWNER: Wendy D'Angelo

PROPERTY: LOT NO. 105-110 CONCESSION:

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 lot/parcel up to m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of ways 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 parcels. 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: City of St. Thomas Planning Department
Date: January 18, 2022
Application: E 1-22

Owner:
Wendy D'Angelo
11789 Superior Street
Springfield ON N0L 2J0

Agent:
Zelinka Priamo Ltd. (c/o Matt Campbell)
318 Wellington Road
London ON N6C 4P4

Location: 11789 Superior Street, legally described Lots 105 – 110, Registered Plan No. 78, Village of Springfield, Geographic Township of Malahide.

PROPOSAL

The applicant is seeking to create two parcels of land. The severed parcel is proposed to have a frontage of 60.38 metres (198.10 feet) along Superior Street, a depth of 24.14 metres (79.20 feet) and an area of 0.14 hectares (0.35 acres). The retained lands would have 25.7 metres of frontage on to Finney Street and would be approximately 0.13 hectares (0.32 acres).

**County of Elgin Official
Plan**
Tier 2 Settlement Area
(Springfield)

**Local Municipality Official
Plan**
Residential

**Local Municipality Zoning
By-law**
Village Residential One
(VR1) Zone

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – No comments received.

County Engineering – No comments received.

Planning Act

In considering this application, staff must have regard to matters of subdivision control through Section 50 and 53 of the Planning Act (PA).

Through the review of the application, it was noted by Staff that the property is comprised of full lots in a registered plan of subdivision (Lots 105-110, Registered Plan No. 78). If the

parcels of land are legally conveyable lots, there are questions as to whether the applicant would be able to achieve what they are intending to accomplish through the consent granting process or whether a deeming by-law would be required first to recognize that those lots are not part of a registered plan.

To determine the legal status of these types of lots, it has been general practice for Staff to request a legal opinion letter by the applicant. Based on the interpretation of their solicitor, Staff can determine the appropriate legislative tool to advance a land use planning application.

Staff has contacted the applicant's agent to discuss the concern and they were amenable to having the matter deferred until such time that they were able to obtain a legal opinion.

RECOMMENDATION:

Until such time that a legal opinion letter is obtained that provides an interpretation on the status of Lots 105 – 110 in Registered Plan No. 78, it is the recommendation of Staff that application E 1-22 be deferred to ensure that the Land Division Committee is able to invoke its consent granting authority on this application through the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 2-22**

**PART LOTS 11 & 12,
TOWN OF AYLMER
MUNICIPAL ADDRESS: 62 VICTORIA STREET N**

TAKE NOTICE that an application has been made by Kurt & Nicole Benoit-Smith, 62 Victoria St. N, Aylmer ON N5H 1W9 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 62 Victoria St N, Town of Aylmer.

The applicants propose to sever a parcel with a frontage of 18 metres (59.06 feet) along Victoria Street by a depth of 20.3 metres (66.60 feet) and an area of 0.036 hectares (.09 acres) for future residential use. The applicants are retaining 0.045 hectares (.11 acres), proposed 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:

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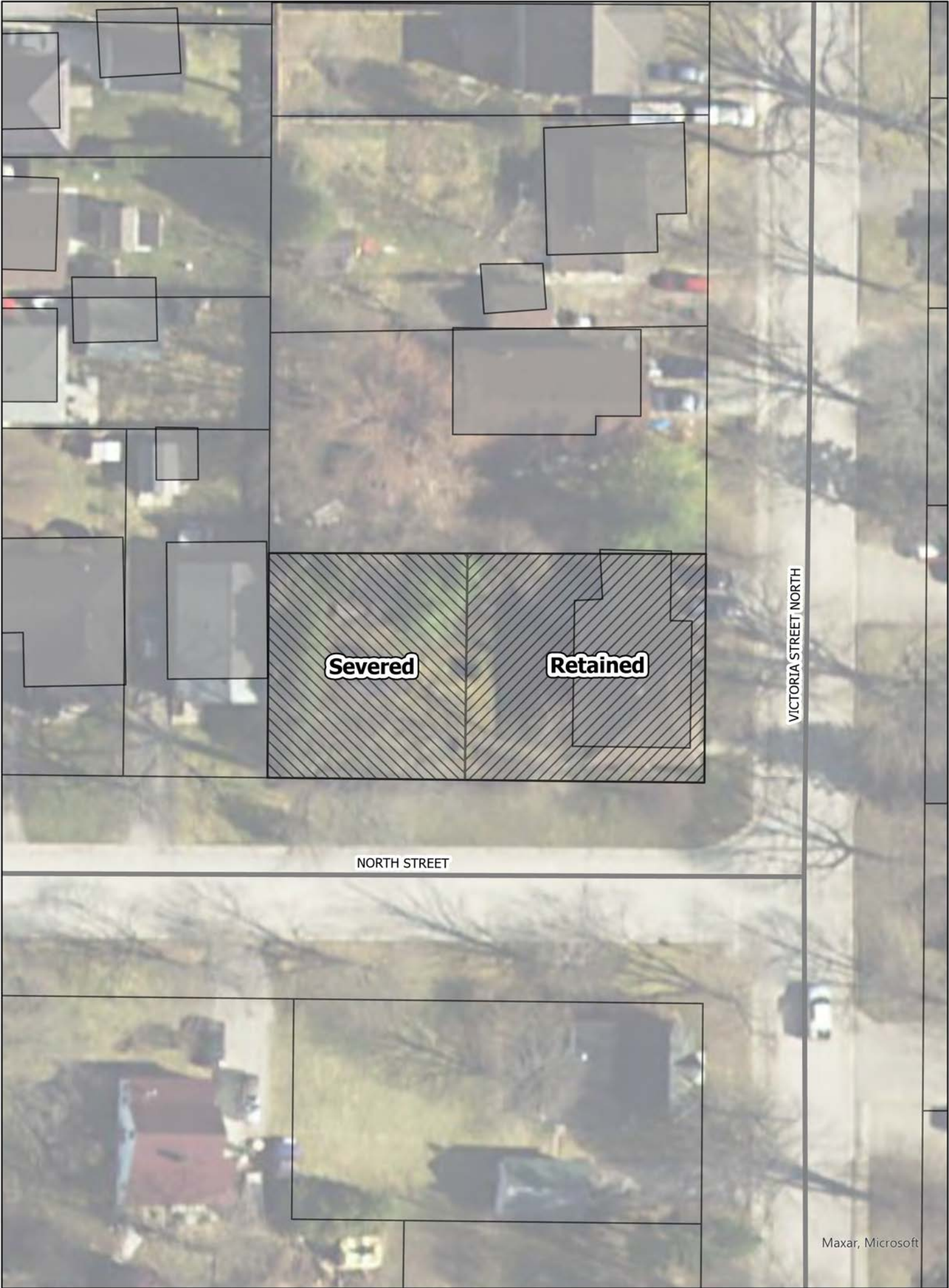
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Dated at the Municipality of Central Elgin this 23rd day of December, 2021.

Brian Lima
For the Acting Secretary-Treasurer
Land Division Committee

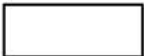
**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



Legend



Subject Site



Severed



Retained



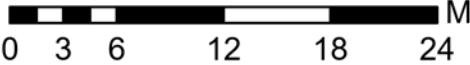
Elgin Road Network



Buildings

Subject Site: 62 Victoria Street
File Number: E 2-2022
Owner: Kurt Smith and Nicole Benoit-Smith
Planner: Unknown
Created By: TE
Date: 12/16/2021






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





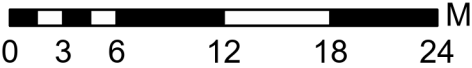
Location Map



- Legend
-  Subject Site
 -  Severed
 -  Retained
 -  Elgin Road Network
 -  Buildings

Subject Site: 62 Victoria Street
File Number: E 2-2022
Owner: Kurt Smith and Nicole Benoit-Smith
Planner: Unknown
Created By: TE
Date: 12/16/2021

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



Town of Aylmer

Report PLAN 02-22



Report Title:	Planning Evaluation Report: Application for Consent to Sever No. E2-22 – 62 Victoria St. N. (Smith)
Submitted for:	Council – January 12, 2022
Report Author:	Christie Kent, Manager of Planning and Development
<input type="checkbox"/> Receive for Information	<input checked="" type="checkbox"/> Recommendation

Recommendation:

That Report PLAN 02-22, entitled **Planning Evaluation Report: Application for Consent to Sever No. E2-22 – 62 Victoria St. N. (Smith)**, be received for information; and,

That the **Application for Consent to Sever No. E2-22** relating to the property located at **Part of Lots 11 and 12 N/S North, W/S Victoria, Plan 164**, and known municipally as **62 Victoria Street North**, be supported with recommended conditions 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 an application for consent to sever submitted by Kurt Smith and Nicole Benoit-Smith, pertaining to the lands known municipally as 62 Victoria Street North. The purpose and effect of the subject application is to sever one new residential lot with frontage along North Street from the existing property.

The Elgin County Land Division Committee has scheduled a Public Hearing for this application to be considered on January 26, 2022.

Analysis:

The subject lands comprise an area of approximately 825 m² (0.20 ac) and contain an existing single detached dwelling and accessory building. Application E2-22 proposes to split the existing lot to create one new residential lot.

In order to facilitate the proposed severance, relief from the provisions of the Town's Zoning By-law will be required.

County of Elgin Official Plan

The Town of Aylmer is designated as a 'Tier 1' Settlement Area within the County's Official Plan. The intent of the settlement areas designation is to function as the center for a range of uses and opportunities, and where the majority of expected population growth shall occur.

Town of Aylmer Official Plan

The subject lands are located within the 'Low Density Residential' land use designation of the Town's Official Plan. The intent of this land use designation is to support the development of single detached, semi-detached, duplex, converted dwelling types. Section 5.1.2 of the Town's Official Plan provides policy direction for land severances and includes evaluation criteria.

Town of Aylmer Zoning By-law 57-99

The subject lands are zoned Residential Type 1B (R1B) Zone within the Town's Zoning By-law.

The Zone Requirements for the R1B Zone are as follows:

R1B Zone Requirements		Proposed Lot to be Severed	Proposed Lot to be Retained
Min. Lot Area	500 m ²	~366 m ² (0.09 ac)	~458 m ² (0.11 ac)
Min. Lot Frontage	18.0 m	~18.0 m (North St.)	~21 m (Victoria N.)
Front Yard Depth	7.0 m	7.0 m	0.3 m (Existing)
Rear Yard Depth	7.5 m	7.5 m	10.9 m (Proposed)

The proposed lot to be severed and the proposed lot to be retained do not meet the minimum lot area provisions of the Zoning By-law. Relief from these provisions achieved through an Application for Minor Variance, would be required to facilitate the severance, and as such, support is recommended to be conditional on successful completion of said application.

Attachment

Location Map – Application for Consent to Sever E2-22 (Smith)

Recommendation

Planning staff has reviewed the applications 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, in addition to the following recommended conditions of approval:

1. That the applicants initiate and assume all planning costs associated with the required Application for Minor Variance, with such cost to be paid in full

- to the Town of Aylmer and that the required process be successfully completed prior to the condition being deemed fulfilled.
2. The applicants provide confirmation of the location of any existing overhead or underground services installed to the 'lot to be retained'. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the applicants, to the satisfaction of the Town of Aylmer.
 3. That the 'lot to be severed' be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the applicants, to the satisfaction of the Town of Aylmer.
 4. That a draft reference plan, illustrating the 'lot to be severed' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E2-22, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
 5. That municipal addressing be assigned to the 'lot to be severed' by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
 6. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
 7. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

Respectfully submitted,
Christie Kent RPP
Manager of Planning and Development

<input type="checkbox"/> Reviewed by Josh Brick, Director of Corporate/ Legislative Services
--

<input type="checkbox"/> Reviewed by Andy Grozelle, Chief Administrative Officer
--

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 E2-22

Applicants Kurtis Smith and Nicole Benoit-Smith

Location 62 Victoria Street North

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: Low Density Residential
Policies: Land Severances: 5.1.2

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:
Property is zoned Residential Type 1B Zone. The proposed lot to be severed and lot to be retained do not meet the minimum requirements for lot area.

5. If not, is the Municipality prepared to amend the By-Law?

Yes (X)

No ()
- An application for minor variance is required and will be supported by Town Administration.

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?
At the expense of the applicants

Yes (X)

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

Yes (X)

No ()
1. That the applicants initiate and assume all planning costs associated with the required Application for Minor Variance, with such cost to be paid in full to the Town of Aylmer and that the required process be successfully completed prior to the condition being deemed fulfilled.

2. The applicants provide confirmation of the location of any existing overhead or underground services installed to the 'lot to be retained'. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the applicants, to the satisfaction of the Town of Aylmer.

3. That the 'lot to be severed' be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, borne by the applicants, to the satisfaction of the Town of Aylmer.

4. That a draft reference plan, illustrating the 'lot to be severed' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E2-22, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.

5. That municipal addressing be assigned to the 'lot to be severed' by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.

6. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.

7. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

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

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

Council Resolution

January 12, 2022

From: [Tony Difazio](#)
To: [Dawn Wittland-Graham](#)
Subject: RE: E 1-22 & E 2-22 - Notice of Application
Date: January 17, 2022 10:14:06 AM

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Hi Dawn,

We (CCCA) have no concerns with the above noted applications.

Regards,

Tony Difazio
Resource Planning Coordinator

-----Original Message-----

From: Dawn Wittland-Graham <dwittlandgraham@ELGIN.ca>
Sent: January 10, 2022 3:09 PM
To: Tony Difazio <planning@catfishcreek.ca>
Subject: E 1-22 & E 2-22 - Notice of Application

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My apologies on sending this later than normal. The Applicants and neighbouring properties mailings went out in the December 23, 2021.

Thank you,
Dawn Wittland-Graham
Administrative Assistant
Engineering & Planning Services

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COUNTY OF ELGIN ROAD SYSTEM

DATE: January 10, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 2-22

OWNER: Kurt & Nicole Benoit-Smith

PROPERTY: LOT NO. 11 & 12 CONCESSION:

REG'D PLAN: MUNICIPALITY: Aylmer

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of ways 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
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- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. 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: St. Thomas Planning & Building Service, on behalf of Engineering & Planning
Department, County of Elgin
Date: January 18, 2022
Application: E 2-22

Owner:
Kurt & Nicole Benoit-Smith
62 Victoria Street N, Aylmer ON N5H 2R3

Location: 62 Victoria Street N., Part of Lots 11 & 12 N/S NORTH, W/S VICTORIA. PLAN
164, TOWN OF AYLMEER

PROPOSAL

The applicants propose to sever a parcel with a frontage of 18 meters (59.06 feet) along Victoria Street N., by a depth of 20.3 metres (66.60 feet) and an area of 0.036 hectares (0.09 acres) for future residential use. The applicants are retaining 0.045 hectares (0.11 acres) proposed to remain in residential use.

**County of Elgin Official
Plan**

Settlement Area Tier 1

**Local Municipality Official
Plan**

Low Density Residential

**Local Municipality Zoning
By-law**

Residential Type 1B (R1B)

REVIEW & ANALYSIS:

Public and Agency Comments

Town of Aylmer – Planning staff has reviewed the applications 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, in addition to the following recommended conditions of approval:

County Engineering – Property is not located on a County Road.

Catfish Creek Conservation Authority (CCCA) – We (CCCA) have no concerns with the above noted applications.

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 residential use on the retained lands 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 in the Elgin County Official Plan (OP). The first tier includes those settlement areas where the intent of the designation is to function as the center for a range of uses and opportunities, and where most of the expected population growth shall occur.

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 are undersized and will require a future Planning Act application to address minimum lot area regulations in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. 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 lands are designated "Low Density Residential" on Schedule 'A1' Land Use, of the Town of Aylmer Official Plan. The lands are zoned Residential Type 1 (R1B) within the Town's Zoning By-law.

The created lots are slightly deficient in lot area and will require relief to the Zoning By-law by way of a Minor Variance.

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 a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;

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

1. That the applicants initiate and assume all planning costs associated with the required Application for Minor Variance, with such cost to be paid in full to the Town of Aylmer and that the required process be successfully completed prior to the condition being deemed fulfilled;
2. The applicants provide confirmation of the location of any existing overhead or underground services installed to the 'lot to be retained'. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the applicants, to the satisfaction of the Town of Aylmer;
3. That the 'lot to be severed' be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the applicants, to the satisfaction of the Town of Aylmer.
4. That a draft reference plan, illustrating the 'lot to be severed' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E 2-22, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office;
5. That municipal addressing be assigned to the 'lot to be severed' by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County;
6. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer;
7. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with;



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 3-22**

**LOT 9, CONCESSION 3
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 35229 THIRD LINE**

TAKE NOTICE that an application has been made by Pioneer Hay Sales Ltd 29013 Pioneer Line, Dutton ON N0L 1J0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 35229 Third Line, Township of Southwold.

The applicants propose to sever a parcel with a frontage of 57 metres (187 feet) along Third Line by a depth of 398 metres (1305.77 feet) and an area of 2.6 hectares (6.42 acres) containing a residence and 4 additional buildings, for residential use. The applicants are retaining 34.6 hectares (85.5 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 JANUARY 26, 2022 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 blima@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 Ontario Land 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 Ontario Land Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 23rd day of December, 2021.

Brian Lima
For the Acting Secretary-Treasurer
Land Division Committee

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



Location Map



Legend



Subject Site



Severed



Retained



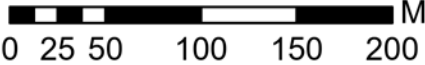
Elgin Road Network

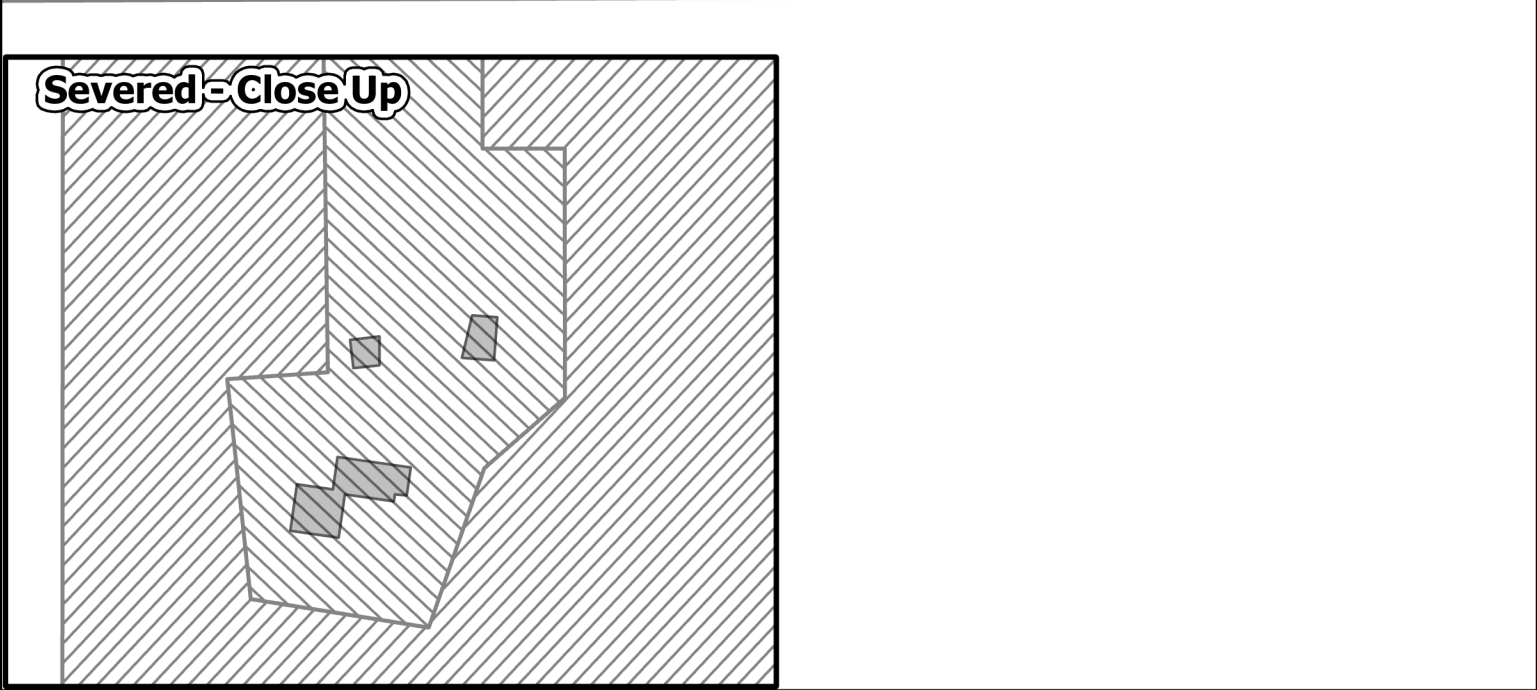
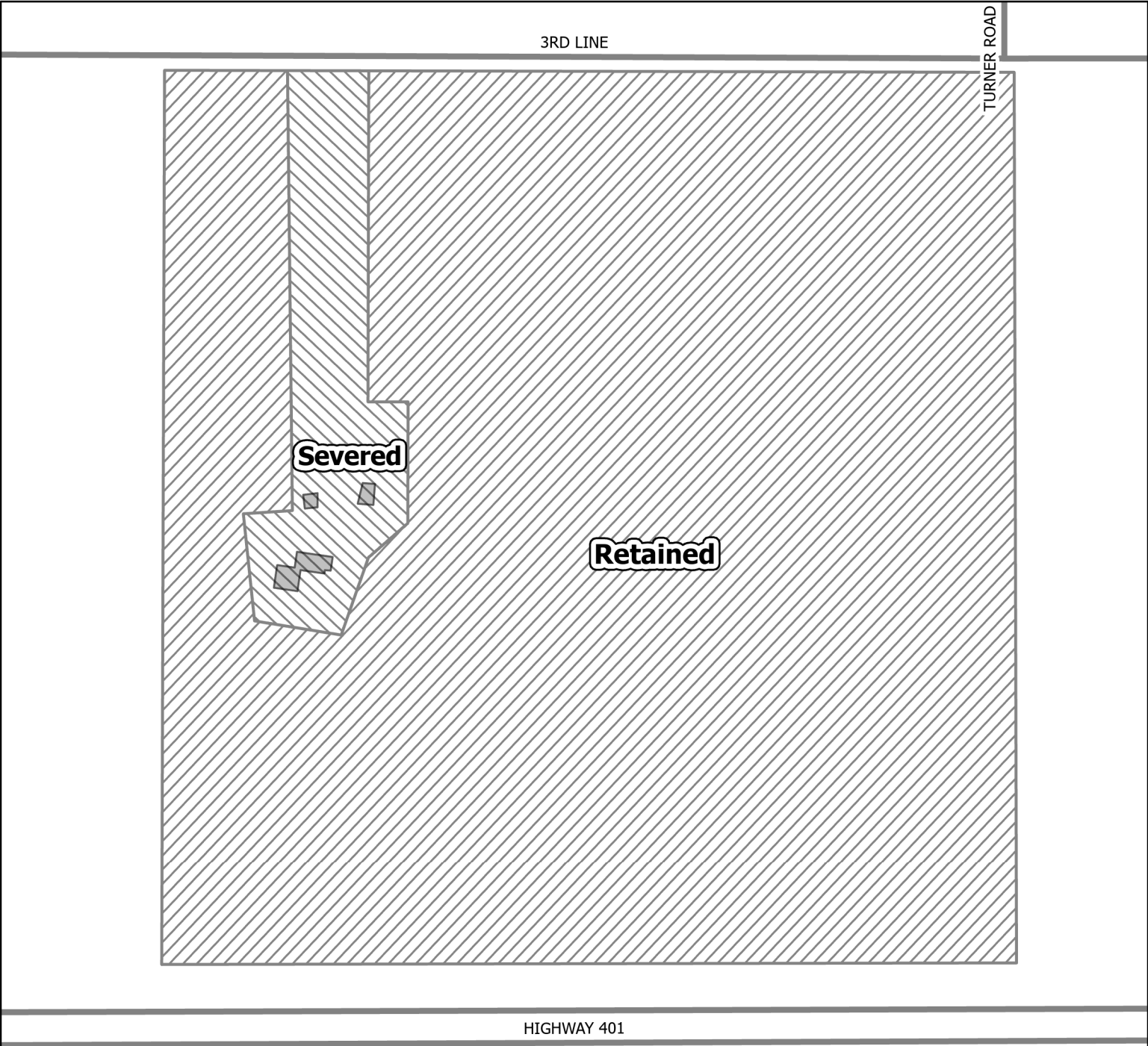


Buildings

Subject Site: 35229 Third Line
File Number: E 3-2022
Owner: Pioneer Hay Sales LTD
Planner: Unknown
Created By: TE
Date: 12/16/2021

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





Location Map

Subject Site: 35229 Third Line
File Number: E 3-2022
Owner: Pioneer Hay Sales LTD
Planner: Unknown
Created By: TE
Date: 12/16/2021

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

0 25 50 100 150 200 M

Legend

	Subject Site
	Severed
	Retained
	Elgin Road Network
	Buildings

VIA EMAIL ONLY

January 14, 2022

County of Elgin
Land Division Committee
c/o Brian Lima, Acting Secretary-Treasurer
450 Sunset Drive
St. Thomas, Ontario N5R 5V1
E-mail: landdivision@elgin.ca

Mr. Lima:

RE: Township of Southwold Consent Application - Comments to the County of Elgin
County File Number: E3-22
Legal Description: North Part Lot 9, Concession 3
Civic Address: 35229 Third Line

Please be advised that the Township of Southwold have reviewed the above noted application, at the January 10, 2022, Council Meeting and passed the following resolution:

Council Resolution 2022-03

THAT Council of the Township of Southwold receive Report PLA 2022-01 regarding Consent Application E3-22 – Comment to the County of Elgin;

AND THAT Council recommends refusal to the Land Division Committee of the County of Elgin for the application E3-22 as presented;

AND FURTHER THAT Council recommends approval of a revised application with a maximum lot size of 3 acres for the severed parcel, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-01;

CARRIED

Please find attached the following documentation, as it relates to the above noted file:

1. Planning Staff Report PLA 2022-01: Severance Application E3-22 Comments to County of Elgin, dated January 10, 2022; and
2. E3-22 Municipal Appraisal Form.

The Township requests that the County provide any revisions to this project to the Township; and any Notice of Decision rendered by the County of Elgin Land Division Committee on this above-noted file.

Should you have any questions or concerns, please do not hesitate to contact this Planning Office.

Yours truly,

Bryan Pearce

Bryan Pearce, HBA, CPT, MCIP, RPP

Planner

Township of Southwold

35663 Fingal Line

Fingal, Ontario NOL 1K0

Office: 519-769-2010

Cell: 519-280-1028

Email: planning@southwold.ca

Encl.

Cc:

Owner: Pioneer Hay Sales Ltd, c/o Brett Fleming: (Email: fleming@hayandgrainltd.net)

Applicant/Agent: Jordan Fohkens, B. M. Ross and Associates (Email: jfohkens@bmross.net)



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: January 10, 2022

PREPARED BY: Bryan Pearce, HBA, CPT, MCIP, RPP, Planner

REPORT NO: PLA 2022-01

SUBJECT MATTER: Consent Application E3-22 – Comments to the County of Elgin

Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2022-01 regarding Consent Application E3-22 – Comment to the County of Elgin;

AND THAT Council of the Township of Southwold recommends approval of the Land Division Committee of County of Elgin for the consent application, File E3-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-01;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-01 as Municipal comments to the County of Elgin.

Purpose:

The proposal is a surplus farm dwelling lot creation from the farmlands at 35229 Third Line, that is surplus to the farm operations.

Background:

Below is a background information, in a summary chart:

Application	E3-22
Owner	Pioneer Hay Sales Ltd
Applicant	Jordan Fohkens, B. M. Ross and Associates
Legal Description	North Part Lot 9, Concession 3
Civic Address	35229 Third Line

Entrance Access	Third Line
Water Supply	Municipal Water
Sewage Supply	Privately owned and operated individual septic system
Existing Land Area	37.2 ha (91.9 ac)

Below is the detailed dimensions and land areas of the application, in a chart:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E3-22	57 m (187 ft)	398 m (1,306 ft)	2.6 ha (6.42 ac)	536 m (1,759 ft)	619 m (2,031 ft)	34.6 ha (85.5 ac)

The Public Hearing is scheduled for January 26, 2022 at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Pioneer Hay Sales Ltd Lands.



The consent sketch, showing E3-22 is attached to this report as Appendix One for reference purposes.

Comments/Analysis:

Planning Policy Review:

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Township of Southwold, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Township of Southwold Official Plan (OP) and make decisions that represent good land use planning.

With regard to this proposal involving consents, the Planning Authority is the County of Elgin Land Division Committee, wherein the Municipality provides agency comments to the County of Elgin as part of their decision-making process.

PPS

The subject lands are within the Agricultural area (Section 2.3). Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because 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 vacant remnant parcel of farmland created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The severed parcel is limited in area to accommodate the existing infrastructure associated with the existing dwelling; and the Applicant notes that there are livestock barns within 750 metres of the subject lands, as concurred by Planning Staff, but MDS-1 is exempt on the surrounding lands as per Guideline 9 of the MDS Guidelines, as there is no specific policies contained in the OP requiring this aspect.

No development is proposed with this consent, so there are no impacts to natural heritage (Section 2.1 of the PPS) or natural hazards (Section 3.1 of the PPS).

This proposal appears to be consistent with the PPS.

CEOP

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. Section E1.2.3.4(b) of the CEOP permits the creation of new lots provided the local Official Plan supports their creation and if 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 farmland created by the consent to sever. The residence to be severed is habitable and is surplus to the owner's farming operations. The proposed severed parcel meets the MDS I setbacks. The residence is connected to the private on-site water well and the septic report that was submitted with the application states the septic system needs to be replaced. A condition to replace the septic system is recommended.

No development is proposed with this consent, so there are no impacts to natural heritage (Section D1.2) or natural hazards (Section D3.1).

Therefore, this proposal appears to conform to the CEOP.

OP

The subject lands are designated Agricultural on Schedule 'A' Land Use in the OP. The Woodlands on Schedule 'B' overlay apply to a portion of the proposed retained parcel and the Hazard Lands on Schedule 'B-1' overlay apply to a portion of the proposed retained parcel.

Section 4.1 of the OP contains Agricultural land use policies in which agricultural uses and limited residential uses are permitted.

Section 6.8.6(e) Agricultural Consent policies for residences surplus to the needs of a farm operation state land severances in the Agricultural Area may be permitted for a habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:

- i) the retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;
- ii) the non-farm parcel will be zoned to recognize the non-farm residential use;
- iii) Minimum Distance Separation I provisions can be met.

The proposed severance application demonstrates that the residence is surplus to the farm owner's farming operation. There are livestock operations within the 750 metres, as documented in the application, but MDS-I is exempt for surplus farm dwellings on the adjacent lands since there is no specific policies within the OP, as per Guideline 9 of the MDS Guideline.

Section 5.7.1 of the OP, Sanitary Sewage and Water Services policies require that existing sewage and water services be adequate. The existing septic system is in very poor condition and needs to be replaced. As contained in their application submission.

Section 2.1 of the OP, Natural Heritage Features and Areas and Hazard Lands prohibits buildings, structures, and alteration to lands designated Hazard Lands. Section 2.2 Natural Heritage Features and Areas states development and site alteration within a significant woodland and within 120 metres of the adjacent lands is subject to the EIS demonstrating no negative impacts to the feature and its ecological function. No buildings and/or structures are within the Significant Natural Features overlay and Hazard Lands overlay and no development is proposed on the proposed severed and retained parcels.

Therefore, this proposal appears to conform to the OP.

OP 2021

The OP 2021 has been adopted by Council on November 15, 2021; and will be reviewed against proposals, as the Township works through the approvals process.

The subject lands are designated Agricultural on Schedule '4' in the OP 2021. The Woodlands on Schedule '2' overlay apply to a portion of the proposed retained parcel and the Hazard Lands on Schedule '3' overlay apply to a portion of the proposed retained parcel. Section 5.1 permits agricultural uses. Section 7.23.4(e) permits surplus farm dwelling consents. No development is proposed with this consent, so there are no impacts to natural heritage (Section 4.1) or natural hazards (Section 4.2).

Therefore, this proposal appears to conform to the OP 2021.

Township of Southwold Comprehensive Zoning By-Law 2011-14 (ZBL)

The subject lands are zoned Agricultural 1 (A1), with the watercourses portion of the lands in the southeast corner subject to Conservation Authority Regulation Limits as shown in

the Township of Southwold Zoning By-Law on Schedule 'A' Map 2, as depicted in Figure Two below.



The A1 Zone permitted uses includes agricultural use and single detached dwelling. The regulations for a lot legally used for a single detached dwelling created by consent are subject to reduced lot requirements. The A1 Zone Subsection 5.2(g) Reduced Lot Requirements regulates lots created for single detached dwellings surplus to farm operations. The minimum lot area permitted is 1,858.0 square metres (20,000.0 square metres). The maximum lot area permitted is 6,000 square metres (1.48 acres). The minimum lot frontage is 30.0 metres (98.0 feet).

The proposed severed parcel area of approximately 26,407.6 square metre (6.52 acre) parcel with a frontage of 57.0 metres (187 feet), not complying with the Subsection 5.2 (g) requirements of the ZBL for maximum land area requirements. The severed parcel would need to be rezoned to A1-XX, with the special provision created in order to recognize the lot area of the lot being created, as a condition of approval.

The proposed retained parcel would need to be rezoned to implement the proposed lot creation by zoning it to the A3 Zone, as a condition of consent. The A3 Zone prohibits dwellings, which is required as part of a surplus farm dwelling severance.

Section 3.11 Hazard Lands states no permanent buildings or structures with the exception of those designated, used or intended for flood or erosion control purposes shall be erected or used on lands which exhibit a hazardous condition unless a permit has been obtained by the applicable Conservation Authority. No development is proposed within this portion of the retained parcel, within the hazard lands.

Therefore, it would appear that the proposal would comply with the ZBL, subject to a zoning by-law amendment being required as a condition of consent.

Circulation Of The Application:

Township Department Comments

Comments received from the Township Department's are summarized below:

- Drainage Department:
 - Municipal drain reapportionment required on the McIntosh Drain No. 2, Ferrara Third Line, McArthur and Bogart Drains; and
 - Mutual Drain Agreement required.
- Financial Services Department:
 - No comments.
- Building Department:
 - Demolition permit will be required for the silo;
 - Septic permit will be required for new septic system; and
 - If the existing barn was previously used for livestock a change of use permit will be required to change to an accessory structure only.
- Infrastructure Department:
 - No concerns.
- Roads Department:
 - No concerns.

Planning Staff notes that this can be addressed as a condition of approval for a reapportionment, silo removal and septic replacement. The existing barn doesn't appear that it was used for livestock, as further evaluated in the application, the only nearby livestock barn is the farmstead to the east, used for horses.

Additional Comments:

The recommended Township conditions for consent application E3-22 is attached to this report as Appendix Two for reference purposes.

Financial Implications:

None. Application fees were collected in accordance with the Township's Tariff of Fees By-law, as amended time to time.

Strategic Plan Goals:

The above recommendation helps the Township meet the Strategic Plan Goal of:

- ☒ Promoting residential, agricultural, commercial, and industrial development by ensuring policies and services are in place to support growth in The Township of Southwold.
- ☐ Promoting a healthy, naturally beautiful, and community-oriented municipality by encouraging and supporting involvement of volunteer organizations wishing to provide cultural and recreational activities in the Township of Southwold.
- ☐ Providing improved transportation and a strong commitment to asset management with a goal of maintaining the Township's infrastructure in the promotion of public safety
- ☐ Exercising good financial stewardship in the management of Township expenditures and revenues.
- ☒ Promoting public engagement, transparent government, and strong communications with all members of the community across various mediums for the strengthening of civic participation.

Summary/Conclusion:

Therefore, it is Planning Staff's opinion that the proposed surplus farm dwelling lot creation consent, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public through the public consultation process, as part of their decision-making on the planning application.

Respectfully submitted by:

**Bryan Pearce, HBA, CPT, MCIP, RPP
Planner**

Approved for submission by:

**Lisa Higgs
CAO/Clerk**

Appendices:

1. Appendix One: Consent Sketch E3-22
2. Appendix Two: Consent Application E3-22 Conditions

REPORT PLA 2022-01
APPENDIX ONE: CONSENT
SKETCH E3-22

SKETCH FOR PROPOSED SEVERENCE
PART OF LOT 9 CONCESSION 3
GEOGRAPHIC TOWNSHIP OF SOUTHWOLD
TOWNSHIP OF SOUTHWOLD
COUNTY OF ELGIN
NOT TO SCALE

AREA OF
PARCEL "A" TO BE SEVERED
= 26407.6 SQUARE METRES
(6.52 ACRES)

PARCEL "B"
TO BE RETAINED

AGRICULTURAL

PARCEL "B"
TO BE RETAINED

SEVERED

SOUTHWOLD

AREA OF
2 STOREY DWELLING
& COVERED PORCH -
107.2 S.Q.M.

AGRICULTURAL

PARCEL "B"
TO BE RETAINED

LEGEND

- DENOTES GUY WIRE
 ● DENOTES HYDRO POLE
 ■ DENOTES BELL PEDESTAL

KIM HUSTED SURVEYING LTD.

ONTARIO LAND SURVEYOR

30 HARVEY STREET, TILSONBURG ONTARIO, N4G 3J8
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 21-17021 REFERENCE: FILE

Report PLA 2022-01:
Consent Application E3-22 - Comments to the County of Elgin

Appendix Two: Consent Application E3-22 Conditions

Consent Application E3 -22 Conditions:

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 and to rezone the severed and retained parcels 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 provide a Mutual Drain Agreement pursuant to the Drainage Act, 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 obtain a septic permit for the removal of 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 have the existing silo demolished on the severed parcel, with all materials removed, to the satisfaction and clearance of the Municipality.
10. 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.

11. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent has been fulfilled, to the satisfaction and clearance of the Municipality.
12. 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.
13. That all conditions noted above shall be fulfilled within two years 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*.

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 E3-22

Owner: Pioneer Hay Sales Ltd.

Applicant: Jordan Fohkens, B. M. Ross and Associates

Location 35229 Third Line

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: Industrial – Southwold Official Plan_____

Policies:

Sections 4.1 and 6.8.6

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:

Condition of consent to rezone the severed and retained parcels, as contained within Planning Report

PLA 2021-36

- | | | |
|--|-----------|--------|
| 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 () |

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?

All local municipal interests are contained in the conditions imposed by the Township. Please refer to

Planning Report PLA 2022-01

January 12, 2022

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

Attn: **Brian Lima**

Re: **Consent Application E 3-22**
35229 Third Line
Lot 9, Concession 3
Township of Southwold

Please be advised that the above mentioned application has been reviewed by this office and we have no objections to the proposal as submitted to this office. The Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is not subject to the Authority's regulations.

The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended.

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

Yours truly



Connor Wilson
Planning Technician

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 10, 2022 **ELGIN COUNTY ROAD NO.:** 18 - 35229 Third Line

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 3-22

OWNER: Pioneer Hay Sales Ltd.

PROPERTY: **LOT NO.** 9 **CONCESSION:** 3

REG'D PLAN: _____ **MUNICIPALITY:** Southwold

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

- | | |
|---|---|
| 1) Land for road widening is required
<i>[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Third Line County Road (18) to the County of Elgin for the purposes of road widening if the right of ways 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 _____,
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; 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 parcels. 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 lot..... | <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: St. Thomas Planning & Building Services Department
Date: January 11, 2022
Application: E 3-22

Owner:
Pioneer Hay Sales Ltd.
29013 Pioneer Line, Dutton ON N0L 1J0

Agent:
Jordan Fohkens
B.M. Ross & Associates

Location: 35229 THIRD LINE, CONCESSION 3, PART LOT 9, TOWNSHIP OF
SOUTHWOLD

PROPOSAL

The applicants propose to sever a parcel with an area of 2.6 hectares (6.42 acres), containing one dwelling, a garage, a cabin, barn and a silo (silo to be removed), considered surplus to the applicant's farm operation. The applicants are retaining a parcel with an area of 34.6 hectares (85.5 acres) of vacant land, proposed to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agricultural

**Local Municipality Zoning
By-law**
Agricultural 1 (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – "THAT Council of the Township of Southwold receive Report PLA 2022-01 regarding Consent Application E3-22 – Comment to the County of Elgin; AND THAT Council recommends refusal to the Land Division Committee of the County of Elgin for the application E3-22 as presented; AND FURTHER THAT Council recommends approval of a revised application with a maximum lot size of 3 acres for the severed parcel, subject to the Lower- Tier Municipal conditions in Appendix Two of Report PLA 2022-01."

County Engineering – That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Third Line County Road (18) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner. Further that, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

Lower Thames Valley Conservation Authority – No objections, the property in question is not subject to the Authority's regulations.

Planning Act and Provincial Policy Statement (PPS)

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 subject lands are within a Prime Agricultural Area, Section 2.3 of the 2020 PPS apply. Subsection 2.3.4 of the PPS deals with Lot Creation and Lot Adjustments. The policies state that lot creation in prime agricultural areas is discouraged and may only be permitted for, among other things:

- "c) a residence surplus to a farming operation as a result of farm consolidation, provided that:*
- 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;"*

It is staff's opinion that the proposed severance is consistent with these policies giving consideration to the location of the existing dwelling and accessory buildings and subject to a zoning amendment to prevent a new residence on the retained parcel.

County of Elgin Official Plan

The subject lands are within the Agricultural Area. Policies for Lot Creation on Lands in the Agricultural Area are found in Subsection E1.2.3.4. The policies state that new lots may be permitted if the local Official Plan supports their creation and if, among other things:

- "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 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;"*

This policy is consistent with the direction of the PPS. Further, there are policies in the local Official Plan that support the severance of a residence that is surplus to a farm operation. It is staff's opinion that the proposed severance complies with the County Official Plan policies, subject to a zoning amendment to prevent a new residence on the retained parcel.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Agricultural on Schedule 'A' Land Use. Section 4.1 of the OP contains Agricultural land use policies in which agricultural uses and limited residential uses are permitted. Section 6.8.6 of the OP contains the Agricultural Consent Policies. Those policies state that land severances in the Agricultural Area may be permitted for, among other things:

- "e) *a habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:*
- i) the retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;*
 - ii) the non-farm parcel will be zoned to recognize the non-farm residential use; and*
 - iii) Minimum Distance Separation I provisions can be met;"*

These policies are generally consistent with those of the County Official Plan and the PPS. The applicant's consultant has demonstrated through the Planning Justification Report (B.M. Ross & Associates Limited, File No. 21335, November 29, 2021) that the MDS I requirements can be met. It is staff's opinion that the proposed severance complies with the Township of Southwold Official Plan policies, subject to a zoning amendment to prevent a new residence on the retained parcel and recognize non-farm use on the severed parcel.

The subject lands are zoned Agricultural 1 (A1) in the Township of Southwold Zoning By-law 2011-14. An amendment to the By-law will be required to implement the policies of the County of Elgin and Township of Southwold Official Plans.

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin and Township of Southwold Official Plans regarding lot creation for surplus farm dwellings in the Agricultural Area. As such, planning staff are of the opinion that the application is supportable 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.
3. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Third Line County Road (18) to the County of Elgin for the purposes of road widening if the right of ways is not

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 a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

Additionally, 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 and to rezone the severed and retained parcels 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 provide a Mutual Drain Agreement pursuant to the Drainage Act, 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 obtain a septic permit for the removal of 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 have the existing silo demolished on the severed parcel, with all materials removed, to the satisfaction and clearance of the Municipality.
10. 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.
11. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent has been fulfilled, to the satisfaction and clearance of the Municipality.
12. 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.
13. That all conditions noted above shall be fulfilled within two years 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.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION NO. E 4-22**

**PART LOT 13
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 442C WEST EDITH CAVELL BLVD**

TAKE NOTICE that an application has been made by Charles Wickens, Kara Deshaw and Frederick Deshaw, 1228 Eagletrace Dr. London ON N6G 0K8 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 442C West Edith Cavell Blvd, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 7 metres (23 feet) along West Edith Cavell Blvd by a depth of 10 metres (35 feet) and an area of 0.007 hectares (0.017 acres) to be conveyed to the adjacent property. The applicants are retaining 0.04 hectares (0.10 acres), proposed 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 JANUARY 26, 2022 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 blima@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 Ontario Land 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 Ontario Land Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 17th day of January, 2022.

Brian Lima
For the Acting Secretary-Treasurer
Land Division Committee

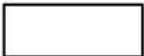
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com



Location Map



Legend



Subject Site



Severed



Retained



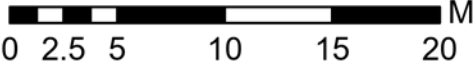
Elgin Road Network



Buildings

Subject Site: 442c West Edith Cavell Blvd.
File Number: E 4-2022
Owner: Charles Wickens, Kara Deshaw, and Frederick Deshaw
Planner: Unknown
Created By: TE
Date: 12/22/2021

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





Location Map



Legend



Subject Site



Severed



Retained



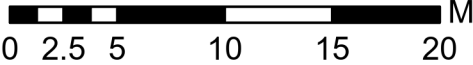
Elgin Road Network



Buildings

Subject Site: 442c West Edith Cavell Blvd.
File Number: E 4-2022
Owner: Charles Wickens, Kara Deshaw, and Frederick Deshaw
Planner: Unknown
Created By: TE
Date: 12/22/2021

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



From: [Joe Gordon](#)
To: [Dawn Wittland-Graham](#)
Subject: RE: E 4-22 - Notice of Application
Date: January 11, 2022 8:48:20 AM

This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Dawn

Please accept this email as confirmation that KCCA staff has reviewed the notice for application for consent E4-22 affecting 442 C Edith Cavell Blvd, Port Stanley and that based on our mandate and policies, we have no objection to its approvals.

I can also advise that the lands are located within the Lake Erie Flood Uprush Area and are subject to natural hazard regulations under the Conservation Authorities Act whereby permission is required of KCCA prior to any development upon the lands.

Based on our review of the notice we understand that the purpose of the severance is to join a severed portion of lands with a neighbouring property and the remaining parcel will remain in residential use.

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>
Sent: January 10, 2022 3:08 PM
To: Dianne Wilson <DWilson@centralelgin.org>; Craig, Steve <scraig@stthomas.ca>; Joe Gordon <joe@kettlecreekconservation.on.ca>
Cc: Brian Lima <blima@ELGIN.ca>; Pompilii, Lou <LPompilii@stthomas.ca>; 'McClure, Kevin' <kmcclure@stthomas.ca>; McCoomb, Jim <jmccoomb@stthomas.ca>; markc@bowsherandbowsher.ca
Subject: E 4-22 - Notice of Application

Good afternoon,

Please find attached the Notice of Application for file number E 4-22 for the Elgin County Land Division Committee meeting being held on January 26, 2022.

If you wish to provide comments on this application please submit them to Brian Lima (blima@elgin.ca), Acting for the Secretary-Treasurer by Tuesday, January 18, 2022 to be included in the agenda package and considered by the Land Division Committee.

My apologies on sending this later than normal. The Applicants and neighbouring properties mailings went out in the December 23, 2021.

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

COUNTY OF ELGIN ROAD SYSTEM

DATE: January 10, 2022

ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 4-22

OWNER: Charles Wickens, Kara Deshaw and Frederick Deshaw

PROPERTY: LOT NO. Part Lot 13 CONCESSION: _____

LOT NO. Part Lot 13 **CONCESSION:** _____

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 lot/parcel up to m from the centreline of construction of County Road () to the County of Elgin for the purposes of road widening if the right of ways 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 parcels. 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
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Phone: 519-631-1460
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APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,
1990, AS AMENDED.

To: Elgin County Land Division Committee
From: St. Thomas Planning & Building Services Department
Date: January 11, 2022
Application: E 3-22

Owner:
Charles Wickens, Kara Deshaw, Frederick Deshaw
Agent:
Mark T. Coombs
Bowsher & Bowsher Law Firm

1228 Eagletrace Drive, London ON N6G 0K8

Location: 442C WEST EDITH CAVELL BLVD. PART LOT 13, REGISTERED PLAN 117,
MUNICIPALITY OF CENTRAL ELGIN

PROPOSAL

The applicants are proposing to convey a parcel of land with an area of area of 74.79m² to the abutting lot to the east, municipally known as 437 Edith Cavell Boulevard, the lands will be used to reconstruct the existing cottage that is currently encroaching on the subject lands. The applicants are proposing to retain a lot 29.32m x 13.7m and an area of 401.84m², containing one cottage, proposed to continue to be used for residential use.

**County of Elgin Official
Plan**

Tier 1 Settlement Area

**Local Municipality Official
Plan**

Residential
Regulatory Flood Uprush
Modified Regulatory Flood
Uprush

**Local Municipality Zoning
By-law**

Open Space Zone 3 (OS3)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Central Elgin – At the time of writing of this report no comments were received from the Municipality of Central Elgin. Planning staff did have available the draft planning report to be presented to Council at their meeting on January 24th, 2022. The recommended conditions have been included at the end of this report and can be confirmed by planning staff at the Committee's January 26th meeting.

County Engineering – No comments.

Kettle Creek Conservation Authority – Comments provided under separate cover.

Planning Act and Provincial Policy Statement (PPS)

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 subject lands are within a Settlement Area, Section 1.0 of the 2020 PPS applies. Subsection 1.1.3 of the PPS deals with Settlement Areas. The policies state that settlement areas shall be the focus of growth and development.

It is staff's opinion that the proposed severance is consistent with these policies given that it seeks to correct an existing encroachment condition on existing lots within a settlement area.

County of Elgin Official Plan

The subject lands are within a Tier 1 Settlement Area. Section B1 of the Official Plan states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. Policies for residential areas within settlement areas are found in Subsection C1.1.1 of the Plan. Those policies include, among other things:

"It is the objective of this Plan to:

a) maintain and enhance the character and identity of existing residential areas;"

Subsection E1.2.3.2 contains policies on Boundary Adjustments. Those policies state that:

"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. In addition, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the agricultural parcels affected."

There are also policies in Subsection E1.2 of the Plan that recognize the ability of the County or the lower tier municipality to require conditions for any consent application to address technical, financial and administrative matters.

These policies are consistent with the direction of the PPS. It is staff's opinion that the proposed severance complies with the County Official Plan policies.

Local Municipality Official Plan and Zoning By-law

The subject lands are designated Residential on Schedule 'G' – Community of Port Stanley Land Use Plan. Section 4.2.1 of the OP contains the policies for the Residential designation, which permits a full range of residential dwelling types and densities. Subsection 5.3.9.1 of the OP contains the Consent Policies. Those policies state, among other things:

“b) 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.”

The subject lands are also partly within the area identified as “Regulatory Flood Uprush” and “Modified Regulatory Flood Uprush” on Schedule “G2” - Community of Port Stanley Natural Hazards. All development on the lands within the Lake Erie Regulatory Flood Uprush as shown on Schedule G2 to this Plan shall be floodproofed to the 1:100-year flood uprush level of 176.8m Geodetic Survey of Canada (Policy 3.2.4(ii)a)).

These policies are generally consistent with those of the County Official Plan and the PPS. It is staff’s opinion that the proposed severance complies with the Municipality of central Elgin Official Plan policies.

The subject lands are zoned Open Space Zone 3 (OS3) in the Village of Port Stanley Zoning By-law 1507. Where an existing use of land is permitted within the applicable zone in the Zoning By-law, but the lot, buildings or structures located on the property do not meet one or more of the provisions or regulations of the applicable zone, the use will be considered to be legal non-complying (5.3.11). Applications for the expansion, alteration, reconstruction, or addition of a non-complying building will be considered by way of Zoning By-law amendment or minor variance, depending on the nature of the proposal (5.3.11.1).

RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin and Municipality of Central Elgin Official Plans regarding consents for lot adjustments. As such, planning staff are of the opinion that the application is supportable 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;
2. The severed land be merged in title with the abutting lot, municipality known as 437 West Edith Cavell Boulevard; and
3. Solicitor 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.

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

1. The applicant’s solicitor demonstrates to the satisfaction of the Municipality of Central Elgin that the lot addition will not impact existing services (i.e., water, sewer, hydro), rights-of-ways and/or easements.

2. The severed land be merged in title with the abutting lot, municipality known as 437 West Edith Cavell Boulevard;
3. 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;
4. 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
5. The Municipality of Central Elgin be provided with a copy of the Reference Plan.