



**Corporation of the County of Elgin**  
**Land Division Committee**

**AGENDA**

**For Wednesday, June 22, 2022, 9:00 A.M**

---

- 1<sup>st</sup> Call to Order
- 2<sup>nd</sup> Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3<sup>rd</sup> Adoption of Minutes
- 4<sup>th</sup> Business Arising Out of Minutes
- 5<sup>th</sup> Disclosure of Pecuniary Interest or the General Nature Thereof
- 6<sup>th</sup> Correspondence – Items for Information
- 7<sup>th</sup> Business Arising from Correspondence
- 8<sup>th</sup> New Business
- 9<sup>th</sup> Consent Applications
  - 9:00 am E 25-22 Mapleview Farms c/o Jeff Cook,  
43315 Roberts Line, Municipality of Central Elgin
  - 9:10 am E 26-22 Mapleview Farms c/o Jeff Cook,  
43315 Roberts Line, Municipality of Central Elgin
  - 9:20 am E 28-22 Gehard Blatz, 57 Water Street, Town of Aylmer
  - 9:30 am E 29-22 Ralph William Willson, 7716 Yarmouth Centre Road  
Municipality of Central Elgin
  - 9:40 am E 30-22 David & Bonnie Vowel, 204 Annie Street  
Municipality of Dutton Dunwich
  - 9:50 am E 33-22 Larch Lane Farms Ltd, 26661 Silver Clay Line  
Municipality of West Elgin
  - 10:00 am E 35-22 Allen Taylor, 42431 Ron McNeil Line  
Municipality of Central Elgin



10:10 am	E 36-22	Christopher & Emmaly Laliberte, 221 Centennial Ave, Municipality of Central Elgin
10:20 am	E 37-22	Doug Tarry Limited (c/o 3-K Leasing Limited), 43841 Talbot Line Municipality of Central Elgin
10:30 am	E 38-22	John Beekman & Susan Kyle, 448 Talbot Street Town of Aylmer
10:40 am	E 39-22	John Beekman & Susan Kyle, 448 Talbot Street Town of Aylmer
10:50 am	E 40-22	Brent Fulton & Barbara Siebenmorgen, 36427 Talbot Line, Township of Southwold
11:00 am	E 41-22	Brent Fulton & Barbara Siebenmorgen, 36427 Talbot Line, Township of Southwold
11:10 am	E 42-22	Brent Fulton & Barbara Siebenmorgen, 36427 Talbot Line, Township of Southwold
11:20 am	E 92-21	Rockx Farms Ltd c/o Wayne Rockx, 49779 Lyons Line, Township of Malahide

10<sup>th</sup> Date of Next Meeting

11<sup>th</sup> 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**

**May 25, 2022**

County of Elgin Land Division Committee met this 25<sup>th</sup> day of May 2022. 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 / electronic):**

John Andrews  
John R. "Ian" Fleck, Chairman  
Rosemary Kennedy  
Dennis O'Grady  
John Seldon  
Jack Van Kasteren, Vice-Chairman

**Regrets:** Dugald Aldred

**Staff Present (in-person):**

Julie Gonyou, CAO & Clerk / Land Division Committee Secretary-Treasurer  
Marlene Bainbridge, Administrative Assistant  
Katherine Thompson, Manager of Administrative Services / Deputy Clerk

**Interim Planning Support (electronic):**

Jesse McPhail, Re:Public Urbanism

**1. CALL TO ORDER**

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

**2. REQUESTS FOR DEFERRAL OF APPLICATION OR FOR ANY REQUEST FOR  
WITHDRAWAL OF AN APPLICATION**

None.

### **3. ADOPTION OF MINUTES**

Moved by: John Seldon

Seconded by: Rosemary Kennedy

RESOLVED THAT the minutes of the meeting held on April 27, 2022 be adopted.

- Motion Carried.

### **4. BUSINESS ARISING OUT OF MINUTES**

None.

### **5. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

None.

### **6. CORRESPONDENCE – ITEMS FOR INFORMATION**

None.

### **7. BUSINESS ARISING FROM CORRESPONDENCE**

None.

### **8. NEW BUSINESS**

None.

### **9. APPLICATIONS FOR CONSENT:**

#### **Application E 24-22 – 9:00 a.m.**

**W. Noorloos Farms Inc.**, 31395 Talbot Line, Iona Station, ON, N0L 1P0

The applicant proposes to sever a parcel with a frontage of 99 metres (324.8 feet) and a depth of 75 metres (246.06 feet) and an area of 0.7425 hectares (1.83 acres) to remain in residential use. The applicants are retaining 59 hectares (131 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.



Owner: Wayne Noorloos was present in-person

Agent: no agent(s) present

Written submissions (\*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval of the application subject to the conditions provided
2	Lower Thames Conservation Authority	No Concerns
3	Elgin County Engineering Services	No Concerns
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided
5	Other	None

*(\*) 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 E 24-22 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 to rezone the severed parcel to Special Rural Residential (RS) Zone and rezone the retained parcel to a Special Agricultural (A2) Zone to prohibit all residential uses;
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 or 4 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;
10. That the applicant confirms with the Municipality that they are a bona fide farmer; and,
11. 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.

- Motion Carried.

**Application E 85-21 – 9:10 a.m.**

**1551945 Ontario Limited (David Russell)**, 431 Front Street, Port Stanley, ON, N5L 1G3

The applicants propose to sever a parcel with a frontage of 15 metres (49.21 feet) by a depth of 24.0 metres (78.74 feet) and an area of 0.03 hectares (0.09 acres) for future residential use. The applicants are retaining a parcel with an area of 0.04 hectares (0.1 acres) proposed to remain in residential 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

Owner: David Russell was present in-person

Agent: Ted Halwa was present in-person

Written submissions (\*) were received from the following:

Submission		Comments
1	Municipality of Central Elgin	Recommends approval of application subject to the conditions provided

2	Kettle Creek Conservation Authority	No concerns
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	Comments received from members of the public regarding this application and potential impacts on the neighbourhood: Frank Oliva, Scott Willoughby, Kathy Willoughby, Kim Yahasz, Linda Forster, Bob Arppe, Carl Hannigan, Kathleen Devine, and Barb Davis

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

Moved by: Dennis O'Grady

Seconded by: Rosemary Kennedy

RESOLVED THAT severance application E 85-21 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 Central Elgin be included as conditions for consent:

1. The applicant obtains a planning approval for any zoning deficiencies, relative to Parcel A (retained) and Parcel B (severed);
2. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical (Implement recommendations in the Geotechnical and ISR report), and financial matters;

3. The applicant removes the parking area and air conditioning unit located on the municipal right-of-way to the satisfaction of the Director of Asset Management and Development, Municipality of Central Elgin;
4. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes;
5. The Municipality of Central Elgin be provided with a copy of the Reference Plan;
6. A drainage reassessment be completed, if necessary, at the owner's expense.

- Motion Carried.

**Application E 27-22 – 9:20 a.m.**

**John and Kristen Lethbridge**, 46434 McDiarmid Line, Shedden, ON, N0L 2E0

The applicant proposes to sever a parcel with a frontage of 53 metres (173.88 feet) along McDiarmid Line by a depth of 300.90 metres (987.2 feet) and an area of 1.43 hectares (3.52 acres) for rural residential use. The applicants are retaining 93 +/- hectares (229.81 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.

Owners: Adam Lethbridge was present electronically.

Agent: Helen R. Button, Gunn & Associates, was present electronically.

Written submissions (\*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval of application subject to the conditions provided
2	Lower Thames Conservation Authority	No concerns
3	Elgin County Engineering Services	Not on a County road
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided

*(\*) 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 E 27-22 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.

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 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'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.
9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.

10. That 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.

- Motion Carried.

**Application E 70-21 – 9:30 a.m.**

**Brady and Erin Zimak, 54694 Calton Line, Vienna, ON, N0J 1Z0**

The applicant proposes to sever lands with a frontage of 204.0 metres (669.29 feet) along Calton Line, by a depth of 94.02 metres (308.46 feet) and an area of 2.05 hectares (5.07 acres) to be conveyed to 54624 Calton Line. The applicant proposes to retain 65.35 hectares (161.5 acres) to maintain its existing residential 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.

Owners: No owner(s) present

Agent: No agent(s) present

Written submissions (\*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of a revised application subject to the conditions provided
2	Catfish Creek Conservation Authority	No concerns
3	Elgin County Engineering Services	No concerns
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided

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

Moved by: Jack Van Kasteren

Seconded by: John Andrews

RESOLVED THAT the severance application E 70-21 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.

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

1. That the Owner revise the configuration of the severed lands to have regard for hazard lands and setbacks from such hazard lands, including confirmation from the Long Point Region Conservation Authority;
2. That the Owner obtains approval of a Zoning By-law Amendment to rezone the retained lands from an Agricultural (A1) Zone to an Agricultural (A1-A) Zone;
3. That the Owner obtains approval of a Zoning By-law Amendment to rezone the severed lands from an Agricultural (A1) Zone to a Rural Residential (RR) Zone;
4. That the Owner of the lot addition lands, located at 54624 Calton Line, obtains approval of a Zoning By-law Amendment to rezone the lands from an Agricultural (A1) Zone to the Rural Residential (RR) Zone;
5. Planning Report fee payable to the Municipality;
6. Digital copy of the final survey provided to the Municipality;
7. Letter of Undertaking from a solicitor/lawyer confirming the severed lands from 54694 Calton Line will merge on title with the lands at 54624 Calton Line.

- Motion Carried.

**Application E 3-22 – 9:40 a.m.**

**Pioneer Hay Sales Inc., 35229 Third Line, Southwold, ON N0L 2G0**

*\*Please note that this proposal is a resubmission of the original proposal heard by the Land Division Committee on January 26, 2022, with revisions to size and frontage of the severed lot corresponding to comments received from the Township of Southwold and Land Division Committee. The resubmission proposes to retain a larger agricultural parcel than the previous submission, which is aligned with the feedback received.*

The applicants propose to sever a parcel with an area of 1.36 hectares (3.36 acres) and frontage of 21.8 metres (71.6 feet), 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 35.84 hectares (88.56 acres) of vacant land, 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.

Owner: no owner(s) present

Agents: Jordan Fohkens, B.M. Ross and Associates, was present electronically

Dan McKillop, Peak Professionals Realty Inc., was present electronically.

Written submissions (\*) were received from the following:

Submission		Comments
1	Township of Southwold	Recommends approval of a revised application subject to the conditions provided
2	Lower Thames Conservation Authority	No concerns
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. All costs to the owner
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided

*(\*) 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 the severance application E 3-22 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; 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 to 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.

- Motion Carried.

**Application E 44-21 – 9:50 a.m.**

**Application E 45-21**

**Application E 46-21**

**Application E 47-21**

**Brett Allen, 10247 Talbotville Gore Road, Talbotville, ON N5R 3T2**

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

On June 23, 2021 the Land Division Committee (“LDC”) made four Decisions (hereinafter collectively referred to as the “Decision”) providing provisional consent to applications E44-21; E45-21; E46-21 and E47-21 (together, the “Applications”) with regard to the lands municipally known as 10247 Talbotville Gore Road and legally described as Part Lot 40, Concession SNBTR; Township of Southwold. The Applicant in all four files was Brett Douglas Allen.

Subsequent to provisional Consent being given, but before the conditions were/are satisfied and Transfer documents presented for stamping by the Secretary-Treasurer, the entire parcel of land that is the subject of the Applications was transferred from the initial Applicant, Brett Douglas Allen, to the current owner, Woodland Way Developments Inc.

Faced with the anticipated submission of Transfer documents for stamping which name the current owner as Transferor, Elgin County Legal Services identified that the previous transfer of the entire parcel of land to a new owner creates a disconnect with the Decision that was made by the LDC. This is a process issue solely, and does not engage the planning merits of the Decision or the conditions. The Decision identifies that the Consent is granted to Brett Douglas Allen. The conditions begin by stating that the Decision will expire unless a deed is presented for stamping by June 23, 2022. Together, this creates a situation where Brett Douglas Allen needs to present a deed for stamping to give effect to the severance(s) but as Woodland Way Developments Inc. is now the owner, that cannot occur.

A solution to this process issue is to make a change or changes to the Conditions to account and allow for presentation and stamping of Transfer documents naming the current owner as Transferor and, if required, extending the time for satisfaction of conditions – suggested wording could include the following:

*“This Decision will expire unless a deed naming the current registered owner as Transferor, as a qualifying assignee of the Provisional Consent, is presented for stamping by: June 23, 2022.”*

Elgin County Legal Services views that the suggested changes would continue to recognize the planning merits of the Decisions without violation of the *Planning Act* and, in that can be considered as minor in nature and, in accordance with section 53(26) of the *Act*, will not require a fresh Notice of Decision to be issued.

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

Owner: no owner(s) present

Agent: Elizabeth Cormier, Elizabeth Cormier Professional Corporation was  
present electronically

#### **Application E 44-21**

Moved by: John Andrews

Seconded by: Rosemary Kennedy

RESOLVED THAT this will expire unless a deed naming the current registered Owner as Transferor is presented for stamping by: June 23, 2023.

- Motion Carried.

#### **Application E 45-21**

Moved by: Dennis O’Grady

Seconded by: John Seldon

RESOLVED THAT this will expire unless a deed naming the current registered Owner as Transferor is presented for stamping by: June 23, 2023.

- Motion Carried.

#### **Application E 46-21**

Moved by: Rosemary Kennedy

Seconded by: Jack Van Kasteren

RESOLVED THAT this will expire unless a deed naming the current registered Owner as

Transferor is presented for stamping by: June 23, 2023.

- Motion Carried.

### **Application E 47-21**

Moved by: John Andrews  
Seconded by: John Seldon

RESOLVED THAT this will expire unless a deed naming the current registered Owner as Transferor is presented for stamping by: June 23, 2023.

- Motion Carried.

### **3. DATE OF NEXT MEETING**

The Land Division Committee will meet again on June 22, 2022 at 9:00 a.m.

### **4. ADJOURNMENT**

Moved by: Rosemary Kennedy  
Seconded by: Jack Van Kasteren

RESOLVED THAT the Committee adjourn at 10:43 a.m. to meet again on June 22, 2022 at 9:00 a.m.

- Motion Carried.

---

Julie Gonyou  
Secretary-Treasurer

---

John "Ian" Fleck  
Chair



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 25-22**

**PART LOT 7, CONCESSION 2  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 43315 ROBERTS LINE**

**TAKE NOTICE that** an application has been made by Maplevue Farms, 6248 Cook Road, London, ON, N6P 1P3 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 43315 Roberts Line, Municipality of Central Elgin.

The applicant proposes to sever a parcel with a frontage of 38.5 metres (126.31 feet) along Roberts Line by a depth of 100.5 metres (329.72 feet) and an area of 0.409 hectares (1.01 acres) to remain a single-detached dwelling for residential use. The applicants are retaining a frontage of approximately 377 metres (1,236.9 feet), a depth of approximately 1,055 metres (3,461.3 feet), and an area of 51.6 hectares (127.5 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 JUNE 22, 2022 AT 9:00 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.

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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.

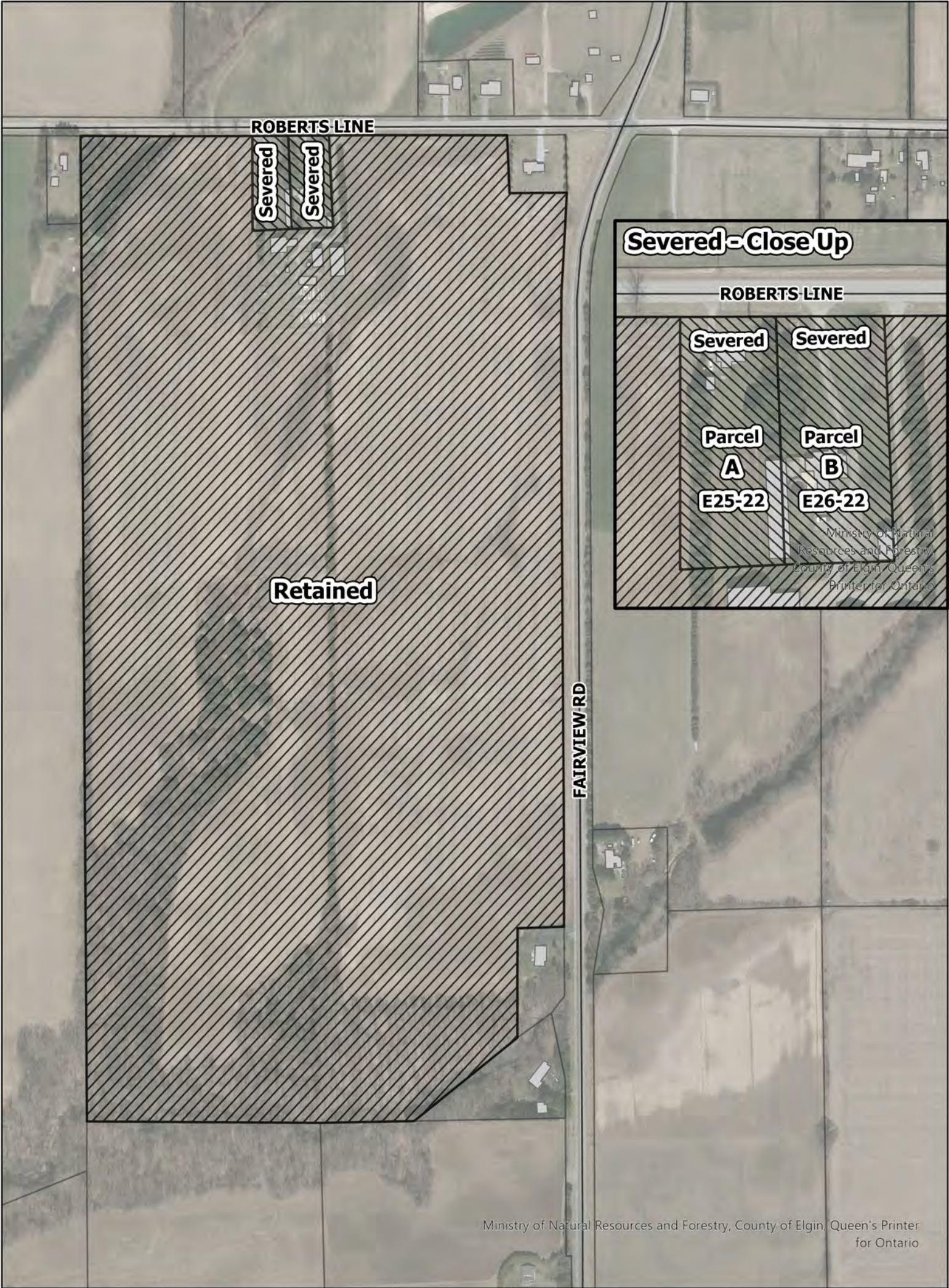
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

Dated at the Municipality of Central Elgin this 30<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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

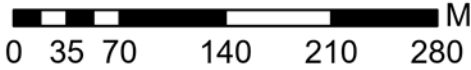




Location Map

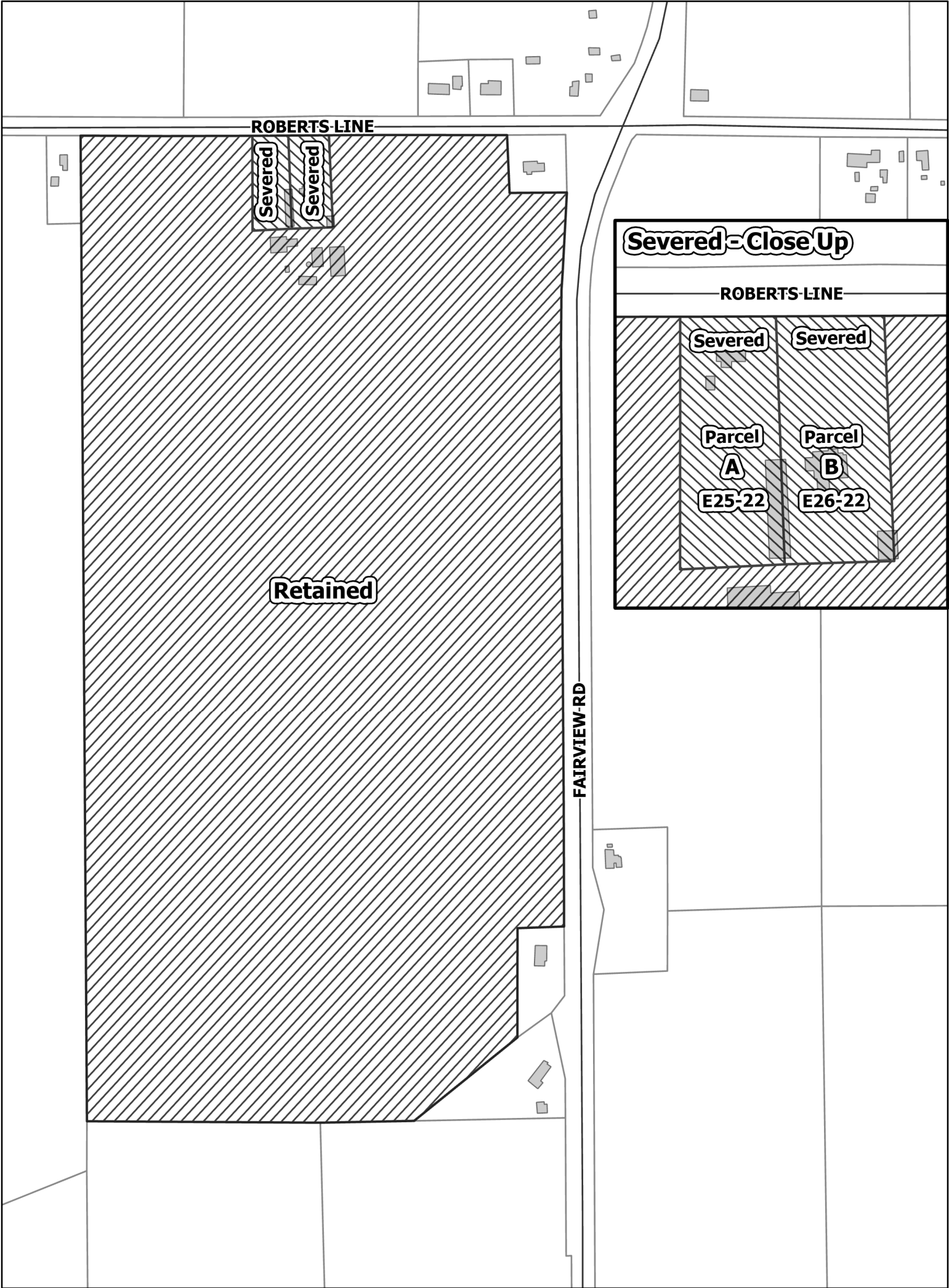


- Legend
- Subject Site
  - Severed
  - Retained
  - Elgin Road Network
  - Buildings



Subject Site: 43315 Roberts Line Parcel A  
File Number: E 25-2022  
Owner: Mapleview Farms c/o Jeff Cook  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 04/01/2022

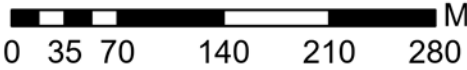




# Location Map



Subject Site: 43315 Roberts Line Parcel A  
File Number: E 25-2022  
Owner: Mapleview Farms c/o Jeff Cook  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 04/01/2022



## Legend



Subject Site



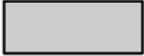
Severed



Retained



Elgin Road Network



Buildings



April 29, 2022

Brian Lima  
General Manager of Engineering, Planning & Enterprise/Deputy CAO  
Planning Department  
County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

RE: Consent Application E 25/22  
Mapleview Farms c/o Jeff Cook, 43315 Roberts Line (Parcel A)

---

Dear Mr. Lima:

Please be advised that Council discussed the above noted application at their Regular/Planning Meeting of Council dated Monday, April 25, 2022 and the following resolution was passed:

**THAT** Report CEP.16.22 be received for information;

**AND THAT** Council has no objections to consent application E25/22, Mapleview Farms, 43315 Roberts Line, subject to the following recommended conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot and recognize the deficient front yard setback for the surplus farm dwelling on Parcel "A";
2. confirmation that a new septic system has been constructed on Parcel "A" to the satisfaction of the Municipality of Central Elgin;
3. confirmation that the two existing greenhouses on Parcel "A" have been removed to the satisfaction of the Municipality of Central Elgin;
4. a copy of the reference plan be provided to the Municipality of Central Elgin
5. a drainage reassessment be completed, if necessary, at the owner's expense

As per Council's direction, please note a copy of the planning report has been included for your reference. Please feel free to contact me at the municipal office should you have any questions.



Kind Regards,



Dianne Wilson

Deputy Clerk/Records Management Coordinator

[dwilson@centralelgin.org](mailto:dwilson@centralelgin.org) 519-631-4860 ext. 286

cc. Jeff Cook, Owner  
M. Campbell (Zelinka Priamo Ltd.), Agent  
S. Craig, Senior Planner, CEPO



THE MUNICIPALITY OF CENTRAL ELGIN

**REPORT TO COUNCIL**

**REPORT NO.** CEP.16.22  
**CEPO FILE NO.** E25/22  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 43315 Roberts Line  
Applicant – Mapleview Farms c/o Jeff Cook  
**DATE** April 25, 2022

---

**RECOMMENDATION**

**THAT** Report CEP.16.22 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E25/22 to the Land Division Committee, staff recommends the following conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot and recognize the deficient front yard setback for the surplus farm dwelling on Parcel "A";
2. confirmation that a new septic system has been constructed on Parcel "A" to the satisfaction of the Municipality of Central Elgin;
3. confirmation that the two existing greenhouses on Parcel "A" have been removed to the satisfaction of the Municipality of Central Elgin;
4. a copy of the reference plan be provided to the Municipality of Central Elgin.

---

**REPORT**

**Background:**

Consent application E25/22 has been filed for the purpose of creating a lot (Parcel A) containing a residence surplus to a farm operation. The applicant has filed Consent Application E26/22 concurrently for the purpose of creating an additional lot (Parcel B) containing a residence surplus to a farm operation.

**Location:**

The subject lands are located on the southwest corner of Roberts Line and Fairview Avenue. The lands are described as, Concession 2, North Part Lot 7, Municipality of Central Elgin.

**Proposal:**

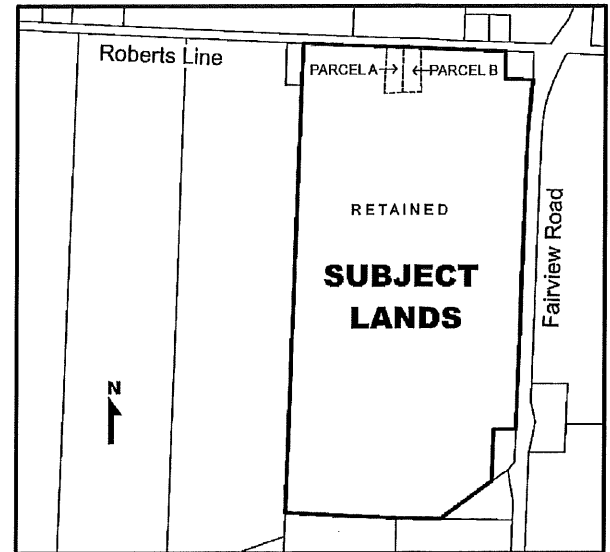
The applicant is proposing to sever a lot with frontage of 38.5m on Roberts Line, and an area of 3,869.25sqm, containing one dwelling and one detached garage. The severed lot will be used for rural residential purposes. The applicant is proposing to retain a lot with frontage of 377m on Roberts Line and an area of 51.6ha. The retained lot will continue to be used for agricultural purposes.

**Staff Report****1. Official Plan**

- The subject lands are located within the Agricultural designation and Natural Heritage designation in accordance with Schedule "A" – Land Use Plan to the Municipality of Central Elgin Official Plan.
- A consent for the purposes of creating a lot containing a residence surplus to a farm operation is permitted within the Agricultural designation. A residence surplus to a farm operation dwelling is defined as an existing farm residence that is rendered surplus as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. The following criteria shall apply (4.1.4c)):
  1. The lot containing the residence surplus to a farm operation:
    - i) Shall be in compliance with the regulations of the applicable zoning by-law;
    - ii) Should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 of the Plan. Exceptions may be considered based on individual site circumstances, the loss of any additional productive farmlands will be avoided;
    - iii) Shall be in compliance with the Municipality's property standards by-law;
    - iv) May contain accessory farm buildings and structures that are not deemed to be livestock facilities; and
    - v) Shall not contain any buildings or structures deemed unsafe in accordance with the Ontario Building Code Act or its successor.
  2. The lot that is being consolidated into the farm operation:
    - i) Shall be in compliance with the regulations of the applicable zoning by-law for farm use;
    - ii) Shall be rezoned to prohibit any new residential dwelling unit; and
    - iii) May be subject to alternative measures as deemed necessary by Council to ensure that no new dwelling unit is permitted.
  3. Council may request that an applicant provide evidence as to the nature of the existing farm operation, including but not necessarily limited to applicable membership in a farm organization and/or evidence of farm business registration in accordance with the Farm Registration and Farm Organizations Funding Act, 1993 or its successor.

**2. Zoning By-Law**

- The subject lands are within the Open Space Zone 1 (OS1) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- Permitted uses include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses (8.2.1.1).
- The minimum lot area required for farm uses is 10.11ha (2.52(a)).
- The minimum lot area required for rural residential uses is 1,858m<sup>2</sup> (8.2.1.3).
- The minimum lot frontage required is 30.48m (8.2.1.4).

**Location Plan:**


3. County of Elgin Official Plan:

- The subject lands are located within the Agricultural designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- In accordance with the intent of the Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if (E1.2.3.4 (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.


4. Comments

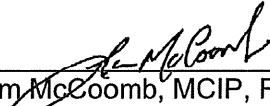
- In accordance with the Official Plan policies the applicant has filed a zoning by-law amendment application concurrently to prohibit residential dwellings on the retained lot. The amendment will also recognize the deficient front yard setback for the surplus farm dwelling on Parcel "A".
- The applicant is proposing to construct a new septic system on Parcel "A" and Parcel "B", as the two surplus farm dwellings currently share one private septic system.
- The applicant is proposing to construct a new well on Parcel "B", as the two surplus farm dwellings share one private well.
- The two existing greenhouses on Parcel "A" are in the process of being removed.

Respectfully submitted:

  
\_\_\_\_\_  
Steve Craig  
Sr. Planning Technician

Approved for submission:

  
\_\_\_\_\_  
Paul Shipway  
CAO/Clerk

  
\_\_\_\_\_  
Jim McCoomb, MCIP, RPP  
Manager of Planning Services

**From:** [Brian Lima](#)  
**To:** [Marlene Bainbridge](#)  
**Subject:** FW: E25, E26, E35 & E36 Notices for Consent Application  
**Date:** June 7, 2022 11:05:06 AM  
**Attachments:** [image009.png](#)  
[image010.png](#)  
[image011.png](#)

---

FYI

**Brian Lima, P.Eng.**

*General Manager of Engineering, Planning & Enterprise / Deputy CAO*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 117  
[blima@elgin.ca](mailto:blima@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)

---

**From:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Sent:** June 7, 2022 10:13 AM  
**To:** Brian Lima <blima@ELGIN.ca>  
**Subject:** E25, E26, E35 & E36 Notices for Consent Application

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 Brian,

Please accept this email as confirmation that staff of KCCA has reviewed the following Notices for Consent Application and that based on our mandate and policies, we have no objection to there approval:

- E25/22 43315 Roberts Line (Severed Lot is not affected by natural hazard regulations under the Ca Act);
- E26/22 43315 Roberts Line (Severed Lot is not affected by natural hazard regulations under the Ca Act);
- E35/22 42431 Ron McNeil Line (Severed Lot with existing development is partially affected by regulations under CA Act).

I can also confirm that the subject property affected by application E36/22 211 Centennial Rd circulated to KCCA is located within the catfish Creek watershed.

Thank you for the opportunity to comment.

Thank you,  
**Joe Gordon**

---

**Assistant Manager  
Supervisor of Planning & Conservation Areas  
(Regulations Enforcement Officer)**

Kettle Creek Conservation Authority

Tel: (519) 631-1270 ext.226

Fax: (519) 631-5026

[www.kettlecreekconservation.on.ca](http://www.kettlecreekconservation.on.ca)



*<The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error, are not the named recipient(s), or believe that you are not the intended recipient immediately notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.>*



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: June 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E25-22

OWNER: Mapleview Farms

PROPERTY: LOT NO. 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 .....
- 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 road or access to a County road.



BRIAN LIMA, P. ENG.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**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:** Planning Division, County of Elgin  
**Date:** June 17, 2022  
**Application:** E 25&26-22

**Owner:**  
**Mapleview Farms c/o Jeff Cook**  
6248 Cook Road, London, ON, N6P 1P3

**Agent:**  
**Zelinka Priamo Ltd. c/o Matt Campbell**

**Location:** Part of Lot 7, Concession 2, Municipality of Central Elgin; Municipal Address: 43315 Roberts Line.

**PROPOSAL**

The applicant is proposing two simultaneous severances to create two distinct lots. Each of the proposed lots would contain an existing dwelling as outlined below:

**E 25-22:** The applicant proposes to sever a parcel with a frontage of 38.5 m along Roberts Line by a depth of 100.5 m and an area of 0.41 ha containing a single-detached dwelling and associated accessory buildings. The applicants are retaining a frontage of approximately 377 m, a depth of approximately 1,055 m, and an area of approximately 51.5 ha, proposed to remain in agricultural use.

**E 26-22:** The applicant proposes to sever a parcel with a frontage of 43.6 m along Roberts Line by a depth of 100.5 m and an area of 0.44 ha containing a single-detached dwelling and associated accessory buildings. The applicants are retaining a frontage of approximately 377 m, a depth of approximately 1,055 m, and an area of 51.6 ha, proposed to remain in agricultural use.

**County of Elgin Official Plan**  
Agricultural Area

**Local Municipality Official Plan**  
Agricultural

**Local Municipality Zoning By-law**  
Open Space Zone 1 (OS1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – Council has advised of no objection to the proposals and recommends approval, subject to the conditions recommended later in this report. Of particular note, the dwellings currently share a common septic system, as such, the Municipality is requiring the system to be removed and replaced with two systems to service each lot.



*County Engineering* – the subject lands are not located on a County Road and no concerns or objections were raised.

*Kettle Creek Conservation Authority* – advised of no objections to an approval of the proposal.

*Public Comment* – one letter was received from neighboring landowners citing concerns with the proposal and the impact on farmland. The full correspondence is included in the Committee's package.

No further comments have been received at the time of writing.

#### Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the given of public notice. With respect the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS as the application will facilitate two surplus farm dwelling severances as contemplated by the PPS. However, to ensure full consistency with the PPS, a zoning by-law amendment will be required to prohibit any residential uses on the retained parcel.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP as the proposal complies with the relevant land use designations and policies of the Plan regarding surplus farm dwelling severances. Again, like PPS consistency, fully compliance with the County OP will be subject to the owner/applicant obtaining approval for a zoning amendment to prohibit residential uses on the retained parcel. No conflicts or inconsistencies were identified.

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

Staff have reviewed the application against the policies of the Central Elgin Official Plan and are of the opinion that the applications conform to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan.

Staff have reviewed the proposed lot against the regulations of the Central Elgin Zoning By-law and are of the opinion that the applications conform to the relevant regulations of the relevant zones with the exception of a deficient front yard for Parcel 'A', which the Municipality of Central Elgin has indicated can be addressed through a zoning by-law amendment.

#### RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject applications can be approved subject to the following conditions, which are applicable to both applications:

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of Central Elgin.

2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed be provided to the satisfaction of the County of Elgin.
3. That a zoning by-law amendment to prohibit residential dwellings on the retained lot be granted and recognize the deficient front yard setback for the surplus farm dwelling on Parcel "A".
4. That a new septic system has been constructed on Parcel "A" to the satisfaction of the Municipality of Central Elgin.
5. That the two existing greenhouses on Parcel "A" have been removed to the satisfaction of the Municipality of Central Elgin.
6. That a drainage reassessment is completed, as necessary, at the Owner's expense to the satisfaction of the Municipality of Central Elgin.
7. That prior to final approval of the subject consent(s) that the Municipality of Central Elgin advise the County of Elgin, in writing, how conditions 1, and 3 to 6, have been satisfied.

To: the Municipality of Central Elgin

Attn: Dianne Wilson

RECEIVED

MAY 13 2022

Municipality of Central Elgin

PER: \_\_\_\_\_ TIME: \_\_\_\_\_

This letter is being written in regard to the application for land division proposed by Maplevue Farms located at 43315 Roberts Line- E25/22 & E26/22.

First and foremost, this farm has previously been subjected to two prior severances with the purpose of building houses. These houses were built with the intention of being the retirement homes for the predecessors of said farm. Since their passing, city-dwellers have purchased these homes with the dream of living a "country life" as they see fit. These new neighbours have actively been involved in multiple altercations with the farmers of this area- complaints of the smell while applying manure to enrich the farm land, complaints of dust from the practice of tilling the land/readying the soil for crops, complaints during the process of applying herbicides, fungicides, pesticides, insecticides etc., and noise complaints with regard to livestock and/or farm equipment to mention a few. Not only do these city-dwellers complain about the day-to-day activities that occur in order to run our farms, but they also create a new plethora of problems for the landowners and farmers- constant trespassing, damage to crops with their off-road vehicles (dirt bikes, atv's, utv's, etc.) theft of crops for decorative purposes, and arguments as to where the property lines are- to name a few.

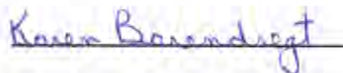
That being said, would allowing a severance for both of the houses on this farm be beneficial moving forward? Hypothetically, in the event the current owner decides to sell this particular farm- there would not be a home attached to the land. Would this mean a fifth house would be built on this property in order to house a new buyer in the future? When is enough, enough? This is a FARM, and it is dissipating one severed lot at a time. It is absolutely appalling to witness such a tragedy to the farmland. If the current owner is uninterested in occupying these houses themselves, they have every right to rent the houses out to generate income. There are plenty of people looking to leave the city, and rent country homes. The severances of both houses are completely unnecessary. This land is deemed agricultural. Leave the farm as a farm.

Sincerely,

Michael Stuart Barendregt

&

Karen Lynn Barendregt





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 26-22**

**PART LOT 7, CONCESSION 2  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 43315 ROBERTS LINE**

**TAKE NOTICE that** an application has been made by Maplevue Farms, 6248 Cook Road, London, ON, N6P 1P3 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 43315 Roberts Line, Municipality of Central Elgin.

The applicant proposes to sever a parcel with a frontage of 43.6 metres (143.04 feet) along Roberts Line, a depth of 100.5 metres (329.27 feet), and an area of 0.435 hectares (1.07 acres) to remain a single-detached dwelling for residential use. The applicants are retaining a frontage of approximately 377 metres (1,236.9 feet), a depth of approximately 1,055 metres (3,461.3 feet), and an area of 51.6 hectares (127.51 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, JUNE, 2022 AT 9:10 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN-PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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.

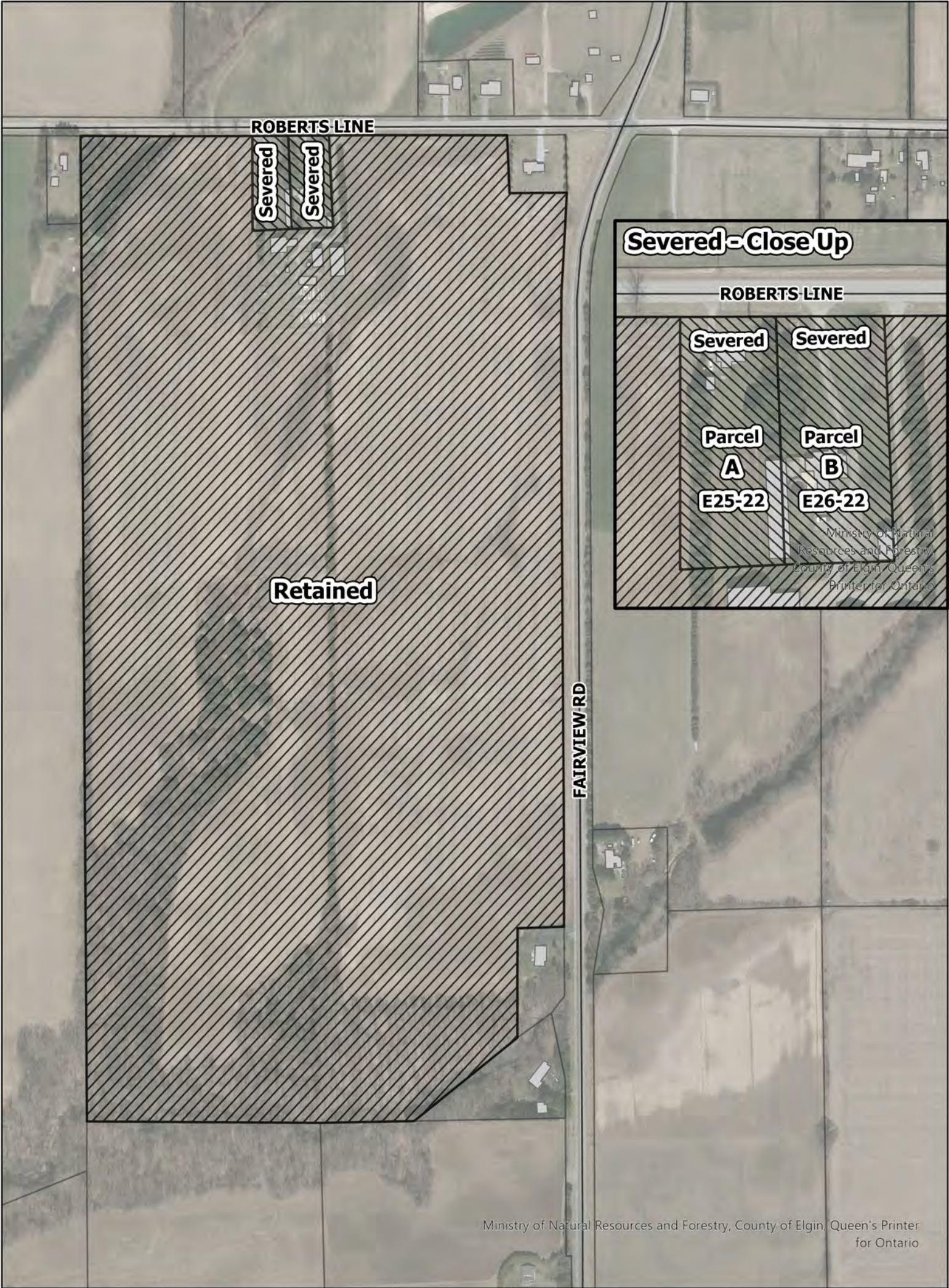
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

Dated at the Municipality of Central Elgin this 30<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee





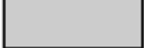
**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



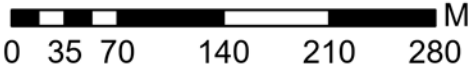


Location Map

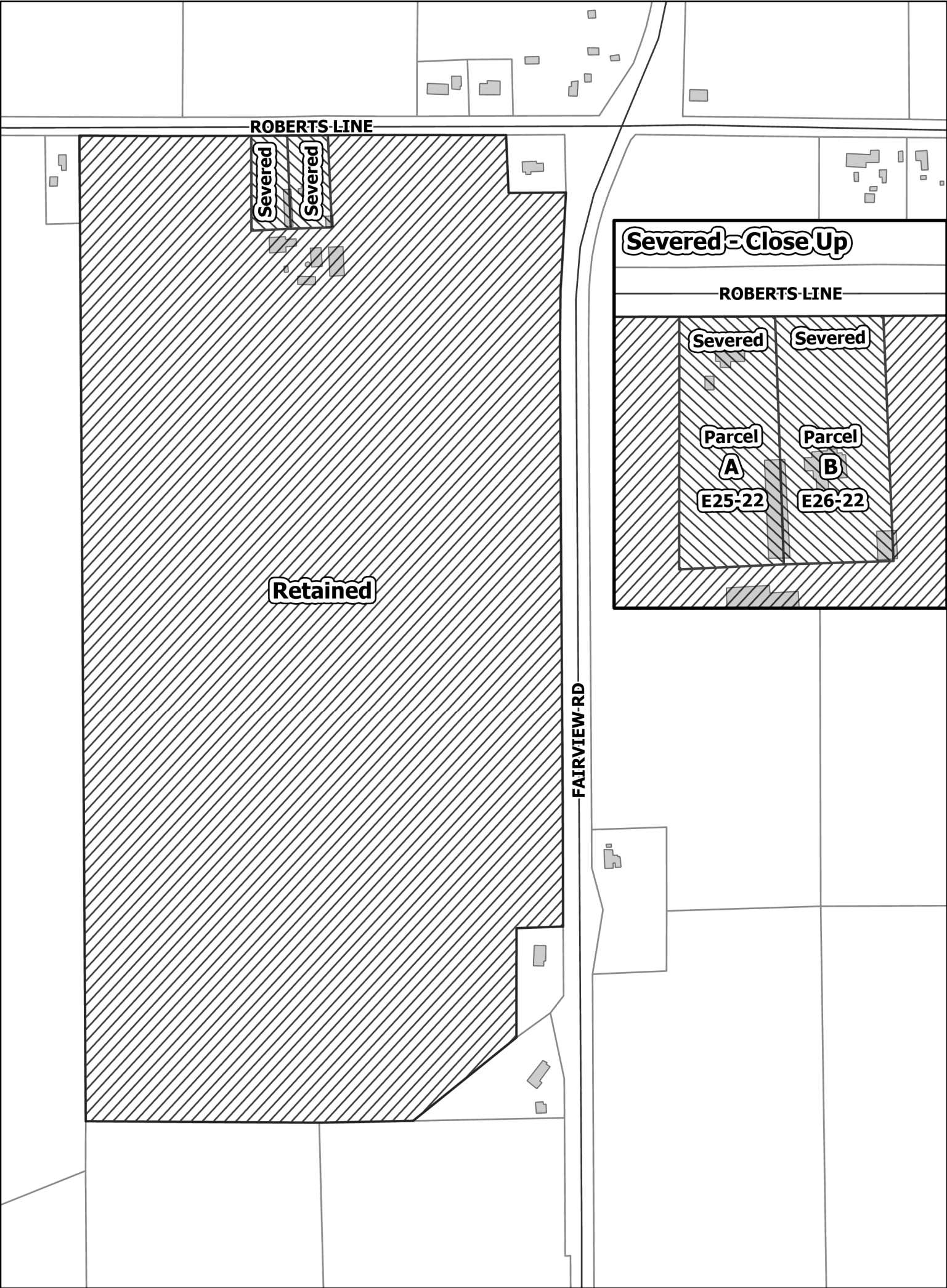


- Legend
-  Subject Site
  -  Severed
  -  Retained
  -  Elgin Road Network
  -  Buildings

Subject Site: 43315 Roberts Line Parcel B  
File Number: E 26-2022  
Owner: Mapleview Farms c/o Jeff Cook  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 04/01/2022



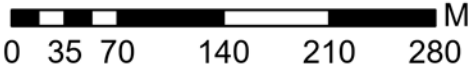




# Location Map



Subject Site: 43315 Roberts Line Parcel B  
File Number: E 26-2022  
Owner: Mapleview Farms c/o Jeff Cook  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 04/01/2022



## Legend



Subject Site



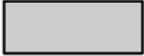
Severed



Retained



Elgin Road Network



Buildings



April 29, 2022

Brian Lima  
General Manager of Engineering, Planning & Enterprise/Deputy CAO  
Planning Department  
County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

RE: Consent Application E 26/22  
Mapleview Farms c/o Jeff Cook, 43315 Roberts Line (Parcel B)

---

Dear Mr. Lima:

Please be advised that Council discussed the above noted application at their Regular/Planning Meeting of Council dated Monday, April 25, 2022 and the following resolution was passed:

**THAT** Report CEP.17.22 be received for information;

**AND THAT** Council has no objections to consent application E26/22, Mapleview Farms, 43315 Roberts Line subject to the following recommended conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot and recognize the deficient side yard setback for the detached garage on Parcel "B";
2. confirmation that a new septic system has been constructed on Parcel "B" to the satisfaction of the Municipality of Central Elgin;
3. confirmation that the swimming pool on Parcel "B" have been removed or relocated to the satisfaction of the Municipality of Central Elgin;
4. a copy of the reference plan be provided to the Municipality of Central Elgin
5. a drainage reassessment be completed, if necessary, at the owner's expense

As per Council's direction, please note a copy of the planning report has been included for your reference. Please feel free to contact me at the municipal office should you have any questions.

Kind Regards,



Dianne Wilson

Deputy Clerk/Records Management Coordinator

[dwilson@centralelgin.org](mailto:dwilson@centralelgin.org) 519-631-4860 ext. 286

cc. Jeff Cook, Owner  
M. Campbell (Zelinka Priamo Ltd.), Agent  
S. Craig, Senior Planner, CEPO





THE MUNICIPALITY OF CENTRAL ELGIN

**REPORT TO COUNCIL**

**REPORT NO.** CEP.17.22  
**CEPO FILE NO.** E26/22  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 43315 Roberts Line  
Applicant – Mapleview Farms c/o Jeff Cook  
**DATE** April 25, 2022

---

**RECOMMENDATION**

**THAT** Report CEP.17.22 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E26/22 to the Land Division Committee, staff recommends the following conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot and recognize the deficient side yard setback for the detached garage on Parcel "B";
2. confirmation that a new septic system has been constructed on Parcel "B" to the satisfaction of the Municipality of Central Elgin;
3. confirmation that the swimming pool on Parcel "B" have been removed or relocated to the satisfaction of the Municipality of Central Elgin;
4. a copy of the reference plan be provided to the Municipality of Central Elgin.

---

**REPORT**

**Background:**

Consent application E26/22 has been filed for the purpose of creating a lot (Parcel B) containing a residence surplus to a farm operation. The applicant has filed Consent Application E25/22 concurrently for the purpose of creating an additional lot (Parcel A) containing a residence surplus to a farm operation.

**Location:**

The subject lands are located on the southwest corner of Roberts Line and Fairview Avenue. The lands are described as, Concession 2, North Part Lot 7, Municipality of Central Elgin.

**Proposal:**

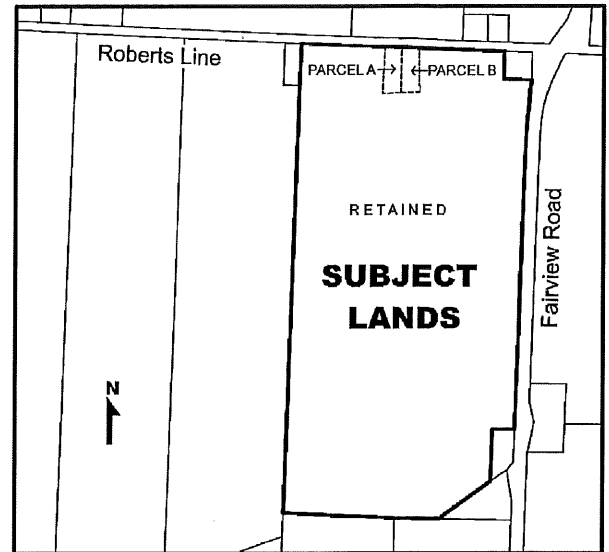
The applicant is proposing to sever a lot with frontage of 43.6m on Roberts Line, and an area of 4,349.99sqm, containing one dwelling, one detached garage and a swimming pool. The severed lot will be used for rural residential purposes. The applicant is proposing to retain a lot with frontage of 377m on Roberts Line and an area of 51.6ha. The retained lot will continue to be used for agricultural purposes.

**Staff Report****1. Official Plan**

- The subject lands are located within the Agricultural designation and Natural Heritage designation in accordance with Schedule "A" – Land Use Plan to the Municipality of Central Elgin Official Plan.
- A consent for the purposes of creating a lot containing a residence surplus to a farm operation is permitted within the Agricultural designation. A residence surplus to a farm operation dwelling is defined as an existing farm residence that is rendered surplus as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. The following criteria shall apply (4.1.4c)):
  1. The lot containing the residence surplus to a farm operation:
    - i) Shall be in compliance with the regulations of the applicable zoning by-law;
    - ii) Should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 of the Plan. Exceptions may be considered based on individual site circumstances, the loss of any additional productive farmlands will be avoided;
    - iii) Shall be in compliance with the Municipality's property standards by-law;
    - iv) May contain accessory farm buildings and structures that are not deemed to be livestock facilities; and
    - v) Shall not contain any buildings or structures deemed unsafe in accordance with the Ontario Building Code Act or its successor.
  2. The lot that is being consolidated into the farm operation:
    - i) Shall be in compliance with the regulations of the applicable zoning by-law for farm use;
    - ii) Shall be rezoned to prohibit any new residential dwelling unit; and
    - iii) May be subject to alternative measures as deemed necessary by Council to ensure that no new dwelling unit is permitted.
  3. Council may request that an applicant provide evidence as to the nature of the existing farm operation, including but not necessarily limited to applicable membership in a farm organization and/or evidence of farm business registration in accordance with the Farm Registration and Farm Organizations Funding Act, 1993 or its successor.

**2. Zoning By-Law**

- The subject lands are within the Open Space Zone 1 (OS1) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- Permitted uses include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses (8.2.1.1).
- The minimum lot area required for farm uses is 10.11ha (2.52(a)).
- The minimum lot area required for rural residential uses is 1,858m<sup>2</sup> (8.2.1.3).
- The minimum lot frontage required is 30.48m (8.2.1.4).

**Location Plan:**

3. County of Elgin Official Plan:

- The subject lands are located within the Agricultural designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- In accordance with the intent of the Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if (E1.2.3.4 (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.


4. Comments

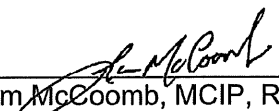
- In accordance with the Official Plan policies the applicant has filed a zoning by-law amendment application concurrently to prohibit residential dwellings on the retained lot. The amendment will also recognize the deficient side yard setback for the existing detached garage.
- The applicant is proposing to construct a new septic system on Parcel "A" and Parcel "B", as the two surplus farm dwellings currently share one private septic system.
- The applicant is proposing to construct a new well on Parcel "B", as the two surplus farm dwellings share one private well.
- The existing swimming pool on Parcel "B" will need to be removed or relocated, in accordance with the Zoning By-law.

Respectfully submitted:

  
\_\_\_\_\_  
Steve Craig  
Sr. Planning Technician

Approved for submission:

  
\_\_\_\_\_  
Paul Shipway  
CAO/Clerk

  
\_\_\_\_\_  
Jim McCoomb, MCIP, RPP  
Manager of Planning Services

**From:** [Brian Lima](#)  
**To:** [Marlene Bainbridge](#)  
**Subject:** FW: E25, E26, E35 & E36 Notices for Consent Application  
**Date:** June 7, 2022 11:05:06 AM  
**Attachments:** [image009.png](#)  
[image010.png](#)  
[image011.png](#)

---

FYI

**Brian Lima, P.Eng.**

*General Manager of Engineering, Planning & Enterprise / Deputy CAO*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 117  
[blima@elgin.ca](mailto:blima@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)

---

**From:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Sent:** June 7, 2022 10:13 AM  
**To:** Brian Lima <blima@ELGIN.ca>  
**Subject:** E25, E26, E35 & E36 Notices for Consent Application

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 Brian,

Please accept this email as confirmation that staff of KCCA has reviewed the following Notices for Consent Application and that based on our mandate and policies, we have no objection to there approval:

- E25/22 43315 Roberts Line (Severed Lot is not affected by natural hazard regulations under the Ca Act);
- E26/22 43315 Roberts Line (Severed Lot is not affected by natural hazard regulations under the Ca Act);
- E35/22 42431 Ron McNeil Line (Severed Lot with existing development is partially affected by regulations under CA Act).

I can also confirm that the subject property affected by application E36/22 211 Centennial Rd circulated to KCCA is located within the catfish Creek watershed.

Thank you for the opportunity to comment.

Thank you,  
**Joe Gordon**

---

**Assistant Manager  
Supervisor of Planning & Conservation Areas  
(Regulations Enforcement Officer)**

Kettle Creek Conservation Authority

Tel: (519) 631-1270 ext.226

Fax: (519) 631-5026

[www.kettlecreekconservation.on.ca](http://www.kettlecreekconservation.on.ca)



*<The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error, are not the named recipient(s), or believe that you are not the intended recipient immediately notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.>*



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: June 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E26-22

OWNER: Mapleview Farms

PROPERTY: LOT NO. 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.....

X
- 11) Not on County Road .....
- 12) Please provide me with a copy of your action on this application .....
- 13) Other...

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



BRIAN LIMA, P. ENG.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**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:** Planning Division, County of Elgin  
**Date:** June 17, 2022  
**Application:** E 25&26-22

**Owner:**  
**Mapleview Farms c/o Jeff Cook**  
6248 Cook Road, London, ON, N6P 1P3

**Agent:**  
**Zelinka Priamo Ltd. c/o Matt Campbell**

**Location:** Part of Lot 7, Concession 2, Municipality of Central Elgin; Municipal Address: 43315 Roberts Line.

**PROPOSAL**

The applicant is proposing two simultaneous severances to create two distinct lots. Each of the proposed lots would contain an existing dwelling as outlined below:

**E 25-22:** The applicant proposes to sever a parcel with a frontage of 38.5 m along Roberts Line by a depth of 100.5 m and an area of 0.41 ha containing a single-detached dwelling and associated accessory buildings. The applicants are retaining a frontage of approximately 377 m, a depth of approximately 1,055 m, and an area of approximately 51.5 ha, proposed to remain in agricultural use.

**E 26-22:** The applicant proposes to sever a parcel with a frontage of 43.6 m along Roberts Line by a depth of 100.5 m and an area of 0.44 ha containing a single-detached dwelling and associated accessory buildings. The applicants are retaining a frontage of approximately 377 m, a depth of approximately 1,055 m, and an area of 51.6 ha, proposed to remain in agricultural use.

**County of Elgin Official Plan**  
Agricultural Area

**Local Municipality Official Plan**  
Agricultural

**Local Municipality Zoning By-law**  
Open Space Zone 1 (OS1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – Council has advised of no objection to the proposals and recommends approval, subject to the conditions recommended later in this report. Of particular note, the dwellings currently share a common septic system, as such, the Municipality is requiring the system to be removed and replaced with two systems to service each lot.

*County Engineering* – the subject lands are not located on a County Road and no concerns or objections were raised.

*Kettle Creek Conservation Authority* – advised of no objections to an approval of the proposal.

*Public Comment* – one letter was received from neighboring landowners citing concerns with the proposal and the impact on farmland. The full correspondence is included in the Committee's package.

No further comments have been received at the time of writing.

#### Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the given of public notice. With respect the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS as the application will facilitate two surplus farm dwelling severances as contemplated by the PPS. However, to ensure full consistency with the PPS, a zoning by-law amendment will be required to prohibit any residential uses on the retained parcel.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP as the proposal complies with the relevant land use designations and policies of the Plan regarding surplus farm dwelling severances. Again, like PPS consistency, fully compliance with the County OP will be subject to the owner/applicant obtaining approval for a zoning amendment to prohibit residential uses on the retained parcel. No conflicts or inconsistencies were identified.

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

Staff have reviewed the application against the policies of the Central Elgin Official Plan and are of the opinion that the applications conform to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan.

Staff have reviewed the proposed lot against the regulations of the Central Elgin Zoning By-law and are of the opinion that the applications conform to the relevant regulations of the relevant zones with the exception of a deficient front yard for Parcel 'A', which the Municipality of Central Elgin has indicated can be addressed through a zoning by-law amendment.

#### RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject applications can be approved subject to the following conditions, which are applicable to both applications:

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of Central Elgin.



2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed be provided to the satisfaction of the County of Elgin.
3. That a zoning by-law amendment to prohibit residential dwellings on the retained lot be granted and recognize the deficient front yard setback for the surplus farm dwelling on Parcel "A".
4. That a new septic system has been constructed on Parcel "A" to the satisfaction of the Municipality of Central Elgin.
5. That the two existing greenhouses on Parcel "A" have been removed to the satisfaction of the Municipality of Central Elgin.
6. That a drainage reassessment is completed, as necessary, at the Owner's expense to the satisfaction of the Municipality of Central Elgin.
7. That prior to final approval of the subject consent(s) that the Municipality of Central Elgin advise the County of Elgin, in writing, how conditions 1, and 3 to 6, have been satisfied.

To: the Municipality of Central Elgin

Attn: Dianne Wilson

RECEIVED

MAY 13 2022

Municipality of Central Elgin

PER: \_\_\_\_\_ TIME: \_\_\_\_\_

This letter is being written in regard to the application for land division proposed by Maplevue Farms located at 43315 Roberts Line- E25/22 & E26/22.

First and foremost, this farm has previously been subjected to two prior severances with the purpose of building houses. These houses were built with the intention of being the retirement homes for the predecessors of said farm. Since their passing, city-dwellers have purchased these homes with the dream of living a "country life" as they see fit. These new neighbours have actively been involved in multiple altercations with the farmers of this area- complaints of the smell while applying manure to enrich the farm land, complaints of dust from the practice of tilling the land/readying the soil for crops, complaints during the process of applying herbicides, fungicides, pesticides, insecticides etc., and noise complaints with regard to livestock and/or farm equipment to mention a few. Not only do these city-dwellers complain about the day-to-day activities that occur in order to run our farms, but they also create a new plethora of problems for the landowners and farmers- constant trespassing, damage to crops with their off-road vehicles (dirt bikes, atv's, utv's, etc.) theft of crops for decorative purposes, and arguments as to where the property lines are- to name a few.

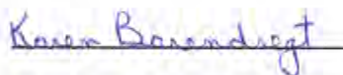
That being said, would allowing a severance for both of the houses on this farm be beneficial moving forward? Hypothetically, in the event the current owner decides to sell this particular farm- there would not be a home attached to the land. Would this mean a fifth house would be built on this property in order to house a new buyer in the future? When is enough, enough? This is a FARM, and it is dissipating one severed lot at a time. It is absolutely appalling to witness such a tragedy to the farmland. If the current owner is uninterested in occupying these houses themselves, they have every right to rent the houses out to generate income. There are plenty of people looking to leave the city, and rent country homes. The severances of both houses are completely unnecessary. This land is deemed agricultural. Leave the farm as a farm.

Sincerely,

Michael Stuart Barendregt

&

Karen Lynn Barendregt





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 28-22**

**PART TOWN HALL BLOCK, REGISTERED PLAN NO. 164  
TOWN OF AYLMER  
MUNICIPAL ADDRESS: 57 WATER STREET**

**TAKE NOTICE that** an application has been made by Gehard Blatz, 51819 Talbot Street, Aylmer, ON, N5H 2R1 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 57 Water Street, Town of Aylmer.

The applicant proposes to sever a parcel with a frontage of 21.031 metres (69.0 feet), by a depth of 30.175 metres (99.0 feet), and an area of 0.063 metres (0.16 acres) to create new residential lot. The applicants are retaining 0.092 hectares (0.23 acres), to remain in residential use.

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

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

**WEDNESDAY, JUNE 22, 2022 AT 9:20 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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 30<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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





Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map



## Legend



Subject Site



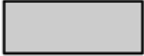
Severed



Retained

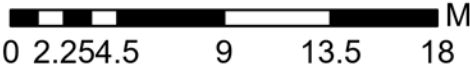


Elgin Road Network



Buildings

Subject Site: 57 Water Street  
File Number: E 28-2022  
Owner: Gerhard Blatz  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: TE  
Date: 05/03/2022  
Town of Aylmer

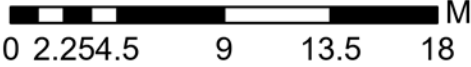




# Location Map



Subject Site: 57 Water Street  
File Number: E 28-2022  
Owner: Gerhard Blatz  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: TE  
Date: 05/03/2022  
Town of Aylmer



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



Town of Aylmer

# Report CLRK 27-22



<b>Report Title:</b>	Planning Evaluation Report: Application for Consent to Sever No. E28-22 – 57 Water Street (Blatz)
<b>Submitted for:</b>	Council – June 1, 2022
<b>Report Author:</b>	Josh Brick, Director Corporate Services/Clerk WSP Planning Consultants
<input type="checkbox"/> <b>Receive for Information</b>	<input checked="" type="checkbox"/> <b>Recommendation</b>

## Recommendation

**That Report CLRK 27-22 entitled Planning Evaluation Report: Application for Consent to Sever No. E28-22 – 57 Water Street (Blatz), be received for information; and,**

**That that the Application for Consent to Sever No. E28-22 relating to the property known municipally as 57 Water Street be supported in principle with the recommended conditions set out in the Report CLRK 27-22; and further,**

**That the Report and Appendix A be forward to the Land Division Committee for review and consideration.**

## Background and Analysis

The Elgin County Land Division Committee is in receipt of an application for consent to sever submitted by Gerhard Blatz, owner of property known municipally as 57 Water Street, Aylmer. The property has an existing single detached dwelling. The provisional consent application proposes to create a new lot on the north side of the property with a frontage of 21.031 m on Linden Street, and an area of 634.61 m<sup>2</sup>. The retained lands will have a frontage of 30.175 m on Water Street, and an area of 919.73 m<sup>2</sup>, which will contain the existing dwelling.

In the absence of a Manager of Planning and Development, staff worked with WSP Planning Consultants to evaluate the application for consent to sever.

The Policy Review and Analysis provided by WSP Planning Consultants is appended to the report CLRK 27-22 as Appendix A.

Within the conclusion and recommendation section of the review, WSP Planning Consultants note:

*Based on our review of the proposal, it is our opinion that the proposed development generally satisfies the policies of the Official Plan. It is noted that non-compliance with the Zoning By-Law has been identified, and there are other Zoning By-Law provisions that will need to be confirmed by the application. However, it is our opinion that these deficiencies may be addressed through conditions of approval.*

*As such, we recommend that the proposed severance be approved, subject to the following conditions:*

- 1. That a plan of survey be prepared, or a reference plan deposited in the registry office, both an electronic and paper copy of to be provided to the Town.*
- 2. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the zoning requirements for the municipality including satisfactory proof as to compliance of the location of all buildings on the subject lands, either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or minor variances shall have been processed for any non-compliances;*
- 3. That the owner shall provide that all municipal taxes be paid in full;*
- 4. That as a result of severance, owners shall become liable by way of up-front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds;*
- 5. That the applicants pay for and install a new water and sanitary services to the severed parcel;*
- 6. That the applicant enters into an agreement to maintain any drainage facilities which traverse the property (if applicable);*
- 7. That a lot levy (including 5 percent of the value of the lot for park purposes) and charges as specified for community services in accordance with the Town's Development Charges By-Law be paid;*

8. *That access to the property is constructed to the satisfaction of the appropriate agency;*
9. *The conditions imposed above shall be fulfilled within 2 years of the approval date, or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.*

Based on the above advice, staff are recommending that the Application for Consent to Sever No. E28-22 relating to the property known municipally as 57 Water Street be supported in principle with the recommended conditions set out in the Report CLRK 27-22 and that the report (including Appendix A) be forwarded to the Land Division Committee for review and final consideration.

### **Strategic Priorities**

- ☐ Pillar One – Dynamic, Inclusive Community
- ☒ Pillar Two – Planning for the Future
- ☒ Pillar Three – Economic Vitality
- ☐ Pillar Four – Environmental Stewardship
- ☒ Pillar Five – Public Service Excellence

Submitted by:

Josh Brick  
Director Corporate Services/Clerk  
Town of Aylmer

WSP Planning Consultants

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





May 20th, 2022

Josh Brick, Director of Corporate/Legislative Services  
46 Talbot Street West  
Aylmer, ON  
N5H 1J7

**Subject: 57 Water Street**

Dear Mr. Brick:

As requested, WSP provides the following comments and recommendation related to the property on 57 Water Street (herein referred to as the “subject property”). The purpose of the memo is to provide a planning policy overview regarding a proposal for a severance to create a new lot on the subject property.

**BACKGROUND & PROPOSAL**

The subject property is known municipally as 57 Water Street, in the Town of Aylmer. The property is located on northeast side of the intersection between Linden Street and Water Street. The property has an existing single detached dwelling.

The provisional consent application proposes to create a new lot on the north side of the property with a frontage of 21.031 m on Linden Street, and an area of 634.61 m<sup>2</sup>. The retained lands will have a frontage of 30.175 m on Water Street, and an area of 919.73 m<sup>2</sup>, which will contain the existing dwelling.

**POLICY REVIEW**

**OFFICIAL PLAN**

The subject property is designated “Low Density Residential” as shown on Schedule A of the Town of Aylmer Official Plan (July 2021 Office Consolidation). As per Section 4.2.3 of the Official Plan, permitted uses within the designation shall be limited to single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses.

Policy 4.2.2 states it is an objective of the Official Plan to accommodate a minimum of 15% of new housing units through intensification and redevelopment of existing vacant and underutilized lands in areas of existing residential development. Redevelopment proposals will, to the satisfaction of Council, ensure that the residential character of the area will be maintained or enhanced and not present a burden to existing facilities and services.

The proposed severance generally conforms with the above, as it will make use of underutilized land within an existing residential neighbourhood.

Section 5.1.2 of the Official Plan sets out specific policies when it comes to considering land severances. The table below provides an overview of these policies as well as a planning analysis.

POLICY	ANALYSIS
(1) The division of land will only be allowed when all the parcels involved abut a public road of a standard of construction acceptable to the Town (and the County of Elgin when applicable) and where safe and suitable access is available;	The proposed development is located on an existing public road that is constructed to Town standards.
(2) The division of land will not be allowed if any parcel involved requires access to be obtained where a traffic hazard could be created because of limited sight lines on curves or grades or proximity to intersections;	It is not anticipated that a proposed development will create a traffic hazard.
(3) The division of land will only be allowed when it has been established that soil and drainage conditions for all parcels involved are suitable:  (a) to permit the proper siting of a building;  (b) to allow connection to public piped sanitary sewer and water services;  (c) to accommodate required stormwater facilities;	The severed lands comply with the Zoning By-law, which allows for a proper siting of a building. The retained lands can comply with the Zoning By-Law subject to a Minor Variance. Connections to sanitary, water, and stormwater facilities may be addressed through a condition of approval.
(4) The division of the land will only be allowed if the proposed lots comply with the provisions of the Town's Zoning By-Law. The Zoning By-Law shall establish minimum lot frontages and areas in accordance with the requirements of the province and/or its designated agent. Where a by-law amendment or minor variance is necessary, it shall be a condition of the consent or plan of subdivision approval;	The severed lands comply with the Zoning By-law, which allows for a proper siting of a building. The retained lands can comply with the Zoning By-Law subject to a Minor Variance.
(5) The division of land shall be prohibited if development would occur on lands subject to severe flooding, development control areas, severe erosion or unstable conditions or any other physical limitations as determined by the Town in consultation with the Catfish Creek Conservation Authority;	The site is not within an area with severe flooding, development control areas, severe erosion or unstable conditions.

<p>(6) Notwithstanding any other section of this Plan, consents for the creation of easements or rights-of-way are permitted, and minor lot adjustments or minor boundary changes are permitted provided they are granted conditional to Section 50(3) or (5) of the Planning Act, R.S.O. 1990, c.P.13 and that the consent would not result in the creation of a new building lot;</p>	<p>N/A</p>
<p>(7) The Land Division Committee may exercise its powers under the Planning Act R.S.O. 1990, c.P.13 when reviewing the shape, size, etc. of any proposed lot;</p>	<p>Noted.</p>
<p>8) It shall be the Town's policy to require one application fee per new lot created, each right-of-way, lot addition, etc. However, only one application outlining all the lots to be created need be submitted. Such application shall have a corresponding series of numbers. Further, it shall be the Town's policy to deny consent applications that only remit one fee by applying for a new lot line in the middle of an existing lot in an attempt to create three lots with one application; and</p>	<p>Noted.</p>
<p>(9) When considering consent applications or plans of subdivision, consideration will be given to the following requirements which may be stipulated as a condition of consent or plan of subdivision approval where applicable:</p> <ul style="list-style-type: none"> <li>(a) that a lot levy (including 5 percent of the value of the lot for park purposes) and charges as specified for community services in accordance with the Town's Development Charges By-Law be paid;</li> <li>(b) that the applicant enter into an agreement to maintain any drainage facilities which traverse the property;</li> <li>(c) that the applicant enter into an agreement to construct or maintain fences around the proposed lot;</li> <li>(d) that the Town's Zoning By-Law be amended to permit the proposed use, if necessary, prior to the stamping of deeds;</li> <li>(e) that access to the property is constructed to the satisfaction of the appropriate agency;</li> <li>(f) that all new development proposed within be serviced by municipal piped water supply and municipal sanitary sewage facilities.</li> </ul>	<p>The appropriate conditions have been included as a condition of approval for the subject development.</p>

### Zoning By-law

The Township Zoning By-law 57-99 zones the subject property “R2 – Residential Type 2 Zone” as shown on Schedule A of the By-law. The table below provides a zoning analysis of the severed and retained lands.

REQUIRED	RETAINED	SEVERED
Minimum Lot Frontage Single Detached Dwelling: 12.0 m	30.175 m	21.031 m
Minimum Lot Area Single Detached Dwelling: 370 m <sup>2</sup>	919.73 m <sup>2</sup>	634.61 m <sup>2</sup>

In addition, the table below provides a zoning analysis of the existing building on the retained lands.

REQUIRED	PROPOSED
FRONT YARD DEPTH (MINIMUM): 7.0 m	9.85 m
INTERIOR SIDE YARD WIDTH (MINIMUM) 1.2 m  Provided that on a lot where there is no attached private garage or attached carport the minimum interior side yard shall be 3.0 m on one side and 1.2 m on the other side, except in case of a semi-detached dwelling where there is no attached garage and/or carport, the minimum side yard shall be 3.0 m.	5.20 m
EXTERIOR SIDE YARD WIDTH (MINIMUM) 7.0 m	12.85 m
REAR YARD DEPTH (MINIMUM) 7.5 m	DOES NOT COMPLY  The rear yard setback is not shown clearly on the received site plan, but appears to be less than the required 7.5 m.
LOT COVERAGE (MAXIMUM) 35%	TO BE CONFIRMED

LANDSCAPED OPEN SPACE (MINIMUM) 30%	TO BE CONFIRMED
--	-----------------

## CONCLUSION AND RECOMMENDATION

Based on our review of the proposal, it is our opinion that the proposed development generally satisfies the policies of the Official Plan. It is noted that non-compliance with the Zoning By-Law has been identified, and there are other Zoning By-Law provisions that will need to be confirmed by the application. However, it is our opinion that these deficiencies may be addressed through conditions of approval.

As such, we recommend that the proposed severance be approved, subject to the following conditions:

1. That a plan of survey be prepared, or a reference plan deposited in the registry office, both an electronic and paper copy of to be provided to the Town.
2. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the zoning requirements for the municipality including satisfactory proof as to compliance of the location of all buildings on the subject lands, either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or minor variances shall have been processed for any non-compliances;
3. That the owner shall provide that all municipal taxes be paid in full;
4. That as a result of severance, owners shall become liable by way of up-front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds;
5. That the applicants pay for and install a new water and sanitary services to the severed parcel;
6. That the applicant enters into an agreement to maintain any drainage facilities which traverse the property (if applicable);
7. That a lot levy (including 5 percent of the value of the lot for park purposes) and charges as specified for community services in accordance with the Town's Development Charges By-Law be paid;
8. That access to the property is constructed to the satisfaction of the appropriate agency;
9. The conditions imposed above shall be fulfilled within 2 years of the approval date, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Alexander', written in a cursive style.

Matt Alexander, MCIP, RPP  
Project Manager

A handwritten signature in black ink, appearing to read 'Angela Zhao', written in a cursive style.

Angela Zhao, MCIP, RPP  
Project Planner

**From:** [Tony Difazio](#)  
**To:** [Brian Lima](#); [Land Division](#)  
**Subject:** RE: Notice of Application - E 28-22 - Request for Agency Review  
**Date:** June 8, 2022 10:54:15 AM  
**Attachments:** [image004.png](#)  
[image005.png](#)  
[image006.png](#)

---

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.

Hello Brian,

Tony Difazio has since retired from Catfish Creek Conservation Authority (CCCA) and I am Gerrit Kremers and I am in the progress of transitioning into Tony's position here at CCCA.

In regards to application E 28-22, Catfish Creek Conservation Authority has no concerns.

Any further questions feel free to contact me via email or the phone number below.

Thank You,

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

---

**From:** Brian Lima <[blima@ELGIN.ca](mailto:blima@ELGIN.ca)>  
**Sent:** June-01-22 10:36 AM  
**To:** Josh Brick <[jbrick@town.aylmer.on.ca](mailto:jbrick@town.aylmer.on.ca)>; Tony Difazio <[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)>  
**Cc:** George blatz <[doufeelluckpunk@hotmail.com](mailto:doufeelluckpunk@hotmail.com)>; Marlene Bainbridge <[mbainbridge@ELGIN.ca](mailto:mbainbridge@ELGIN.ca)>  
**Subject:** Notice of Application - E 28-22 - Request for Agency Review

Good Morning,

Please find attached a Notice of Application for file number E 28-22 for the Elgin County Land Division Committee meeting scheduled for June 22, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca), by **Tuesday, June 14, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks

**Brian Lima, P.Eng.**

*General Manager of Engineering, Planning & Enterprise / Deputy CAO*



450 Sunset Drive

St. Thomas, ON. N5R 5V1

(519) 631-1460 ext. 117

[blima@elgin.ca](mailto:blima@elgin.ca)

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



**Notice:** The County of Elgin experienced a technical disruption from April 1, 2022 – April 27, 2022. During this time, email and website services were unavailable. If you emailed the County of Elgin between these dates, we did not receive your message. If you tried to reach us during this time, please reach out again by email, phone 519-631-1460 ext. 104, or in person at 450 Sunset Drive, St. Thomas. [www.elgincounty.ca](http://www.elgincounty.ca) for daily updates.



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: June 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E28-22

OWNER: Gehard Blatz

PROPERTY: LOT NO. 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 .....
- 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 road or access to a County road.



BRIAN LIMA, P. ENG.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**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:** Planning Division, County of Elgin  
**Date:** June 17, 2022  
**Application:** E 28-22

**Owner:**  
**Gerhard Blatz**  
51819 Talbot Street, Aylmer, ON N5H 2R1

**Agent:**  
**N/A**

**Location:** Part of Town Hall Block, Registered Plan No. 164, Town of Aylmer, Municipal  
Address: 57 Water Street, Town of Aylmer.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 21 m, by a depth of 30.2 m, and an area of 6,300 m<sup>2</sup> to create new residential building lot. The applicants would retain a 9,000 m<sup>2</sup> lot containing a single detached dwelling.

**County of Elgin Official  
Plan**  
Tier 1 Settlement Area

**Local Municipality Official  
Plan**  
Low Density Residential

**Local Municipality Zoning  
By-law**  
Residential Type 2 (R2)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Town of Aylmer* – recommends approval of the proposed severance subject to the conditions outlined in the recommendation section of this report.

*County Engineering* – the subject lands are not located on a County Road, no concerns.

*Kettle Creek Conservation Authority* – advised County of no concerns with the proposal.

No further comments have been received at the time of writing.

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the given of public notice. With respect the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS as the application constitutes residential infilling on full municipal services in a designated settlement area. No conflicts or inconsistencies with provincial policy were identified.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP as the proposal complies with the relevant land use designations and policies of the Plan. No conflicts or inconsistencies were identified.

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

Staff have reviewed the application against the policies of the Town of Aylmer Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan.

Staff have reviewed the proposed lot against the regulations of the Town's Zoning By-law as well as the staff report prepared by the Town's planning consultant would note for clarification, that the existing dwelling on the retained lot is a fourplex, as opposed to a single detached dwelling as noted in the staff report. Further, though the proposed setback of the existing dwelling from the new lot line is not clearly provided on the application, it appears that the dwelling would not meet the minimum rear yard setback of 7.5m required in the R2 Zone. Town staff have recommended a condition to address this (presumed) deficiency through a minor variance.

County Staff note that the Ontario Building Code (OBC) also outlines requirements for spatial separation for buildings that, given the proximity to the proposed new lot line, should be confirmed by the Town will not be offended for the existing dwelling. While a variance or rezoning can address any deficiency with the Zoning By-law, there is no such mechanism with the OBC and it is the opinion of County Staff, that compliance with the spatial separation requirements of the OBC should be confirmed prior to granting the severance to prevent a situation where the proposed new lot needs to be reconfigured to address Code compliance. Upon resubmission, the application would then be re-visited by Committee.

#### RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject application should be deferred pending additional information on the rear-yard setback and confirmation that the existing dwelling on the subject lands will be compliant with the spatial separation requirements of the OBC. However, should Committee be prepared to approve the application, it should subject to the following conditions:

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Town of Aylmer;
2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed to the satisfaction of the County of Elgin;
3. That municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of the County of Elgin.
4. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the zoning requirements for the Municipality

including satisfactory proof as to compliance of the location of all buildings on the subject lands, either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or minor variances shall have been processed for any non-compliances to the satisfaction of the Town of Aylmer.

5. That the owner shall provide that all municipal taxes be paid in full to the satisfaction of the Town of Aylmer.
6. That as a result of severance, owners shall become pay any and all up-front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds to the satisfaction of the Town of Aylmer.
7. That the applicants shall pay for and install a new water and sanitary services to the severed parcel to the satisfaction of the Town of Aylmer.
8. That the applicant shall enter into an agreement to maintain any drainage facilities which traverse the property (if applicable) to the satisfaction of the Town of Aylmer.
9. That a lot levy (including five percent of the value of the lot for park purposes) and charges as specified for community services in accordance with the Town's Development Charges By-Law be paid to the satisfaction of the Town of Aylmer.
10. That prior to final approval of the subject consent(s) that the Town of Aylmer advise the County of Elgin, in writing, how conditions 1, and 4 to 9, have been satisfied.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 29-22**

**PART LOT 15, CONCESSION 6, REGISTERED PLAN NO. 35263-0180  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 7716 YARMOUTH CENTRE ROAD**

**TAKE NOTICE that** an application has been made by Ralph William Wilson, 44748 Southdale Line, St. Thomas, ON, N5P 3S6 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 7716 Yarmouth Centre Road, Municipality of Central Elgin.

The applicant proposes to sever a parcel with a frontage of 90 metres (295.28 feet) along Yarmouth Centre Road by a depth of 100 metres (328.08 feet) and an area of 0.36 hectares (0.9 acres) containing a house and two barns for rural residential use. The applicants are retaining 9.32 hectares (23.03 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, JUNE 22, 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.

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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 26<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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

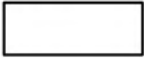






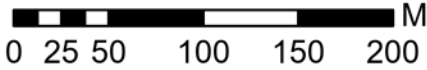


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

Location Map

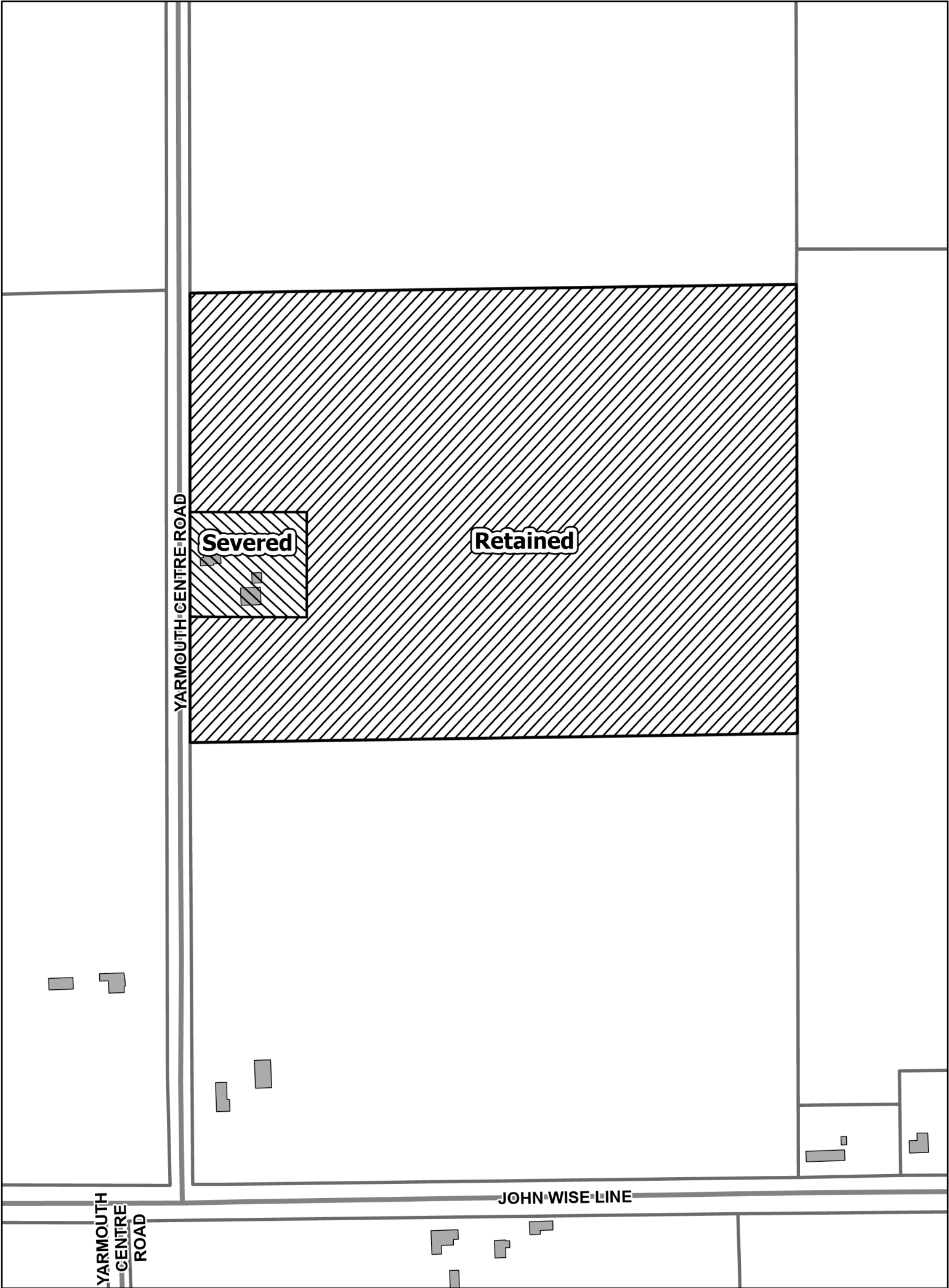


- Legend
-  Subject Site
  -  Severed
  -  Retained
  -  Elgin Road Network
  -  Buildings



Subject Site: 7716 Yarmouth Centre Road  
File Number: E 29-2022  
Owner: Ralph William Wilson  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 05/20/2022  
Municipality of Central Elgin

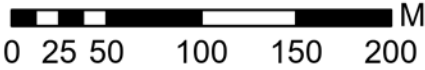




# Location Map



Subject Site: 7716 Yarmouth Centre Road  
File Number: E 29-2022  
Owner: Ralph William Wilson  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 05/20/2022  
Municipality of Central Elgin



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings





Brian Lima  
General Manager of Engineering, Planning & Enterprise/Deputy CAO  
Planning Department  
County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

RE: Consent Application E29/22  
Ralph William Willson - 7716 Yarmouth Centre Road

---

Dear Mr. Lima:

Please be advised that Council discussed a report on the above noted application at their Regular Meeting of Council dated Tuesday, May 24, 2022 and the following resolution:

**THAT** Report CEP.20.22 re Consent Application 7716 Yarmouth Centre Road - Ralph William Willson be received for information;

**AND THAT** Council has no objections to consent application E29/22, 7716 Yarmouth Centre Road, Ralph William Wilson subject to the following recommended conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
2. a copy of the reference plan be provided to the Municipality of Central Elgin and
3. a drainage reassessment be done, if necessary, at the owner's expense and
4. the applicant provide justification for the requested size of lot by providing a site plan which outlines location of existing buildings, structures and private on site services.

As per Council's direction, please note a copy of the planning report has been included for your convenience.

Please feel free to contact me should you have any questions.

Kind Regards,

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

Dianne Wilson  
Deputy Clerk/Records Management Coordinator

[dwilson@centralelgin.org](mailto:dwilson@centralelgin.org)

519-631-4860 ext. 286

c.c.     Ralph William Willson, Owner  
           S. Craig, Senior Planner, CEPO

Encl.



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

**REPORT NO.** CEP.20.22  
**CEPO FILE NO.** E29/22  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 7716 Yarmouth Centre Road  
Applicant – Ralph William Willson  
**DATE** May 24, 2022

---

**RECOMMENDATION**

**THAT** Report CEP.20.22 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E29/22 to the Land Division Committee, staff recommends the following conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
  2. a copy of the reference plan be provided to the Municipality of Central Elgin.
- 

**REPORT**

**Background:**

Consent application E29/22 has been filed for the purpose of creating a lot containing a residence surplus to a farm operation.

**Location:**

The subject lands are located on the east side of Yarmouth Centre Road, north of John Wise Line. The lands are described as, Concession 6, South Part Lot 15, Municipality of Central Elgin.

**Proposal:**

The applicant is proposing to sever a lot with frontage of 90m on Yarmouth Centre Road, and an area of 9,000sqm (0.89 hectares), containing one house and two barns. The severed lot will be used for rural residential purposes. The applicant is proposing to retain a lot with frontage of 290m on Yarmouth Centre Road and an area of 19.33 hectares. The retained lot will continue to be used for agricultural purposes.



## Staff Report

## Location Plan:

### 1. Official Plan

- The subject lands are located within the Agricultural designation and Natural Heritage designation in accordance with Schedule "A" – Land Use Plan to the Municipality of Central Elgin Official Plan.
- A consent for the purposes of creating a lot containing a residence surplus to a farm operation is permitted within the Agricultural designation. A residence surplus to a farm operation dwelling is defined as an existing farm residence that is rendered surplus as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. The following criteria shall apply (4.1.4c)):



1. The lot containing the residence surplus to a farm operation:
  - i) Shall be in compliance with the regulations of the applicable zoning by-law;
  - ii) Should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 of the Plan. Exceptions may be considered based on individual site circumstances, the loss of any additional productive farmlands will be avoided;
  - iii) Shall be in compliance with the Municipality's property standards by-law;
  - iv) May contain accessory farm buildings and structures that are not deemed to be livestock facilities; and
  - v) Shall not contain any buildings or structures deemed unsafe in accordance with the Ontario Building Code Act or its successor.
2. The lot that is being consolidated into the farm operation:
  - i) Shall be in compliance with the regulations of the applicable zoning by-law for farm use;
  - ii) Shall be rezoned to prohibit any new residential dwelling unit; and
  - iii) May be subject to alternative measures as deemed necessary by Council to ensure that no new dwelling unit is permitted.
3. Council may request that an applicant provide evidence as to the nature of the existing farm operation, including but not necessarily limited to applicable membership in a farm organization and/or evidence of farm business registration in accordance with the Farm Registration and Farm Organizations Funding Act, 1993 or its successor.

### 2. Zoning By-Law

- The subject lands are within the Open Space Zone 1 (OS1) of the Township of Yarmouth Zoning By-Law 1998, as amended.

- Permitted uses include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses (8.2.1.1).
- The minimum lot area required for farm uses is 10.11ha (2.52(a)).
- The minimum lot area required for rural rural-residential uses is 1,858m<sup>2</sup> (8.2.1.3).
- The minimum lot frontage required is 30.48m (8.2.1.4).

### 3. County of Elgin Official Plan:

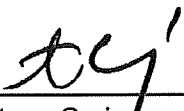
- The subject lands are located within the Agricultural designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- In accordance with the intent of the Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if (E1.2.3.4 (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.


### 4. Comments

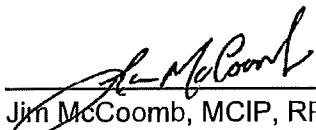
- Staff advised the applicant that the lot containing the residence surplus to a farm operation should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies of the Official Plan, exceptions may be considered, however the loss of any additional productive farmlands will be avoided.
- The limits of the proposed surplus farm dwelling lot have been identified on the attached Location Plan and the lot includes approximately 3,781sqm (0.37 hectares) of lands currently being used for agricultural purposes.
- Without the benefit of any site-specific circumstances to justify the limits of the proposed surplus farm dwelling the limits of the lot should be reduced in accordance with the criteria for a lot containing the residence surplus to a farm operation.
- In accordance with the surplus farm dwelling policies of the Official Plan the agricultural land (retained lot) will need to be rezoned to prohibit any new residential dwelling units.

Respectfully submitted:

Approved for submission:

  
 \_\_\_\_\_  
 Steve Craig  
 Sr. Planning Technician

  
 \_\_\_\_\_  
 Paul Shipway  
 CAO/Clerk

  
 \_\_\_\_\_  
 Jim McCoomb, MCIP, RPP  
 Manager of Planning Services

**From:** [Tony Difazio](#)  
**To:** [Brian Lima](#); [Land Division](#)  
**Subject:** RE: Notice of Application - E 29-22 - Request for Agency Review  
**Date:** June 8, 2022 10:51:17 AM  
**Attachments:** [image007.png](#)  
[image009.png](#)  
[image010.png](#)

---

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.

Hello Brian,

Tony Difazio has since retired from Catfish Creek Conservation Authority (CCCA) and I am Gerrit Kremers and I am in the progress of transitioning into Tony's position here at CCCA.

In regards to application E 29-22, Catfish Creek Conservation Authority has no concerns.

Any further questions feel free to contact me via email or the phone number below.

Thank You,

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

---

**From:** Brian Lima <[blima@ELGIN.ca](mailto:blima@ELGIN.ca)>  
**Sent:** June-01-22 10:36 AM  
**To:** Elgin Federation of Agriculture <[elginfarmers@gmail.com](mailto:elginfarmers@gmail.com)>; Tony Difazio <[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)>  
**Cc:** [davidwillson@gmail.com](mailto:davidwillson@gmail.com); Marlene Bainbridge <[mbainbridge@ELGIN.ca](mailto:mbainbridge@ELGIN.ca)>  
**Subject:** Notice of Application - E 29-22 - Request for Agency Review

Good Morning,

Please find attached a Notice of Application for file number E 29-22 for the Elgin County Land Division Committee meeting scheduled for June 22, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca), by **Tuesday, June 14, 2022** to be included in the agenda package and considered by the Land Division

Committee.

Thanks

**Brian Lima, P.Eng.**

*General Manager of Engineering, Planning & Enterprise / Deputy CAO*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 117

[blima@elgin.ca](mailto:blima@elgin.ca)

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



**Notice:** The County of Elgin experienced a technical disruption from April 1, 2022 – April 27, 2022. During this time, email and website services were unavailable. If you emailed the County of Elgin between these dates, we did not receive your message. If you tried to reach us during this time, please reach out again by email, phone 519-631-1460 ext. 104, or in person at 450 Sunset Drive, St. Thomas. [www.elgincounty.ca](http://www.elgincounty.ca) for daily updates.



**COUNTY OF ELGIN ROAD SYSTEM**

**DATE:** June 14, 2022 **ELGIN COUNTY ROAD NO.:** \_\_\_\_\_

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

**RE:**

**APPLICATION NO.:** E29-22

**OWNER:** Ralph William Willson

**PROPERTY:** **LOT NO.** \_\_\_\_\_ **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 ..... ☒
- 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 road or access to a County road.



**BRIAN LIMA, P. ENG.**  
**GENERAL MANAGER OF ENGINEERING,**  
**PLANNING & ENTERPRISE / DEPUTY CAO**



**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:** Planning Division, County of Elgin  
**Date:** June 17, 2022  
**Application:** E 29-22

**Owner:**  
**Ralph William Willson**  
44748 Southdale Line, St. Thomas, ON

**Agent:**  
**N/A**

**Location:** Part Lot 15, Concession 6, Registered Plan No. 35263-0180, Municipality of Central Elgin, Municipal Address: 7716 Yarmouth Centre Road.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 90 m along Yarmouth Centre Road by a depth of 100 m and an area of 0.9 ha containing a house and two barns for rural residential use. The applicants are retaining 19 ha, proposed to remain in agricultural use. It should be noted that there are errors in the notification provided for the proposal in relation to the size of the severed and retained lots. In consultation with the County's GIS mapping, the subject lands appear to have a frontage of 385 m, a depth of 520 m, and an area of 20 ha. The proposal outlined below represents the corrected information related to the severed and retained parcels, based on this information, however staff do not suggest this error constitutes any material concern that should require re-circulation, etc.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

**Local Municipality Zoning  
By-law**  
Open Space Zone 1 (OS1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – recommends approval of the proposed severance subject to the conditions outlined in the recommendation section of this report.

*County Engineering* – the subject lands are not located on a County Road, no concerns.

*Kettle Creek Conservation Authority* – advised County via email of no objections to an approval of the proposal.

No further comments have been received at the time of writing.

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the given of public notice. With respect the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the proposal is not consistent with Section 2.3.4 of the PPS. This Section states that lot creation in prime agricultural areas may only be permitted for a limited number of scenarios, one being to accommodate a residence surplus to a farming operation, provided that the new lot will be *limited to a minimum size needed to accommodate the use and appropriate sewage and water services*.

The proposal seeks to include approximately 0.35 hectares (0.87 acres) of agricultural land within the residential lot. These lands are currently being used for agricultural purposes and farmed as part of the larger fields on the site, and the applicant has not provided sufficient justification for their inclusion with the severed lot. Based on the information provided with the application, staff are of the opinion that the residential use, associated sewage and water services, and accessory buildings can be accommodated on a smaller lot that does not include the agricultural lands. As such, the proposal should be revised to reduce the size of the severed lot to better reflect the established separation of the residential use and farmland or alternatively provide justification under PPS for the requirement of the additional lands.

Central Elgin staff noted concerns about the size of the severed lot and inclusion of farmland and are recommending that a justification of this additional land can be made a condition of the severance. County staff would be of the opinion that any justification needed to demonstrate the appropriateness of any proposed development must be prepared in advance of any decision being made by an approval authority, and that including a justification as a condition of approval is not appropriate and would set a bad precedent for future applications. Further, should the applicant be unable to provide satisfactory justification to clear the condition, they would then be required to abandon the severance and/or re-apply with a revised proposal.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP as the proposal complies with the relevant land use designations and policies of the Plan. No conflicts or inconsistencies were identified as it pre-dates the current policies of the PPS regarding the maximum lot size of surplus farm dwelling severances.

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

Staff have reviewed the application against the policies of the Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. No conflicts or inconsistencies were identified as it pre-dates the current policies of the PPS regarding the maximum lot size of surplus farm dwelling severances.

Staff have reviewed the proposed lot against the regulations of the Central Elgin Zoning By-law and are of the opinion that the application conforms to the relevant regulations of the relevant zones and no zoning amendments or variances are required to facilitate the consent.

As an alternative, County staff are of the opinion that the Committee should defer a decision on the application so as to provide the applicant an opportunity to prepare additional supporting information/justification for the proposal “as-is” OR to revise the proposal to be more consistent with the PPS and conform with OP policies, should justification not be viable. Following this, the application could then be brought back to Committee for a decision.

**RECOMMENDATION:**

County staff have concerns that the proposal is not consistent with the policies of the PPS and for this reason, County Staff recommend that a decision on the proposal be deferred until such a time as the applicant has provided supporting information/justification for the proposal to justify the inclusion of farmland within the severed lot, satisfactory to the County. Should the Committee wish to approve the proposal at this time, the following conditions are recommended to be included:

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of Central Elgin.
2. That a solicitor’s undertaking to provide a copy of registered deed for the severed parcel once completed be provided to the satisfaction of the County of Elgin.
3. That the applicant provide justification for the requested size of lot by providing a site plan which outlines location of existing buildings, structures and private on site services to the satisfaction of the County of Elgin and the Municipality of Central Elgin.
4. That a zoning by-law amendment to prohibit residential dwellings on the retained lot be approved by the Municipality of Central Elgin and come into full force and effect.
5. A drainage reassessment be completed, if necessary, at the owner’s expense to the satisfaction of the Municipality of Central Elgin.
6. That prior to final approval of the subject consent(s) that the Municipality of Central Elgin advise the County of Elgin, in writing, how conditions 1, and 3 to 5, have been satisfied.



**CORPORATION OF THE COUNTY OF ELGIN  
AMENDED NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 30-22**

**CONCESSION 5, SOUTH OF CONCESSION "A", REGISTERED PLAN NO. 146  
MUNICIPALITY OF DUTTON DUNWICH  
MUNICIPAL ADDRESS: 204 ANNIE STREET**

**TAKE NOTICE that** an application has been made by David & Bonnie Vowel, 204 Annie Street, Dutton, ON, N0L 1J0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 204 Annie Street, Municipality of Dutton Dunwich.

The applicant proposes to sever a parcel with a frontage of 102 metres (334.65 feet) along Annie Street by a depth of 359 metres (1,177.82 feet) and an area of 3.66 hectares (9.04 acres) proposed to be adjoined to an abutting parcel. The applicants are retaining 2.00 hectares (4.94 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 JUNE 22, 2022 AT 9:40 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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 30<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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





# Location Map



## Legend



Subject Site



Severed



Retained

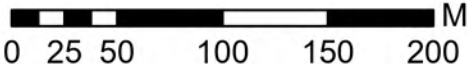


Elgin Road Network

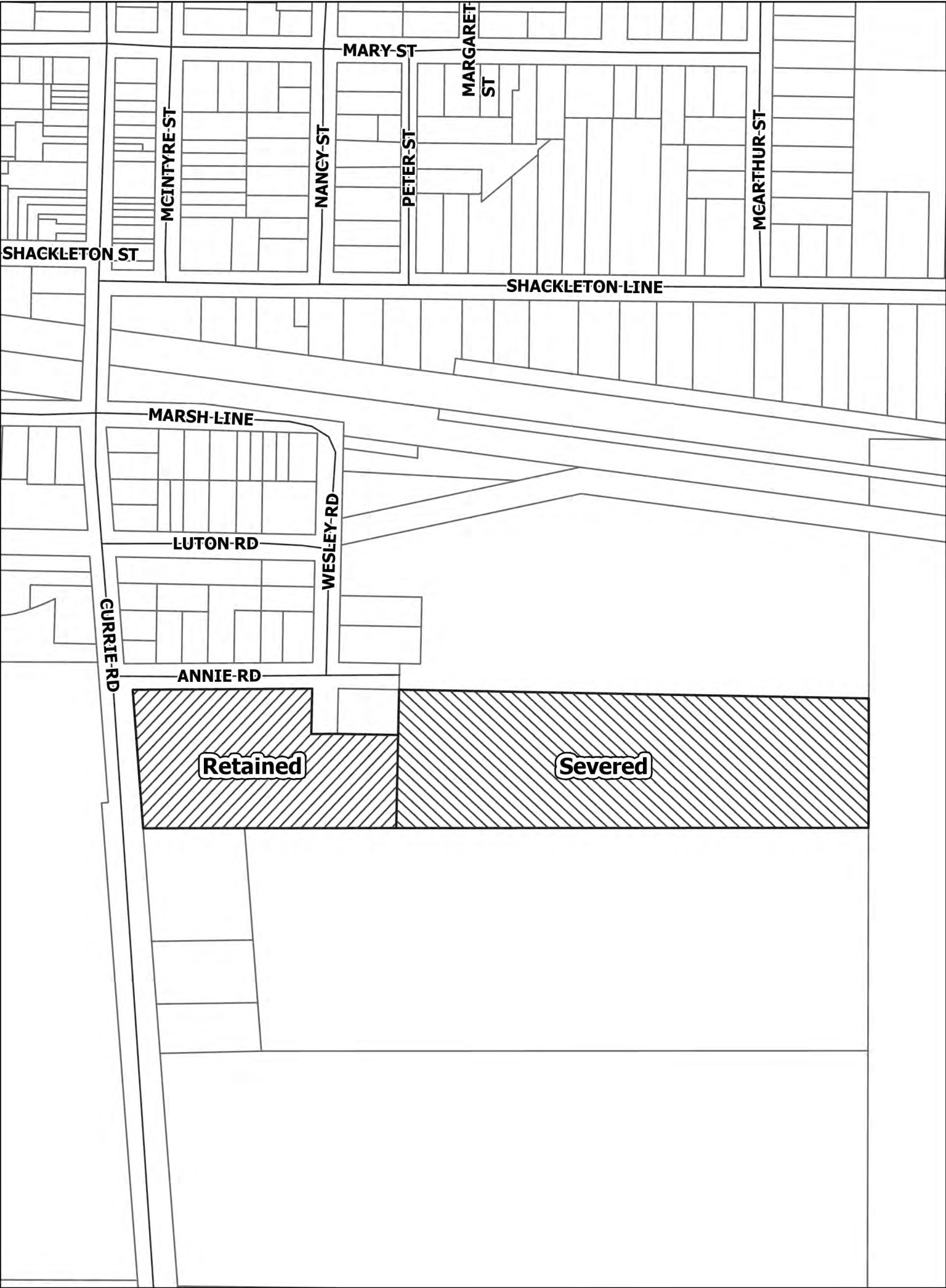


Buildings

Subject Site: 204 Annie Street  
File Number: E 30-2022  
Owner: David & Bonnie Vowel  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 05/03/2022  
Municipality of Dutton Dunwich



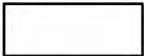




# Location Map



## Legend



Subject Site



Severed



Retained

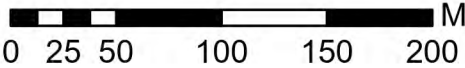


Elgin Road Network



Buildings

Subject Site: 204 Annie Street  
File Number: E 30-2022  
Owner: David & Bonnie Vowel  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 05/03/2022  
Municipality of Dutton Dunwich







Municipality of  
**Dutton Dunwich**

**TO:** Mayor and Members of Council

**FROM:** Tracey Pillon-Abbs, MCIP, RPP, Planner

**DATE:** June 8, 2022

**SUBJECT:** Application for Severance, 204 Annie Street (E30/22), Municipality of Dutton Dunwich, David and Bonnie Vowel

---

**RECOMMENDATION:**

THAT Council of the Municipality of Dutton Dunwich recommends **APPROVAL** to the Land Division Committee of the County of Elgin for proposed severance application E30/22 for 204 Annie Street, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That municipal drain re-apportionments have been completed;
- b) That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet;
- c) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- d) That taxes are to be paid in full;
- e) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality;
- f) 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;
- g) That a 911 sign be established for the severed and retained parcel;
- h) That all barns capable of holding livestock or are in disrepair on the severed and retained lands be removed or decommissioned to the satisfaction of the Chief Building Official; and
- i) That the lots merge on title.

## **FOR INFORMATION:**

### **Reasons for and Nature of the Application**

A severance application E30/22 was submitted to the County of Elgin Land Division Committee (LDC) by Rick Collier of Collier Homes Inc. on behalf of David and Bonnie Vowel, the owner(s) of the subject property.

The applicant is requesting a lot line adjustment.

The property subject to the severance is legally described as Concession 5 South of A Pt Lot 13 Plan; 146 Lots 86 To 98 Plan 146; Pt Lots 82 To 85 and locally known as 204 Annie Street, Municipality of Dutton Dunwich (see area in yellow on attached Key Map).

The proposed severed parcel has an area of 3.66 ha, depth of 359 m and width of 102m m and will merge with 123 Wesley Street. The proposed severed parcel is vacant with no current services or buildings and will be used for future development.

The proposed retained parcel will have an area of 2.00 ha with a depth 210 m and frontage of 108.85 m. The proposed retained land is used for residential, has a dwelling and 1 accessory structure and is serviced with municipal water and sewer.

There is a woodlot located on the east portion of the parcel and drains that cross the property. The property is outside of the Lower Thames Valley Conservation Authority regulated area.

The subject property is within the Dutton Settlement Area. Agricultural and residential uses surround the subject lands.

The proposed severance application was circulated to municipal staff (see attached Comments).

### **Planning Policy Review**

#### **Provincial Policy Statement**

Under Section 3(5) of the *Planning Act*, the Municipality “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements 2020 (PPS).

The subject property is within an existing settlement area. Section 1.1.3.2 requires settlement areas shall be the focus of growth and development.

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

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

The subject lands are designated Settlement Area - Tier 1 on Schedule ‘A’ Land Use of the County of Elgin Official Plan (COP) with a portion of the property affected by the Natural Heritage Overlay area identified on Schedule ‘B’ - Woodlands.

E1.2.3.2 sets out 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.

Section D1.2.6 sets out that development and site alteration is not permitted in the Woodlands unless an Environmental Impact Statement (EIS) has been completed, demonstrating there will be no negative impact on the natural heritage features.

**Comment:** The proposed severed parcel will meet the above-noted criteria. No new lot is being created. There is no impact on the woodlands. The proposed severance conforms to the COP.

#### Municipality of Dutton Dunwich Official Plan

The subject lands are designated Residential on Schedule 'D' Land Use Plan in the current Dutton Dunwich Official Plan (OP), as approved July 6, 2021.

Section 8.6.4 permits a severance for the purposes of correcting or adjusting lot boundaries or to convey additional lands to an adjacent lot provided:

- a) The conveyance does not lead to the creation of an undersized, irregularly shaped lot unsuited to the purpose for which it is being used or proposed to be used, and contrary to the provisions of the Zoning By-law; and,
- b) The lands being conveyed will be registered in the same name and title as the lands to which they are being added.

**Comment:** The proposed severed parcel will meet the above-noted criteria. There is no new lot being created. The proposed severance application conforms to the OP.

It should be noted that portion of this property is being considered as part of the OPA land swap.

#### Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the new Municipality of Dutton Dunwich Comprehensive Zoning By-law (ZBL) #2020-50, the subject lands are zoned Village Residential (VR1) and Village Residential Holding (VR1(h)) on Schedule B, Map 2.

Permitted uses in the VR1 Zone include single detached dwellings on one lot and accessory structures.

The minimum lot area in the VR1 Zone for a single detached dwelling is 462 m<sup>2</sup> in size.

**Comment:** All regulations in the VR1 Zone can be complied with. The Holding (h) can remain on the retained lands until it is developed.

**CONCLUSION:**

Administration recommends approval for the proposed severance application with the conditions noted in the resolution.

No new lot is being created.

The resolution will then be forwarded to the LDC for consideration.

Respectfully Submitted

Tracey Pillon-Abbs, MCIP, RPP  
Planner

Approved for Submission

Tracy Johnson  
Acting CAO/Treasurer

## KEY MAP



**CAUTION**

- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

PARCEL "A" TO BE RETAINED  
= 2.00 HECTARES

PARCEL "B" TO BE SEVERED  
= 3.66 HECTARES

**SKETCH**  
**ILLUSTRATING PROPOSED SEVERANCE**  
**FOR: COLLIER HOMES**

**PROPERTY DESCRIPTION:**  
LOTS 86 TO 98 INCLUSIVE  
PART OF LOTS 82, 83, 84 AND 85  
AND PART OF WESLEY STREET  
REGISTERED PLAN 146  
VILLAGE OF DUTTON  
PART OF LOT 13  
CONCESSION 5 SOUTH OF CONCESSION A  
GEOGRAPHIC TOWNSHIP OF DUNWICH  
COUNTY OF ELGIN

**KIM HUSTED SURVEYING LTD.**  
**NOT TO SCALE**

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

PROJECT: 21-17/08/SKETCH REFERENCE: FILE



**From:** [Brent Clutterbuck](#)  
**To:** [Tracey Pillon-Abbs](#)  
**Subject:** RE: Receipt of Application  
**Date:** May 11, 2022 5:25:55 PM

---

Reapportion the

1. Brown Drain
2. J.M. Blue Drain
3. Becker Drain
4. Mennie Drain

Mutual agreement drain

---

**From:** Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>  
**Sent:** Wednesday, May 11, 2022 4:30 PM  
**To:** Archie Leitch <aleitch@duttondunwich.on.ca>; Brent Clutterbuck <drainage@duttondunwich.on.ca>; Jackie Morgan-Beunen <JMorgan-Beunen@duttondunwich.on.ca>; Colin Shewell <firechief@duttondunwich.on.ca>; Heather Bouw <HeatherBouw@duttondunwich.on.ca>; Murray Wickerson <mwickerson@duttondunwich.on.ca>; Ryan McLeod <rmcleod@duttondunwich.on.ca>; Tara Kretschmer <TKretschmer@duttondunwich.on.ca>; Tim Hansen <timhansen@duttondunwich.on.ca>  
**Subject:** FW: Receipt of Application

Please see attached application for lot line adjustment, for your comments and conditions for the council report by May 17/22, if possible.

Thanks  
Tracey

---

**From:** Marlene Bainbridge <[mbainbridge@ELGIN.ca](mailto:mbainbridge@ELGIN.ca)>  
**Sent:** May 11, 2022 4:04 PM  
**To:** [bonnievowel@icloud.com](mailto:bonnievowel@icloud.com)  
**Cc:** Tracey Pillon-Abbs <[Planning@duttondunwich.on.ca](mailto:Planning@duttondunwich.on.ca)>; Heather Bouw <[HeatherBouw@duttondunwich.on.ca](mailto:HeatherBouw@duttondunwich.on.ca)>; [rickcollier@rogers.com](mailto:rickcollier@rogers.com)  
**Subject:** Receipt of Application

Good Afternoon,

Please find attached a copy of consent application E 30-22 and the letter to acknowledge receipt. This application will be scheduled for the June 22, 2022 Land Division Committee meeting. A paper copy of the letter will be sent by courier to the applicant including the application notice signs.

Best Regards,

**Marlene Bainbridge**  
Administrative Assistant  
Engineering, Planning & Enterprise

## MUNICIPAL APPRAISAL SHEET

Your assistance is requested by the Elgin County Land Division Committee in answering the questions below. Please complete and attached relevant excerpts from the appropriate Official Plan and Zoning By-Law. Should you have any questions, please call this office.

Submission E 30 22

Applicant David and Bonnie Vowel

Location 204 Annie Street

### OFFICIAL PLAN

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

Land Use Designation: Residential on Schedule 'D' Land Use Plan.

Policies: Section 8.6.4 permits a severance for the purposes of correcting or adjusting lot boundaries or to convey additional lands to an adjacent lot.

### 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 (X) No ( )

Comments:  
All regulations in the VR1 zone can be complied with.

5. If not, is the Municipality prepared to amend the By-Law? N/A Yes ( ) No ( )

### OTHER

6. Does the Municipality foresee demand for new municipal services? Yes ( ) No (X)
7. If so, is the Municipality prepared to provide those services? Yes ( ) No (X)
8. The Planning Act, R.S.O. 1990. C.P. 13, allows the Committee to impose conditions for:
- (a) the conveyance of 5% land to the municipality for park purposes or cash in lieu of dedication ( )
  - (b) the dedication of highways ( )
  - (c) the dedication of land for highway widening ( )
  - (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ( )

Does the Municipality wish the Committee to impose conditions relating to the above? Please indicate. Yes (X) No ( )

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

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

Resolution to be forwarded



## COUNCIL RESOLUTION



Res: 2022.15. 22

Wednesday, June 8, 2022

Moved by: \_\_\_\_\_ Loveland \_\_\_\_\_

Seconded by: \_\_\_\_\_ Hentz \_\_\_\_\_

**THAT** the Council of the Municipality of Dutton Dunwich recommends approval to the Land Division Committee of the County of Elgin for proposed severance application E 30/22 for 204 Annie Street, Municipality of Dutton Dunwich, provided the following conditions are included:

- a) That municipal drainage re-apportionments have been completed;
- b) That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet;
- c) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- d) That taxes are to be paid in full;
- e) That all Dutton Dunwich planning applications fees, set out in the Fees By-law, be paid to the Municipality;
- f) 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;
- g) That a 911 sign be established for the severed and retained parcel;
- h) That all barns capable of holding livestock or are in disrepair on the severed and retained lands be removed or decommissioned to the satisfaction of the Chief Building Official; and
- i) That the lots merge on title.

<u>Recorded Vote</u>	<u>Yeas</u>	<u>Nays</u>
P. Corneil	_____	_____
A. Drouillard	_____	_____
K. Loveland	_____	_____
M. Hentz	_____	_____
B. Purcell – Mayor	_____	_____

CARRIED:

\_\_\_\_\_  
Mayor

DEFEATED:

\_\_\_\_\_  
Mayor

June 13, 2022

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

Attn: **Brian Lima**

Re: **Consent Application (E 30-22)**  
**204 Annie Street (Vowel)**  
**Concession 5; Plan No. 146**  
**Municipality of Dutton Dunwich**

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this proposal. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the area 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:** June 14, 2022 **ELGIN COUNTY ROAD NO.:** \_\_\_\_\_

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

**RE:**

**APPLICATION NO.:** E30-22

**OWNER:** David and Bonnie Vowel

**PROPERTY:** **LOT NO.** \_\_\_\_\_ **CONCESSION:** \_\_\_\_\_

**REG'D PLAN:** \_\_\_\_\_ **MUNICIPALITY:** Dutton Dunwich

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

- 1) Land for road widening is required .....  
*[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.....

X
- 11) Not on County Road .....
- 12) Please provide me with a copy of your action on this application .....
- 13) Other...

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



**BRIAN LIMA, P. ENG.**  
**GENERAL MANAGER OF ENGINEERING,**  
**PLANNING & ENTERPRISE / DEPUTY CAO**



**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:** Planning Division, County of Elgin  
**Date:** June 17, 2022  
**Application:** **E 30-22**

**Owner:**  
**David & Bonnie Vowel**  
204 Annie Street, Dutton, ON

**Agent:**  
**Rick Collier**

**Location:** Lot 5, South of Concession "A", Registered Plan No. 146, Municipality of Dutton  
Dunwich, Municipal Address: 204 Annie Street.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 102 m along Annie Street by a depth of 359 m and an area of 3.7 ha proposed to be merged with an abutting parcel. The applicants would retain 2 ha containing a single detached dwelling.

**County of Elgin Official  
Plan**  
Tier 1 Settlement Area

**Local Municipality Official  
Plan**  
Residential

**Local Municipality Zoning  
By-law**  
Village Residential (VR1)  
and Village Residential  
Holding (VR1(h))

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Dutton Dunwich* – recommends approval of the proposed severance subject to the conditions outlined in the recommendation section of this report.

*County Engineering* – the subject lands are not located on a County Road, no concerns.

*Lower Thames Valley Conservation Authority* – advised of no objections with the proposal.

No further comments have been received at the time of writing.

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the given of public notice. With respect the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS as the application will support residential infilling and intensification in a fully serviced settlement area. No conflicts or inconsistencies with provincial policy were identified.



County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP as the proposal complies with the relevant land use designations and policies of the Plan. No conflicts or inconsistencies were identified.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Dutton Dunwich Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan.

Staff have reviewed the proposed lot against the regulations of the Dutton Dunwich Zoning By-law and are of the opinion that the application conforms to the relevant regulations of the relevant zones and no zoning amendments or variances are required to facilitate the consent.

RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject application can be approved subject to the following conditions:

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of Dutton Dunwich.
2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed be provided to the satisfaction of the County of Elgin and the Municipality of Dutton Dunwich.
3. That municipal drain re-apportionment be completed to the satisfaction of the Municipality of Dutton Dunwich
4. That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been executed to provide a legal drainage outlet to the satisfaction of the Municipality of Dutton Dunwich.
5. That all municipal taxes are to be paid in full to the satisfaction of the Municipality of Dutton Dunwich.
6. That all planning application fees, set out in the Fees By-law, be paid to the satisfaction of the Municipality of Dutton Dunwich.
7. That a 911 sign be established for the severed and retained parcels, if necessary, to the satisfaction of Dutton Dunwich.
8. That all barns capable of holding livestock or are in disrepair on the severed and retained lands be removed or decommissioned to the satisfaction of the Chief Building Official of the Municipality of Dutton Dunwich.
9. That the lots merge in name and title to the satisfaction of the County of Elgin and the Municipality of Dutton Dunwich.



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

10. That prior to final approval of the subject consent(s) that the Municipality of Dutton Dunwich advise the County of Elgin, in writing, how conditions 1 to 9 have been satisfied.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 33-22**

**LOT 24, CONCESSION 12, REGISTERED PLAN NO. E131775  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 26661 SILVER CLAY**

**TAKE NOTICE that** an application has been made by Larch Lane Farms Ltd., 27757 Talbot Line, Wallacetown, ON N0L 2M0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 26661 Silver Clay, Municipality of West Elgin.

The applicant proposes to sever a parcel with a frontage of 53.85 metres (176.67 feet) and a depth of 55.0 metres (180.45 feet) and an area of 0.296 hectares (0.73 acres) containing a residence, and a garage for residential use. The applicants are retaining 22.427 hectares (55.42 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 JUNE 22, 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.

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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.

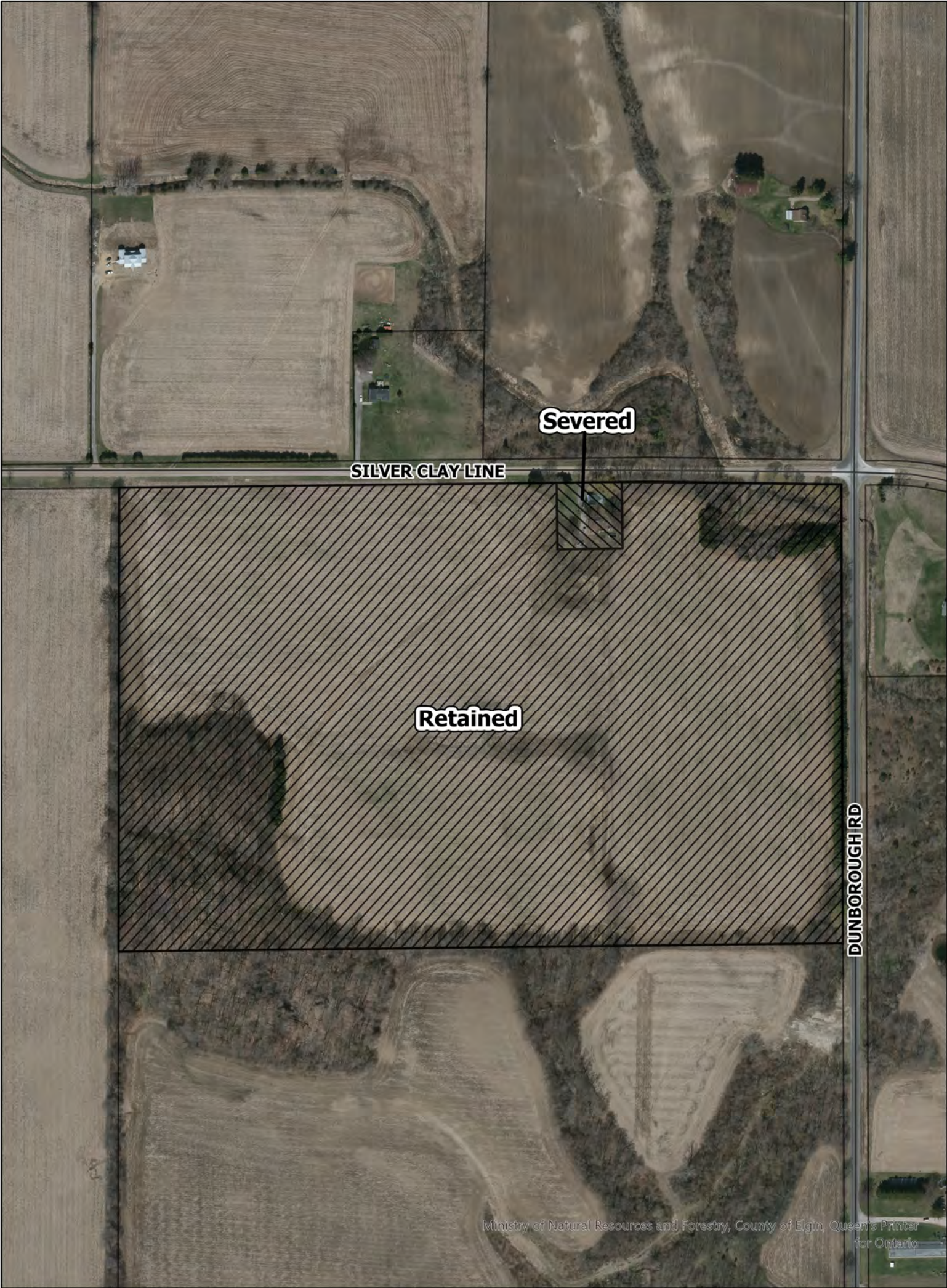
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

Dated at the Municipality of Central Elgin this 30<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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



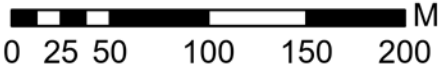


# Location Map

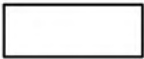


Subject Site: 26661 Silver Clay Line  
File Number: E 33-2022  
Owner: Larch Lane Farms Ltd.  
Planner: Unknown  
CA: Lower Thames Conservation Authority  
Created By: TE  
Date: 05/03/2022  
Municipality of West Elgin

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



## Legend



Subject Site



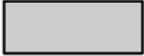
Severed



Retained

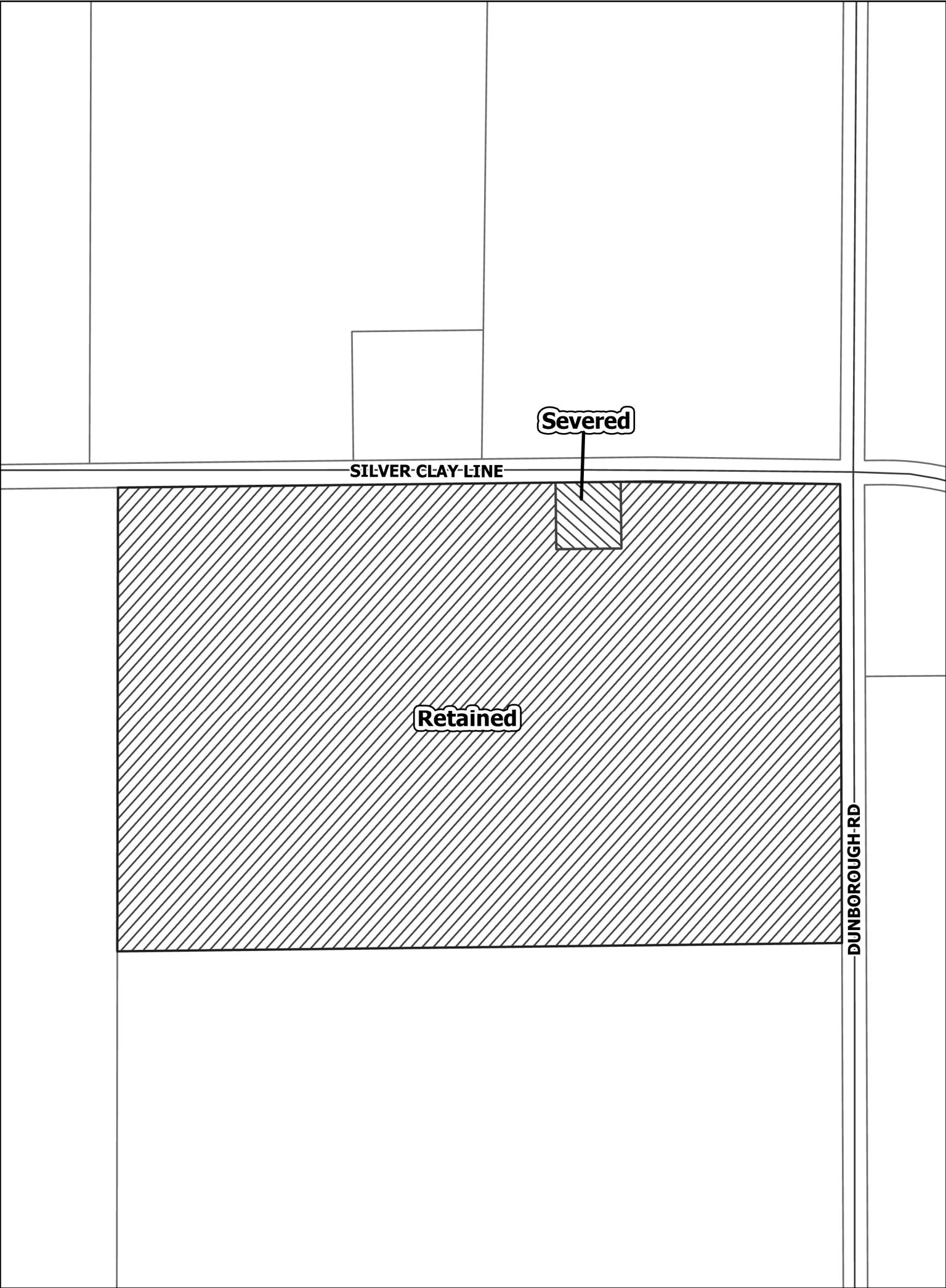


Elgin Road Network



Buildings

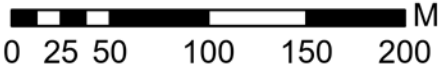




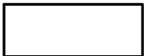
# Location Map



Subject Site: 26661 Silver Clay Line  
File Number: E 33-2022  
Owner: Larch Lane Farms Ltd.  
Planner: Unknown  
CA: Lower Thames Conservation Authority  
Created By: TE  
Date: 05/03/2022  
Municipality of West Elgin



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



# Municipality of West Elgin

22413 Hoskins Line, Rodney, Ontario N0L 2C0

---

VIA E-MAIL ONLY

June 14, 2022

County of Elgin  
Land Division Committee  
c/o Julie Gonyou, Secretary-Treasurer  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [landdivision@elgin.ca](mailto:landdivision@elgin.ca)

Ms. Gonyou:

**RE: Municipality of West Elgin Consent Application - Comments to the County of Elgin**  
**County File Number: E33-22**  
**Legal Description: North Part Lot 24, Concession 12**

Please be advised that the Municipality of West Elgin have reviewed the above noted application. Please find attached the following documentation, as it relates to the above noted files:

1. West Elgin Council Resolution 2022-232, dated June 13, 2022;
2. Planning Staff Report 2022-21: Consent Application E33-22 – Comments to County of Elgin, dated June 9, 2022; and
3. E33-22 Municipal Appraisal Form.

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

Yours truly,

Heather James, MES (Pl.), MCIP, RPP  
Planner  
Municipality of West Elgin  
22413 Hoskins Line  
Rodney ON N0L 2C0  
Phone: (519) 785-0560  
Cell: (519) 280-1028  
Fax: (519) 785-0644  
Email: [planning@westelgin.net](mailto:planning@westelgin.net)

cc.

Larch Lane Farms Ltd., Owner (Email: [kcdieleman@gmail.com](mailto:kcdieleman@gmail.com))  
Peter L. Dieleman, Applicant (Email: [petedieleman@outlook.com](mailto:petedieleman@outlook.com))

---

P: 519.785.0560  
F: 519.785.0644

E: [planning@westelgin.net](mailto:planning@westelgin.net)  
W: [www.westelgin.net](http://www.westelgin.net)





# MUNICIPALITY OF West Elgin

## Staff Report

---

**Report To:** Council Meeting  
**From:** Heather James, Planner  
**Date:** 2022-06-09  
**Subject:** Severance Report

---

### **Recommendation:**

That West Elgin Council hereby receives the report from Heather James, Planner regarding the severance application, File E33-22 – Comments to Elgin County (Planning Report 2022-21);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E33-22, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And further that West Elgin Council directs Administration to provide this report as Municipal Comments to the County of Elgin.

### **Purpose:**

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Application E33-22, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate the lot creation of a surplus farm dwelling that is part of a farm consolidation within our agricultural area, on Silver Clay Line.

### **Background:**

Below is background information, in a summary chart:

<b>Application</b>	E33-22
<b>Owner</b>	Larch Lane Farms Ltd.
<b>Applicant</b>	Peter L. Dieleman
<b>Legal Description</b>	North Part Lot of 24, Concession 12
<b>Civic Address</b>	26661 Silver Clay Line
<b>Entrance Access</b>	Silver Clay Line
<b>Water Supply</b>	Municipal water service
<b>Sewage Supply</b>	Private on-site individual septic system
<b>Existing Land Area</b>	22.72 ha (56.15 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
<b>E33-22</b>	53.85 m (176.67 ft)	55.0 m (180.45 ft)	2,961.8 sqm (0.73 ac)	598 m (1,961.94 ft)	380 m (1,246.72 ft)	22.43 ha (55.43 ac)

The Public Hearing is scheduled for June 22, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Larch Lane Farms Ltd. Lands.



The severance sketches, showing E33-22 are attached to this report as Appendix One for reference purposes.

### **Financial Implications:**

None. Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time.

### **Policies/Legislation:**

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 Municipality of West Elgin, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

With regard to this proposal involving severances, 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:**

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 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 and there are no existing livestock facilities on the retained parcel.

No development is proposed within the natural heritage (Section 2.3) and natural hazard (Section 3.1) portions of the property.

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. A portion of the proposed retained parcel is within Woodlands as indicated on Appendix #1 Natural Heritage Features and Areas 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 municipal water and private individual on-site septic system.

No development is proposed within the natural heritage (Section D1.2) and natural hazard (Section D3.1) portions of the property.

Therefore, this proposal appears to conform to the CEOP.

**OP:**

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. A portion of the proposed retained parcel is within Woodlands as indicated on Schedule 'B' Map 2 Natural Heritage Features of the OP.

The agricultural land use policies, under Section 6.2 of the OP, permit farm dwelling on the farm operation.

Section 6.2.9 policies of the OP, state that the creation of a lot for the purposes of disposing of a dwelling considered surplus as a result of farm consolidation, being the acquisition of additional farm parcels to be operated as one farm operation, shall be considered in accordance with the following:

- a) The dwelling considered surplus has been in existence for at least 10 years;
- b) The dwelling is structurally sound and suitable, or potentially made suitable, for human occupancy;
- c) No new or additional dwelling is permitted in the future on the remnant parcel which shall be ensured through an amendment to the Zoning By-law;
- d) Compliance with MDS I with respect to any livestock building, structure, or manure storage facility on the remnant parcel;
- e) Minimizing the loss of productive farmland; and
- f) Deteriorated derelict abandoned farm buildings (including farm buildings and structures with limited future use potential) are demolished and the lands rehabilitated.

Administration advises that:

- The proposed severance demonstrates that the residence is surplus to the owners' farming operation and the dwelling has been in existence greater than ten years and is structurally sound and suitable for human occupation;
- A zoning by-law amendment to prohibit a new or additional dwelling on the proposed retained parcel is recommended as a condition of severance;
- There are no livestock operations affecting the proposal, with respect to MDS I;
- The proposed severed parcel is minimizing the loss of the productive farmlands to the best of its abilities with existing site features; and
- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removals.

No development is proposed within the natural heritage and natural hazard portions of the property.

Lot creation polices under Section 10.4.1 of the OP, allows for severance (consent) application to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*.

Therefore, this proposal appears to conform to the OP.

### **Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):**

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 72 of the ZBL, as depicted in Figure Two to the right.

Permitted uses within the General Agricultural (A1) Zone include



**Figure Two**

single unit dwelling. The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 metres respectively.

The proposed severed parcel area is approximately 2,961.8 square metres (0.73 acres), with a lot frontage of 53.85 metres (176.67 feet); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Rural Residential (RR) Zone, as a condition of approval. The Rural Residential (RR) Zone has a minimum lot area of 2000 square metres and a minimum lot frontage of 30 metres respectively.

The proposed retained parcel would also need to be rezoned to Agricultural (A2) Zone, to permit agricultural uses and prohibit new dwellings.

Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment was obtained for the severed parcel, that can be addressed through a condition of the consent application.

### **Interdepartmental Comments:**

The severance applications were circulated to municipal staff for comment. The following comments were received:

#### **Drainage:**

Drainage Department noted the following:

- The subject lands are within the McKay Drain municipal drainage area.

Planning Staff notes that this can be addressed as condition of approval for reassessment process.

#### **Utilities:**

Utilities Department noted the following:

- No issues of concern, as the proposed severed parcel is connected to municipal water service.

#### **Public Works:**

Public Works Department noted the following:

- A new entrance for farm access may be required and if so, an entrance permit would be required.

At the time of submission of this report, no other comments or concerns were received from Administration.

### **Summary:**

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,

Heather James, MES (Pl.), MCIP, RPP  
Planner  
Municipality of West Elgin

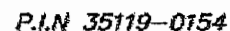
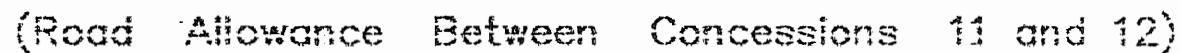


**Report Approval Details**

Document Title:	Severance Application E33-22 - Comments to Elgin County - 2022-21-Planning.docx
Attachments:	<ul style="list-style-type: none"><li>- Planning Report 2022-21 Appendix One - Severance Sketches.pdf</li><li>- Planning Report 2022-21 Appendix Two - Comments to the County of Elgin.docx</li></ul>
Final Approval Date:	Jun 6, 2022

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott


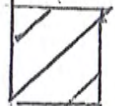





Google Maps 26661 Silver Clay Severed/Retained Larch Lane Farms Ltd. c/o Peter L. Dieleman



Imagery ©2021 Maxar Technologies, SWOOP, Elgin County, Map data ©2021 100 m

-  SEVERED LOT 26661 SILVER-CLAY LINE
-  RETAINED AGRICULTURAL LANDS
-  RETAINED - FORMER BARNYARD - BUILDINGS REMOVED

**Planning Report 2022-21: Severance Report E33-22 –**  
**Comments to the County of Elgin**

**Appendix Two: Severance Application E33-22 Conditions**

Severance Application E33-22 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 for 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 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.
6. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
7. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
8. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



# The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

June 13, 2022

At the Regular Meeting of Council on June 9, 2022 the Council of the Municipality of West Elgin passed the following Resolution:

**Resolution No. 2022- 232**

**Moved: Deputy Mayor Leatham**

**Seconded: Councillor Rowe**

That West Elgin Council hereby receives the report from Heather James, Planner regarding the severance application, File E33-22 – Comments to Elgin County (Planning Report 2022-21);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E33-22, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And further that West Elgin Council directs Administration to provide this report as Municipal Comments to the County of Elgin.

**Carried**

Jana Nethercott  
Clerk



## 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 E33-22

Owner: Larch Lane Farms Ltd. Applicant/Agent: Peter L. Dieleman

Location: North Part Lot 24, Concession 12

### PART 1 - OFFICIAL PLAN

- |   |   |                                 |
|---|---|---------------------------------|
| 1. Is there an O.P. in effect?              | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> ) |
| 2. Does the proposal conform with the O.P.? | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> ) |

Land Use Designation: Agricultural – West Elgin Official Plan

Policies: Section 6.2 and 10.4.1 (West Elgin Official Plan)

### PART 2 - ZONING

- |   |   |  |
|---|---|--|
| 3. Is there a By-Law in effect?                                   | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> )            |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes ( <input type="checkbox"/> )            | No ( <input checked="" type="checkbox"/> ) |

Comments:

Relief to the Zoning By-law is required for the severed and parcels.

- |  |   |                                 |
|--|---|---------------------------------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> ) |
|--|---|---------------------------------|

### 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 ( <input type="checkbox"/> )            | No ( <input checked="" type="checkbox"/> ) |
| 7. If so, is the Municipality prepared to provide those services?   | Yes ( <input type="checkbox"/> )            | No ( <input type="checkbox"/> )            |
| 8. Does the Municipality wish the Committee to impose conditions?   | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> )            |
| 9. Does Council recommend the application?                          | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> )            |

10. Does the municipality have other concerns that should be considered by the Committee?  
All local municipal interests are contained within the West Elgin Planning Staff Report 2021-21.

June 13, 2022

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

Attn: **Brian Lima**

Re: **Consent Application (E 33-22)**  
**26661 Silver Clay Line (Larch Lane Farms Ltd.)**  
**Lot 24; Concession 12**  
**Municipality of West Elgin**

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. The issues of concern for this area would be the Mckay Drain, its associated ravine systems and erosion.

An application from this office is required prior to any works/construction taking place within the regulated area. 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. Setbacks from the drain and ravine system will be required to any proposed works / structure(s) / site alteration.

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: June 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E33-22

OWNER: Larch Lane Farms Ltd.

PROPERTY: LOT NO. CONCESSION:

REG'D PLAN: MUNICIPALITY: West 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 road or access to a County road.



BRIAN LIMA, P. ENG.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgin-

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

**To:** Elgin County Land Division Committee  
**From:** Planning Division, County of Elgin  
**Date:** June 17, 2022  
**Application:** E 33-22

**Owner:**  
**Larch Lane Farms Ltd.**  
27757 Talbot Line, Wallacetown, ON

**Agent:**  
**Hennessey & Hogan c/o John Hogan**

**Location:** Lot 24, Concession 12, Registered Plan No. E131775, Municipality of West Elgin,  
Municipal Address: 26661 Silver Clay Line

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of approximately 54 m and a depth of 55 m and an area of 2,960 m<sup>2</sup> containing a residence and associated accessory buildings. The applicants are planning to retain approximately 22.4 ha to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

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

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of West Elgin* – recommends approval of the proposed severance subject to the conditions outlined in the recommendation section of this report.

*County Engineering* – the subject lands are not located on a County Road, no concerns.

*Lower Thames Valley Conservation Authority* – advised County via email of no objections to an approval of the proposal.

No further comments have been received at the time of writing.

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the given of public notice. With respect the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS as the application proposes a surplus farm dwelling severance as contemplated under the PPS. However, to ensure full consistency with the PPS, a zoning by-law amendment will

be required to prohibit residential uses on the retained parcel. No conflicts or inconsistencies with provincial policy were identified.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP as the proposal complies with the relevant land use designations and policies of the Plan. To ensure full conformity with the County Official Plan, like the PPS, a zoning by-law amendment will be required to prohibit residential uses on the retained parcel. No conflicts or inconsistencies were identified.

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

Staff have reviewed the application against the policies of the West Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. To ensure full conformity with the local Official Plan, like the PPS, a zoning by-law amendment will be required to prohibit residential uses on the retained parcel.

Staff have reviewed the proposed lot against the regulations of the West Elgin Zoning By-law and are of the opinion that the application conforms to the relevant regulations of the relevant zones and no zoning amendments or variances are required to facilitate the consent.

#### RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject application can be approved subject to the following conditions:

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of West Elgin.
2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed be provided to the satisfaction of the County of Elgin and the Municipality of West Elgin.
3. That the applicant meets all the requirements, financial and otherwise of the Municipality of the West Elgin, to the satisfaction of the Municipality of the West Elgin.
4. That the applicant successfully apply to the Municipality of West Elgin for a Zoning By-law Amendment and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction of the Municipality of West Elgin.
5. That the septic system assessment completed for the severed and retained lots, dated January 26, 2022 be reviewed and revised, if needed, to the satisfaction of the Municipality of West Elgin.
6. That the applicant have a drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction of the Municipality of West Elgin.



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

7. That prior to final approval of the subject consent(s) that the Municipality of West Elgin advise the County of Elgin, in writing, how conditions 1 to 6 have been satisfied.





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 35-22**

**PT LOT 3, CONCESSION RANGE 2 N EDGEWARE RD  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 42431 RON MCNEIL LINE**

**TAKE NOTICE that** an application has been made by Allen Taylor, 44197 Ron McNeil Line, St. Thomas, ON N5P 3T3 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 42431 Ron McNeil Line, Municipality of Central Elgin.

The applicant proposes to sever a parcel with a frontage of 93.5 metres (150.03 feet) and a depth of 110 metres (325.69 feet) and an area of 1.03 hectares (2.55 acres) containing a residence, garage, and 2 sheds for residential use. The applicants are retaining 30.02 hectares (74.18 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 JUNE 22, 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.

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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 30<sup>th</sup> day of May, 2022.

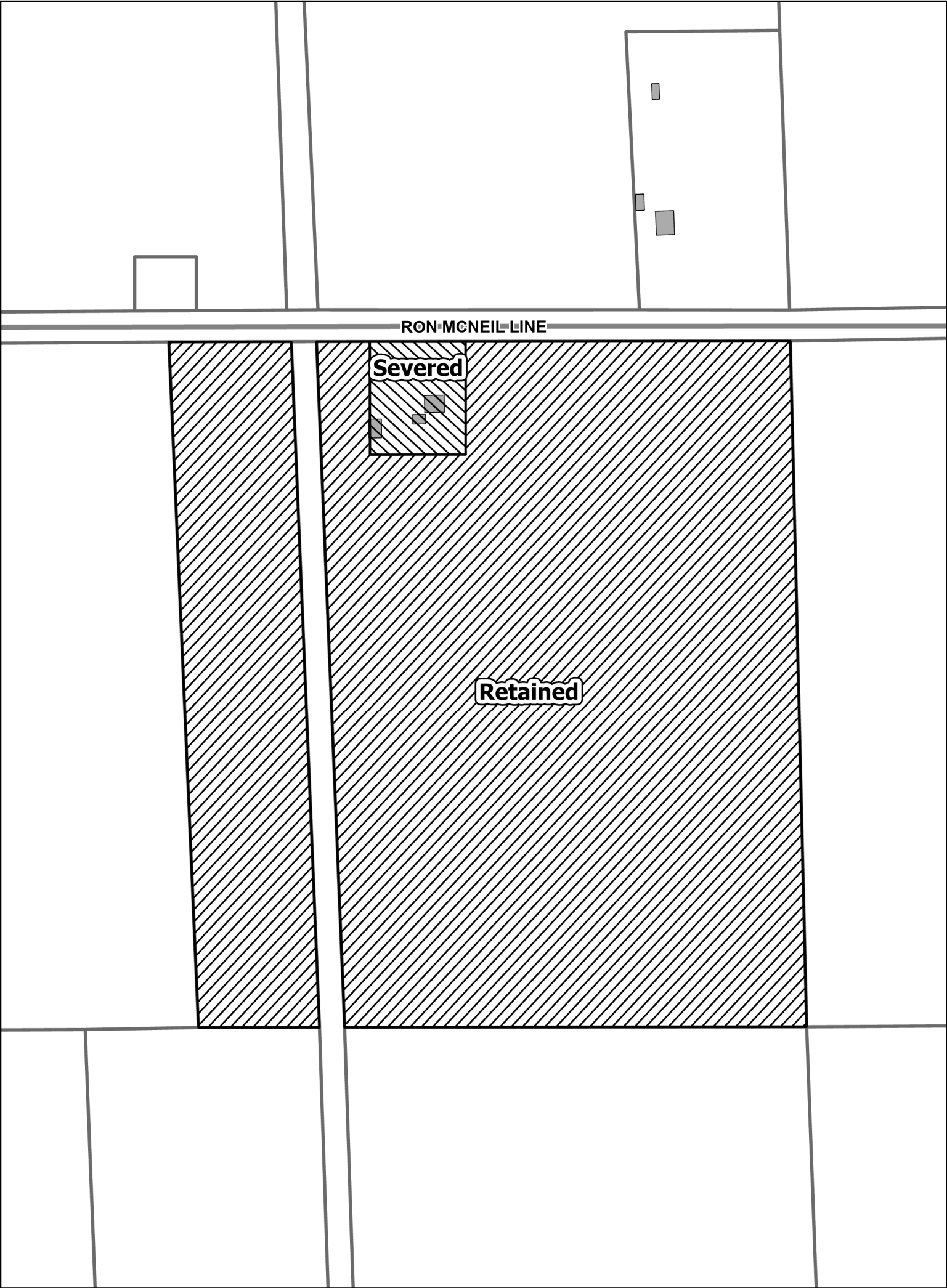
Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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







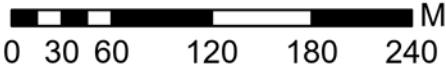


# Location Map

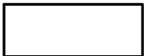


Subject Site: 42431 Ron McNeil Line  
File Number: E 35-2022  
Owner: Allen Taylor  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 05/20/2022  
Municipality of Central Elgin

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



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



May 27, 2022

Brian Lima  
General Manager of Engineering, Planning & Enterprise/Deputy CAO  
Planning Department  
County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

RE: Consent Application E35/2,  
Allen Taylor - 42431 Ron McNeil Line

---

Dear Mr. Lima:

Please be advised that Council discussed a report on the above noted application at their Regular Meeting of Council dated Tuesday, May 24, 2022 and the following resolution was passed:

**THAT** Report CEP.21.22 re Consent Application, 42431 Ron McNeil Line - Allen Taylor be received for information;

**AND THAT** Council has no objections to consent application E35/22, 42431 Ron McNeil Line, Allen Taylor subject to the following recommended conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
2. a copy of the reference plan be provided to the Municipality of Central Elgin and
3. a drainage reassessment be done, if necessary, at the owner's expense.

As per Council's direction, please note a copy of the planning report has been included for your reference.

Please feel free to contact me should you have any questions.

Kind Regards,

A handwritten signature in blue ink, appearing to read "Dianne Wilson", is written over a horizontal line.

Dianne Wilson  
Deputy Clerk/Records Management Coordinator

[dwilson@centralelgin.org](mailto:dwilson@centralelgin.org)  
519-631-4860 ext. 286

c.c. Allen Taylor, Owner  
Mark T. Coombes, Agent  
S. Craig, Senior Planner, CEPO

Encl.



THE MUNICIPALITY OF CENTRAL ELGIN  
REPORT TO COUNCIL

**REPORT NO.** CEP.21.22  
**CEPO FILE NO.** E35/22  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 42431 Ron McNeil Line  
Applicant – Allen Taylor  
**DATE** May 24, 2022

---

**RECOMMENDATION**

**THAT** Report CEP.21.22 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E35/22 to the Land Division Committee, staff recommends the following conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot;
  2. a copy of the reference plan be provided to the Municipality of Central Elgin.
- 

**REPORT**

**Background:**

Consent application E35/22 has been filed for the purpose of creating a lot containing a residence surplus to a farm operation.

**Location:**

The subject lands are located on the south side of Ron McNeil Line, west of Dalewood Road. The lands are described as, Range 2, NER, Part Lot 3, Municipality of Central Elgin.

**Proposal:**

The applicant is proposing to sever a lot with frontage of 93.5m Ron McNeil Line, and an area of 10,285sqm (1.02 hectares), containing one house, one garage and two sheds. The severed lot will be used for rural residential purposes. The applicant is proposing to retain a lot with frontage of 366.5m on Ron McNeil Line and an area of 30.02 hectares. The retained lot will continue to be used for agricultural purposes.



## Staff Report

## Location Plan:

### 1. Official Plan

- The subject lands are located within the Agricultural designation in accordance with Schedule "A" – Land Use Plan to the Municipality of Central Elgin Official Plan.
- A consent for the purposes of creating a lot containing a residence surplus to a farm operation is permitted within the Agricultural designation. A residence surplus to a farm operation dwelling is defined as an existing farm residence that is rendered surplus as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. The following criteria shall apply (4.1.4c)):

#### 1. The lot containing the residence surplus to a farm operation:

- i) Shall be in compliance with the regulations of the applicable zoning by-law;
- ii) Should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 of the Plan. Exceptions may be considered based on individual site circumstances, the loss of any additional productive farmlands will be avoided;
- iii) Shall be in compliance with the Municipality's property standards by-law;
- iv) May contain accessory farm buildings and structures that are not deemed to be livestock facilities; and
- v) Shall not contain any buildings or structures deemed unsafe in accordance with the Ontario Building Code Act or its successor.

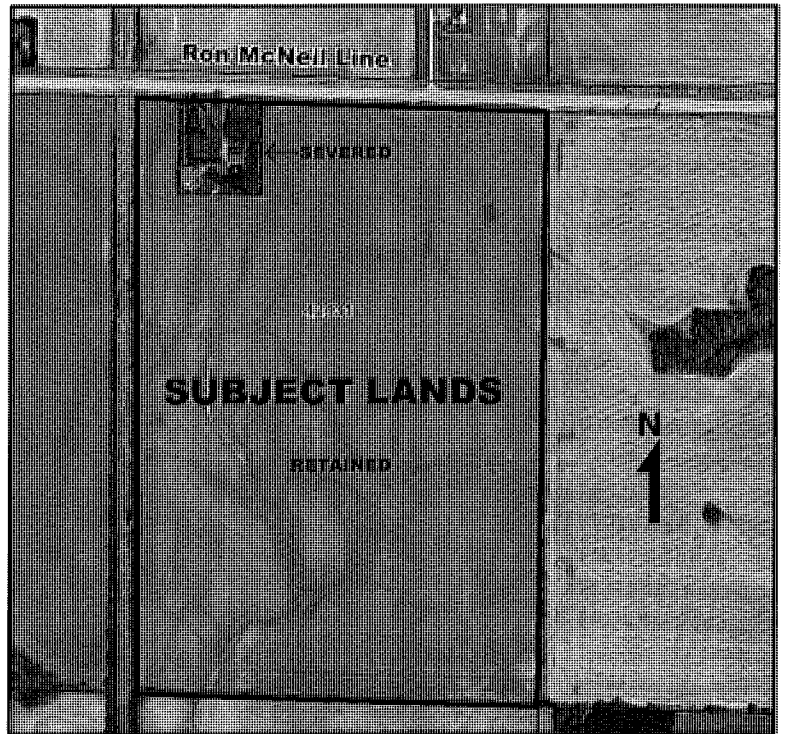
#### 2. The lot that is being consolidated into the farm operation:

- i) Shall be in compliance with the regulations of the applicable zoning by-law for farm use;
- ii) Shall be rezoned to prohibit any new residential dwelling unit; and
- iii) May be subject to alternative measures as deemed necessary by Council to ensure that no new dwelling unit is permitted.

#### 3. Council may request that an applicant provide evidence as to the nature of the existing farm operation, including but not necessarily limited to applicable membership in a farm organization and/or evidence of farm business registration in accordance with the Farm Registration and Farm Organizations Funding Act, 1993 or its successor.

### 2. Zoning By-Law

- The subject lands are within the Open Space Zone 1 (OS1) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- Permitted uses include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses (8.2.1.1).
- The minimum lot area required for farm uses is 10.11ha (2.52(a)).
- The minimum lot area required for rural residential uses is 1,858m<sup>2</sup> (8.2.1.3).
- The minimum lot frontage required is 30.48m (8.2.1.4).




3. County of Elgin Official Plan:

- The subject lands are located within the Agricultural designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- In accordance with the intent of the Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if (E1.2.3.4 (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.


4. Comments

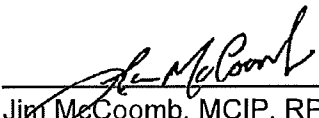
- Staff advised the applicant that the lot containing the residence surplus to a farm operation should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies of the Official Plan, exceptions may be considered, however the loss of any additional productive farmlands will be avoided.
- The limits of the proposed surplus farm dwelling lot have been identified on the attached Location Plan and the lot does not include lands currently being used for agricultural purposes.
- In accordance with the surplus farm dwelling policies of the Official Plan the agricultural land (retained lot) will need to be rezoned to prohibit any new residential dwelling units.

Respectfully submitted:

  
\_\_\_\_\_  
Steve Craig  
Sr. Planning Technician

Approved for submission:

  
\_\_\_\_\_  
Paul Shipway  
CAO/Clerk

  
\_\_\_\_\_  
Jim McCoomb, MCIP, RPP  
Manager of Planning Services

**From:** [Brian Lima](#)  
**To:** [Marlene Bainbridge](#)  
**Subject:** FW: E25, E26, E35 & E36 Notices for Consent Application  
**Date:** June 7, 2022 11:05:06 AM  
**Attachments:** [image009.png](#)  
[image010.png](#)  
[image011.png](#)

---

FYI

**Brian Lima, P.Eng.**

*General Manager of Engineering, Planning & Enterprise / Deputy CAO*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 117  
[blima@elgin.ca](mailto:blima@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)

---

**From:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Sent:** June 7, 2022 10:13 AM  
**To:** Brian Lima <blima@ELGIN.ca>  
**Subject:** E25, E26, E35 & E36 Notices for Consent Application

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 Brian,

Please accept this email as confirmation that staff of KCCA has reviewed the following Notices for Consent Application and that based on our mandate and policies, we have no objection to there approval:

- E25/22 43315 Roberts Line (Severed Lot is not affected by natural hazard regulations under the Ca Act);
- E26/22 43315 Roberts Line (Severed Lot is not affected by natural hazard regulations under the Ca Act);
- E35/22 42431 Ron McNeil Line (Severed Lot with existing development is partially affected by regulations under CA Act).

I can also confirm that the subject property affected by application E36/22 211 Centennial Rd circulated to KCCA is located within the catfish Creek watershed.

Thank you for the opportunity to comment.

Thank you,  
**Joe Gordon**

---

**Assistant Manager  
Supervisor of Planning & Conservation Areas  
(Regulations Enforcement Officer)**

Kettle Creek Conservation Authority

Tel: (519) 631-1270 ext.226

Fax: (519) 631-5026

[www.kettlecreekconservation.on.ca](http://www.kettlecreekconservation.on.ca)



*<The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error, are not the named recipient(s), or believe that you are not the intended recipient immediately notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.>*



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: June 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E35-22

OWNER: Allen Taylor

PROPERTY: LOT NO. 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 .....
- 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 road or access to a County road.



BRIAN LIMA, P. ENG.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**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:** Planning Division, County of Elgin  
**Date:** June 17, 2022  
**Application:** E 35-22

**Owner:**  
**Allen Taylor**  
44197 Ron McNeil Line, Central Elgin

**Agent:**  
**Mark T. Coombes**

**Location:** Part Lot 3, Concession Range 2 N Edgware Road, Municipality of Central Elgin,  
Municipal Address: 42431 Ron McNeil Line

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 93.5 m and a depth of 110 m and an area of 1 ha containing a residence, garage, and two sheds for residential use. The applicants are retaining a 30 ha lot proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

**Local Municipality Zoning  
By-law**  
Open Space Zone 1 (OS1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – recommends approval of the proposed severance subject to the conditions outlined in the recommendation section of this report.

*County Engineering* – the lands front on a County Road (Ron McNeil Line), though no concerns were identified.

*Kettle Creek Conservation Authority* – advised County via email of no objections to an approval of the proposal.

No further comments have been received at the time of writing.

**Planning Act and Provincial Policy Statement (PPS)**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the given of public notice. With respect the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS as the application will facilitate the creation of a surplus farm dwelling severance as contemplated by the PPS. However, to ensure full consistency with the PPS, a zoning by-law



amendment will be required to prohibit residential uses on the retained parcel. No conflicts or inconsistencies with provincial policy were identified.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP as the proposal complies with the relevant land use designations and policies of the Plan, subject to the owner / applicant obtaining approval for a zoning amendment to prohibit residential uses on the retained parcel. No conflicts or inconsistencies were identified.

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

Staff have reviewed the application against the policies of the Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan, subject to obtaining the a zoning by-law amendment to prohibit residential uses on the retained parcel.

Staff have reviewed the proposed lot against the regulations of the Central Elgin Zoning By-law and note minor zoning deficiencies, that Central Elgin Staff have advised can be addressed through a zoning by-law amendment.

#### RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject application can be approved subject to the following conditions:

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of Central Elgin.
2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed be provided to the satisfaction of the County of Elgin.
3. That the applicant obtain approval from the Municipality of Central Elgin for a zoning by-law amendment to address all zoning by-law deficiencies and prohibit residential dwellings on the retained, and that said zoning by-law amendment be in full force and effect, to the satisfaction of the County of Elgin.
4. That a drainage assessment be completed, if necessary, at the owner's expense to the satisfaction of the Municipality of Central Elgin.
5. That prior to final approval of the subject consent(s) that Municipality of Central Elgin advise the County of Elgin, in writing, how conditions 1 to 4 have been satisfied.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 36-22**

**LOT 3, CONCESSION 8, REGISTERED PLAN 251  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 221 CENTENNIAL AVE**

**TAKE NOTICE that** an application has been made by Christopher & Emmaly Laliberte, 221 Centennial Ave, St. Thomas, ON N5R 5B4 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 221 Centennial Ave, Municipality of Central Elgin.

The applicant proposes to sever a parcel with a frontage of 15 metres (49.21 feet) and a depth of 61 metres (200.13 feet) and an area of 0.092 hectares (0.23 acres) to create a new residential lot. The applicants are retaining 0.24 hectares (0.59 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 JUNE 22, 2022 AT 10:10 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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 30<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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





Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map



## Legend



Subject Site



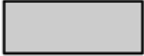
Severed



Retained

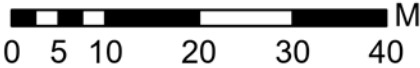


Elgin Road Network



Buildings

Subject Site: 221 Centennial Ave  
File Number: E 36-2022  
Owner: Christopher & Emmaly Laliberte  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 05/04/2022  
Municipality of Central Elgin





# Location Map



## Legend



Subject Site



Severed



Retained

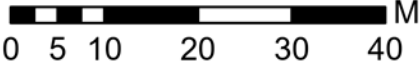


Elgin Road Network



Buildings

Subject Site: 221 Centennial Ave  
File Number: E 36-2022  
Owner: Christopher & Emmaly Laliberte  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 05/04/2022  
Municipality of Central Elgin







May 27, 2022

Brian Lima  
General Manager of Engineering, Planning & Enterprise/Deputy CAO  
Planning Department  
County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

RE: Consent Application E36/22  
Christopher & Emmaly Laliberte, 221 Centennial Ave.

---

Dear Mr. Lima:

Please be advised that Council discussed a report on the above noted application at their Regular Meeting of Council dated Tuesday, May 24, 2022 and the following resolution was passed:

**THAT** Report CEP.22.22 re Consent Application 221 Centennial Avenue - Christopher and Emmaly Laliberte be received for information;

**AND THAT** Council has no objections to consent application E36/22, 221 Centennial Avenue – Christopher and Emmaly Laliberte, subject to the following recommended conditions:

1. Confirmation that the existing shed on the severed lot has been removed or relocated, to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
2. Confirmation that the existing house on the retained lot conforms with the R1 zone minimum interior side yard depth of 1m and the Ontario Building Code, to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
3. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical and financial matters relative to the development of the subject lands;
4. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
5. a copy of the reference plan be provided to the Municipality of Central Elgin and
6. a drainage reassessment be done, if necessary, at the owner's expense

As per Council's direction, please note a copy of the planning report has been included for your convenience.

Please feel free to contact me should you have any questions.

Kind Regards,

A handwritten signature in cursive script, appearing to read "Dianne Wilson".

Dianne Wilson  
Deputy Clerk/Records Management Coordinator

[dwilson@centralelgin.org](mailto:dwilson@centralelgin.org)  
519-631-4860 ext. 286

c.c. Christopher & Emmaly Laliberte, Owner  
S. Craig, Senior Planner, CEPO

Encl.





THE MUNICIPALITY OF CENTRAL ELGIN  
REPORT TO COUNCIL

**REPORT NO.** CEP.22.22  
**CEPO FILE NO.** E36/22  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 221 Centennial Avenue  
Applicant – Christopher and Emmaly Laliberte  
**DATE** May 24, 2022

---

**RECOMMENDATION**

**THAT** Report CEP.22.22 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E22/22 to the Land Division Committee, staff recommends the following conditions:

1. Confirmation that the existing shed on the severed lot has been removed or relocated, to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
  2. Confirmation that the existing house on the retained lot conforms with the R1 zone minimum interior side yard depth of 1m and the Ontario Building Code, to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
  3. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical and financial matters relative to the development of the subject lands;
  4. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
  5. a copy of the reference plan be provided to the Municipality of Central Elgin.
- 

**REPORT**

**Background:**

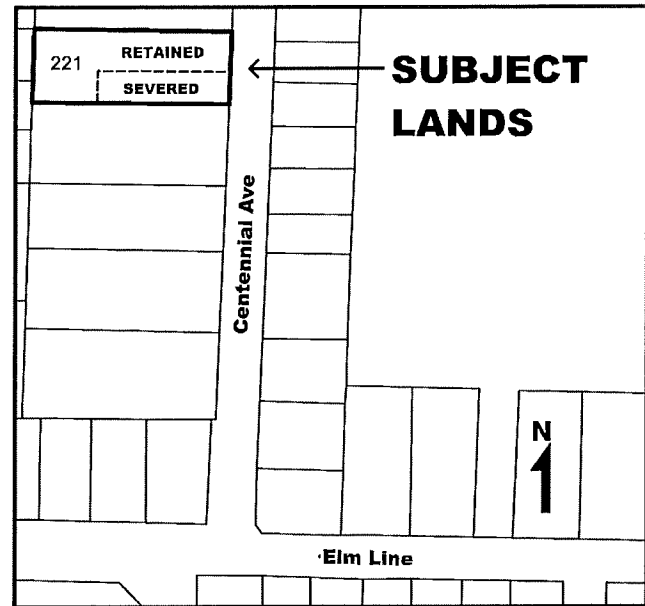
Consent application E36/22 has been filed for the purpose of creating one new residential building lot.

**Location:**

The subject lands are located on the west side of Centennial Avenue. The lands are described as, Plan 251, Lot 3, Municipality of Central Elgin.

**Proposal:**

The applicants are proposing to sever a lot with frontage of 15m on Centennial Avenue, a lot depth of 61m and a lot area of 915m<sup>2</sup>, containing one shed. The severed lot will be used for a residential building lot. The applicants are proposing to retain a lot with frontage of 21.57m on Centennial Avenue, a lot depth of 91.13m and a lot area of 2,418.35sqm, containing one house. The retained lot will continue to be used for residential purposes.

**Location Plan:****Staff Report****1. Official Plan**

- The subject lands are within the "Residential" designation in accordance with Schedule "D" - Community of Eastwood, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- The "Residential" designation permits a broad range of housing types and compatible services and amenities within the fully serviced Urban Settlement Areas, in keeping with both local and provincial priorities and to make the most efficient use of available infrastructure" (4.2). Where land is designated Residential a range of residential dwelling types and densities shall be permitted, including single detached, semi-detached, duplex dwellings, triplex dwellings, townhouse dwellings and apartment dwellings (4.2.1(a)).

**2. Zoning By-Law**

- The subject lands are within the Residential Zone 1 (R1) of the Township of Yarmouth Zoning By-Law 1998, as amended.
- The R1 zone permitted uses include residential uses, and accessory uses (9.2.1.1). Permitted buildings and other structures include one single-detached dwelling and accessory buildings on residential lots (9.2.1.2).
- Where public sanitary sewage disposal facilities and piped public water is available the minimum lot area required is 464.5m<sup>2</sup> (9.2.1.3.3), the minimum lot frontage is 15m (9.2.1.4.3) and the minimum lot depth required is 30.48m (9.2.1.5).

**3. County of Elgin Official Plan:**

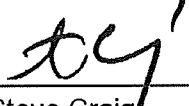
- The subject lands are within the "Tier 1 Settlement Area" designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan. Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted (B1).

- Subsection C1.1.1 sets out specific policy direction and objectives for residential development in settlement areas. These include, "promoting the efficient use of existing and planned infrastructure by supporting opportunities for various forms of residential intensification" and "encourage increases in density in new development areas to maximize the use of infrastructure and minimize the amount of land required for new development".


4. Comments

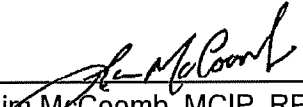
- The existing shed on the severed lot will need to be removed or relocated, as Subsection 7.2.4.6 of the Township of Yarmouth Zoning By-law provides that no accessory building shall be erected on a lot prior to the erection of a main building on the lot.
- The applicant will need to demonstrate that the existing house on the retained lot conforms with the R1 zone minimum interior side yard depth of 1m and the Ontario Building Code.

Respectfully submitted:

  
\_\_\_\_\_  
Steve Craig  
Sr. Planning Technician

Approved for submission:

  
\_\_\_\_\_  
Paul Shipway  
CAO/Clerk

  
\_\_\_\_\_  
Jim McCoomb, MCIP, RPP  
Manager of Planning Services

**From:** [Brian Lima](#)  
**To:** [Marlene Bainbridge](#)  
**Subject:** FW: E25, E26, E35 & E36 Notices for Consent Application  
**Date:** June 7, 2022 11:05:06 AM  
**Attachments:** [image009.png](#)  
[image010.png](#)  
[image011.png](#)

---

FYI

**Brian Lima, P.Eng.**

*General Manager of Engineering, Planning & Enterprise / Deputy CAO*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 117  
[blima@elgin.ca](mailto:blima@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)

---

**From:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Sent:** June 7, 2022 10:13 AM  
**To:** Brian Lima <blima@ELGIN.ca>  
**Subject:** E25, E26, E35 & E36 Notices for Consent Application

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 Brian,

Please accept this email as confirmation that staff of KCCA has reviewed the following Notices for Consent Application and that based on our mandate and policies, we have no objection to there approval:

- E25/22 43315 Roberts Line (Severed Lot is not affected by natural hazard regulations under the Ca Act);
- E26/22 43315 Roberts Line (Severed Lot is not affected by natural hazard regulations under the Ca Act);
- E35/22 42431 Ron McNeil Line (Severed Lot with existing development is partially affected by regulations under CA Act).

I can also confirm that the subject property affected by application E36/22 211 Centennial Rd circulated to KCCA is located within the catfish Creek watershed.

Thank you for the opportunity to comment.

Thank you,  
**Joe Gordon**

---

**Assistant Manager  
Supervisor of Planning & Conservation Areas  
(Regulations Enforcement Officer)**

Kettle Creek Conservation Authority

Tel: (519) 631-1270 ext.226

Fax: (519) 631-5026

[www.kettlecreekconservation.on.ca](http://www.kettlecreekconservation.on.ca)



*<The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error, are not the named recipient(s), or believe that you are not the intended recipient immediately notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.>*



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: June 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E36-22

OWNER: Christopher and Emmaly Laliberte

PROPERTY: LOT NO. 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 .....

X
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....

X
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

X
- 7) Technical Reports .....
- 8) That, 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.....

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

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

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



BRIAN LIMA, P. ENG.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO





**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:** Planning Division, County of Elgin  
**Date:** June 17, 2022  
**Application:** E 36-22

**Owner:**  
**Christopher & Emmaly Laliberte**  
221 Centennial Avenue  
Central Elgin

**Agent:**  
**N/A**

**Location:** Lot 3, Plan 251, Geographic Township of Yarmouth (now Municipality of Central Elgin).

**PROPOSAL**

The applicants are proposing to sever a lot with a frontage of 15 m on Centennial Avenue, with a lot depth of 61 m and a lot area of 915 m<sup>2</sup> containing one accessory building (a shed). The proposed lot will be used as a residential building lot, while the applicants are proposing to retain a lot with a frontage of approximately 21.6 m on Centennial Avenue, with a lot depth of approximately 91 metres and a lot area of approximately 2,418 square metres, containing one house. The retained lot will continue to be used for residential purposes.

**County of Elgin Official  
Plan**  
Tier 1 Settlement Area

**Local Municipality Official  
Plan**  
Residential

**Local Municipality Zoning  
By-law**  
Residential Zone 1 (R1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – recommends approval of the proposed severance subject to the conditions outlined in the recommendation section of this report.

*County Engineering* – no objections but has outlined conditions of approval to satisfy County requirements.

*Conservation Authority* – reviewed and no objections as the property is not subject to the any conservation authority regulated area.

No further comments have been received at the time of writing.

**Planning Act and Provincial Policy Statement**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have

been met, including the given of public notice. With respect the PPS, based on the analysis conducted by County Staff, and staff are of the opinion that the application is consistent with the PPS as the application constitutes residential infilling and intensification in a fully serviced settlement area. No conflicts or inconsistencies with provincial policy were identified.

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP as the lands are located within a fully serviced Tier 1 Settlement Area and comply with the relevant land use designations and policies of the Plan. No conflicts or inconsistencies were identified.

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

Staff have reviewed the application against the policies of the Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands are designated for residential purposes and comply with the relevant land use designations and policies of the Plan.

Staff have reviewed the proposed lot against the regulations of the Central Elgin Zoning By-law and are of the opinion that the application appears to conform to the relevant regulations for both the severed and retained parcels however the Municipality has noted that the existing house, once the severance is granted, may not be able to conform to the Ontario Building Code, due to the proximity of the house to the proposed new lot line and that an existing shed on the proposed lot would not be in compliance with the Zoning By-law. To address the issue of the shed, the Municipality is requesting that a condition be placed on the proposed severance that would require the shed to be removed or relocated in compliance with the Zoning By-law.

Further, the Municipality is requesting the inclusion of a condition that would also confirm compliance of the existing dwelling with the Ontario Building Code (OBC) in relation in relation to the new lot lines created by the severance. While a variance or rezoning can address any deficiency with the Zoning By-law, there is no such mechanism with the OBC and it is the opinion of County Staff, that compliance with the spatial requirements of the OBC should be confirmed prior to granting the severance to prevent a situation where the proposed new lot needs to be reconfigured to address Code compliance and be required to be re-submitted to Committee.

#### RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject application should be deferred pending confirmation that the existing dwelling on the subject lands will be compliant with the spatial requirements of the Ontario Building Code. However, should Committee be prepared to approve the application it should subject to the following conditions:

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of Central Elgin.

2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed, be provided to the satisfaction of the County of Elgin.
3. That municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of the County of Elgin.
4. That the owner shall install drainage pipes and/or catch basins, all at their own cost, for the proposed lot to the satisfaction of the County of Elgin.
5. That the owner shall install curb and gutter, all at their own cost, along the frontage of the subject lands to the satisfaction of the County of Elgin.
6. That the owner shall arrange for connection to/creation of a legal drainage outlet to the severed lot, if one is not currently available, all at their own cost, to the satisfaction of the County of Elgin.
7. That the owner shall obtain an entrance permit from Elgin County for a new entrance to the severed and/or retained parcels, if necessary, and all at their own cost, to the satisfaction of the County of Elgin.
8. That the owner shall prepare and submit a lot grading plan, all at their own cost, to the satisfaction of the County of Elgin.
9. That the existing shed on the severed lot has been removed or relocated in compliance with all applicable regulations to the satisfaction of the Municipality of Central Elgin.
10. That a survey or surveyor's certificate is provided that confirms the existing house on the retained lot conforms with the R1 Zone minimum interior side yard depth of one metre and the Ontario Building Code, to the satisfaction of the Municipality of Central Elgin.
11. That the applicant enters into an agreement with the Municipality of Central Elgin to address all administrative, technical, and financial matters relative to the development of the subject lands to the satisfaction of the Municipality of Central Elgin.
12. That payment of cash-in-lieu of the dedication of 5% of the lands for parkland purposes under Section 51.1(3) of the Planning Act be made to the satisfaction of the Municipality of Central Elgin.
13. That a drainage reassessment is completed, if necessary, at the applicant's expense to the satisfaction of the Municipality of Central Elgin.
14. That prior to final approval of the subject consent(s) that Municipality of Central Elgin advise the County of Elgin, in writing, how conditions 1, and 9 to 13, have been satisfied.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 37-22**

**LOT 12, CONCESSION 8  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 43841 TALBOT LINE**

**TAKE NOTICE that** an application has been made by Doug Tarry Limited c/o 3-K Leasing Limited, 358 Elm Street, St. Thomas, ON N5R 1K1 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 43841 Talbot Line, Municipality of Central Elgin.

The applicant proposes to sever a parcel with a frontage of 64 metres (209.97 feet) and a depth of 548 metres (1,797.90 feet) and an area of 30.27 hectares (74.8 acres) to form an addition to an abutting parcel. The applicants are retaining 4.16 hectares (10.28 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 JUNE 22, 2022 AT 10:20 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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.**

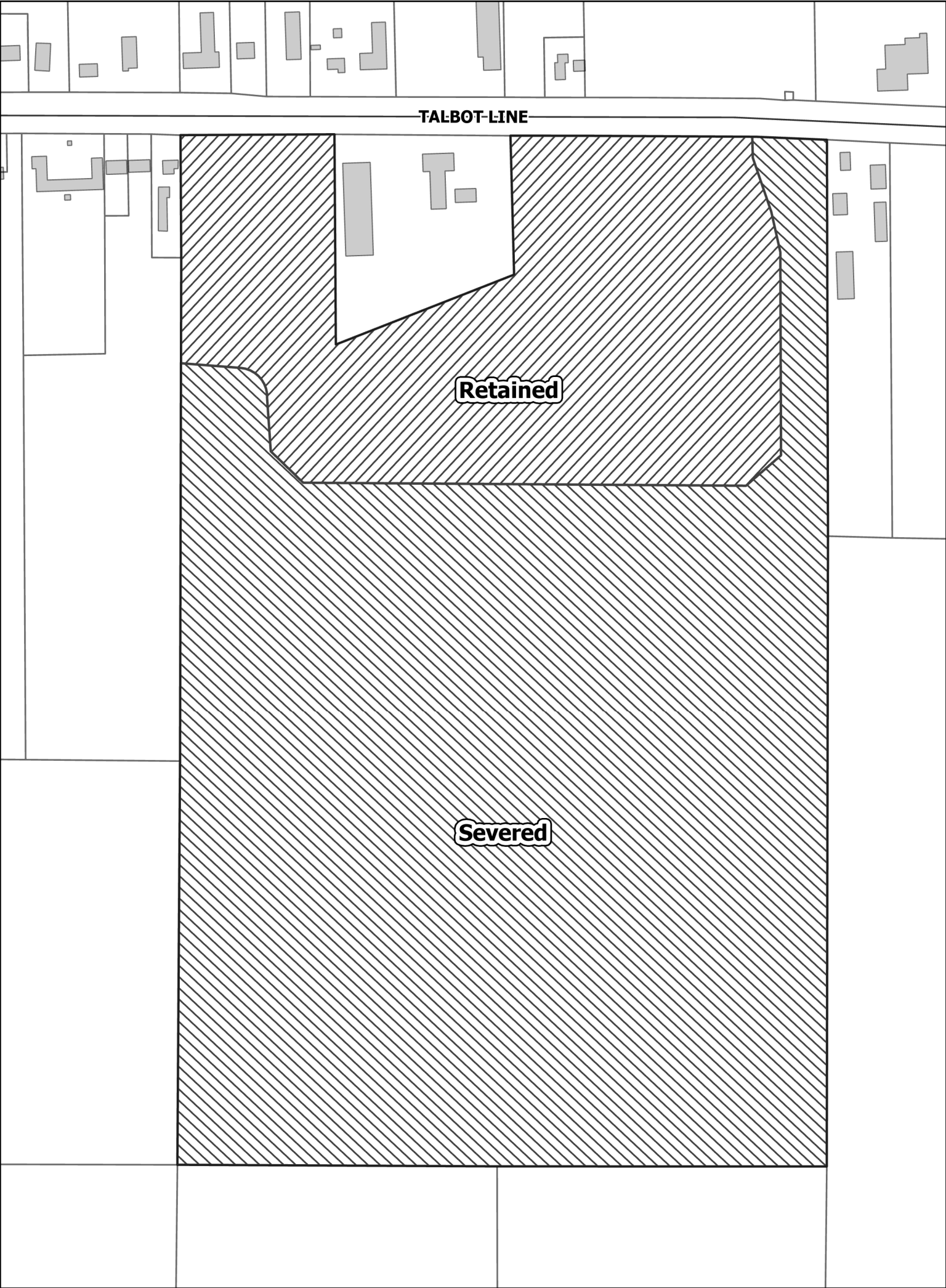
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 30<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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

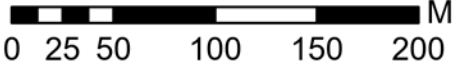







Location Map



Subject Site: 43841 Talbot Line  
File Number: E 37-2022  
Owner: 3-K Leasing Limited  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 05/03/2022  
Municipality of Central Elgin

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



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





Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map



## Legend



Subject Site



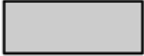
Severed



Retained



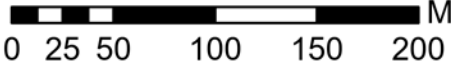
Elgin Road Network



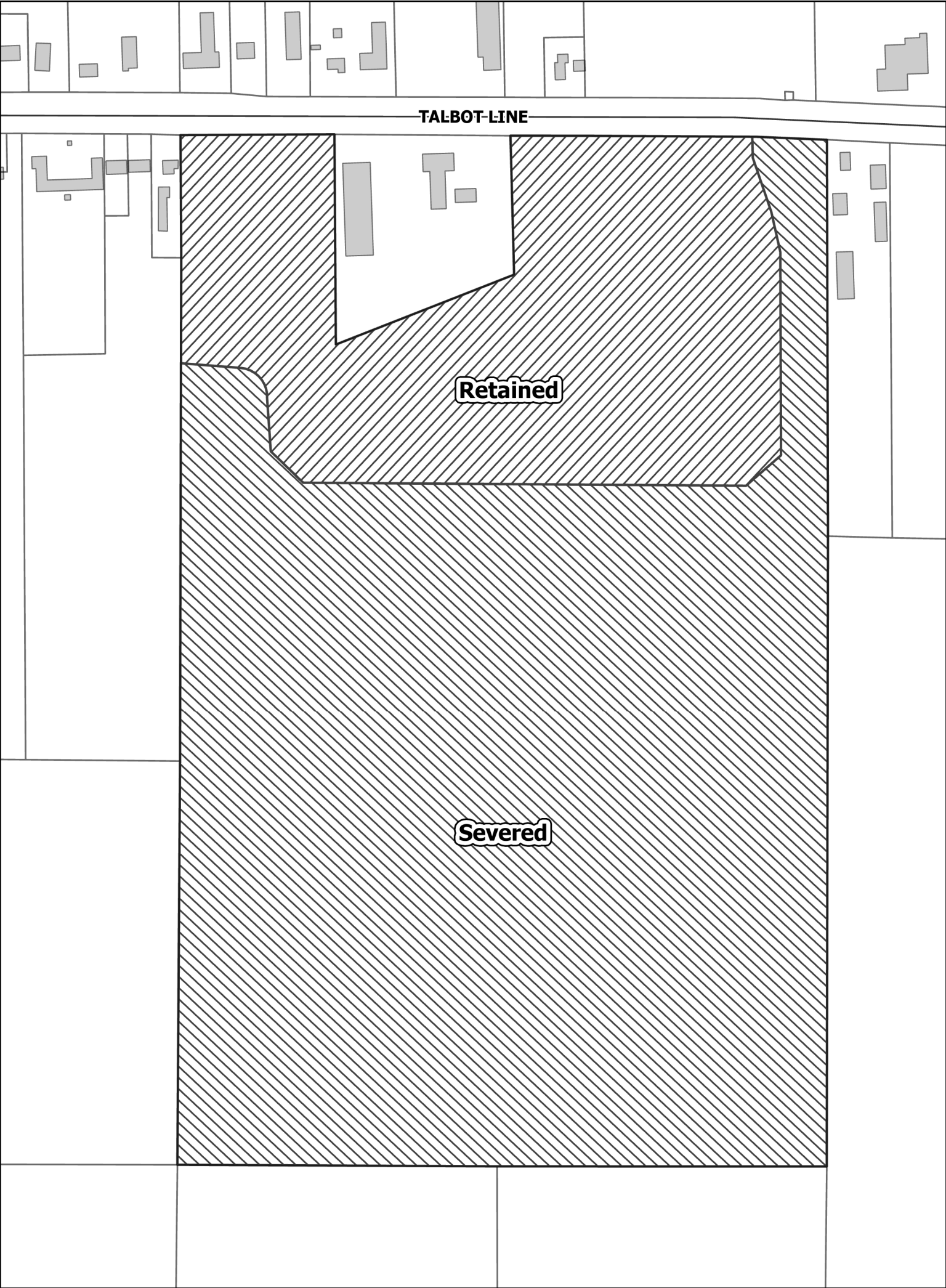
Buildings

Subject Site: 43841 Talbot Line  
File Number: E 37-2022  
Owner: 3-K Leasing Limited  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 05/03/2022  
Municipality of Central Elgin

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





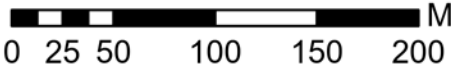






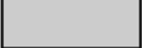
Location Map



Subject Site: 43841 Talbot Line  
File Number: E 37-2022  
Owner: 3-K Leasing Limited  
Planner: Unknown  
CA: Kettle Creek Conservation Authority  
Created By: TE  
Date: 05/03/2022  
Municipality of Central Elgin

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



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



May 27, 2022

Brian Lima  
General Manager of Engineering, Planning & Enterprise/Deputy CAO  
Planning Department  
County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

RE: Consent Application E37/22  
3-K Leasing Ltd., 43841 Talbot Line

---

Dear Mr. Lima:

Please be advised that Council discussed a report on the above noted application at their Regular Meeting of Council dated Tuesday, May 24, 2022 and the following resolution:

**THAT** Report CEP.23.22 re Consent Application 43841 Talbot Line - 3-K Leasing Limited be received for information;

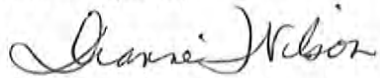
**AND THAT** Council has no objections to consent application E37/22, 43841 Talbot Line – 3-K Leasing Limited subject to the following recommended conditions:

1. the severed lands be merged with 164 Centennial Road;
2. the retained lands be merged with 43841 Talbot Line;
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 and
6. a drainage reassessment be done, if necessary, at the owner's expense.

As per Council's direction, please note a copy of the planning report has been included for your convenience.

Please feel free to contact me should you have any questions.

Kind Regards,



Dianne Wilson  
Deputy Clerk/Records Management Coordinator

[dwilson@centralelgin.org](mailto:dwilson@centralelgin.org)  
519-631-4860 ext. 286

c.c. 3-K Leasing Ltd., Owner  
N. Ooms, Doug Tarry Ltd., Agent  
S. Craig, Senior Planner, CEPO

Encl.



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

**REPORT NO.** CEP.23.22  
**CEPO FILE NO.** E37/22  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application - 43841 Talbot Line (Highway 3)  
Applicant - 3-K Leasing Limited  
**DATE** May 24, 2022

---

**RECOMMENDATION**

**THAT** Report CEP.23.22 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E37/22 to the Land Division Committee, staff recommends the following conditions:

- 1) the severed lands be merged with 164 Centennial Road;
  - 2) the retained lands be merged with 43841 Talbot Line;
  - 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.
- 

**REPORT**

**Background:**

The applicant is proposing to convey 10.29 hectares of land to the abutting lot to the north, 43841 Talbot Line and 30.27 hectares of land to the abutting lot to the west, 164 Centennial Avenue.

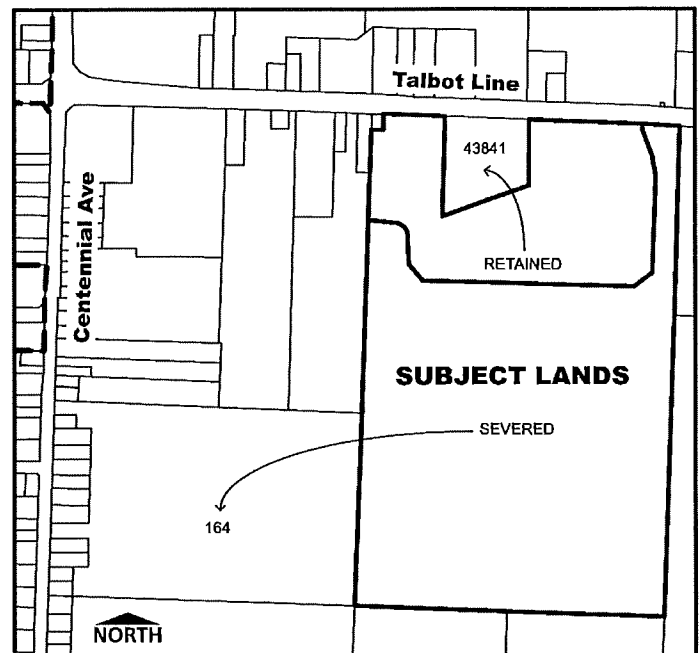


**Location:**

The subject lands are located on the south side of Talbot Line (Highway 3). The lands are described as Concession 8, North Part of Lot 12, Reference Plan 11R-2741, Parts 1-5, geographic Township of Yarmouth, now Municipality of Central Elgin.

**Proposal:**

The applicant is proposing to sever a vacant parcel land with frontage of 64m on Centennial Avenue and an area of 30.27 hectares. The lands will be merged with the abutting lot to the west (164 Centennial Avenue) and continue to be used for agricultural purposes. The applicant is proposing to retain a parcel of land with frontage of 364.34m on Talbot Line and an area of 10.29 hectares, containing three steel buildings. The lands will be merged with the abutting lot to the north (43841 Talbot Line) and continue to be used for industrial purposes.

**Location Plan:****Staff Report****1. Official Plan**

- The subject lands are within the Commercial-Industrial, Agricultural and Natural Hazard designation in accordance with Schedule "K" – Employment Areas Land Use Plan to the Municipality of Central Elgin Official Plan.
- Permitted uses of the Commercial-Industrial designation include a mix of space-extensive commercial activities along with light industrial activities shall be permitted (4.3.1a)).
- Permitted uses of the Agricultural designation include a variety of agricultural activities (4.1.1b)).
- Where the Natural Hazard designation is contained within, overlaps or is coincident with the limits of another land use designation, the uses permitted shall be the same as those permitted in the underlying land use designation, subject to the policies of the Plan (3.2.1b)).
- The Consent policies provide that in addition to the specific land division and/or consent policies associated with the applicable land use designation a consent for technical or legal purposes, such as a boundary adjustment, easement or right-of-way is permitted. The lots that are the subject of the application and any retained lands will comply with the zoning by-law, or the consent will be conditional on a successful zoning by-law amendment or minor variance (5.3.9.1b)).

**2. Zoning By-Law**

- The subject lands are within the Industrial Zone 5 (C5-6) and Open Space Zone 2 (OS2-93), as shown on Zoning Map 15, Township of Yarmouth Zoning By-Law 1998, as amended. The severed parcel is within the OS2-93 zone and the retained parcel is within the C5-6 zone.

- Permitted uses of the C5 zone include transportation or truck terminal use, office use in connection the permitted use, automobile repair shop only if accessory to the transportation or truck terminal use and operated for the purposes of the permitted use only and not for hire, living quarters for a watchman or caretaker and his family whose duties are essential to the maintenance of the permitted use, and which living quarters shall be permitted only on the same lot or land where such industrial commercial use is located and an adult entertainment parlour (12.6.1.1).
- The special provisions of the C5-6 zone permit the sale, storage, distribution, and marketing of petroleum and petroleum products, including gasoline, diesel fuel, fuel oil, propane, and lubricants. An office use in connection with the other permitted uses, motor vehicle sales and repair and accessory uses. (12.6.2.6.2).
- The C5-6 zone requires a minimum lot area of 1 acre (12.6.1.3), a minimum lot frontage of 200ft (12.6.1.4) and a minimum lot depth of 200ft (12.6.1.5).
- Permitted uses of the OS2 zone include farm uses, rural-residential uses lawfully used for such purposes on the day of the passing of the bylaw, home occupations and accessory uses (8.3.1.1).
- The OS2 zone requires a minimum lot area of 25 acres for farm use (8.3.1.4) and the special provisions of the OS2-93 zone requires a minimum lot frontage of 53m (8.3.2.93.2).

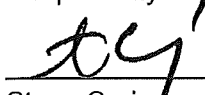
### 3. County of Elgin Official Plan:

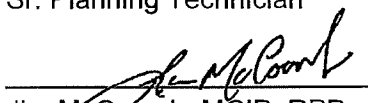
- The subject lands are also identified as a Site Specific Policy Area on Figure '1' to the County of Elgin Official Plan and may be used for employment uses, development and redevelopment of the lands shall be in accordance with the Major Industrial and Commercial Industrial policies of the Municipality of Central Elgin Official Plan (C1.1.4).
- 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 (E1.2.3.2).

### 4. Comments

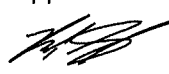
- The proposed lot addition is a re-submission from 2019, Consent Application E40/19 was approved by the Elgin County Land Division Committee, however the provisional consent was not completed and has since lapsed.

Respectfully submitted:

  
 Steve Craig  
 Sr. Planning Technician

  
 Jim McCoomb, MCIP, RPP  
 Manager of Planning Services

Approved for submission:

  
 Paul Shipway  
 CAO/Clerk



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: June 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E37-22

OWNER: Doug Tarry Limited

PROPERTY: LOT NO. 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.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**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:** Planning Division, County of Elgin  
**Date:** June 17, 2022  
**Application:** E 37-22

**Owner:**  
**3K Leasing Limited**  
164 Centennial & 43841 Talbot Line  
Central Elgin

**Agent:**  
**Nicole Ooms**  
Doug Tarry Ltd.  
358 Elm Street, St. Thomas

**Location:** North Part of Lot 12, Concession 8, and Parts 1-5, Reference Plan 11R-2741,  
Geographic Township of Yarmouth (now Municipality of Central Elgin).

**PROPOSAL**

The applicant is proposing to sever a vacant parcel of land with frontage of 64 m on Centennial Avenue and an area of approximately 30 ha. These lands are intended to be merged with an abutting lot to the west (known municipally as 164 Centennial Avenue) and are intended to be used for agricultural purposes along with the existing lands at 164 Centennial. Subsequently the applicant is proposing merge the retained lands, composed of a lot of approximately 10 ha and containing portions of an existing industrial operation associated with 43841 Talbot Line (Dowler-Karn) and merging these lands with 43841 Talbot Line in order to consolidate the existing industrial operation.

**County of Elgin Official  
Plan**  
Central Elgin Employment  
Area and Agricultural

**Local Municipality Official  
Plan**  
Commercial-Industrial and  
Agricultural

**Local Municipality Zoning  
By-law**  
Industrial Zone 5 (C5-6) and  
Open Space Zone 2 (OS2-  
93)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Central Elgin* – recommends approval of the proposed severance subject to the conditions outlined in the recommendation section of this report.

*County Engineering* – the subject lands are not located on a County Road, no concerns.

*Conservation Authority* – reviewed and no objections as the property is not subject to the any conservation authority regulated area.

No further comments have been received at the time of writing.

Planning Act and Provincial Policy Statement

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). With regards to legislative compliance, staff have become aware that no sign was posted on the property in accordance with the Planning Act, and as such the statutory requirements of the Planning Act have not been met.

With respect the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS as the application will support the long-term operation of the existing industrial operation located along Talbot Line, while also consolidating agricultural lands. No conflicts or inconsistencies with provincial policy were identified.

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP as the proposal complies with the relevant land use designations and policies of the Plan. No conflicts or inconsistencies were identified.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan.

Staff have reviewed the proposed lot against the regulations of the Central Elgin Zoning By-law and are of the opinion that the application conforms to the relevant regulations of the relevant zones and no zoning amendments or variances are required to facilitate the consent.

RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject application should be deferred pending compliance with the Planning Act's notification requirements.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 38-22**

**PART OF LOT 86  
TOWN OF AYLMER  
MUNICIPAL ADDRESS: 448 TALBOT STREET EAST**

**TAKE NOTICE that** an application has been made by John Beekman & Susan Kyle, 448 Talbot Street East, Aylmer, ON N5H 1J5 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 448 Talbot Street East, Town of Aylmer.

The applicant proposes to establish a sewer easement over the proposed severed parcel to facilitate the existing private drain connection serving the retained parcel.

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 JUNE 22, 2022 AT 10:30 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.

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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 30<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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



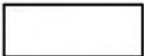


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map



## Legend



Subject Site



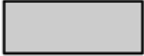
Severed



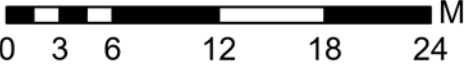
Retained



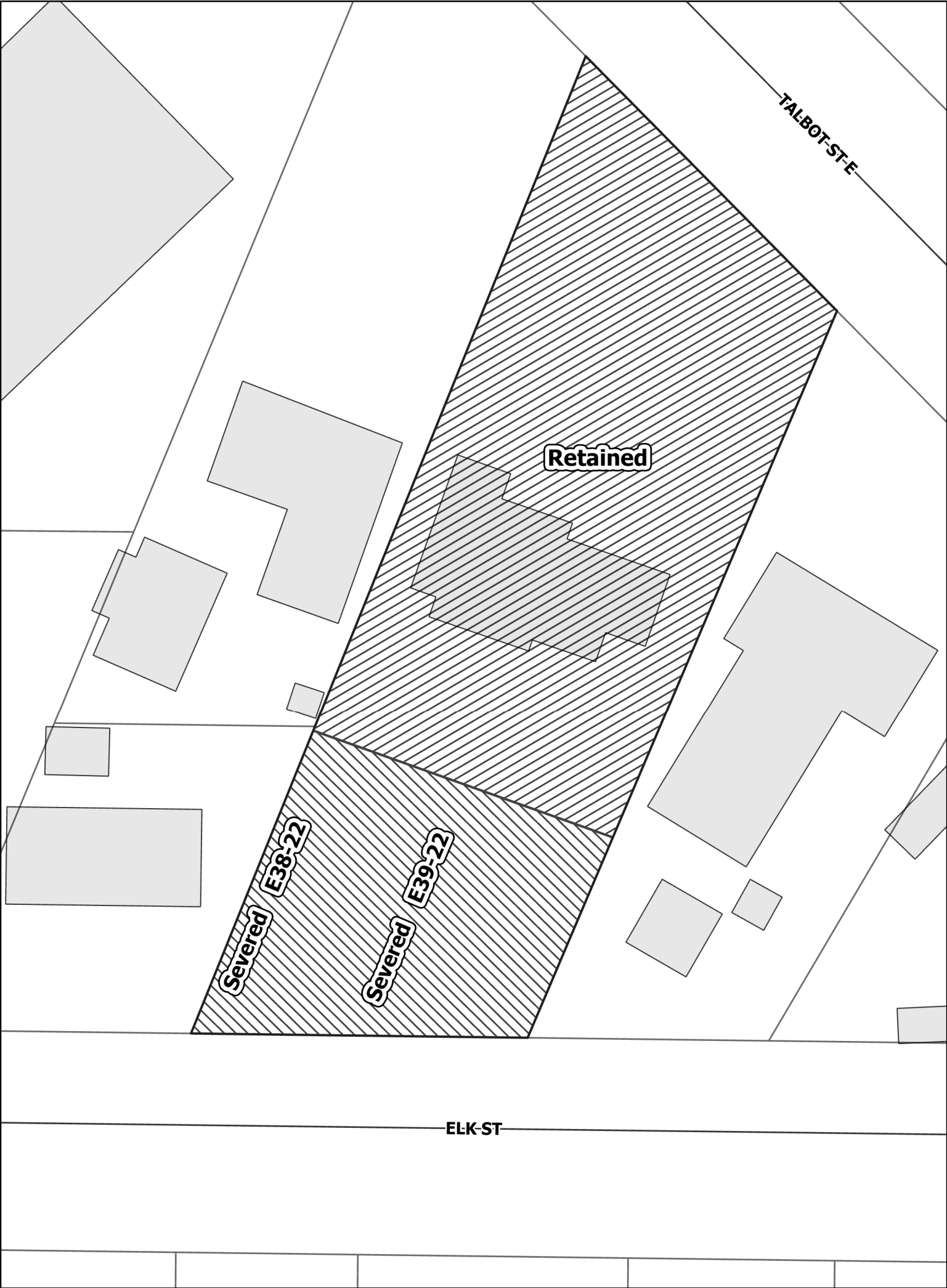
Elgin Road Network



Buildings



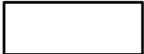




# Location Map



## Legend



Subject Site



Severed



Retained

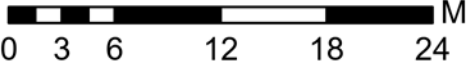


Elgin Road Network



Buildings

Subject Site: 448 Talbot Street East  
File Number: E 38-2022  
Owner: John Beekman & Susan Kyle  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: TE  
Date: 05/05/2022  
Town of Aylmer





May 20th, 2022

Josh Brick, Director of Corporate/Legislative Services  
46 Talbot Street West  
Aylmer, ON  
N5H 1J7

**Subject: 448 Talbot Street East Consent Applications E38-22 & E39-22**

Dear Mr. Brick:

As requested, WSP provides the following comments and recommendation related to the property located at 448 Talbot Street East (herein referred to as the “subject property”). The purpose of the memo is to provide a planning policy overview regarding two consent applications to create a new lot on the subject property (E39-22) and to create a sanitary easement on the severed lands, in favor of the retained lands (E38-22). The proposed use of the severed lot is residential and the retained lot would remain commercial.

**BACKGROUND & PROPOSAL**

The subject property is known municipally as 448 Talbot Street East, in the Township of Aylmer. The subject property is currently occupied by a single-detached dwelling with an attached garage, which is considered a legal non-conforming use. The subject property has a total area of 2,497.4 m<sup>2</sup>.

Two provisional consent applications have been submitted for the subject property. Application E39-22 represents a provisional consent application to sever a new lot on the south side of the property. The severed lands will have a frontage of 30.8 m on Elk Street, and an area of 722.6 m<sup>2</sup>. The retained lands will contain the existing dwelling and have a frontage of 32.9 m on Talbot Street East, and an area of 1,774.8 m<sup>2</sup>.

Application E38-22 represents a provisional consent application to create an easement. The easement is located on the north side of the severed lands, with a width of 4.0 metres, and a depth of 30 metres for an area of 120 m<sup>2</sup>. The easement contains the existing sanitary connection and will be in favor of the retained lands.

It should be noted that the Town has also received an Official Plan Amendment and Zoning By-Law Amendment Application related to the subject property. The subject property is currently designated Arterial Commercial as per the Town of Aylmer Official Plan. The Official Plan Amendment Application proposes to change the designation of the severed lands to Low Density Residential. The retained lands would remain designated as Arterial Commercial.

The Zoning By-law Amendment proposes to rezone the severed lands from Highway Commercial (C3) to Residential Type 1B (R1B). No change is proposed to the zoning for the existing dwelling on the retained lands.

This report does not provide a recommendation on the appropriateness of the Official Plan Amendment and Zoning By-law Amendment applications, but this provides important context for assessing the consent applications.

## **POLICY REVIEW**

When considering a provisional consent application, the following criteria are generally considered:

- conformity with the official plan
- compatibility with adjacent uses of land;
- compliance with the zoning by-law;
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created;
- adequacy of vehicular access, water supply, sewage disposal; and
- the need to ensure protection from potential flooding.

### **Town of Aylmer Official Plan**

The subject property is designated Arterial Commercial on Schedule on Schedule “A” of the Town of Aylmer Official Plan.

Under Section 4.3.2 of the Town of Aylmer Official Plan, the Arterial Commercial designation, “is intended for uses which due to their size and/or function may be unable to locate in the core where the space per use is limited by individual buildings and multiple ownerships. This designation is also intended to recognize existing commercial areas that, due to their limited depth or multiple ownerships, cannot meet the minimum floor area restrictions applicable to development in the Business Park Commercial Area.”

Permitted uses within the Arterial Commercial designation are:

- a) those commercial uses that are dependent on a high degree of access and visibility to vehicular traffic on main roads, including restaurants, automotive uses, retail stores, offices, food stores, personal service establishments, commercial courier establishments, hotels, motels, recreational uses and tourist facilities
- b) Institutional uses such as rest homes, day care facilities, public, private, or commercial schools
- c) Retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, food stores, and catalogue stores may locate within the Arterial Commercial Areas, provided all open storage areas are located and screened in accordance with the implementing Zoning By-law

Residential uses are not permitted within the Arterial Commercial designation, and the intent of the designation is to accommodate larger-sized commercial uses. Therefore, the severance of the property to create a new residential lot would not conform with the policies of the Official Plan.

### **Town of Aylmer Zoning By-law 57-99 As Amended**

The subject property is currently zoned Highway Commercial (C3) by the Town of Aylmer Zoning By-law. Permitted uses within this zone include a wide range of commercial uses including retail, hospitality, services, venues, etc. The only residential use permitted is, “a dwelling unit on a second floor accessory to a permitted C3 use.”

Stand-alone residential uses are not permitted within the C3 zone, with the exception of legal non-conforming uses that were legally established prior to the passing of the C3 zone on the property, and which have continued to be used for that pre-existing use.

The C3 zone provides different standards for Automobile Uses, Hotels/Motels and Other uses. The proposed dimensions of the retained lot would comply with all lot requirements of the C3 zone. The proposed lot dimensions of the severed lot would not meet the minimum requirements for Automobile Uses in the C3 zone, but would comply with the requirements for Hotel/Motel and Other uses.

As noted above, the Town has received applications for an Official Plan Amendment and Zoning By-law Amendment related to the subject property. The purpose of the Official Plan Amendment and the Zoning By-law Amendment is to permit residential use on the severed lands, whereas the current designation and zoning would only permit commercial uses. As such, it would be premature to make a decision on the proposed consent applications prior to a decision on the Official Plan and Zoning By-law Amendments.

## CONCLUSION AND RECOMMENDATION

Based on our review, it is our opinion that the subject applications are premature and a decision should be deferred until a decision has been made by Town Council on the related Official Plan Amendment and Zoning By-Law Amendment application.

Sincerely,



Matt Alexander, MCIP, RPP  
Project Manager



Angela Zhao, MCIP, RPP  
Project Planner

**From:** [Tony Difazio](#)  
**To:** [Brian Lima](#); [Land Division](#)  
**Subject:** RE: Notice of Application - E 38-22 - Request for Agency Review  
**Date:** June 8, 2022 10:48:09 AM  
**Attachments:** [image010.png](#)  
[image011.png](#)  
[image012.png](#)

---

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.

Hello Brian,

Tony Difazio has since retired from Catfish Creek Conservation Authority (CCCA) and I am Gerrit Kremers and I am in the progress of transitioning into Tony`s position here at CCCA.

In regards to application E 38-22, Catfish Creek Conservation Authority has no concerns.

Any further questions feel free to contact me via email or the phone number below.

Thank You,

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

---

**From:** Brian Lima <[blima@ELGIN.ca](mailto:blima@ELGIN.ca)>  
**Sent:** June-01-22 10:36 AM  
**To:** Josh Brick <[jbrick@town.aylmer.on.ca](mailto:jbrick@town.aylmer.on.ca)>; Tony Difazio <[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)>  
**Cc:** [johnbeekman@me.com](mailto:johnbeekman@me.com); [smkyle@eastlink.ca](mailto:smkyle@eastlink.ca); Marlene Bainbridge <[mbainbridge@ELGIN.ca](mailto:mbainbridge@ELGIN.ca)>  
**Subject:** Notice of Application - E 38-22 - Request for Agency Review

Good Morning,

Please find attached a Notice of Application for file number E 38-22 for the Elgin County Land Division Committee meeting scheduled for June 22, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca), by **Tuesday, June 14, 2022** to be included in the agenda package and considered by the Land Division Committee.



Thanks

**Brian Lima, P.Eng.**

*General Manager of Engineering, Planning & Enterprise / Deputy CAO*



450 Sunset Drive

St. Thomas, ON. N5R 5V1

(519) 631-1460 ext. 117

[blima@elgin.ca](mailto:blima@elgin.ca)

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



**Notice:** The County of Elgin experienced a technical disruption from April 1, 2022 – April 27, 2022. During this time, email and website services were unavailable. If you emailed the County of Elgin between these dates, we did not receive your message. If you tried to reach us during this time, please reach out again by email, phone 519-631-1460 ext. 104, or in person at 450 Sunset Drive, St. Thomas. [www.elgincounty.ca](http://www.elgincounty.ca) for daily updates.

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: June 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E38-22

OWNER: John Beekman and Susan Kyle

PROPERTY: LOT NO. 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 .....
- 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 road or access to a County road.



BRIAN LIMA, P. ENG.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**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:** Planning Division, County of Elgin  
**Date:** June 14, 2022  
**Application:** E 38-22 and E 39-22

**Owner:**  
**John Beekman and Susan Kyle**  
448 Talbot Street East  
Aylmer

**Agent:**  
**Simona Rasanu**  
SBM Ltd.  
301-1599 Adelaide St N, London

**Location:** Part of Lot 86, Concession South of Talbot Road, Town of Aylmer.

**PROPOSAL**

The applicant is proposing to create a new residential building lot that would front onto Elk Street (the subject of consent application E-39-22) with a frontage of approximately 31 m on Elk Street and a proposed lot area of approximately 723 m<sup>2</sup>, and further to establish a sanitary sewer easement across the proposed residential building lot (the subject of consent application E-38-22) with a width of 4 m and a depth of 30 m.

**County of Elgin Official  
Plan**  
Tier 1 Settlement Area

**Local Municipality Official  
Plan**  
Arterial Commercial

**Local Municipality Zoning  
By-law**  
Highway Commercial (C3)  
Zone

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Town of Aylmer* – the Town is recommended deferral of the subject applications pending a decision by the Town on concurrently submitted official plan and zoning by-law amendment applications. No recommended conditions of approval were provided by the Town.

*County Engineering* – The subject lands are not located on a County Road, no concerns.

*Conservation Authority* – reviewed and no objections as the property is not subject to the any conservation authority regulated area.

No further comments have been received at the time of writing.

**Planning Act and Provincial Policy Statement**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the given of public notice. With respect the PPS, based on the analysis

conducted by County Staff, staff are of the opinion that the application is generally consistent with the PPS as it proposes residential infilling and intensification on full municipal services in a fully serviced settlement area (subject to the Town confirming the feasibility of extending services to the site).

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP as the proposal complies with the relevant land use designations and policies of the Plan. No conflicts or inconsistencies were identified.

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

Staff have reviewed the application against the policies of the Aylmer Official Plan and are of the opinion that the application does not conform to the Municipal Official Plan designation and an amendment is required to redesignate the lands from Arterial Commercial to an appropriate residential designation.

Staff have reviewed the proposed lot against the regulations of the Aylmer Zoning By-law and are of the opinion that the application does not conform to the regulations of the relevant zones and a zoning by-law amendment is required to an appropriate residential zone.

While applications for consent are regularly granted conditionally on a rezoning of a property, the same cannot be said for consents requiring an amendment to the official plan. As the official plan establishes Council's desired use of the land (whereas zoning implements that land use designations of an official plan). As such it is staff opinion that both Town and County Councils should make a determination of the appropriate designation for the lands prior to any consents being granted.

#### RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject application deferred pending a decision on requisite official plan amendment.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 39-22**

**PART OF LOT 86  
TOWN OF AYLMER  
MUNICIPAL ADDRESS: 448 TALBOT STREET EAST**

**TAKE NOTICE that** an application has been made by John Beekman & Susan Kyle, 448 Talbot Street East, Aylmer, ON N5H 1J5 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 448 Talbot Street East, Town of Aylmer.

The applicant proposes to sever a parcel with a frontage of 30.8 metres (101.05 feet) and a depth of 30 metres (98.43 feet) and an area of 0.073 hectares (0.18 acres) to create a new residential lot. The applicants are retaining 0.20 hectares (0.49 acres) containing a residence, 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 JUNE 22, 2022 AT 10:40 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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 30<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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





Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map



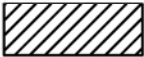
## Legend



Subject Site



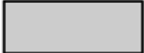
Severed



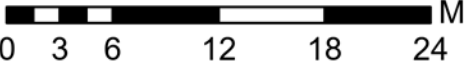
Retained

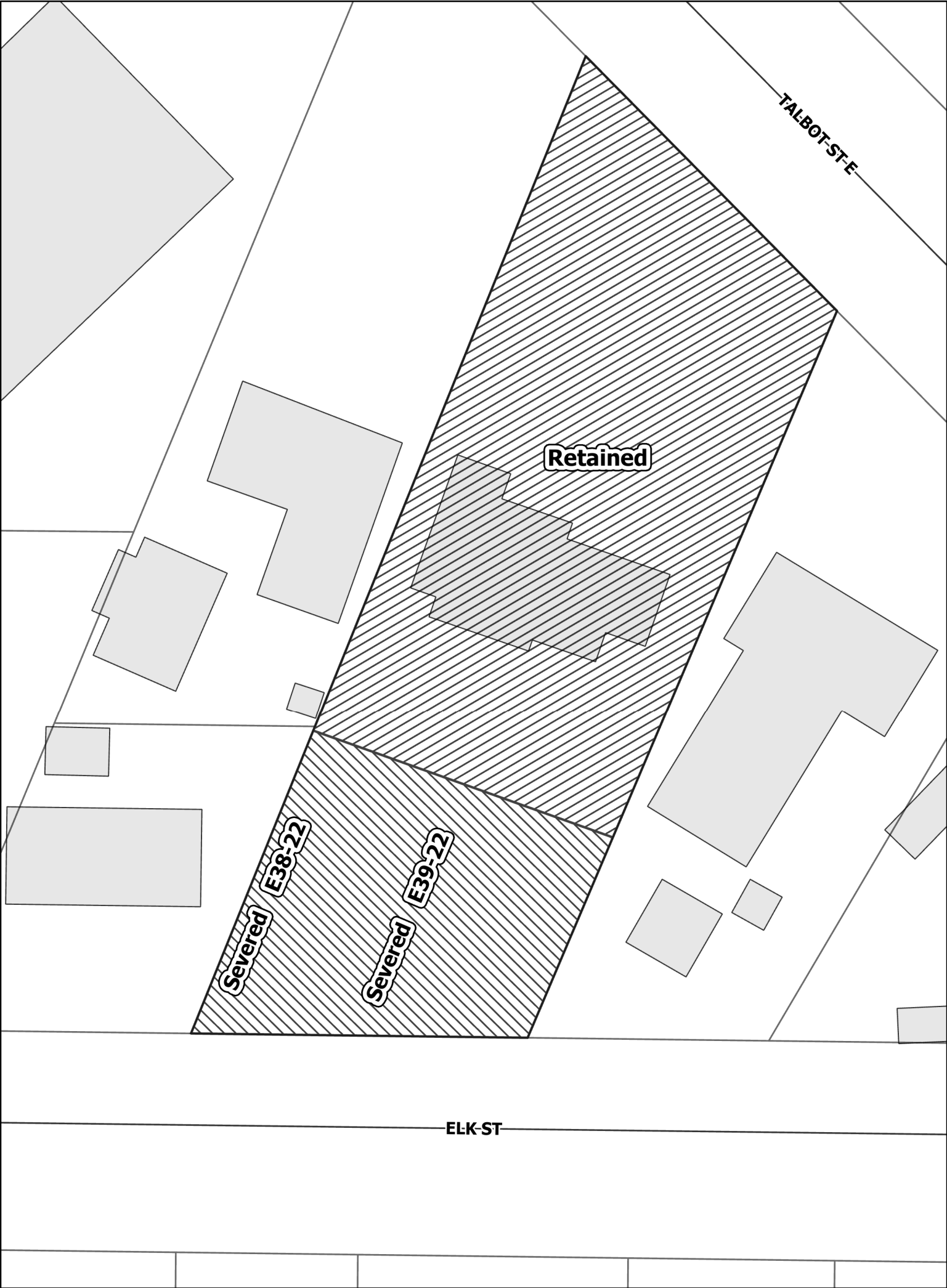


Elgin Road Network



Buildings

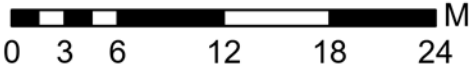




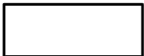
# Location Map



Subject Site: 448 Talbot Street East  
File Number: E 39-2022  
Owner: John Beekman & Susan Kyle  
Planner: Unknown  
CA: Catfish Creek Conservation Authority  
Created By: TE  
Date: 05/05/2022  
Town of Aylmer



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings





May 20th, 2022

Josh Brick, Director of Corporate/Legislative Services  
46 Talbot Street West  
Aylmer, ON  
N5H 1J7

**Subject: 448 Talbot Street East Consent Applications E38-22 & E39-22**

Dear Mr. Brick:

As requested, WSP provides the following comments and recommendation related to the property located at 448 Talbot Street East (herein referred to as the “subject property”). The purpose of the memo is to provide a planning policy overview regarding two consent applications to create a new lot on the subject property (E39-22) and to create a sanitary easement on the severed lands, in favor of the retained lands (E38-22). The proposed use of the severed lot is residential and the retained lot would remain commercial.

**BACKGROUND & PROPOSAL**

The subject property is known municipally as 448 Talbot Street East, in the Township of Aylmer. The subject property is currently occupied by a single-detached dwelling with an attached garage, which is considered a legal non-conforming use. The subject property has a total area of 2,497.4 m<sup>2</sup>.

Two provisional consent applications have been submitted for the subject property. Application E39-22 represents a provisional consent application to sever a new lot on the south side of the property. The severed lands will have a frontage of 30.8 m on Elk Street, and an area of 722.6 m<sup>2</sup>. The retained lands will contain the existing dwelling and have a frontage of 32.9 m on Talbot Street East, and an area of 1,774.8 m<sup>2</sup>.

Application E38-22 represents a provisional consent application to create an easement. The easement is located on the north side of the severed lands, with a width of 4.0 metres, and a depth of 30 metres for an area of 120 m<sup>2</sup>. The easement contains the existing sanitary connection and will be in favor of the retained lands.

It should be noted that the Town has also received an Official Plan Amendment and Zoning By-Law Amendment Application related to the subject property. The subject property is currently designated Arterial Commercial as per the Town of Aylmer Official Plan. The Official Plan Amendment Application proposes to change the designation of the severed lands to Low Density Residential. The retained lands would remain designated as Arterial Commercial.

The Zoning By-law Amendment proposes to rezone the severed lands from Highway Commercial (C3) to Residential Type 1B (R1B). No change is proposed to the zoning for the existing dwelling on the retained lands.

This report does not provide a recommendation on the appropriateness of the Official Plan Amendment and Zoning By-law Amendment applications, but this provides important context for assessing the consent applications.

## **POLICY REVIEW**

When considering a provisional consent application, the following criteria are generally considered:

- conformity with the official plan
- compatibility with adjacent uses of land;
- compliance with the zoning by-law;
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created;
- adequacy of vehicular access, water supply, sewage disposal; and
- the need to ensure protection from potential flooding.

### **Town of Aylmer Official Plan**

The subject property is designated Arterial Commercial on Schedule on Schedule “A” of the Town of Aylmer Official Plan.

Under Section 4.3.2 of the Town of Aylmer Official Plan, the Arterial Commercial designation, “is intended for uses which due to their size and/or function may be unable to locate in the core where the space per use is limited by individual buildings and multiple ownerships. This designation is also intended to recognize existing commercial areas that, due to their limited depth or multiple ownerships, cannot meet the minimum floor area restrictions applicable to development in the Business Park Commercial Area.”

Permitted uses within the Arterial Commercial designation are:

- a) those commercial uses that are dependent on a high degree of access and visibility to vehicular traffic on main roads, including restaurants, automotive uses, retail stores, offices, food stores, personal service establishments, commercial courier establishments, hotels, motels, recreational uses and tourist facilities
- b) Institutional uses such as rest homes, day care facilities, public, private, or commercial schools
- c) Retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, food stores, and catalogue stores may locate within the Arterial Commercial Areas, provided all open storage areas are located and screened in accordance with the implementing Zoning By-law

Residential uses are not permitted within the Arterial Commercial designation, and the intent of the designation is to accommodate larger-sized commercial uses. Therefore, the severance of the property to create a new residential lot would not conform with the policies of the Official Plan.

### **Town of Aylmer Zoning By-law 57-99 As Amended**

The subject property is currently zoned Highway Commercial (C3) by the Town of Aylmer Zoning By-law. Permitted uses within this zone include a wide range of commercial uses including retail, hospitality, services, venues, etc. The only residential use permitted is, “a dwelling unit on a second floor accessory to a permitted C3 use.”

Stand-alone residential uses are not permitted within the C3 zone, with the exception of legal non-conforming uses that were legally established prior to the passing of the C3 zone on the property, and which have continued to be used for that pre-existing use.

The C3 zone provides different standards for Automobile Uses, Hotels/Motels and Other uses. The proposed dimensions of the retained lot would comply with all lot requirements of the C3 zone. The proposed lot dimensions of the severed lot would not meet the minimum requirements for Automobile Uses in the C3 zone, but would comply with the requirements for Hotel/Motel and Other uses.

As noted above, the Town has received applications for an Official Plan Amendment and Zoning By-law Amendment related to the subject property. The purpose of the Official Plan Amendment and the Zoning By-law Amendment is to permit residential use on the severed lands, whereas the current designation and zoning would only permit commercial uses. As such, it would be premature to make a decision on the proposed consent applications prior to a decision on the Official Plan and Zoning By-law Amendments.

## CONCLUSION AND RECOMMENDATION

Based on our review, it is our opinion that the subject applications are premature and a decision should be deferred until a decision has been made by Town Council on the related Official Plan Amendment and Zoning By-Law Amendment application.

Sincerely,



Matt Alexander, MCIP, RPP  
Project Manager



Angela Zhao, MCIP, RPP  
Project Planner



**From:** [Tony Difazio](#)  
**To:** [Brian Lima](#); [Land Division](#)  
**Subject:** RE: Notice of Application - E 39-22 - Request for Agency Review  
**Date:** June 8, 2022 10:48:37 AM  
**Attachments:** [image009.png](#)  
[image010.png](#)  
[image011.png](#)

---

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.

Hello Brian,

Tony Difazio has since retired from Catfish Creek Conservation Authority (CCCA) and I am Gerrit Kremers and I am in the progress of transitioning into Tony's position here at CCCA.

In regards to application E 39-22, Catfish Creek Conservation Authority has no concerns.

Any further questions feel free to contact me via email or the phone number below.

Thank You,



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

---

**From:** Brian Lima <[blima@ELGIN.ca](mailto:blima@ELGIN.ca)>  
**Sent:** June-01-22 10:36 AM  
**To:** Josh Brick <[jbrick@town.aylmer.on.ca](mailto:jbrick@town.aylmer.on.ca)>; Tony Difazio <[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)>  
**Cc:** [johnbeekman@me.com](mailto:johnbeekman@me.com); [smkyle@eastlink.ca](mailto:smkyle@eastlink.ca); Marlene Bainbridge <[mbainbridge@ELGIN.ca](mailto:mbainbridge@ELGIN.ca)>  
**Subject:** Notice of Application - E 39-22 - Request for Agency Review

Good Morning,

Please find attached a Notice of Application for file number E 39-22 for the Elgin County Land Division Committee meeting scheduled for June 22, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca), by **Tuesday, June 14, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks

**Brian Lima, P.Eng.**

*General Manager of Engineering, Planning & Enterprise / Deputy CAO*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 117

[blima@elgin.ca](mailto:blima@elgin.ca)

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



**Notice:** The County of Elgin experienced a technical disruption from April 1, 2022 – April 27, 2022. During this time, email and website services were unavailable. If you emailed the County of Elgin between these dates, we did not receive your message. If you tried to reach us during this time, please reach out again by email, phone 519-631-1460 ext. 104, or in person at 450 Sunset Drive, St. Thomas. [www.elgincounty.ca](http://www.elgincounty.ca) for daily updates.

**COUNTY OF ELGIN ROAD SYSTEM**

**DATE:** June 14, 2022 **ELGIN COUNTY ROAD NO.:** \_\_\_\_\_

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

**RE:**

**APPLICATION NO.:** E39-22

**OWNER:** John Beekman and Susan Kyle

**PROPERTY:** **LOT NO.** \_\_\_\_\_ **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 ..... ☐
- 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 ..... ☒
- 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 road or access to a County road.



**BRIAN LIMA, P. ENG.**  
**GENERAL MANAGER OF ENGINEERING,**  
**PLANNING & ENTERPRISE / DEPUTY CAO**



**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:** Planning Division, County of Elgin  
**Date:** June 14, 2022  
**Application:** E 38-22 and E 39-22

**Owner:**  
**John Beekman and Susan Kyle**  
448 Talbot Street East  
Aylmer

**Agent:**  
**Simona Rasanu**  
SBM Ltd.  
301-1599 Adelaide St N, London

**Location:** Part of Lot 86, Concession South of Talbot Road, Town of Aylmer.

**PROPOSAL**

The applicant is proposing to create a new residential building lot that would front onto Elk Street (the subject of consent application E-39-22) with a frontage of approximately 31 m on Elk Street and a proposed lot area of approximately 723 m<sup>2</sup>, and further to establish a sanitary sewer easement across the proposed residential building lot (the subject of consent application E-38-22) with a width of 4 m and a depth of 30 m.

**County of Elgin Official  
Plan**  
Tier 1 Settlement Area

**Local Municipality Official  
Plan**  
Arterial Commercial

**Local Municipality Zoning  
By-law**  
Highway Commercial (C3)  
Zone

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Town of Aylmer* – the Town is recommended deferral of the subject applications pending a decision by the Town on concurrently submitted official plan and zoning by-law amendment applications. No recommended conditions of approval were provided by the Town.

*County Engineering* – The subject lands are not located on a County Road, no concerns.

*Conservation Authority* – reviewed and no objections as the property is not subject to the any conservation authority regulated area.

No further comments have been received at the time of writing.

**Planning Act and Provincial Policy Statement**

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the given of public notice. With respect the PPS, based on the analysis

conducted by County Staff, staff are of the opinion that the application is generally consistent with the PPS as it proposes residential infilling and intensification on full municipal services in a fully serviced settlement area (subject to the Town confirming the feasibility of extending services to the site).

#### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (OP) and are of the opinion that the application conforms to the OP as the proposal complies with the relevant land use designations and policies of the Plan. No conflicts or inconsistencies were identified.

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

Staff have reviewed the application against the policies of the Aylmer Official Plan and are of the opinion that the application does not conform to the Municipal Official Plan designation and an amendment is required to redesignate the lands from Arterial Commercial to an appropriate residential designation.

Staff have reviewed the proposed lot against the regulations of the Aylmer Zoning By-law and are of the opinion that the application does not conform to the regulations of the relevant zones and a zoning by-law amendment is required to an appropriate residential zone.

While applications for consent are regularly granted conditionally on a rezoning of a property, the same cannot be said for consents requiring an amendment to the official plan. As the official plan establishes Council's desired use of the land (whereas zoning implements that land use designations of an official plan). As such it is staff opinion that both Town and County Councils should make a determination of the appropriate designation for the lands prior to any consents being granted.

#### RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject application deferred pending a decision on requisite official plan amendment.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 40-22**

**LOT 18 & 19, CONCESSION SNBTR  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 36427 TALBOT LINE**

**TAKE NOTICE that** an application has been made by Brent Fulton & Barbara Siebenmorgen, 36427 Talbot Line, Shedden, ON N0L 3E0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 36427 Talbot Line, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 45.73 metres (150.03 feet) and a depth of 99.27 metres (325.69 feet) and an area of 0.4 hectares (0.99 acres) to create a new residential lot. The applicants are retaining 4.37 hectares (10.8 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 JUNE 22, 2022 AT 10:50 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.

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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 30<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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

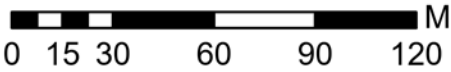




# Location Map

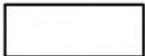


Subject Site: 36427 Talbot Line  
File Number: E 40-2022  
Owner: Brent Fulton and Barbara Siebenmorgen  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 05/06/2022  
Township of Southwold



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

## Legend



Subject Site



Severed



Retained

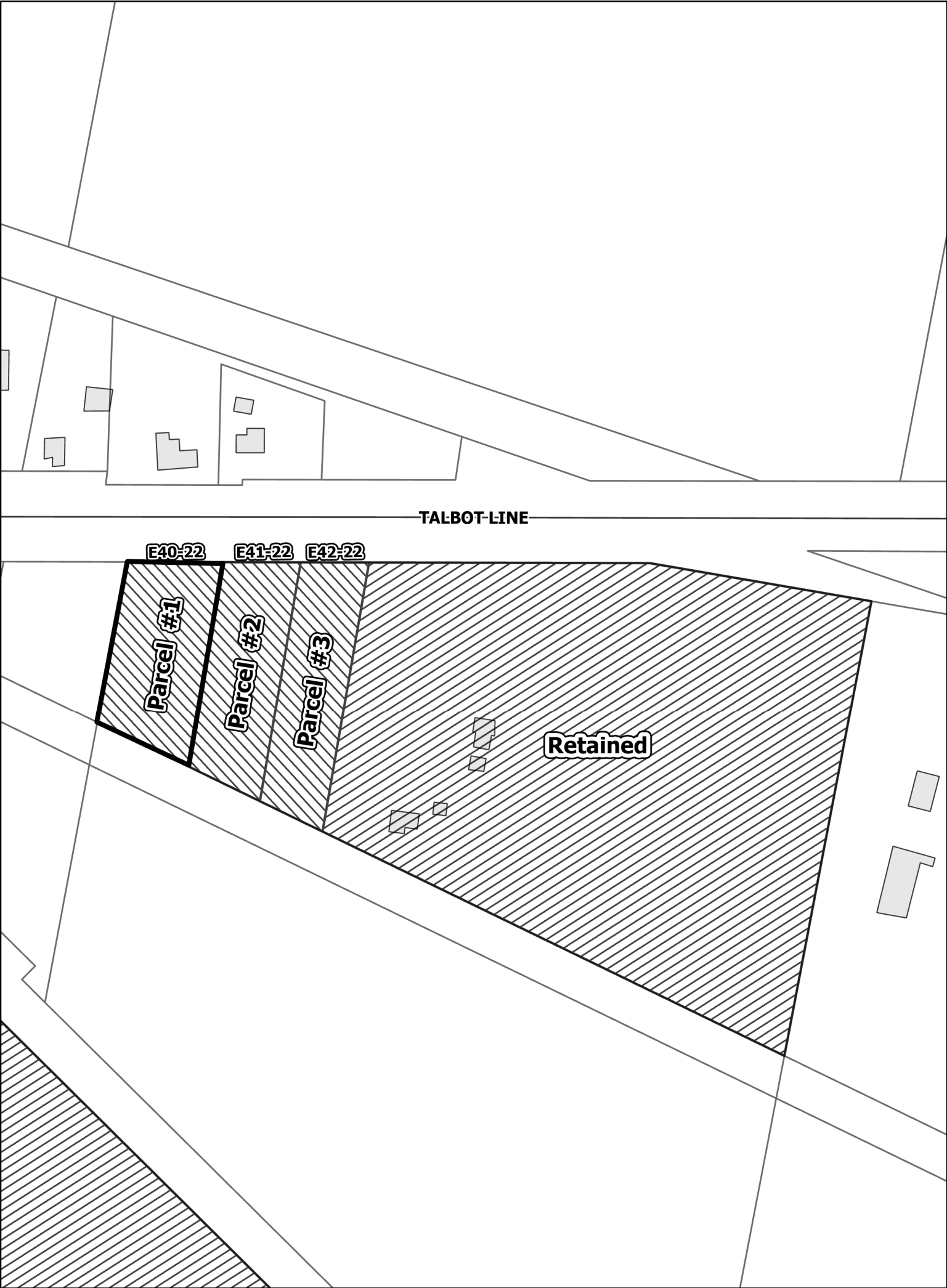


Elgin Road Network



Buildings

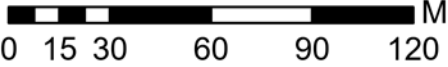




# Location Map

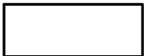


Subject Site: 36427 Talbot Line  
File Number: E 40-2022  
Owner: Brent Fulton and Barbara Siebenmorgen  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 05/06/2022  
Township of Southwold



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

## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings

VIA EMAIL ONLY

June 10, 2022

County of Elgin  
Land Division Committee  
c/o Julie Gonyou, Secretary-Treasurer  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [landdivision@elgin.ca](mailto:landdivision@elgin.ca)

Ms. Gonyou:

**RE: Township of Southwold Consent Applications - Comments to the County of Elgin County File Numbers: E40-22, E41-22 and E42-22**  
**Legal Description: Part of Lots 18 and 19, Concession SNBTR**  
**Civic Address: 36427 Talbot Line**

Please be advised that the Township of Southwold have reviewed the above noted application, at the May 24, 2022, Council Meeting and passed the following resolution:

**Council Resolution 2022-151**

**THAT** Council of the Township of Southwold receive Report PLA 2022-13 regarding Consent Applications E40-22, E41-22 and E42-22 – Comments 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 applications, Files E40-22, E41-22 and E42-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-13;

**AND FURTHER THAT** Council of the Township of Southwold directs Administration to provide Report PLA 2022-13 as Municipal comments to the County of Elgin.

**CARRIED**

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

1. Planning Staff Report PLA 2022-13: Consent Applications E40-22, E41-22 and E42-22 Comments to County of Elgin, dated May 24, 2022; and
2. E40-22, E41-22 and E42-22 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,



Heather James, MES (Pl.), MCIP, RPP  
Planner  
Township of Southwold  
35663 Fingal Line  
Fingal, Ontario N0L 1K0  
Office: 519-769-2010  
Cell: 519-280-1028  
Email: [planning@southwold.ca](mailto:planning@southwold.ca)

Encl.

Cc: Owners: Brent Fulton and Barbara Siebenmorgen (Email: [brent.fulton@vipond.ca](mailto:brent.fulton@vipond.ca) )  
Agent: David Roe, Civic Planning Solutions Inc. (Email: [civicplanningsolutions@nor-del.com](mailto:civicplanningsolutions@nor-del.com) )



## TOWNSHIP OF SOUTHWOLD

### Report to Council

**MEETING DATE:** May 24, 2022

**PREPARED BY:** Heather James, MES (Pl.), MCIP, RPP, Planner

**REPORT NO:** PLA 2022-13

**SUBJECT MATTER:** Consent Applications E40-22 to E42-22– Comments to the County of Elgin

---

#### Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2022-13 regarding Consent Applications E40-22, E41-22, and E42-22 – Comments 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 applications, File E40-2022, E41-2022 and E42-2022, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-13;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-13 as Municipal comments to the County of Elgin.

#### Purpose:

The proposal is to create three residential parcels while retaining an existing residential parcel at 36427 Talbot Line.

#### Background:

Below is a background information, in a summary chart:

<b>Applications</b>	E40-22 to E42-22
<b>Owners/Applicants</b>	Brent Fulton and Barbara Siebenmorgan
<b>Agent</b>	David Roe, Civic Planning Solutions Inc.
<b>Legal Description</b>	Part of Lots 18 and 19, Concession SNBTR

<b>Civic Address</b>	36427 Talbot Line
<b>Entrance Access</b>	Talbot Line
<b>Water Supply</b>	Municipal Water
<b>Sewage Supply</b>	Privately owned and operated individual septic system
<b>Existing Land Area</b>	+/- 5.57 ha (13.76 ac)
<b>Buildings and/or Structures</b>	Severed Parcels – vacant
	Retained Parcel – single detached dwelling, detached garage and shed

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

App.	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E40-22</b>	45.73 m (150.0 ft)	99.27m (325.69ft)	0.4 ha (0.98 ac)	314.94 m (1,033.27 ft)	Irregular 221.03 m (725.16 ft)	5.17 ha (12.78 ac)
<b>E41-22</b>	37.77 m (123.92 ft)	116.24 m (381.36 ft)	0.4 ha (0.98 ac)	277.17 m (909.35 ft)	Irregular 221.03 m (725.16 ft)	4.77 ha (11.79 ac)
<b>E42-22</b>	32.92 m (108.0 ft)	131.03 m (429.89 ft)	0.4 ha (0.98 ac)	244.25 m (801.35 ft)	Irregular 221.03 m (725.16 ft)	4.37 ha (10.8 ac)

The Public Meeting is scheduled for June 22, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Fulton/Siebenmorgan Lands.





The consent sketch, showing E40-22 to E42-22 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 and Township of Southwold Official Plan 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.

#### Provincial Policy Statement

Lot creation is permitted within the Shedden settlement area, in accordance with Section 1.1.3 of the PPS. Full municipal water and private septic system are proposed, in accordance with Section 1.6.6 of the PPS.

As development is proposed on all of the proposed severed parcels, development will need to be outside of natural hazards (Section 3.1 of the PPS).

This proposal appears to be consistent with the PPS.

#### County of Elgin Official Plan (CEOP)

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. Section C2.2 Agricultural Area - Location recognizes there are lands outside of settlement areas that have been designated for non-agricultural development by the lower tier Official Plans and therefore, are deemed not be within the prime agricultural area and are instead subject to the applicable policies of this Plan and the policies of the lower tier Official Plan. The subject lands were added to the Shedden settlement area as part of the new Township of Southwold Official Plan; however, the designation on the lands has not been revised in the CEOP as it is currently undergoing an update. As part

of the update, the subject lands will be brought into the settlement area and designated Tier 2.

New lot creation policies of the CEOP contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, and entrance accesses to the lands can be obtained through Talbot Line.

Therefore, this proposal appears to conform to the CEOP.

#### Township of Southwold Official Plan (OP)

The subject lands are designated Residential on Schedule '4B' Shedden Land Use in the OP. The Natural Hazards on Schedule '3' overlay apply to a portion of the proposed severed and retained parcels. The Residential designation permits single detached dwellings.

New lot creation policies of the OP contained in Section 7.23, has 8 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, and entrance accesses to the lands can be obtained through Talbot Line.

The dwelling on the proposed retained parcel is already connected to the Township's municipal drinking water system. The existing septic system has been assessment by a qualified septic installer and the septic system is in good working condition.

Section 4.2 Natural Hazard Lands states development and site alteration is not permitted in areas that would be inaccessible to people and vehicles during times of flooding hazards and erosion hazards, unless it has been demonstrated that the site has safe access and egress appropriate for the nature of the development and the natural hazard.

The proposed severed parcel for application E40-22 appears to have at least half of the parcel located within the Natural Hazard Lands due to the municipal drain and natural watercourse. The proposed severed parcel for applications E41-22 and E42-22 appear to have a portion of the parcel located within the Natural Hazard Lands due to the municipal drain and natural watercourse. Development within the Natural Hazard Lands can only proceed through a permit from the applicable Conservation Authority. No development is proposed on the proposed retained parcel in Natural Hazard Lands overlay.

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned Agricultural 1 (A1), with the municipal drain and watercourse portion of the lands subject to Conservation Authority Regulation Limit overlay as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 6, as depicted in Figure Two (outlined in red) below.



A zoning by-law amendment is required to rezone the proposed severed parcels from Agricultural 1 (A1) to Residential 1 (R1). The proposed severed parcels appear to comply with the R1 Zone provisions. The proposed retained parcel will remain zoned Agricultural 1 (A1).

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. The proposed severed parcel for application E40-22 appears to have at least half of the parcel located within the Hazard Lands due to the municipal drain and natural watercourse. The proposed severed parcel for applications E41-22 and E42-22 appear to have a portion of the parcel located within the Hazard Lands due to the municipal drain and natural watercourse. Should development be proposed within the Hazard Lands, a permit from the applicable Conservation Authority will be required.

No development is proposed for the retained parcel.

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 Departments' are summarized below:

- Drainage Department:
  - Reapportionment of the future GH Pennings Drain, drain has not yet been passed by Council; and
  - Legal drainage outlet to be created for Parcel 2 and 3 under the Drainage Act, either: Section 2 – Mutual Agreement Drain or Section 4 – Drainage petition by owners.
  - Parcel 1 abuts the future GH Pennings Drain on the west side of the property and then natural water course.
- Financial Services Department:
  - Subject to Development Charges – Residential Rate;
  - Need to connect to municipal water and pay the connection fee; and
  - Cash-in-lieu of parkland fee applies
- Building Department:
  - No comments received.
- Infrastructure Department:
  - As a condition of engineering review, I'd like to see a grading drawing that shows the three severed parcels and retained parcel to make sure there won't be drainage concerns in future;
  - Water connection fees apply; and
  - Cash-in-lieu of parkland fee applies.

Planning Staff note that the Township Departments' comments have been addressed as conditions of approval.

### **Additional Comments:**

The recommended Township conditions for consent applications E40-22, E41-22 and E42-22 are 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 three residential lot creation consents, 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:**

**Heather James, MES (Pl.), MCIP, RPP  
Planner**

**Approved for submission by:**

**Lisa Higgs  
CAO/Clerk**

**Appendices:**

1. Appendix One: Consents Sketch E40-22 to E42-22
2. Appendix Two: Consent Applications E40-22 to E42-22 Conditions

IL



SKETCH FOR CONSENT APPLICATION

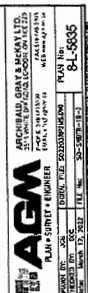
BRENT FULTON  
 36427 TALBOT LINE, TOWNSHIP OF SOUTHWOLD  
 SCALE 1:1250  
 25 50 75  
 0 13 25 38 50 63 75  
 25 50 75  
 SCALE IN METERS  
 2022  
 ARCHIBALD, GRAY & MCKAY LTD.  
 AERIAL PHOTO SURVEYORS

## NOTES AND LEGEND

- NOTES AND LEGEND
- 1) BOUNDARY CONDITIONS AND INFORMATION SHOWN ON THIS SKETCH HAS BEEN COPIED FROM PLAN 11P-0258 AND PLAN 11P-10393
  - 2) THIS IS NOT A PLAN OF BURNBY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
  - 3) THE LOCAL DISPOSITION OF THE SUBJECT PROPERTY IS PART OF LOT 18, CONCESSION SUBDIVISION, GEOGRAPHIC TOWNSHIP OF SOUTHOLD, TOWNSHIP OF SOUTHOLD.
  - 4) THIS SKETCH IS PROTECTED BY COPYRIGHT ©.

CONOTES SOUTH OF THE NORTH BRANCH OF THE TALEOT ROAD

**METRIC:** DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. AREAS SHOWN ON THIS PLAN ARE IN SQUARE METERS AND CAN BE CONVERTED TO ACRES BY DIVIDING BY 4046.825



Report PLA 2022-13:  
Severance Applications E40-22 to E42-22 - Comments to the County of Elgin

**Appendix Two: Severance Applications E40-22 to E42-22 Conditions**

Consent Applications E40-22, E41-22 and E42-22 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 parcels 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 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 (applies only to E41-22 and E42-22).
6. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction and clearance of the Municipality for the severed and retained parcels.
7. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed three severed parcels and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to

water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.

10. 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.
11. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
12. That the conditions of Applications E40-22, E41-22 and E42-22 be fulfilled in conjunction with one another.
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 E40-22, E41-22 and E42-22

Owner/Applicant: Brent Fulton and Barbara Siebenmorgen  
Agent: David Roe, Civic Planning Solutions Inc.

Location 36427 Talbot 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: Agricultural – Southwold Official Plan\_\_\_\_\_

Policies:  
Sections 4.2, 5.2.2, 7.23 and 7.23.1\_\_\_\_\_

### 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 parcels, as contained within Planning Report PLA 2022-  
13.

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

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 2022-13

June 13, 2022

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

Attn: **Brian Lima**

Re: **Consent Application (E 40-22)**  
**36427 Talbot Line (Fulton & Siebenmorgen)**  
**Lot 18 & 19; Concession SNBTR**  
**Township of Southwold**

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. The issues of concern for this area would be the Cumming-Fulton Tessley Drain and erosion.

An application from this office is required prior to any works/construction taking place within the regulated area. 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. Setbacks from the drain will be required to any proposed works / structure(s) / site alteration.

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: June 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E40-22

OWNER: Brent Fulton and Barbara  
Siebenmorgen

PROPERTY: LOT NO. CONCESSION:

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 .....  
*[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 .....
- 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.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**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:** Planning Division, County of Elgin  
**Date:** June 14, 2022  
**Application:** E 40-41-42-22

**Owner:**  
**Brent Fulton and Barbara Siebenmorgen**  
448 Talbot Street East, Aylmer

**Agent:**  
**David Roe**  
Civic Planning Solutions Inc.  
301-1599 Adelaide St N, London

**Location:** Lots 18 and 19, SNBTR, Geographic Township of Southwold.

**PROPOSAL**

The applicant is proposing to create three new residential building lots from an existing 5.6 ha residential lot in the community of Shedden. Each proposed lot will have frontage on Talbot Line ranging from approximately 33 to 45.75 m, and each with a lot area of 0.4 ha, all of which will be serviced by the municipal drinking water system and individual on-site septic systems.

**County of Elgin Official  
Plan**  
Agricultural

**Local Municipality Official  
Plan**  
Residential and Natural  
Hazard

**Local Municipality Zoning  
By-law**  
Agricultural (A1) Zone and  
Conservation Authority  
Regulation Limit Overlay

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Southwold* – the Municipality has passed a resolution in support of the proposed severances and provided their requested conditions of approval, which have been incorporated into the recommended decision below.

*County Engineering* – the subject lands are located on a County Road. The County Engineer has not identified concerns but has provided recommended conditions to address County requirements.

*Conservation Authority* – has reviewed the subject applications and does not object to the applications. Notwithstanding that, the Authority notes that portions of the subject lands are located within their regulatory limit and will require permitting from the Conservation Authority.

No further comments have been received at the time of writing.

#### Planning Act and Provincial Policy Statement

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the given of public notice. With respect the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS as it proposes residential infilling and intensification in a settlement area. While the lands are proposed to be serviced with partial servicing (i.e. municipal water and private septic) septic assessments have been completed for the proposed lots, and it has been determined by the Municipality that the lots are suitable for partial servicing in the long term. Further, while some of the lands would be subject to the PPS natural hazard policies, the applications have been reviewed by the Conservation Authority against the policies of the PPS and have indicated they have no objection to the applications, and as such the applications are considered to be consistent with these policies as well.

#### County of Elgin Official Plan

Staff have reviewed the applications against the policies of the County of Elgin Official Plan (OP). While the County OP designates the lands as 'Agricultural', this is because the County OP does not currently reflect the re-designations of the recently approved Southwold OP (this inconsistency will be addressed in the County OP in the current review). There is however provision in the County OP that addresses instances of inconsistency between the two OP and the subject applications would be permitted under these policies. As such, staff are of the opinion that the applications conform to the County OP as the proposal complies with the relevant policies of the Plan, notwithstanding it does not comply with the policies of the Agricultural land use designation. No other conflicts or inconsistencies were identified.

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

Staff have reviewed the applications against the policies of the Southwold OP and are of the opinion that the applications conform to both the land use designations and policies of the local OP and no conflicts or inconsistencies were identified. Of particular note, some of the lands subject to the application are designated as Natural Hazard in the OP and are subject to conservation authority regulation and permitting. As noted previously the Conservation Authority has reviewed the applications and does not object to the proposed development.

Staff have reviewed the applications against the regulations of the Southwold Zoning By-law. Currently the lands are zoned Agricultural (A1) Zone and Conservation Authority Regulation Limit Overlay. While the applications do not conform to the permitted uses and performance standards of the A1 Zone, the Township has requested that the consents be made conditional on a rezoning to an appropriate residential zone, and as such, can be brought into conformity with the Zoning By-law. With regards to the Conservation Authority Regulation Limit Overlay, as noted previously, the Conservation Authority has reviewed the applications and does not object to the proposed development, but notes that it may require a permit from the Authority.

#### RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject application deferred pending a decision on requisite official plan and zoning by-law amendments.

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of Southwold.
2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed, be provided to the satisfaction of the County of Elgin and the Township of Southwold.
3. That municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of the County of Elgin.
4. That the applicant meets all the requirements, financial and otherwise of the Municipality of Southwold, to the satisfaction of the Municipality of Southwold.
5. That the owner shall arrange for connection to/creation of a legal drainage outlet to the severed lot, if one is not currently available, all at their own cost, to the satisfaction of the County of Elgin.
6. The owner shall obtain an entrance permit from Elgin County for a new entrance to the severed and/or retained parcels, if necessary and all at their own cost, to the satisfaction of the County of Elgin.
7. That the applicant successfully apply to the Municipality of Southwold for a zoning by-law amendment to rezone the severed parcels, and having said amendment come into full force and effect pursuant to the Planning Act, to the satisfaction of the Municipality of Southwold.
8. That the applicant has a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction of the Municipality of Southwold. This condition shall apply to consents E41-22 and E42-22 respectively).
9. That the applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction of the Municipality of Southwold for the severed and retained parcels.
10. That the applicant has an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction of the Municipality of Southwold.
11. That the septic system assessment completed for the severed and retained lots, dated April 22, 2022 be reviewed and revised, if needed, to the satisfaction of the Municipality of Southwold.
12. That the applicant shall enter into an agreement with the Municipality for the proposed three severed parcels and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction of the Municipality of Southwold.
13. That the conditions of applications E40-22, E41-22 and E42-22 be fulfilled in conjunction with one another to the satisfaction of the County of Elgin and the Municipality of Southwold.
14. That prior to final approval of the subject consent(s) that Municipality of Southwold advise the County of Elgin, in writing, how any conditions 1, 2, 4, 7 to 13 have been satisfied.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 41-22**

**LOT 18 & 19, CONCESSION SNBTR  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 36427 TALBOT LINE**

**TAKE NOTICE that** an application has been made by Brent Fulton & Barbara Siebenmorgen, 36427 Talbot Line, Shedden, ON N0L 3E0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 36427 Talbot Line, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 37.77 metres (123.92 feet) and a depth of 116.24 metres (381.36 feet) and an area of 0.4 hectares (0.99 acres) to create a new residential lot. The applicants are retaining a frontage of 244.25 metres (801.35 feet), and a depth of 221.03 metres (725.16 feet), and an area of 4.37 hectares (10.8 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 JUNE 22, 2022 AT 11:00 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.

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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 30<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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

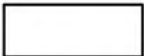




# Location Map



## Legend



Subject Site



Severed



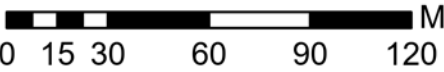
Retained



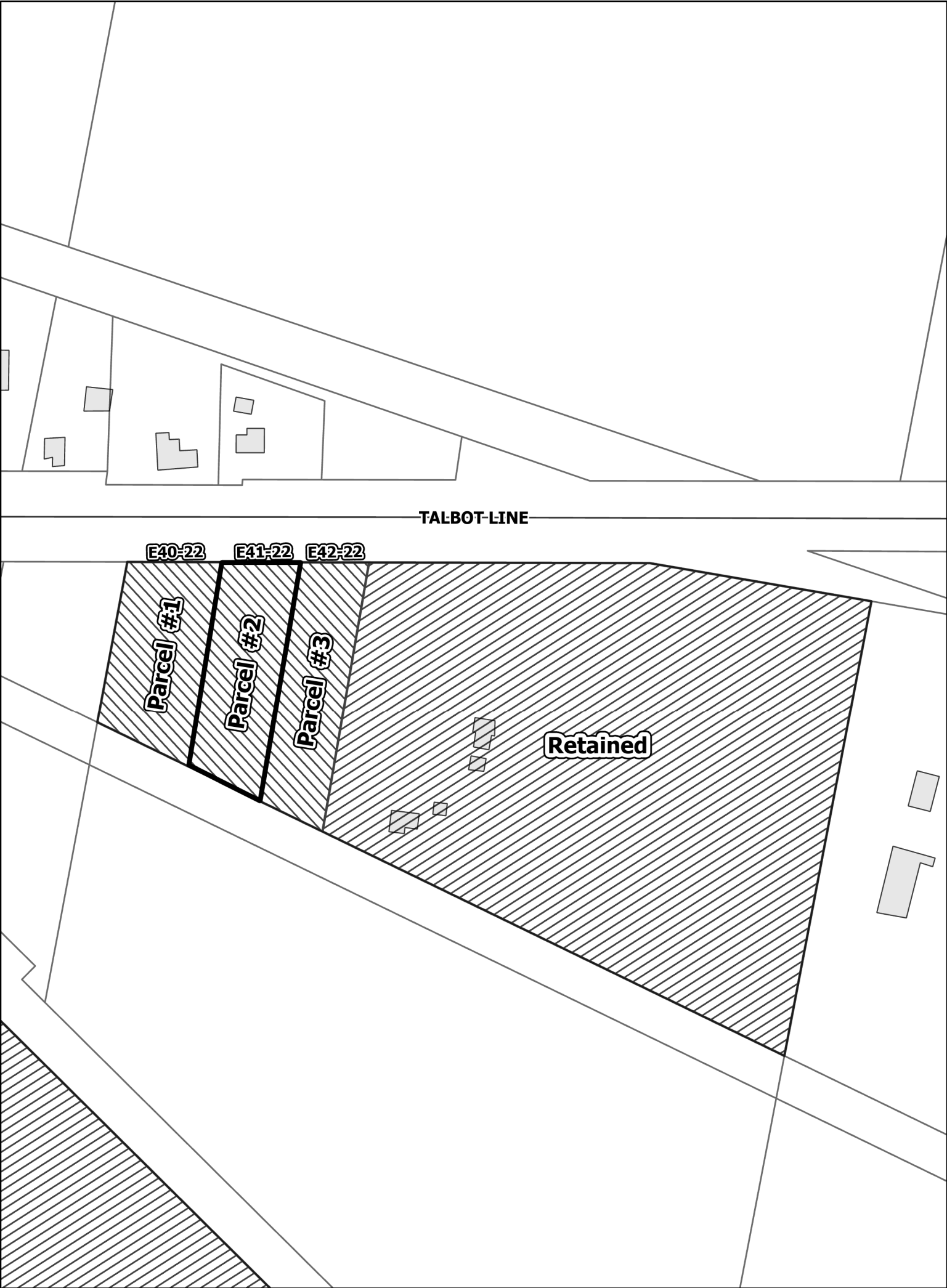
Elgin Road Network



Buildings



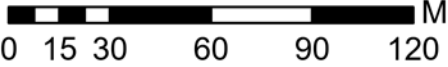




# Location Map



Subject Site: 36427 Talbot Line  
File Number: E 41-2022  
Owner: Brent Fulton and Barbara Siebenmorgen  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 05/06/2022  
Township of Southwold



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

## Legend



Subject Site



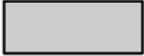
Severed



Retained



Elgin Road Network



Buildings

VIA EMAIL ONLY

June 10, 2022

County of Elgin  
Land Division Committee  
c/o Julie Gonyou, Secretary-Treasurer  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [landdivision@elgin.ca](mailto:landdivision@elgin.ca)

Ms. Gonyou:

**RE: Township of Southwold Consent Applications - Comments to the County of Elgin County File Numbers: E40-22, E41-22 and E42-22**  
**Legal Description: Part of Lots 18 and 19, Concession SNBTR**  
**Civic Address: 36427 Talbot Line**

Please be advised that the Township of Southwold have reviewed the above noted application, at the May 24, 2022, Council Meeting and passed the following resolution:

**Council Resolution 2022-151**

**THAT** Council of the Township of Southwold receive Report PLA 2022-13 regarding Consent Applications E40-22, E41-22 and E42-22 – Comments 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 applications, Files E40-22, E41-22 and E42-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-13;

**AND FURTHER THAT** Council of the Township of Southwold directs Administration to provide Report PLA 2022-13 as Municipal comments to the County of Elgin.

**CARRIED**

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

1. Planning Staff Report PLA 2022-13: Consent Applications E40-22, E41-22 and E42-22 Comments to County of Elgin, dated May 24, 2022; and
2. E40-22, E41-22 and E42-22 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,



Heather James, MES (Pl.), MCIP, RPP  
Planner  
Township of Southwold  
35663 Fingal Line  
Fingal, Ontario N0L 1K0  
Office: 519-769-2010  
Cell: 519-280-1028  
Email: [planning@southwold.ca](mailto:planning@southwold.ca)

Encl.

Cc: Owners: Brent Fulton and Barbara Siebenmorgen (Email: [brent.fulton@vipond.ca](mailto:brent.fulton@vipond.ca) )  
Agent: David Roe, Civic Planning Solutions Inc. (Email: [civicplanningsolutions@nor-del.com](mailto:civicplanningsolutions@nor-del.com) )



## TOWNSHIP OF SOUTHWOLD

### Report to Council

**MEETING DATE:** May 24, 2022

**PREPARED BY:** Heather James, MES (Pl.), MCIP, RPP, Planner

**REPORT NO:** PLA 2022-13

**SUBJECT MATTER:** Consent Applications E40-22 to E42-22– Comments to the County of Elgin

---

#### Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2022-13 regarding Consent Applications E40-22, E41-22, and E42-22 – Comments 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 applications, File E40-2022, E41-2022 and E42-2022, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-13;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-13 as Municipal comments to the County of Elgin.

#### Purpose:

The proposal is to create three residential parcels while retaining an existing residential parcel at 36427 Talbot Line.

#### Background:

Below is a background information, in a summary chart:

<b>Applications</b>	E40-22 to E42-22
<b>Owners/Applicants</b>	Brent Fulton and Barbara Siebenmorgan
<b>Agent</b>	David Roe, Civic Planning Solutions Inc.
<b>Legal Description</b>	Part of Lots 18 and 19, Concession SNBTR

<b>Civic Address</b>	36427 Talbot Line
<b>Entrance Access</b>	Talbot Line
<b>Water Supply</b>	Municipal Water
<b>Sewage Supply</b>	Privately owned and operated individual septic system
<b>Existing Land Area</b>	+/- 5.57 ha (13.76 ac)
<b>Buildings and/or Structures</b>	Severed Parcels – vacant
	Retained Parcel – single detached dwelling, detached garage and shed

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

App.	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E40-22</b>	45.73 m (150.0 ft)	99.27m (325.69ft)	0.4 ha (0.98 ac)	314.94 m (1,033.27 ft)	Irregular 221.03 m (725.16 ft)	5.17 ha (12.78 ac)
<b>E41-22</b>	37.77 m (123.92 ft)	116.24 m (381.36 ft)	0.4 ha (0.98 ac)	277.17 m (909.35 ft)	Irregular 221.03 m (725.16 ft)	4.77 ha (11.79 ac)
<b>E42-22</b>	32.92 m (108.0 ft)	131.03 m (429.89 ft)	0.4 ha (0.98 ac)	244.25 m (801.35 ft)	Irregular 221.03 m (725.16 ft)	4.37 ha (10.8 ac)

The Public Meeting is scheduled for June 22, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Fulton/Siebenmorgan Lands.



The consent sketch, showing E40-22 to E42-22 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 and Township of Southwold Official Plan 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.

#### Provincial Policy Statement

Lot creation is permitted within the Shedden settlement area, in accordance with Section 1.1.3 of the PPS. Full municipal water and private septic system are proposed, in accordance with Section 1.6.6 of the PPS.

As development is proposed on all of the proposed severed parcels, development will need to be outside of natural hazards (Section 3.1 of the PPS).

This proposal appears to be consistent with the PPS.

#### County of Elgin Official Plan (CEOP)

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. Section C2.2 Agricultural Area - Location recognizes there are lands outside of settlement areas that have been designated for non-agricultural development by the lower tier Official Plans and therefore, are deemed not be within the prime agricultural area and are instead subject to the applicable policies of this Plan and the policies of the lower tier Official Plan. The subject lands were added to the Shedden settlement area as part of the new Township of Southwold Official Plan; however, the designation on the lands has not been revised in the CEOP as it is currently undergoing an update. As part



of the update, the subject lands will be brought into the settlement area and designated Tier 2.

New lot creation policies of the CEOP contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, and entrance accesses to the lands can be obtained through Talbot Line.

Therefore, this proposal appears to conform to the CEOP.

#### Township of Southwold Official Plan (OP)

The subject lands are designated Residential on Schedule '4B' Shedden Land Use in the OP. The Natural Hazards on Schedule '3' overlay apply to a portion of the proposed severed and retained parcels. The Residential designation permits single detached dwellings.

New lot creation policies of the OP contained in Section 7.23, has 8 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, and entrance accesses to the lands can be obtained through Talbot Line.

The dwelling on the proposed retained parcel is already connected to the Township's municipal drinking water system. The existing septic system has been assessment by a qualified septic installer and the septic system is in good working condition.

Section 4.2 Natural Hazard Lands states development and site alteration is not permitted in areas that would be inaccessible to people and vehicles during times of flooding hazards and erosion hazards, unless it has been demonstrated that the site has safe access and egress appropriate for the nature of the development and the natural hazard.

The proposed severed parcel for application E40-22 appears to have at least half of the parcel located within the Natural Hazard Lands due to the municipal drain and natural watercourse. The proposed severed parcel for applications E41-22 and E42-22 appear to have a portion of the parcel located within the Natural Hazard Lands due to the municipal drain and natural watercourse. Development within the Natural Hazard Lands can only proceed through a permit from the applicable Conservation Authority. No development is proposed on the proposed retained parcel in Natural Hazard Lands overlay.

Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned Agricultural 1 (A1), with the municipal drain and watercourse portion of the lands subject to Conservation Authority Regulation Limit overlay as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 6, as depicted in Figure Two (outlined in red) below.



A zoning by-law amendment is required to rezone the proposed severed parcels from Agricultural 1 (A1) to Residential 1 (R1). The proposed severed parcels appear to comply with the R1 Zone provisions. The proposed retained parcel will remain zoned Agricultural 1 (A1).

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. The proposed severed parcel for application E40-22 appears to have at least half of the parcel located within the Hazard Lands due to the municipal drain and natural watercourse. The proposed severed parcel for applications E41-22 and E42-22 appear to have a portion of the parcel located within the Hazard Lands due to the municipal drain and natural watercourse. Should development be proposed within the Hazard Lands, a permit from the applicable Conservation Authority will be required.

No development is proposed for the retained parcel.

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 Departments' are summarized below:

- Drainage Department:
  - Reapportionment of the future GH Pennings Drain, drain has not yet been passed by Council; and
  - Legal drainage outlet to be created for Parcel 2 and 3 under the Drainage Act, either: Section 2 – Mutual Agreement Drain or Section 4 – Drainage petition by owners.
  - Parcel 1 abuts the future GH Pennings Drain on the west side of the property and then natural water course.
- Financial Services Department:
  - Subject to Development Charges – Residential Rate;
  - Need to connect to municipal water and pay the connection fee; and
  - Cash-in-lieu of parkland fee applies
- Building Department:
  - No comments received.
- Infrastructure Department:
  - As a condition of engineering review, I'd like to see a grading drawing that shows the three severed parcels and retained parcel to make sure there won't be drainage concerns in future;
  - Water connection fees apply; and
  - Cash-in-lieu of parkland fee applies.

Planning Staff note that the Township Departments' comments have been addressed as conditions of approval.

### **Additional Comments:**

The recommended Township conditions for consent applications E40-22, E41-22 and E42-22 are 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 three residential lot creation consents, 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:**

**Heather James, MES (Pl.), MCIP, RPP  
Planner**

**Approved for submission by:**

**Lisa Higgs  
CAO/Clerk**

**Appendices:**

1. Appendix One: Consents Sketch E40-22 to E42-22
2. Appendix Two: Consent Applications E40-22 to E42-22 Conditions

IL



SKETCH FOR CONSENT APPLICATION


BRENT FULTON  
 36427 TALBOT LINE, TOWNSHIP OF SOUTHWOLD  
 SCALE 1:1250  
 25 50 75  
 0 13 25 38 50 63 75  
 25 50 75  
 SCALE IN METERS  
 2022  
 ARCHIBALD, GRAY & MCKAY LTD.  
 AERIAL PHOTO SURVEYORS

## NOTES AND LEGEND

- NOTES AND LEGEND**
- 1) BOUNDARY CONDITIONS AND INFORMATION SHOWN ON THIS SKETCH HAS BEEN COPIED FROM PLAN 11P-0518 AND PLAN 11P-10393
  - 2) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
  - 3) THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS PART OF LOT 18, CONFESSION SAVER, GEOGRAPHIC TOWNSHIP OF SOUTHWIND, TOWNSHIP OF SOUTHWIND.
  - 4) THIS SKETCH IS PROTECTED BY COPYRIGHT ©.

PROMOTES SOUTH OF THE NORTH BRANCH OF THE VALLEY ROAD

**METRIC:** DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. AREAS SHOWN ON THIS PLAN ARE IN SQUARE METERS AND CAN BE CONVERTED TO ACRES BY DIVIDING BY 4046.825



**ARCHIBALD, GRAY & HAY LTD.**  
255 WHITE FLY DRIVE, LONDON ONTARIO  
F-406 518/5150  
F-406 518/5150  
F-406 518/5150  
F-406 518/5150

**PLAN No.**

**8L-5835**

**PLAN No.**

**8L-5835**

**PLAN No.**

**8L-5835**



Report PLA 2022-13:

Severance Applications E40-22 to E42-22 - Comments to the County of Elgin

**Appendix Two: Severance Applications E40-22 to E42-22 Conditions**

Consent Applications E40-22, E41-22 and E42-22 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 parcels 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 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 (applies only to E41-22 and E42-22).
6. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction and clearance of the Municipality for the severed and retained parcels.
7. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed three severed parcels and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to

water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.

10. 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.
11. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
12. That the conditions of Applications E40-22, E41-22 and E42-22 be fulfilled in conjunction with one another.
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 E40-22, E41-22 and E42-22

Owner/Applicant: Brent Fulton and Barbara Siebenmorgen  
Agent: David Roe, Civic Planning Solutions Inc.

Location 36427 Talbot 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: Agricultural – Southwold Official Plan\_\_\_\_\_

Policies:  
Sections 4.2, 5.2.2, 7.23 and 7.23.1\_\_\_\_\_

### 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 parcels, as contained within Planning Report PLA 2022-  
13.

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

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 2022-13

June 13, 2022

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

Attn: **Brian Lima**

Re: **Consent Application (E 41-22)**  
**36427 Talbot Line (Fulton & Siebenmorgen)**  
**Lot 18 & 19; Concession SNBTR**  
**Township of Southwold**

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. The issues of concern for this area would be the Cumming-Fulton Tessley Drain and erosion.

An application from this office is required prior to any works/construction taking place within the regulated area. 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. Setbacks from the drain will be required to any proposed works / structure(s) / site alteration.

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: June 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E41-22

OWNER: Brent Fulton and Barbara  
Siebenmorgen

PROPERTY: LOT NO. CONCESSION:

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 .....  
*[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 .....
- 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.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**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:** Planning Division, County of Elgin  
**Date:** June 14, 2022  
**Application:** E 40-41-42-22

**Owner:**  
**Brent Fulton and Barbara Siebenmorgen**  
448 Talbot Street East, Aylmer

**Agent:**  
**David Roe**  
Civic Planning Solutions Inc.  
301-1599 Adelaide St N, London

**Location:** Lots 18 and 19, SNBTR, Geographic Township of Southwold.

**PROPOSAL**

The applicant is proposing to create three new residential building lots from an existing 5.6 ha residential lot in the community of Shedden. Each proposed lot will have frontage on Talbot Line ranging from approximately 33 to 45.75 m, and each with a lot area of 0.4 ha, all of which will be serviced by the municipal drinking water system and individual on-site septic systems.

**County of Elgin Official  
Plan**  
Agricultural

**Local Municipality Official  
Plan**  
Residential and Natural  
Hazard

**Local Municipality Zoning  
By-law**  
Agricultural (A1) Zone and  
Conservation Authority  
Regulation Limit Overlay

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Southwold* – the Municipality has passed a resolution in support of the proposed severances and provided their requested conditions of approval, which have been incorporated into the recommended decision below.

*County Engineering* – the subject lands are located on a County Road. The County Engineer has not identified concerns but has provided recommended conditions to address County requirements.

*Conservation Authority* – has reviewed the subject applications and does not object to the applications. Notwithstanding that, the Authority notes that portions of the subject lands are located within their regulatory limit and will require permitting from the Conservation Authority.

No further comments have been received at the time of writing.



#### Planning Act and Provincial Policy Statement

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the given of public notice. With respect the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS as it proposes residential infilling and intensification in a settlement area. While the lands are proposed to be serviced with partial servicing (i.e. municipal water and private septic) septic assessments have been completed for the proposed lots, and it has been determined by the Municipality that the lots are suitable for partial servicing in the long term. Further, while some of the lands would be subject to the PPS natural hazard policies, the applications have been reviewed by the Conservation Authority against the policies of the PPS and have indicated they have no objection to the applications, and as such the applications are considered to be consistent with these policies as well.

#### County of Elgin Official Plan

Staff have reviewed the applications against the policies of the County of Elgin Official Plan (OP). While the County OP designates the lands as 'Agricultural', this is because the County OP does not currently reflect the re-designations of the recently approved Southwold OP (this inconsistency will be addressed in the County OP in the current review). There is however provision in the County OP that addresses instances of inconsistency between the two OP and the subject applications would be permitted under these policies. As such, staff are of the opinion that the applications conform to the County OP as the proposal complies with the relevant policies of the Plan, notwithstanding it does not comply with the policies of the Agricultural land use designation. No other conflicts or inconsistencies were identified.

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

Staff have reviewed the applications against the policies of the Southwold OP and are of the opinion that the applications conform to both the land use designations and policies of the local OP and no conflicts or inconsistencies were identified. Of particular note, some of the lands subject to the application are designated as Natural Hazard in the OP and are subject to conservation authority regulation and permitting. As noted previously the Conservation Authority has reviewed the applications and does not object to the proposed development.

Staff have reviewed the applications against the regulations of the Southwold Zoning By-law. Currently the lands are zoned Agricultural (A1) Zone and Conservation Authority Regulation Limit Overlay. While the applications do not conform to the permitted uses and performance standards of the A1 Zone, the Township has requested that the consents be made conditional on a rezoning to an appropriate residential zone, and as such, can be brought into conformity with the Zoning By-law. With regards to the Conservation Authority Regulation Limit Overlay, as noted previously, the Conservation Authority has reviewed the applications and does not object to the proposed development, but notes that it may require a permit from the Authority.

#### RECOMMENDATION:

Based on the above analysis, staff are of the opinion that the subject application deferred pending a decision on requisite official plan and zoning by-law amendments.

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of Southwold.
2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed, be provided to the satisfaction of the County of Elgin and the Township of Southwold.
3. That municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of the County of Elgin.
4. That the applicant meets all the requirements, financial and otherwise of the Municipality of Southwold, to the satisfaction of the Municipality of Southwold.
5. That the owner shall arrange for connection to/creation of a legal drainage outlet to the severed lot, if one is not currently available, all at their own cost, to the satisfaction of the County of Elgin.
6. The owner shall obtain an entrance permit from Elgin County for a new entrance to the severed and/or retained parcels, if necessary and all at their own cost, to the satisfaction of the County of Elgin.
7. That the applicant successfully apply to the Municipality of Southwold for a zoning by-law amendment to rezone the severed parcels, and having said amendment come into full force and effect pursuant to the Planning Act, to the satisfaction of the Municipality of Southwold.
8. That the applicant has a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction of the Municipality of Southwold. This condition shall apply to consents E41-22 and E42-22 respectively).
9. That the applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction of the Municipality of Southwold for the severed and retained parcels.
10. That the applicant has an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction of the Municipality of Southwold.
11. That the septic system assessment completed for the severed and retained lots, dated April 22, 2022 be reviewed and revised, if needed, to the satisfaction of the Municipality of Southwold.
12. That the applicant shall enter into an agreement with the Municipality for the proposed three severed parcels and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction of the Municipality of Southwold.
13. That the conditions of applications E40-22, E41-22 and E42-22 be fulfilled in conjunction with one another to the satisfaction of the County of Elgin and the Municipality of Southwold.
14. That prior to final approval of the subject consent(s) that Municipality of Southwold advise the County of Elgin, in writing, how any conditions 1, 2, 4, 7 to 13 have been satisfied.

**Hydro One Networks Inc.**  
**Facilities & Real Estate**  
P.O. Box 4300  
Markham, Ontario L3R 5Z5  
www.HydroOne.com



**Courier:**  
185 Clegg Road  
Markham, Ontario L6G 1B7

VIA E-MAIL ONLY TO landdivision@elgin.ca

June 14, 2022

Land Division  
Elgin County

Attention: Julie Gonyou

Dear Julie Gonyou:

**Re: Proposed Application for Consent, Brent Fulton & Barbara  
36247 Talbot Line  
Township of Southwold, Elgin County  
File: E41-22**

---

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the "transmission corridor"), HONI has no objection *in principle* to the proposed severance, provided HONI's easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is **prohibited** without the prior written approval of HONI.

If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions, please contact me at dennis.derango@hydroone.com or at 905-946-6237.

Yours truly,

A handwritten signature in black ink that reads "Dennis De Rango". The signature is written in a cursive, flowing style.

Dennis De Rango  
Specialized Services Team Lead, Real Estate  
Hydro One Networks Inc.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 42-22**

**LOT 18 & 19, CONCESSION SNBTR  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 36427 TALBOT LINE**

**TAKE NOTICE that** an application has been made by Brent Fulton & Barbara Siebenmorgen, 36427 Talbot Line, Shedden, ON N0L 3E0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 36427 Talbot Line, Township of Southwold.

The applicant proposes to sever a parcel with a frontage of 32.92 metres (108.01 feet) and a depth of 131.03 metres (429.89 feet) and an area of 0.4 hectares (0.99 acres) to create a new residential lot. The applicants are retaining 4.37 hectares (10.8 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 JUNE 22, 2022 AT 11:10 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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 30<sup>th</sup> day of May, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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



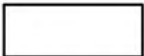


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

# Location Map



## Legend



Subject Site



Severed



Retained

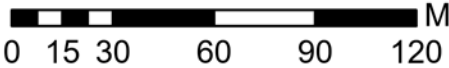


Elgin Road Network

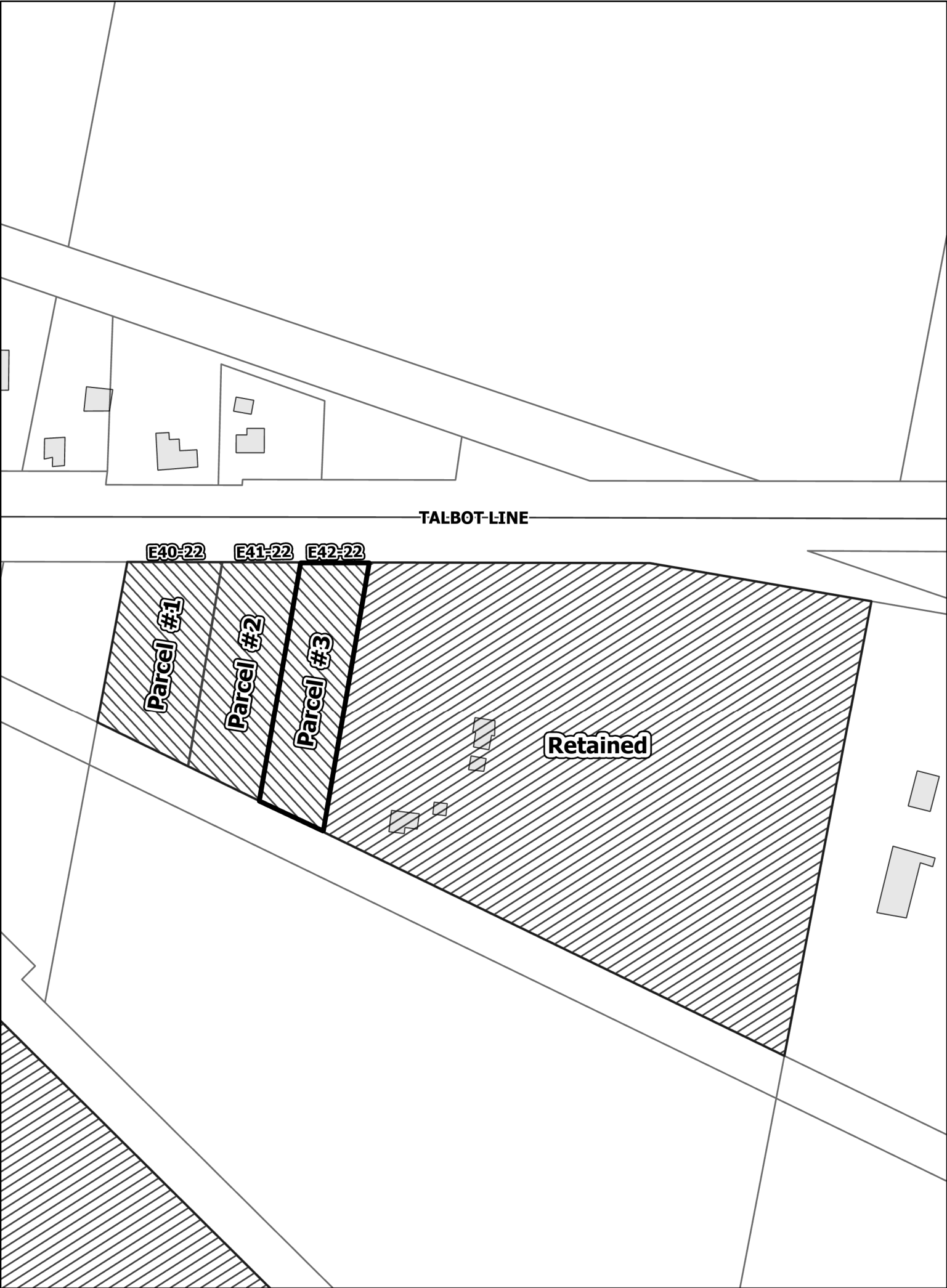


Buildings

Subject Site: 36427 Talbot Line  
File Number: E 42-2022  
Owner: Brent Fulton and Barbara Siebenmorgen  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 05/06/2022  
Township of Southwold



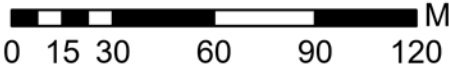




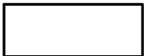
# Location Map



Subject Site: 36427 Talbot Line  
File Number: E 42-2022  
Owner: Brent Fulton and Barbara Siebenmorgen  
Planner: Unknown  
CA: Lower Thames Valley Conservation Authority  
Created By: TE  
Date: 05/06/2022  
Township of Southwold



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



VIA EMAIL ONLY

June 10, 2022

County of Elgin  
Land Division Committee  
c/o Julie Gonyou, Secretary-Treasurer  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [landdivision@elgin.ca](mailto:landdivision@elgin.ca)

Ms. Gonyou:

**RE: Township of Southwold Consent Applications - Comments to the County of Elgin County File Numbers: E40-22, E41-22 and E42-22**  
**Legal Description: Part of Lots 18 and 19, Concession SNBTR**  
**Civic Address: 36427 Talbot Line**

Please be advised that the Township of Southwold have reviewed the above noted application, at the May 24, 2022, Council Meeting and passed the following resolution:

**Council Resolution 2022-151**

**THAT** Council of the Township of Southwold receive Report PLA 2022-13 regarding Consent Applications E40-22, E41-22 and E42-22 – Comments 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 applications, Files E40-22, E41-22 and E42-22, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-13;

**AND FURTHER THAT** Council of the Township of Southwold directs Administration to provide Report PLA 2022-13 as Municipal comments to the County of Elgin.

**CARRIED**

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

1. Planning Staff Report PLA 2022-13: Consent Applications E40-22, E41-22 and E42-22 Comments to County of Elgin, dated May 24, 2022; and
2. E40-22, E41-22 and E42-22 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,



Heather James, MES (Pl.), MCIP, RPP  
Planner  
Township of Southwold  
35663 Fingal Line  
Fingal, Ontario N0L 1K0  
Office: 519-769-2010  
Cell: 519-280-1028  
Email: [planning@southwold.ca](mailto:planning@southwold.ca)

Encl.

Cc: Owners: Brent Fulton and Barbara Siebenmorgen (Email: [brent.fulton@vipond.ca](mailto:brent.fulton@vipond.ca) )  
Agent: David Roe, Civic Planning Solutions Inc. (Email: [civicplanningsolutions@nor-del.com](mailto:civicplanningsolutions@nor-del.com) )



## TOWNSHIP OF SOUTHWOLD

### Report to Council

**MEETING DATE:** May 24, 2022

**PREPARED BY:** Heather James, MES (Pl.), MCIP, RPP, Planner

**REPORT NO:** PLA 2022-13

**SUBJECT MATTER:** Consent Applications E40-22 to E42-22– Comments to the County of Elgin

---

#### Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2022-13 regarding Consent Applications E40-22, E41-22, and E42-22 – Comments 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 applications, File E40-2022, E41-2022 and E42-2022, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2022-13;

AND FURTHER THAT Council of the Township of Southwold directs Administration to provide Report PLA 2022-13 as Municipal comments to the County of Elgin.

#### Purpose:

The proposal is to create three residential parcels while retaining an existing residential parcel at 36427 Talbot Line.

#### Background:

Below is a background information, in a summary chart:

<b>Applications</b>	E40-22 to E42-22
<b>Owners/Applicants</b>	Brent Fulton and Barbara Siebenmorgan
<b>Agent</b>	David Roe, Civic Planning Solutions Inc.
<b>Legal Description</b>	Part of Lots 18 and 19, Concession SNBTR

<b>Civic Address</b>	36427 Talbot Line
<b>Entrance Access</b>	Talbot Line
<b>Water Supply</b>	Municipal Water
<b>Sewage Supply</b>	Privately owned and operated individual septic system
<b>Existing Land Area</b>	+/- 5.57 ha (13.76 ac)
<b>Buildings and/or Structures</b>	Severed Parcels – vacant
	Retained Parcel – single detached dwelling, detached garage and shed

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

App.	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E40-22</b>	45.73 m (150.0 ft)	99.27m (325.69ft)	0.4 ha (0.98 ac)	314.94 m (1,033.27 ft)	Irregular 221.03 m (725.16 ft)	5.17 ha (12.78 ac)
<b>E41-22</b>	37.77 m (123.92 ft)	116.24 m (381.36 ft)	0.4 ha (0.98 ac)	277.17 m (909.35 ft)	Irregular 221.03 m (725.16 ft)	4.77 ha (11.79 ac)
<b>E42-22</b>	32.92 m (108.0 ft)	131.03 m (429.89 ft)	0.4 ha (0.98 ac)	244.25 m (801.35 ft)	Irregular 221.03 m (725.16 ft)	4.37 ha (10.8 ac)

The Public Meeting is scheduled for June 22, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Fulton/Siebenmorgan Lands.



The consent sketch, showing E40-22 to E42-22 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 and Township of Southwold Official Plan 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.

#### Provincial Policy Statement

Lot creation is permitted within the Shedden settlement area, in accordance with Section 1.1.3 of the PPS. Full municipal water and private septic system are proposed, in accordance with Section 1.6.6 of the PPS.

As development is proposed on all of the proposed severed parcels, development will need to be outside of natural hazards (Section 3.1 of the PPS).

This proposal appears to be consistent with the PPS.

#### County of Elgin Official Plan (CEOP)

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. Section C2.2 Agricultural Area - Location recognizes there are lands outside of settlement areas that have been designated for non-agricultural development by the lower tier Official Plans and therefore, are deemed not be within the prime agricultural area and are instead subject to the applicable policies of this Plan and the policies of the lower tier Official Plan. The subject lands were added to the Shedden settlement area as part of the new Township of Southwold Official Plan; however, the designation on the lands has not been revised in the CEOP as it is currently undergoing an update. As part

of the update, the subject lands will be brought into the settlement area and designated Tier 2.

New lot creation policies of the CEOP contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, and entrance accesses to the lands can be obtained through Talbot Line.

Therefore, this proposal appears to conform to the CEOP.

#### Township of Southwold Official Plan (OP)

The subject lands are designated Residential on Schedule '4B' Shedden Land Use in the OP. The Natural Hazards on Schedule '3' overlay apply to a portion of the proposed severed and retained parcels. The Residential designation permits single detached dwellings.

New lot creation policies of the OP contained in Section 7.23, has 8 criteria listed and would appear to be achieved with this proposal, as it will be partially serviced, will not affect drainage patterns in the area, and entrance accesses to the lands can be obtained through Talbot Line.

The dwelling on the proposed retained parcel is already connected to the Township's municipal drinking water system. The existing septic system has been assessment by a qualified septic installer and the septic system is in good working condition.

Section 4.2 Natural Hazard Lands states development and site alteration is not permitted in areas that would be inaccessible to people and vehicles during times of flooding hazards and erosion hazards, unless it has been demonstrated that the site has safe access and egress appropriate for the nature of the development and the natural hazard.

The proposed severed parcel for application E40-22 appears to have at least half of the parcel located within the Natural Hazard Lands due to the municipal drain and natural watercourse. The proposed severed parcel for applications E41-22 and E42-22 appear to have a portion of the parcel located within the Natural Hazard Lands due to the municipal drain and natural watercourse. Development within the Natural Hazard Lands can only proceed through a permit from the applicable Conservation Authority. No development is proposed on the proposed retained parcel in Natural Hazard Lands overlay.



Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned Agricultural 1 (A1), with the municipal drain and watercourse portion of the lands subject to Conservation Authority Regulation Limit overlay as shown in the Township of Southwold Zoning By-Law on Schedule 'A' Map 6, as depicted in Figure Two (outlined in red) below.



A zoning by-law amendment is required to rezone the proposed severed parcels from Agricultural 1 (A1) to Residential 1 (R1). The proposed severed parcels appear to comply with the R1 Zone provisions. The proposed retained parcel will remain zoned Agricultural 1 (A1).

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. The proposed severed parcel for application E40-22 appears to have at least half of the parcel located within the Hazard Lands due to the municipal drain and natural watercourse. The proposed severed parcel for applications E41-22 and E42-22 appear to have a portion of the parcel located within the Hazard Lands due to the municipal drain and natural watercourse. Should development be proposed within the Hazard Lands, a permit from the applicable Conservation Authority will be required.

No development is proposed for the retained parcel.

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 Departments' are summarized below:

- Drainage Department:
  - Reapportionment of the future GH Pennings Drain, drain has not yet been passed by Council; and
  - Legal drainage outlet to be created for Parcel 2 and 3 under the Drainage Act, either: Section 2 – Mutual Agreement Drain or Section 4 – Drainage petition by owners.
  - Parcel 1 abuts the future GH Pennings Drain on the west side of the property and then natural water course.
- Financial Services Department:
  - Subject to Development Charges – Residential Rate;
  - Need to connect to municipal water and pay the connection fee; and
  - Cash-in-lieu of parkland fee applies
- Building Department:
  - No comments received.
- Infrastructure Department:
  - As a condition of engineering review, I'd like to see a grading drawing that shows the three severed parcels and retained parcel to make sure there won't be drainage concerns in future;
  - Water connection fees apply; and
  - Cash-in-lieu of parkland fee applies.

Planning Staff note that the Township Departments' comments have been addressed as conditions of approval.

### **Additional Comments:**

The recommended Township conditions for consent applications E40-22, E41-22 and E42-22 are 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 three residential lot creation consents, 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:**

**Heather James, MES (Pl.), MCIP, RPP  
Planner**

**Approved for submission by:**

**Lisa Higgs  
CAO/Clerk**

**Appendices:**

1. Appendix One: Consents Sketch E40-22 to E42-22
2. Appendix Two: Consent Applications E40-22 to E42-22 Conditions

IL



SKETCH FOR CONSENT APPLICATION

BRENT FULTON  
186427 TALBOT LINE, TOWNSHIP OF SOUTHWOLD

SCALE 1:1250

2520191030

SCALE IN METRES

2022  
ARCHIBALD, GRAY & MCKAY LTD.


ARCHIBALD, GRAY & MCNAMARA  
ONTARIO LAND SURVEYORS

## NOTES AND LEGEND

- NOTES AND LEGEND
- 1) BOUNDARY CONDITIONS AND INFORMATION SHOWN ON THIS SKETCH HAS BEEN COPIED FROM PLAN 11P-0258 AND PLAN 11P-10393
  - 2) THIS IS NOT A PLAN OF BURNBY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
  - 3) THE LOCAL DISPOSITION OF THE SUBJECT PROPERTY IS PART OF LOT 18, CONCESSION SUBDIVISION, GEOGRAPHIC TOWNSHIP OF SOUTHOLD, TOWNSHIP OF SOUTHOLD.
  - 4) THIS SKETCH IS PROTECTED BY COPYRIGHT ©.

SNABTR CROCHES SOUTH OF THE NORTH BRANCH OF THE TALBOT ROAD

**METRIC:** DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.  
AREAS SHOWN ON THIS PLAN ARE IN SQUARE METERS AND CAN BE CONVERTED TO ACRES BY DIVIDING BY 4046.825



**ARCHIBALD, GRAY & McKEAY LTD.**  
25 WORTHINGTON DRIVE, LEEDS LS1 2DQ  
TELE: 0532 434 393  
FAC: 0532 434 395  
RANGE: 0532 434 396  
WEL: 0532 434 397

**PLAY N RITE**

**81-5835**

SEARCHED	INDEXED	FILED	SERIALIZED
APR 17 1982	APR 17 1982	APR 17 1982	APR 17 1982
FBI - NEW YORK		FBI - NEW YORK	

Report PLA 2022-13:  
Severance Applications E40-22 to E42-22 - Comments to the County of Elgin

**Appendix Two: Severance Applications E40-22 to E42-22 Conditions**

Consent Applications E40-22, E41-22 and E42-22 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 parcels 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 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 (applies only to E41-22 and E42-22).
6. That the Applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction and clearance of the Municipality for the severed and retained parcels.
7. That the Applicant have an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed and retained parcels to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant shall enter into a Consent Agreement with the Municipality for the proposed three severed parcels and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to



water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction and clearance of the Municipality.

10. 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.
11. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
12. That the conditions of Applications E40-22, E41-22 and E42-22 be fulfilled in conjunction with one another.
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 E40-22, E41-22 and E42-22

Owner/Applicant: Brent Fulton and Barbara Siebenmorgen  
Agent: David Roe, Civic Planning Solutions Inc.

Location 36427 Talbot 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: Agricultural – Southwold Official Plan\_\_\_\_\_

Policies:  
Sections 4.2, 5.2.2, 7.23 and 7.23.1\_\_\_\_\_

### 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 parcels, as contained within Planning Report PLA 2022-  
13.

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

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 2022-13

June 13, 2022

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

Attn: **Brian Lima**

Re: **Consent Application (E 42-22)**  
**36427 Talbot Line (Fulton & Siebenmorgen)**  
**Lot 18 & 19; Concession SNBTR**  
**Township of Southwold**

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. The issues of concern for this area would be the Cumming-Fulton Tessley Drain and erosion.

An application from this office is required prior to any works/construction taking place within the regulated area. 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. Setbacks from the drain will be required to any proposed works / structure(s) / site alteration.

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: June 14, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E42-22

OWNER: Brent Fulton and Barbara Siebenmorgen

PROPERTY: LOT NO. CONCESSION:

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 .....  
[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 .....
- 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.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**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:** Planning Division, County of Elgin  
**Date:** June 14, 2022  
**Application:** E 40-41-42-22

**Owner:**  
**Brent Fulton and Barbara Siebenmorgen**  
448 Talbot Street East, Aylmer

**Agent:**  
**David Roe**  
Civic Planning Solutions Inc.  
301-1599 Adelaide St N, London

**Location:** Lots 18 and 19, SNBTR, Geographic Township of Southwold.

**PROPOSAL**

The applicant is proposing to create three new residential building lots from an existing 5.6 ha residential lot in the community of Shedden. Each proposed lot will have frontage on Talbot Line ranging from approximately 33 to 45.75 m, and each with a lot area of 0.4 ha, all of which will be serviced by the municipal drinking water system and individual on-site septic systems.

**County of Elgin Official  
Plan**  
Agricultural

**Local Municipality Official  
Plan**  
Residential and Natural  
Hazard

**Local Municipality Zoning  
By-law**  
Agricultural (A1) Zone and  
Conservation Authority  
Regulation Limit Overlay

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Southwold* – the Municipality has passed a resolution in support of the proposed severances and provided their requested conditions of approval, which have been incorporated into the recommended decision below.

*County Engineering* – the subject lands are located on a County Road. The County Engineer has not identified concerns but has provided recommended conditions to address County requirements.

*Conservation Authority* – has reviewed the subject applications and does not object to the applications. Notwithstanding that, the Authority notes that portions of the subject lands are located within their regulatory limit and will require permitting from the Conservation Authority.

No further comments have been received at the time of writing.

#### Planning Act and Provincial Policy Statement

Staff have reviewed the subject application under all relevant sections of the Planning Act and the Provincial Policy Statement (PPS). All relevant provisions of the Planning Act have been met, including the given of public notice. With respect the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS as it proposes residential infilling and intensification in a settlement area. While the lands are proposed to be serviced with partial servicing (i.e. municipal water and private septic) septic assessments have been completed for the proposed lots, and it has been determined by the Municipality that the lots are suitable for partial servicing in the long term. Further, while some of the lands would be subject to the PPS natural hazard policies, the applications have been reviewed by the Conservation Authority against the policies of the PPS and have indicated they have no objection to the applications, and as such the applications are considered to be consistent with these policies as well.

#### County of Elgin Official Plan

Staff have reviewed the applications against the policies of the County of Elgin Official Plan (OP). While the County OP designates the lands as 'Agricultural', this is because the County OP does not currently reflect the re-designations of the recently approved Southwold OP (this inconsistency will be addressed in the County OP in the current review). There is however provision in the County OP that addresses instances of inconsistency between the two OP and the subject applications would be permitted under these policies. As such, staff are of the opinion that the applications conform to the County OP as the proposal complies with the relevant policies of the Plan, notwithstanding it does not comply with the policies of the Agricultural land use designation. No other conflicts or inconsistencies were identified.

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

Staff have reviewed the applications against the policies of the Southwold OP and are of the opinion that the applications conform to both the land use designations and policies of the local OP and no conflicts or inconsistencies were identified. Of particular note, some of the lands subject to the application are designated as Natural Hazard in the OP and are subject to conservation authority regulation and permitting. As noted previously the Conservation Authority has reviewed the applications and does not object to the proposed development.

Staff have reviewed the applications against the regulations of the Southwold Zoning By-law. Currently the lands are zoned Agricultural (A1) Zone and Conservation Authority Regulation Limit Overlay. While the applications do not conform to the permitted uses and performance standards of the A1 Zone, the Township has requested that the consents be made conditional on a rezoning to an appropriate residential zone, and as such, can be brought into conformity with the Zoning By-law. With regards to the Conservation Authority Regulation Limit Overlay, as noted previously, the Conservation Authority has reviewed the applications and does not object to the proposed development, but notes that it may require a permit from the Authority.

#### RECOMMENDATION:



Based on the above analysis, staff are of the opinion that the subject application deferred pending a decision on requisite official plan and zoning by-law amendments.

1. That a digital copy of the draft and final deposited reference plan be provided to the satisfaction of the County of Elgin and the Municipality of Southwold.
2. That a solicitor's undertaking to provide a copy of registered deed for the severed parcel once completed, be provided to the satisfaction of the County of Elgin and the Township of Southwold.
3. That municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of the County of Elgin.
4. That the applicant meets all the requirements, financial and otherwise of the Municipality of Southwold, to the satisfaction of the Municipality of Southwold.
5. That the owner shall arrange for connection to/creation of a legal drainage outlet to the severed lot, if one is not currently available, all at their own cost, to the satisfaction of the County of Elgin.
6. The owner shall obtain an entrance permit from Elgin County for a new entrance to the severed and/or retained parcels, if necessary and all at their own cost, to the satisfaction of the County of Elgin.
7. That the applicant successfully apply to the Municipality of Southwold for a zoning by-law amendment to rezone the severed parcels, and having said amendment come into full force and effect pursuant to the Planning Act, to the satisfaction of the Municipality of Southwold.
8. That the applicant has a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction of the Municipality of Southwold. This condition shall apply to consents E41-22 and E42-22 respectively).
9. That the applicant shall complete an investigation into obtaining a legal drainage outlet using the Drainage Act by a qualified individual and complete any Drainage Act process that may be required, to the satisfaction of the Municipality of Southwold for the severed and retained parcels.
10. That the applicant has an engineered lot grading plan prepared for the severed and retained parcels, to the satisfaction of the Municipality of Southwold.
11. That the septic system assessment completed for the severed and retained lots, dated April 22, 2022 be reviewed and revised, if needed, to the satisfaction of the Municipality of Southwold.
12. That the applicant shall enter into an agreement with the Municipality for the proposed three severed parcels and the retained parcel, addressing all municipal interests and associated fees and charges, including and not limited to water, drainage, cash-in-lieu of parkland, development charges, road permits, amongst other matters, to the satisfaction of the Municipality of Southwold.
13. That the conditions of applications E40-22, E41-22 and E42-22 be fulfilled in conjunction with one another to the satisfaction of the County of Elgin and the Municipality of Southwold.
14. That prior to final approval of the subject consent(s) that Municipality of Southwold advise the County of Elgin, in writing, how any conditions 1, 2, 4, 7 to 13 have been satisfied.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 92-21**

**PT LOT 11, CONCESSION 11, TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 49779 LYONS LINE**

**TAKE NOTICE that** an application has been made by Rockx Farms Ltd. C/O Wayne Rockx, 163663 Brownsville Road, Brownsville ON N0L 1C0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 49779 Lyons Line, Township of Malahide.

The applicants propose to sever a parcel with a frontage of 43 metres (141.08 feet) along Lyons Line by a depth of 61.999 metres (203.41 feet) and an area of 0.27 hectares (0.67 acres) containing one residence, surplus to the needs of the owner. The applicants are retaining 38.31 hectares (94.65 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 JUNE 22, 2022 AT 11:20 AM.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

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

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@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 30<sup>th</sup> day of May 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

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





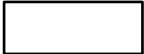
# Location Map

Subject Site: 49779 Lyons Line  
File Number: E 92-2021  
Owner: Rockx Farms LTD C/O Wayne Rockx  
Planner: Nancy Pasato  
Created By: AL  
Date: 11/05/2021

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



## Legend



Subject Site



Severed



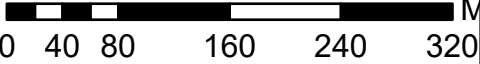
Retained



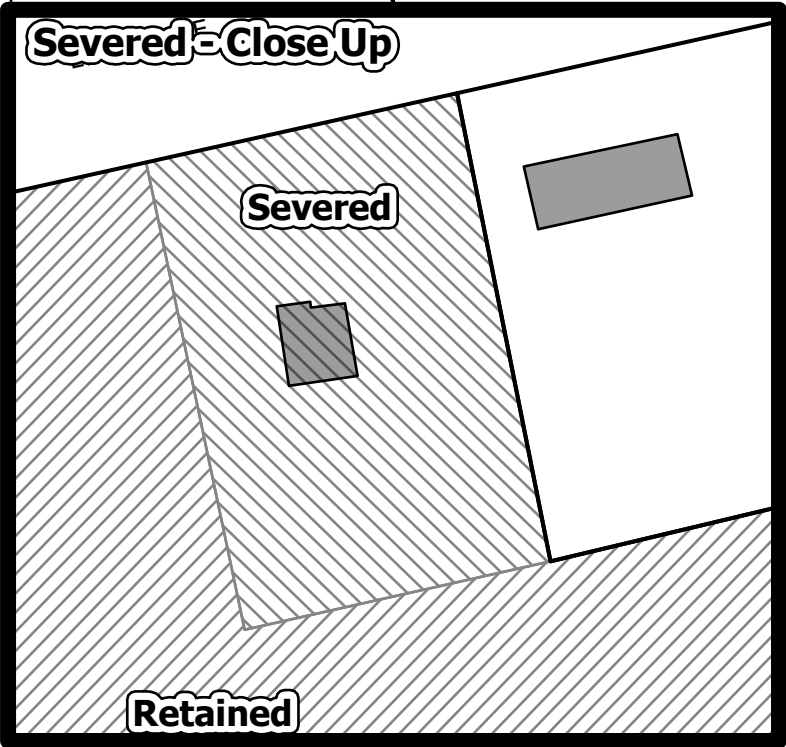
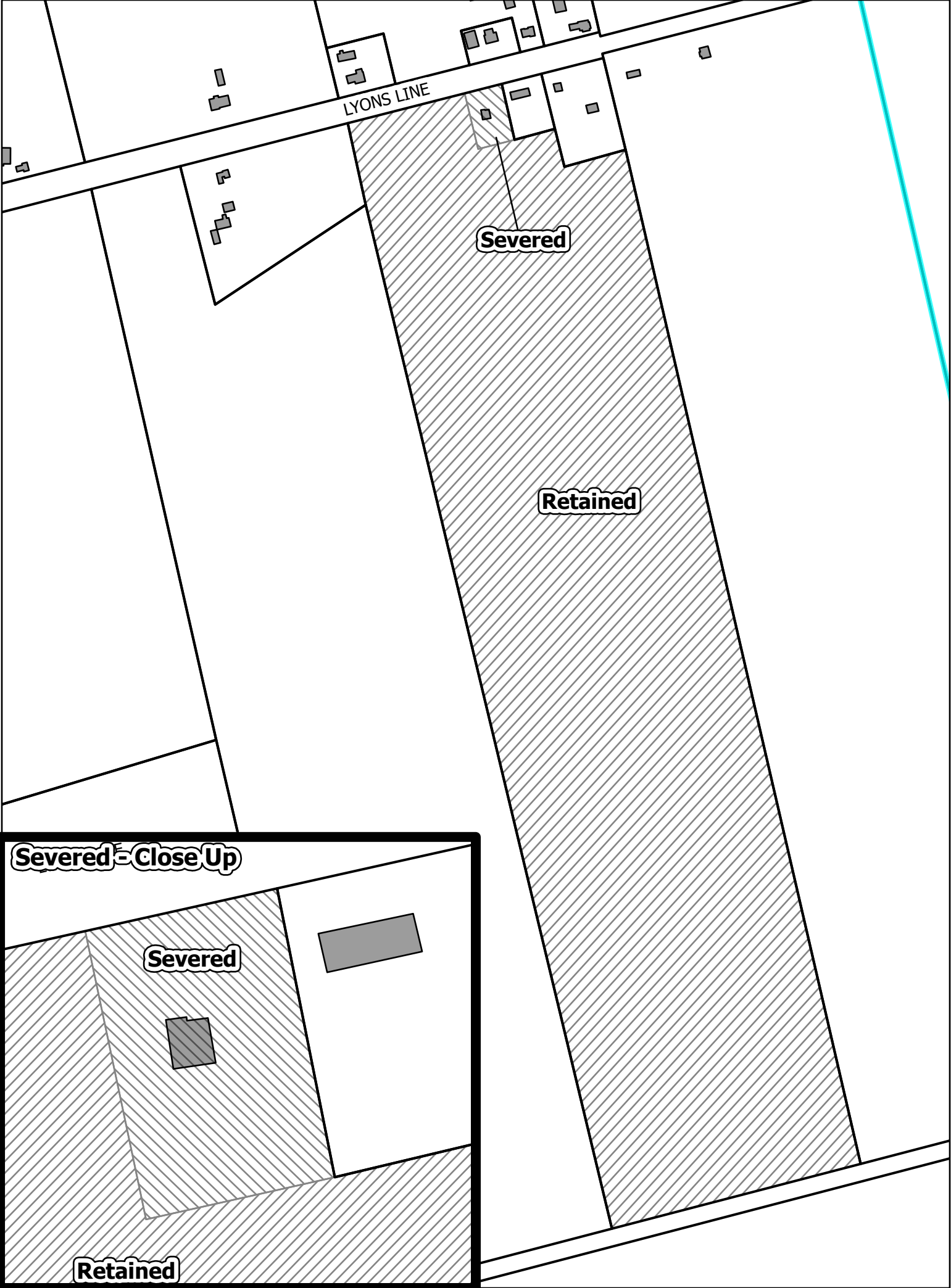
Elgin Road Network



Buildings












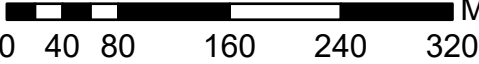
# Location Map



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

Subject Site: 49779 Lyons Line  
File Number: E 92-2021  
Owner: Rockx Farms LTD C/O Wayne Rockx  
Planner: Nancy Pasato  
Created By: AL  
Date: 11/05/2021

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





Application #E 92-21

December 15, 2021

## **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:

**49779 LYONS LINE  
PT LOT 11, CONCESSION 11,  
TOWNSHIP OF MALAHIDE**

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.

Consent requested by: **Rockx Farms Ltd. C/O Wayne Rockx**  
Consent granted to: **Rockx Farms Ltd. C/O Wayne Rockx**

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: December 15, 2022.

That the requirements of the Township of Malahide are met, including the following:

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.

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 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.

Reasons: Surplus Farm Dwelling



**DECISION**

**Application #E 92-21**

December 15, 2021

Members concurring in the above ruling by recorded vote:

<u>Member:</u>	<u>YES</u>	<u>NO</u>
John “Ian” Fleck (Chair)	X	
Dennis O’Grady	X	
Rosemary Kennedy	X	
John Seldon	X	
Jack Van Kasteren	X	
John Andrews	X	
Dugald Aldred	X	

Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice of decision pursuant to subsection (17) of Section 53 of the Act, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused, but where there is an appeal under subsections (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of a period of one year from the date of the order of the Local Planning Appeal Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or(33).

**CERTIFICATION**

I, Brian Lima, for the Acting Secretary-Treasurer of the Land Division Committee of Elgin, certify that the above is a true copy of the decision of the Land Division Committee with respect to the application recorded herein.

Dated this 16<sup>th</sup> day of December, 2021.



Brain Lima  
General Manager of EPE / Deputy CAO  
For the Acting Secretary-Treasurer  
Land Division Committee

**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF DECISION**

**APPLICATION NO. E 92-21**

**49779 LYONS LINE  
PT LOT 11, CONCESSION 11,  
TOWNSHIP OF MALAHIDE**

**Rockx Farms Ltd. C/O Wayne Rockx**

ATTACHED is a certified copy of the decision of the Land Division Committee of the County of Elgin in the matter of an Application E 92-21 for a consent pursuant to Section 53 (17) of the Planning Act, R.S.O. 1990, as amended.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

**ANY PERSON** or public body may appeal the decision and/or any condition(s) imposed by the Committee to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Land Division Committee, not later than the **4<sup>th</sup> day of January, 2022**, a Notice of Appeal, accompanied by the Tribunals fee, in the amount of \$400.00 for the first appeal and \$25.00 for each further appeal related to the same matter. (N.B. – Certified Cheques or Money Orders are to be made payable to the Minister of Finance). If you wish to appeal, a copy of an appeal form is available from the LPAT'S website at [www.elto.gov.on.ca](http://www.elto.gov.on.ca) or for pick-up at the County Municipal Offices, 450 Sunset Drive, St. Thomas.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

**ADDITIONAL INFORMATION** regarding this application for consent 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.

Dated at the Municipality of Central Elgin this 16<sup>th</sup> day of December, 2021.



Brain Lima  
General Manager of Engineering, Planning & Enterprise / Deputy CAO  
For the Acting Secretary-Treasurer  
Land Division Committee

c.c. Township of Malahide: [abetteridge@malahide.ca](mailto:abetteridge@malahide.ca), [cstrupat@malahide.ca](mailto:cstrupat@malahide.ca)  
Agent: Ryan E. Verhoog [rverhoog@whitecoad.com](mailto:rverhoog@whitecoad.com)

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



December 3, 2021

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

Dear Committee Members:

**RE: Land Severance Application E92-21 - Rockx Farms - 49779 Lyons Line**

The Malahide Township Council passed the following Resolutions on December 2, 2021:

THAT the Malahide Township Council has no objection to the Land Severance No. E92/21 in the name of Rockx Farms Ltd., relating to the property located at Part Lot 11, Concession 11, Geographic Township of South Dorchester, Township of Malahide, subject to the following conditions:

- (i) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
- (ii) That the applicant 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.
- (iii) 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.
- (iv) Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
- (v) That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
- (vi) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (vii) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.

(viii) That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

(ix) 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

We enclose Municipal Appraisal together with Municipal Report DS-21-61 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

A handwritten signature in black ink, appearing to read "A Adams". The signature is cursive and fluid.

ALLISON ADAMS, – H.BA Political Science, AMP  
Manager of Legislative Services/Clerk

Copy - Rosemary Kennedy  
Rockx Farms c/o Wayne Rockx



# Report to Council

---

**REPORT NO.:** DS-21-61  
**DATE:** December 2, 2021  
**ATTACHMENT:** Report Photo, Application, Recommended Conditions  
**SUBJECT:** **Application for Consent to Sever of Rockx Farms Ltd  
(Authorized Solicitor: Ryan Verhoog)**  
**LOCATION:** Part of Lot 11, Concession 11 (Geographic Township of South  
Dorchester) (49779 Lyons Line)

---

## **Recommendation:**

**THAT Report No. DS-21-61 entitled “Application for Consent to Sever of Rockx Farms Ltd” be received;**

**AND THAT the Application for Consent to Sever of Rockx Farms Ltd, relating to the property located at Part of Lot 11, Concession 11, (Geographic Township of South Dorchester), and known municipally as 49779 Lyons Line, be supported for the reasons set out in this Report;**

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

## **Background:**

The subject application for Consent to Sever (the “Application”) has been submitted by Ryan Verhoog, on behalf of Rockx Farms Ltd in order to sever an existing dwelling as a result of a farm consolidation. The Application relates to the property located at Part of Lot 11, Concession 11, (Township of South Dorchester), and known municipally as 49779 Lyons Line.

## **Comments/Analysis:**

The subject farm property is approximately 39.1 hectares (96.7 acres) in area, and has approximately 185 metres (606.9 feet) of frontage along Lyons Line. There is an existing single-detached dwelling and detached garage. The subject property is

bounded by farm residential uses to the north and east and agricultural land to the south and west.

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

The subject property is designated “Agriculture Area” on Schedule ‘A’, Land Use Plan, and a small portion is designated “Woodlands” on Appendix 1, “Environmental Resource Areas”. The subject property has no noted areas on Schedule ‘C’ of the County Official Plan (Aggregate and Petroleum Resources). In addition to the above, the subject property is identified as having frontage along a “County Collector” on Schedule ‘B’, “Transportation Plan”.

### **Malahide Official Plan**

The subject property is designated “Agriculture” on Schedule ‘A1’ (Land Use Plan) and “Hazard Lands” on Schedule ‘A2’ (Constraints Plan). The Agricultural policies of Section 4 of the Official Plan applies to this development. The proposed development is in conformity with these policies.

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

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

The subject property is within the “General Agricultural (A1) Zone” on Key Map 21 of Schedule “A” to the Township’s Zoning By-law No. 18-22, and a portion of the subject property is identified as “Regulated Area”.

Through the associated Zoning By-law Amendment process, the proposed severed lot with the surplus farm dwelling will be placed into the “Rural Residential (RR) Zone” zone.

The severed dwelling lot will comply with the “Rural Residential (RR) Zone” zone.

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

<b>“A2” Zone</b>	<b>Required:</b>	<b>Proposed Retained Farm Lot</b>
Min. Lot Area	20 ha (50 acres)	38.3 ha (94.6 acres)
Min. Lot Frontage	150m (492 feet)	<b>142 m (465.8 feet)</b>



## **General Comments**

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

The Development Services Staff has also considered comments provided (if any) by other internal departments. Notably:

The Township's Drainage Superintendent/Engineering Technologist has advised that a revised assessment schedule in accordance with the Drainage Act, RSO 1990 is required.

The Township' CAO has also reviewed and has no concerns with the proposal.

The necessary zoning by-law amendment will also address the deficient frontage of the retained farm parcel, which staff have no concerns with.

## **Financial Implications to Budget:**

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

## **Relationship to Cultivating Malahide:**

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

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

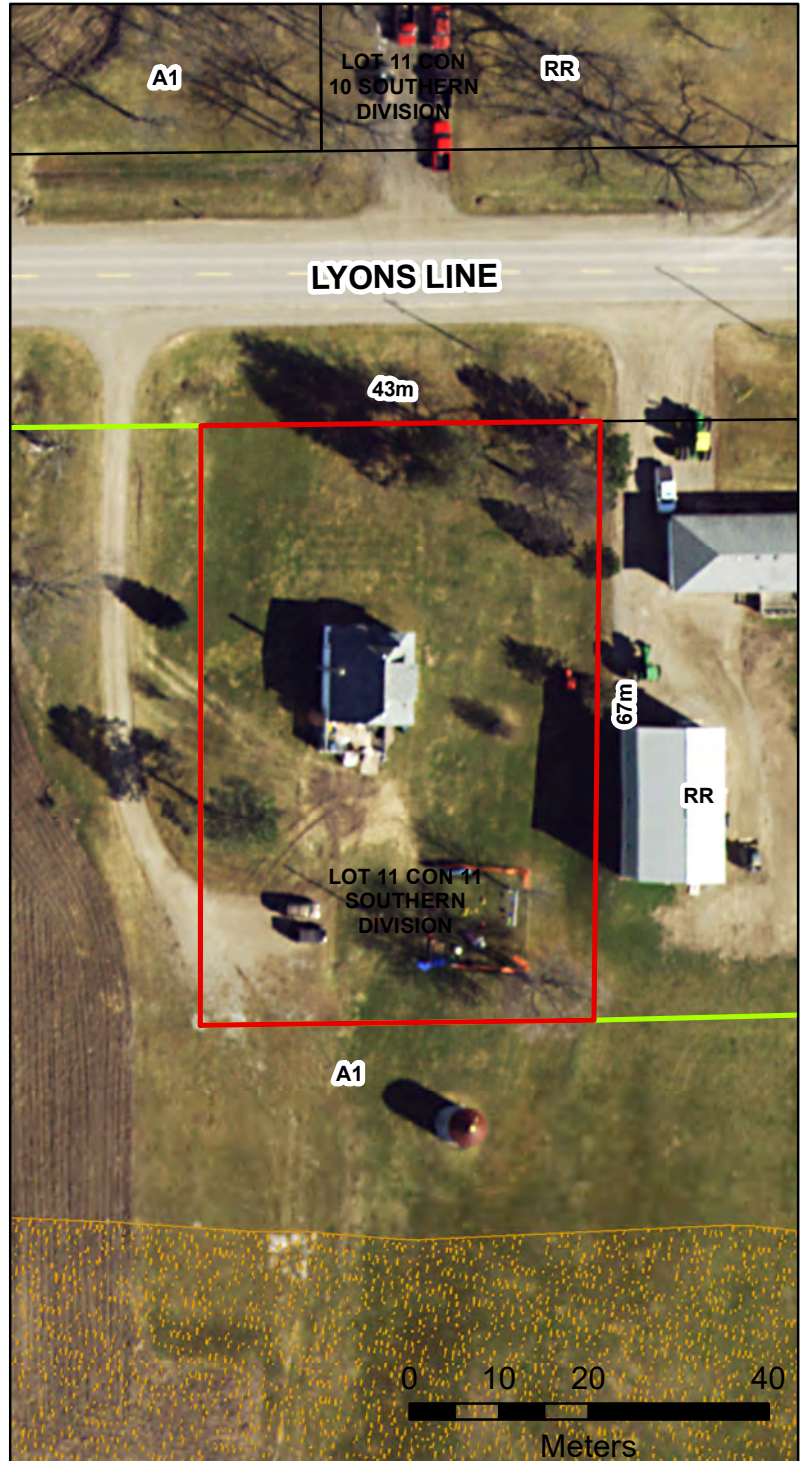
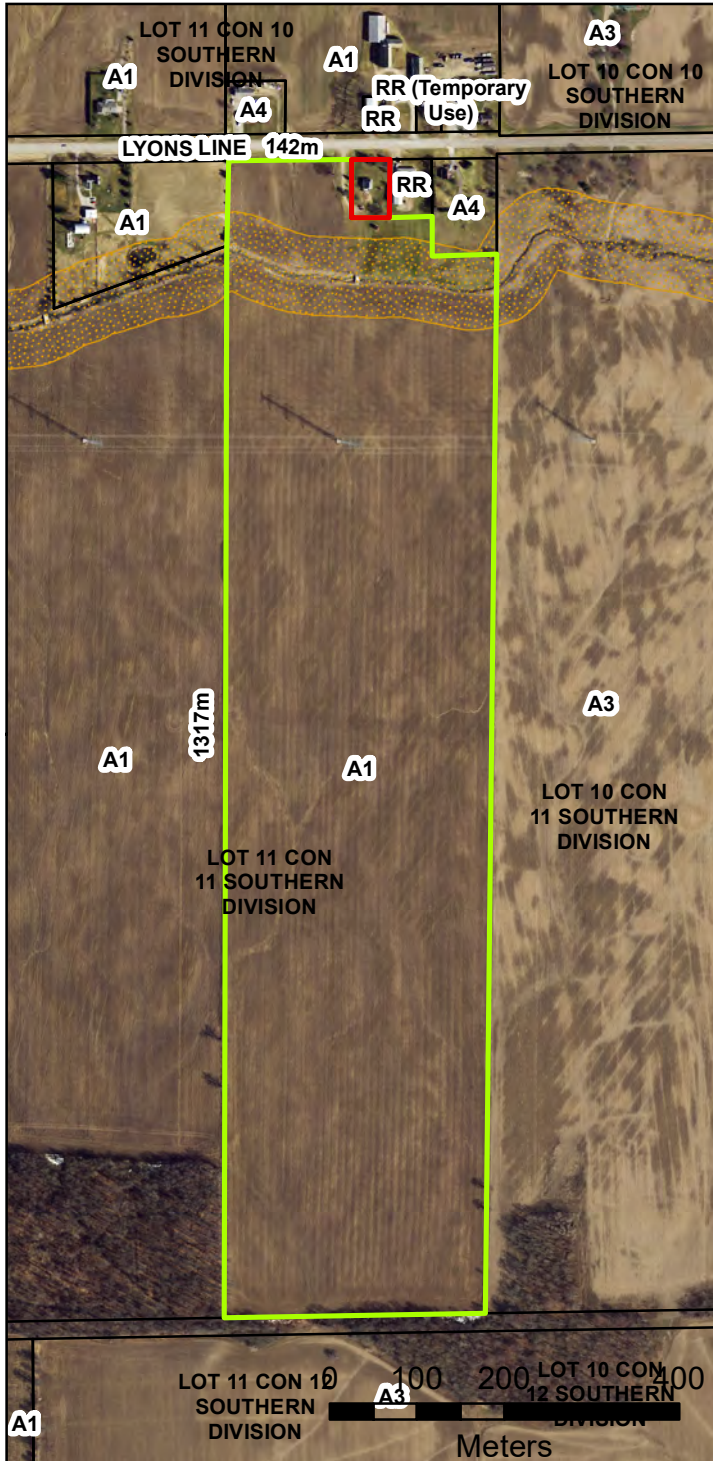
New non-farm lot creation is permitted in very limited circumstances, including surplus farm dwelling severances. As such, the recommendation of this report supports the ICSP.

Submitted by:	Approved by:
Christine Strupat, CPT Development Services Technician/ Assistant Planner	Adam Betteridge, MCIP, RPP Chief Administrative Officer

# APPLICATION FOR A CONSENT TO SEVER Rockx Farms

49779 Lyons Line  
Part of Lot 11, Concession 11 (Geographic Township of South Dorchester)  
Township of Malahide

Township  
of Malahide  
Figure 1



OFFICIAL PLAN DESIGNATION  
Agriculture

ZONING  
A1 General Agricultural

- Lands to be Severed
- Lands to be Retained
- Hazard Lands



## 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 E92-21

Applicant     Rockx farms

Location     49779 Lyons Line

### 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: "Agriculture" on Schedule 'A1' (Land Use Plan) and "Hazard Lands" on Schedule 'A2' (Constraints Plan).

Policies: The policies of Section 4 and 2.1.7 of the Malahide Official Plan

### 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: The proposed retained farm lot will be placed into the "Agricultural (A2) Zone" zone. The "Agricultural (A2) Zone" zone requires a minimum lot frontage of 150m (492 feet). retained farm lot will be **142 m (465.8 feet)**.

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

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

- |   |         |         |
|---|---------|---------|
| 6. Does the Municipality foresee demand for new municipal services?                       | Yes ( ) | No (X)  |
| 7. If so, is the Municipality prepared to provide those services?                         | Yes ( ) | No (x ) |
| 8. Does the Municipality wish the Committee to impose conditions?                         | Yes (X) | No ( )  |
| 9. Does Council recommend the application?  | Yes (X) | No ( )  |
| 10. Does the municipality have other concerns that should be considered by the Committee? |         |         |

**From:** [Tony Difazio](#)  
**To:** [Dawn Wittland-Graham](#)  
**Subject:** RE: Notice of Application - E 92-21  
**Date:** December 3, 2021 1:35:48 PM

---

Hi Dawn,

The CCCA have no concerns with the above noted severance application.

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

Regards,

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

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

From: Dawn Wittland-Graham <[dwittlandgraham@ELGIN.ca](mailto:dwittlandgraham@ELGIN.ca)>  
Sent: November-25-21 12:48 PM  
To: Adam Betteridge <[ABetteridge@malahide.ca](mailto:ABetteridge@malahide.ca)>; Christine Strupat <[CStrupat@malahide.ca](mailto:CStrupat@malahide.ca)>; Brian Lima <[blima@ELGIN.ca](mailto:blima@ELGIN.ca)>; Tony Difazio <[planning@catfishcreek.ca](mailto:planning@catfishcreek.ca)>; [elginfarmers@gmail.com](mailto:elginfarmers@gmail.com)  
Cc: Nancy Pasato <[npasato@ELGIN.ca](mailto:npasato@ELGIN.ca)>; [rverhoog@whitecoad.com](mailto:rverhoog@whitecoad.com)  
Subject: Notice of Application - E 92-21

Good afternoon,

Please find attached the Notice of Application for E 92-21 for the Elgin County Land Division Committee meeting being held on December 15, 2021.

If you wish to provide comments on this application please submit them to Nancy Pasato ([npasato@elgin.ca](mailto:npasato@elgin.ca)), Acting Secretary-Treasurer by Tuesday, December 7, 2021 to be included in the agenda package and considered by the Land Division Committee.

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

450 Sunset Drive  
St. Thomas ON N5R 5V1  
(519)631-1460 Ext 183  
[dwittlandgraham@elgin.ca](mailto:dwittlandgraham@elgin.ca)

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 28, 2021 ELGIN COUNTY ROAD NO.: 48 - 49779 LYONS LINE

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 92-21

OWNER: Rockx Farms Ltd.

PROPERTY: LOT NO. Part Lot 11 CONCESSION: 11

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 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.*

X
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....

X
- 9) Lot Grading Plan is required for the severed lot.....
- 10) The County has no concerns.....
- 11) Not on County Road .....
- 12) Please provide me with a copy of your action on this application .....
- 13) Other...

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



BRIAN LIMA, P. ENG.  
DIRECTOR OF ENGINEERING SERVICES





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

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

**To:** Elgin County Land Division Committee  
**From:** Planning Division, County of Elgin  
**Date:** June 17, 2022  
**Application:** **E 92-21**

**Owner:**  
**Rockx Farms Ltd. c/o Wayne Rockx**  
163663 Brownsville Road, Brownsville

**Agent:**  
**Ryan E. Verhoog**

**Location:** Part of Lot 11, Concession 11, Geographic Township of Malahide

**PROPOSAL**

In December of 2021, the applicants were granted a consent to sever a lot with a frontage of 43 m by a depth of 67 m and an area of approximately 3,000 m<sup>2</sup>. The depth of 67 m was chosen by the applicants in order to correspond to the depth of an adjacent lot (thus creating a consistent rear lot line between the two lots). After the severance was granted by Committee, the applicant's surveyor noted an error in the initial measurement of the adjacent lot's depth, noting that it is at a depth of 62 m not the assumed (and approved) 67 m. As such, the applicant's solicitor has requested that Committee re-consider the application for consent at a depth of 63 m, with all other components of the application remaining the same.

**County of Elgin Official  
Plan**  
Agricultural

**Local Municipality Official  
Plan**  
Residential and Natural  
Hazard

**Local Municipality Zoning  
By-law**  
Agricultural (A1) Zone and  
Regulated Area

**REVIEW & ANALYSIS:**

No additional comments than those originally received at the time of the hearing of the application in December 2021. Further, the analysis contained in the staff report to Land Division Committee still stands.

Notwithstanding the above, as this is a new application and new decision under the Planning Act, the applicants were required to post notice of the application on the property, but no such notice was provided. As such, notice of the application under the Planning Act has not been fulfilled.

**RECOMMENDATION:**

Based on the above analysis it is recommended that the application be deferred until such time as the notice requirements of the Planning Act have been met.