



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

**AGENDA**

**For Wednesday, April 26, 2023, 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
  - 9:10 am E 8-23 Simona Rasanu – 13996 Whittaker Road, Township of Malahide
  - 9:20 am E 9-23 Maneesh Poddor – 8846 Homestead Road, Municipality of Dutton Dunwich
  - 9:30 am E 10-23 Jacob and Maria Neufeld – 23 Centre Street, Municipality of Bayham
  - 9:40 am E 11-23 Helen Button – 34690 Third Line, Township of Southwold
  - 9:50 am E 12-23 Cindy Knight – 20387 Pioneer Line, Municipality of West Elgin
  - 10:00 am E 13-23 David Roe – 51432 Wooleyville Line, Township of Malahide  
E 18-23
  - 10:10 am E 14-23 Ajimon E. Ouseph and Jeniya C. George –  
E 15-23 25361 Talbot Line, Municipality of West Elgin
  - 10:20 am E 16-23 David John Obar – 11643 Plank Road, Municipality of Bayham



10:30 am	E 17-23	Peter Littlejohn – Part of Lot 20, Concession 5, Municipality of Dutton Dunwich
10:40 am	E 19-23	Owen Cardwell Robert Johnson – 13941 Colley Road, Municipality of West Elgin
10:50 am	E 20-23	Wagler Homes Inc. – 53871 Church Street, Municipality of Bayham
11:00 am	E 2-23	Andrzej Szafran and Lina Mateus – 33402 First Line, Township of Southwold
11:10 am	E 95-22	Anthony Heibert – 56284 Heritage Line, Municipality of Bayham
11:20 am	E 1-23	Timothy VanLith – 21179 Clachan Road, Municipality of West Elgin

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

11<sup>th</sup> Adjournment

Please click the link below to watch the Committee Meeting:

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

**Accessible formats are available upon request.**

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

**Minutes**

**March 22, 2023**

County of Elgin Land Division Committee met this 22<sup>nd</sup> day of March, 2023. 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  
Dugald Aldred  
Dave Jenkins  
Tom Marks (electronic)  
John Seldon  
Bill Ungar

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

Paul Clarke, Planning Technician / Land Division Committee Secretary-Treasurer  
Marlene Bainbridge, Administrative Assistant

**1. CALL TO ORDER**

The meeting convened at 9:00 a.m.

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

None.

**3. ADOPTION OF MINUTES**

Moved by: Bill Ungar

Seconded by: John Andrews

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		

Dutton Dunwich	Ian Fleck	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Bayham	John Seldon	x		
<b>TOTAL</b>		7	0	

RESOLVED THAT the minutes of the meeting held on February 22, 2023 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 1-23 – 9:09 a.m.**  
**Timothy VanLith – 21179 Clachan Road**

The applicant proposes to sever a parcel with a frontage of 6.096 metres (20 feet) and a depth of 393.33 metres (1,290.45 feet) and an area of 12,140.6m<sup>2</sup> (3 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 969.17 metres (3,179.7 feet) and a depth of 969.17 metres (3,179.7 feet) and an area of 79.72ha (197 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: Representatives from J&M VanLith Farm Ltd and Lithville Farms Ltd were present

Agent: Timothy VanLith was present

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

Submission		Comments
1	Municipality of West Elgin	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	No Concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Dugald Aldred

Seconded by: John Andrews

RESOLVED THAT severance application E 1-23 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. That the applicants apply for, and be granted consent for the purposes of an easement for hydro lines on the proposed retained land.

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

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

4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed 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 (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
6. 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.
7. 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*.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

**Application E 2-23 – 9:28 a.m.**  
**Andrzej Szafran – 33402 First Line**

The applicant proposes to sever a parcel with a depth of 12.19 metres (40 feet) and an area of 565m<sup>2</sup> (0.14 acres) to be conveyed as an addition to an adjoining lot. The applicant is retaining a lot with an area of 15.67ha (38.7 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: None present  
Agent: None present

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

<b>Submission</b>		<b>Comments</b>
1	Township of Southwold	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	No Concerns

3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends deferral due to non-compliance with Planning Act notification requirements

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

Moved by: Bill Ungar  
Seconded by: John Andrews

RESOLVED THAT severance application E 2-23 be deferred to the April Land Division Committee meeting.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

**Application E 3-23 – 9:34 a.m.**  
**Logan Burnett – 52361 Nova Scotia Line**

The applicant proposes to sever a parcel with a frontage of 26.3m (77.43 feet) and a depth of 154 metres (505.25 feet) and an area of 0.5002 ha (1.236 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 104ha (257 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: None present  
Agent: None present

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

<b>Submission</b>		<b>Comments</b>
1	Township of Malahide	Recommends approval of the

		application subject to the conditions provided
2	Catfish Creek	No Concerns
3	Elgin County Engineering Services	Requests road widening.
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Tom Marks  
Seconded by: Dave Jenkins

RESOLVED THAT severance application E 3-23 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 18m from the centreline of construction of Nova Scotia Line County Road (42) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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

1. 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.
2. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. 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.
4. 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.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.

7. 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.
8. Confirmation that the three mobile home trailers existing on the subject lands, as shown on the submitted site plan, have been removed to the satisfaction of the Municipality prior to the condition being deemed fulfilled.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar		x	
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>6</b>	<b>1</b>	

- Motion Carried.

**Application E 4-23 – 9:43 a.m.**  
**Logan Burnett – 54190 Vienna Line**

The applicant proposes to sever a parcel with a frontage of 60.766m (200 feet) and an area of 0.4717 ha (1.17 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 20.7ha (51.15 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: None present  
 Agent: None present

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of Bayham	Recommends approval of the application subject to the conditions provided
2	Long Point Region	No concerns
3	Elgin County Engineering Services	No concerns.
4	Elgin County Planning Services	Recommends approval of the 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: Bill Ungar

RESOLVED THAT severance application E 4-23 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.

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

1. That the mobile home be removed from the severed parcel and the site condition restored to the satisfaction of the municipality.
2. That the proposed severed lands configuration be revised to maximum lot area of approximately 0.4 hectares in conformity with the Municipality of Bayham Official Plan policies for surplus farm dwellings where the lot is not to be larger than necessary to accommodate private water and sewer services.
3. That the oversized Quonset building/barn be removed completely and all debris removed and the site restored to the satisfaction of the municipality.
4. Rezoning of the severed lot from Agricultural (A1) to site-specific Rural Residential (RR-XX) zone, including permission for reduced minimum front yard setback for the existing dwelling.
5. Rezoning of the retained lands from Agricultural (A1) to Special Agricultural (A2) to prohibit new dwellings.
6. That the owner purchase a civic number for the retained land.
7. Planning report fee payable to the municipality.
8. Digital copy of the final survey provided to the municipality.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

**Application E 5-23 – 9:50 a.m.**  
**Logan Burnett – 55032 Vienna Line**

The applicant proposes to sever a parcel with a frontage of 66.8m (220 feet) and a and an area of 0.3959 ha (0.98 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 118.5ha (293 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: None present  
 Agent: None present

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

Submission		Comments
1	Municipality of Bayham	Recommends deferral pending OPA.
2	Catfish Creek	No Concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends deferral pending Bayham OPA.

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

Moved by: Dave Jenkins  
 Seconded by: Dugald Aldred

RESOLVED THAT severance application E 5-23 be deferred pending a requisite amendment to the Municipality of Bayham Official Plan.

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		

TOTAL	7	0	
-------	---	---	--

- Motion Carried.

**Application E 6-23 – 10:00 a.m.**

**Greg Battersby – 24365 Crinan Line**

The applicant proposes to sever a parcel with a frontage of 100m (328.08 feet) and a depth of 100 metres (328.08 feet) and an area of 10,000m<sup>2</sup> (2.47 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 19ha (46.95 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: None present

Agent: Greg Battersby attended virtually

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

Submission		Comments
1	Municipality of West Elgin	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	No Concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Dugald Aldred

Seconded by: Bill Ungar

RESOLVED THAT severance application E 6-23 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.

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



1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the severed and retained lands are transferred to the prospective purchaser 2707813 Ontario Inc. as outlined in the purchase agreement.
5. That the septic system assessment completed for the severed parcel, dated July 10, 2022 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
6. 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.
7. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
8. 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.
9. 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*.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

**Application E 91-22 – 10:08 a.m.**  
**Peter Mohan – 22300 Talbot Line**

The applicant proposes to sever a parcel with a frontage of 37.575 metres (123.28 feet) and a depth of 42.733 metres (140.20 feet) and an area of 1,465.432m<sup>2</sup> (0.36 acres) to create a new residential dwelling. The applicant is retaining a lot with a

frontage of 43.955 metres (144.21 feet) and a depth of 45.184 metres (148.24 feet) and an area of 2055.236m<sup>2</sup> (0.50 acres), proposed to remain in residential use.

This application was deferred by the Land Division Committee at the February 22nd meeting. The LDC requested the applicant amend the application to provide a wider access to the retained lot from Furnival Road. The applicant has amended the application and provided a new sketch which is consistent with what was requested by LDC and is now requesting approval of the amended application.

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: Peter Mohan attended virtually  
Agent:

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

Submission		Comments
1	Municipality of West Elgin	Recommends approval of the application subject to the conditions provided previously
2	Lower Thames Valley	No Concerns
3	Elgin County Engineering Services	Recommends approval, subject to conditions.
4	Elgin County Planning Services	Recommends approval of the 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: Dave Jenkins

RESOLVED THAT severance application E 91-22 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 the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.

5. Lot Grading Plan is required for the severed lot.
6. No additional or expansion of existing property entrance apron will be permitted within the County road allowance.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction and clearance of the Municipality.
6. That the applicant install a new municipal water connection to the severed parcel at the applicant's expense and to the satisfaction of the Municipality;
7. That the applicant make application for a new access to the severed parcel. Any improvements required as a result of the new access shall be at the applicant's expense;
8. 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.
9. 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*.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	

- Motion Carried.

## 10. ADJOURNMENT

Moved by: Bill Ungar

Seconded by: John Andrews

RESOLVED THAT the Committee adjourn at 10:12 am on March 22, 2023 to meet again at 9:00am on April 26, 2023.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	x		
Bayham	John Seldon	x		
Southwold	John Andrews	x		
Central Elgin	Tom Marks	x		
Aylmer	Bill Ungar	x		
Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		7	0	

- Motion Carried.

---

Paul Clarke  
Secretary-Treasurer

---

John "Ian" Fleck  
Chair



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 8-23**

**SOUTH HALF OF LOT 6, CONCESSION 9  
TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 13996 WHITTAKER ROAD**

**TAKE NOTICE that** an application has been made by Simona Rasanu, 301-1599 Adelaide Street North, London, ON N5X 4E8 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 13996 Whittaker Road.

The applicant proposes to sever a parcel with a frontage of 324.5m (1,064.63 feet) and a depth of 614.55 metres (2016.24 feet) and an area of 20.2ha (50 acres) to create a new agricultural parcel. The applicant is retaining a lot with an area of 22.9ha (57 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:

**APRIL 26, 2023 AT 9:10 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

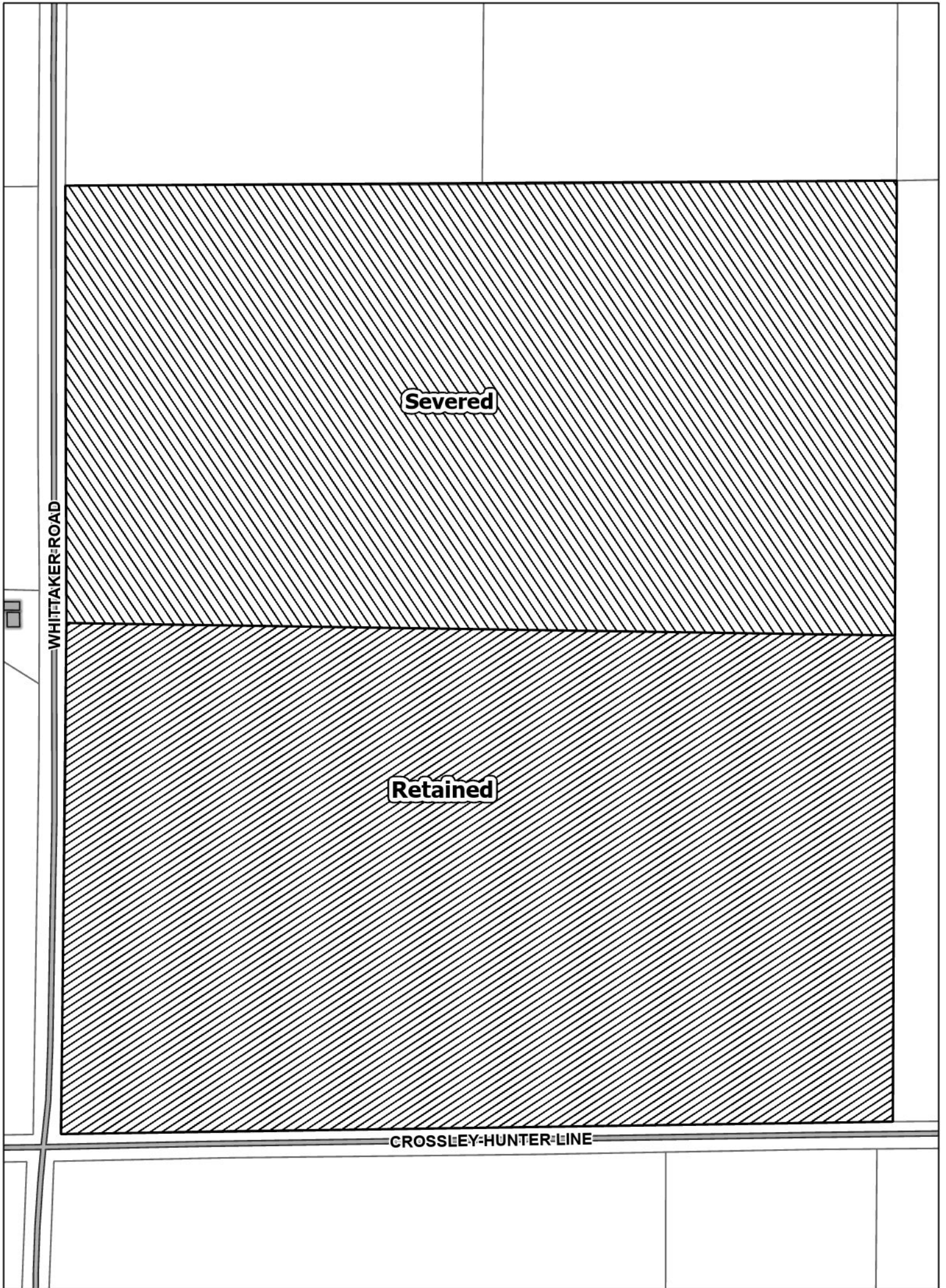
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 8<sup>th</sup> day of March, 2023.

Paul Clarke  
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)

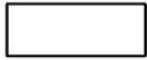

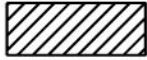




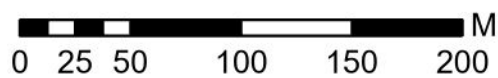
## Location Map

Subject Site: 13996 Whittaker Road  
 File Number: E 8-23  
 Owner: Joelle Giret, Collen Giret and Jeremy Giret  
 Planner: Unknown  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Township of Malahide



### Legend

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







**Severed**

**Retained**

WHITTAKER ROAD

CROSSLEY-HUNTER LINE



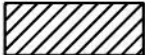


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario, Elgin County, Maxar, Microsoft

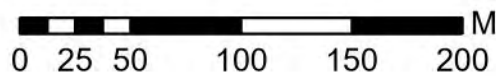
## Location Map

Subject Site: 13996 Whittaker Road  
 File Number: E 8-23  
 Owner: Joelle Giret, Collen Giret and Jeremy Giret  
 Planner: Unknown  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Township of Malahide



### Legend

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







## Report to Council

---

**REPORT NO.:** DS-23-05

**DATE:** March 16, 2023

**ATTACHMENT:** Report Photo, Severance Sketch, Application, By-law

**SUBJECT:** **APPLICATION FOR CONSENT TO SEVER NO. D10-E8-23 AND ASSOCIATED APPLICATION FOR ZONING BY-LAW AMENDMENT NO. D14-Z01-23 OF JOELLE GIRET, COLLEEN GIRET, & JEREMY GIRET C/O STRIK, BALDINELLI, MONIZ LTD.**

**LOCATION:** Concession 9 South, Part Lot 6, Geographic Township of Malahide (13996 Whittaker Road)

---

### Recommendation:

**THAT Report No. DS-23-05 entitled “Application for Consent to Sever No. D10-E8-23 and associated Application for Zoning By-law Amendment No. D14-Z01-23 OF Joelle Giret, Colleen Giret, & Jeremy Giret c/o Strik, Baldinelli, Moniz Ltd.” be received;**

**AND THAT the Application for Consent to Sever No. D10-E8-23 relating to the property located at Concession 9 S, Part Lot 6, and known municipally as 13996 Whittaker Road, 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;**

**AND THAT the Zoning By-law Amendment Application No. D14-Z01-23 relating to the property located at Concession 9 S, Part Lot 6, and known municipally as 13996 Whittaker Road, BE APPROVED for the reasons set out in this Report.**

**AND THAT Council withholds the passing of the By-law until such time that a Notice of Decision from the County of Elgin approving the associated Consent Application has been received to the satisfaction of the Township of Malahide.**



## **Background:**

The subject Consent to Sever and Zoning By-law Amendment Applications (the “Applications”) have been submitted by Simona Rasanu of Strik, Baldinelli, Moniz Ltd., on behalf of Joelle Giret, Colleen Giret, & Jeremy Giret.

The Applications relate to the property located at Concession 9 S Part Lot 6, and known municipally as 13996 Whittaker Road.

Notice of the Applications have been circulated to agencies and registered property owners as prescribed and regulated by the Planning Act, RSO 1990, and the Malahide Official Plan, including posting notice in two recent issues of the Aylmer Express.

## **Comments/Analysis:**

The subject property is approximately 43.2 hectares (106.6 acres) in area, and has approximately 612.6 metres of frontage along Crossley-Hunter Rd and 703.8 m of frontage on Whittaker Road. The subject lands are currently vacant and are used for agricultural uses, specifically field crop production. The Catfish Creek Drain crosses through the southwest corner of the subject lands.

Based on the information provided by the applicant, the subject property is currently owned by three separate owners. The intent of the proposed consent is to sever the subject lands into two equal parcels with two owners owning the severed parcel and the third owner maintaining ownership of the retained parcel.

The proposed severed parcel comprises an area of approximately 20.2 hectares with 324.5 metres of frontage on Whittaker Road. The proposed retained parcel comprises an area of approximately 22.9 hectares with approximately 379.3 metres of frontage on Whittaker Road. Both properties are proposed to continue to be used for agricultural purposes. The severed parcel is proposed to continue to be used for field crop production, while the retained parcel is to be used for a combination of crop production and the raising of livestock. No buildings or structures are proposed at this time.

## **Provincial Policy Statement (PPS)**

The PPS permits the creation of new lots for agricultural uses, provided the lots are of a size that is appropriate for the type of agricultural uses common in the area and are of a suitable size to ensure flexibility of agricultural operations. The proposed lots would be of a size that is consistent with numerous other farm parcels in the area and would meet the minimum lot and frontage requirements of the A1 zone proposed to be applied to the property. Both the severed and retained lot would continue to be used for agricultural purposes, specifically field crop production and the raising of livestock.

The subject lands are located on the adjacent lands of a natural heritage feature. The PPS does not permit development and site alteration on adjacent lands to natural heritage features unless it has been demonstrated that there will be no negative impacts. Given that the purpose of the proposed severance is to split an agricultural lot and no new uses or buildings are proposed, it is not anticipated that there would be any impact of the proposed lot creation on adjacent natural heritage features.

## **County of Elgin Official Plan**

The subject lands are designated as 'Agriculture' under the County of Elgin Official Plan. This designation permits a range of agricultural uses. The proposed severed and retained parcels are proposed to continue to be used for the agricultural purposes, primarily crop production and the raising of livestock.

The County Official Plan permits the creation of new agricultural lots provided the proposed severed and retained lots each have a lot area of generally 40 hectares or meet the lot area requirements of the local Official Plan (Section E1.2.3.4). The Malahide Official Plan contains separate requirements for agricultural lot sizes and is discussed further in this report, below. The proposed Zoning By-law Amendment would rezone the property from the A3 zone to the A1 zone to allow for the creation of a parcel that has a minimum lot area of 20 hectares and would meet all of the zoning requirements of the A1 zone, including lot area and frontage.

The subject lands are located on the adjacent lands of a designated 'Significant Woodland'. The Official Plan does not permit development and site alteration on adjacent lands to natural heritage features unless it has been demonstrated that there will be no negative impacts. Given that the purpose of the proposed severance is to split an agricultural lot and no new uses or buildings are proposed, it is not anticipated that there would be any impact of the proposed lot creation on adjacent natural heritage features.

## **Malahide Official Plan**

The subject property is designated 'Agriculture', on Schedule 'A'; - Land Use Plan. This designation permits a range of agricultural uses. The Official Plan does not contain minimum lot area requirements for agricultural lots, but directs that these requirements will be stipulated in the Zoning By-law (Section 2.1.6). The Official Plan allows for agricultural lots to be created that deviate from the minimum lot size prescribed in the Zoning By-law provided both the severed and retained lots shall be for agricultural uses; the lots are of a size appropriate for the type of agricultural uses common in the area; the size of the parcels are sufficiently large to permit making changes to the type of farming; compliance with the M.D.S. formula I; and that both parcels are viable agricultural units (Section 2.1.6).

The size of the proposed severed and retained lots would be consistent with other parcels zoned A1 in the surrounding area and would be of a size that would be able to accommodate the proposed agricultural uses including crop production and the raising of livestock. The application would comply with Minimum Distance Separation requirements.

A portion of the subject lands around the Catfish Creek Drain are designated as 'Hazard Lands'. Development is not permitted on Hazard Lands within approval of the conservation authority. No buildings or structures, or uses other than those existing are proposed. It is noted that any future development or site alteration within the Hazard Lands would require approval from the Conservation Authority.

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

The subject property is within the “Large Lot Agricultural (A3) Zone” on Key Map 15 of Schedule “A” to the Township’s Zoning By-law No. 18-22, and a portion of the subject property is identified as “Hazard Lands”. The proposed Zoning By-law Amendment would rezone the proposed severed and retained parcel to ‘General Agriculture (A1)’ to allow for parcels to be created that have a minimum lot area of 20 hectares, where the A3 zone requires a minimum lot area of 40 hectares but otherwise the A1 and A3 zone have identical zoning standards. The severed and retained parcels would comply with the other requirements of the A1 zone.

### **Public/Agency Comments Received**

Notice of Public Meeting was given in accordance with Planning Act regulations. As of the date of writing this report, the following has been received:

- The Catfish Creek Conservation Authority (CCCA) has commented on the applications (dated February 24, 2023) and has not raised any concerns.

There have been no additional comments received from the general public as of the date of writing this report.

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

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

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

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

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

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, Consulting Planner for the Township	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

Approved by:
Adam Betteridge, Chief Administrative Officer

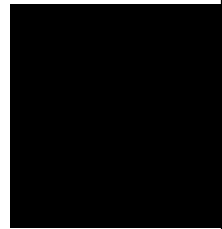
**APPLICATION FOR A CONSENT TO SEVER**

**Owners: Joelle Giret, Colleen Giret, and Jeremy Giret**

**Authorized Agent: Simona Rasanu (c/o Strik, Baldinelli, Moniz Ltd.)**

13996 Whittaker Road  
Concession 9 S, Part Lot 6  
Township of Malahide

**Township  
of Malahide  
Figure 1**

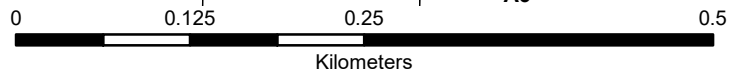


OFFICIAL PLAN DESIGNATION  
Agriculture

ZONING  
A3 Large Lot Agricultural

 Severed Lands

 Retained Lands





March 17, 2023

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

Dear Committee Members:

**RE: Land Severance Application E8-23 - Joelle Giret, Colleen Giret, & Jeremy Giret (Simona Rasanu (c/o Strik, Baldinelli, Moniz Ltd.)) - 13996 Whittaker Road, Concession 9 South, Part Lot 6**

The Malahide Township Council passed the following Resolutions on March 16, 2023:

THAT the Malahide Township Council has no objection to the Land Severance No. E8-23 in the name of Joelle Giret, Colleen Giret, & Jeremy Giret, relating to the property located Concession 9 South, Part Lot 6, Township of Malahide, subject to the following conditions:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
4. 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.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

We enclose Municipal Appraisal together with Municipal Report DS-23-05 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

A handwritten signature in black ink that reads "A Adams". The signature is written in a cursive, slightly slanted style.

ALLISON ADAMS, – H.BA Political Science, AMP  
Manager of Legislative Services/Clerk

Copy – Dave Jenkins  
Joelle Giret, Colleen Giret, & Jeremy Giret  
Simona Rasanu (c/o Strik, Baldinelli, Moniz Ltd.)

## Paul Clarke

---

**From:** Gerrit Kremers <planning@catfishcreek.ca>  
**Sent:** February 16, 2023 1:38 PM  
**To:** Paul Clarke; Land Division  
**Subject:** RE: Notices of Application - March 22 LDC

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,

CCCA has no comments or concerns with the above note application at this time.

Thank You,



**Gerrit Kremers**  
Resource Planning Coordinator  
planning@catfishcreek.ca  
519-773-9037  
Catfish Creek Conservation Authority  
8079 Springwater Rd.  
Aylmer, ON N5H 2R4

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** February-16-23 12:12 PM  
**To:** Gerrit Kremers <planning@catfishcreek.ca>  
**Subject:** Notices of Application - March 22 LDC

Good morning,

Please see the attached notices for consent applications scheduled to be heard by LDC at the March 22<sup>nd</sup> meeting.

If you wish to provide comments on this application please submit them no later than EOD **Tuesday, March 14, 2023** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

-

**Paul Clarke, CPT**





**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 8-23

**Owner:**  
**Joelle Giret, Colleen Giret and Jeremy Giret**

**Agent:**  
**Simona Rasanu**  
301-1599 Adelaide Street North,  
London, ON N5X 4E8

**Location:** South Half of Lot 6, Concession 9. Municipally known as 13996 Whittaker Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 324.5m (1,064.63 feet) and a depth of 614.55 metres (2016.24 feet) and an area of 20.2ha (50 acres) to create a new agricultural parcel. The applicant is retaining a lot with an area of 22.9ha (57 acres), proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Catfish Creek Conservation Authority* – No concerns.

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 giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is requesting consent to sever an existing farm parcel to create two (2) new farm lots. The severed lot is proposed to have an area of approximately 20 hectares while the retained lot will have an area of approximately 23 hectares. The current parcel is owned

by three people, this severance will result in one parcel being transferred to the ownership of two of the current owners and the retained parcel will be owned by the remaining party.

The PPS permits lot creation in the agricultural area for agricultural uses:

- 2.3.4.1 *Lot creation in prime agricultural areas is discouraged and may only be permitted for:*
- a) *Agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain the flexibility for future changes in the type or size of agricultural operations.*

#### County of Elgin Official Plan

County Staff has examined the application in relation to the policies outlined in the County of Elgin Official Plan (CEOP) and determined that it adheres to them. The subject lands have been designated as an Agricultural Area in the CEOP. The Official Plan allows consents in the agricultural area to create new agricultural lots, subject to the general criteria of Section E1.2.3.1 and the policies of Section 1.2.3.4:

*In accordance with the intent of this 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:*

- a) *the lot is to be severed to create a new farm lot and both the retained and severe parcel each have a lot area of about 40 hectares; or as established in the local planning documents or,*

The proposed severance will result in two new agricultural parcels with an area of approximately 20 hectares, a 50% reduction from the requirement of Section E1.2.3.4. However, the Malahide Official Plan permits lot creation for agricultural use with a minimum lot size of 20 hectares. Therefore, the proposed severance conforms to the CEOP policies.

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

Staff have reviewed the application against the policies of the Township of Malahide 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. The proposed severance meets the policies of the Malahide Official Plan. Township staff are proposing a condition which would rezone the severed and retained parcels to General Agriculture (A1) which has a minimum lot area of 20 hectares.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Township of Malahide Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
4. 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.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 9-23**

**CONCESSION 8 S PT LOT B PART 1 ON 11R-3279  
CONCESSION 8 PART OF LOT B CONCESSION 9 PART OF LOTS B AND C  
MUNICIPALITY OF DUTTON DUNWICH  
MUNICIPAL ADDRESS: 8846 HOMESTEAD ROAD**

**TAKE NOTICE that** an application has been made by Maneesh Poddar, 301-1599 Adelaide Street North, London, ON N5X 4E8 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8846 Homestead Road.

The applicant proposes a lot boundary adjustment that will result in the merging of a 2.8ha (6.9 acres) with a 28.1ha (70 acre) parcel, and the subsequent creation of a new parcel with an area of 1.4ha (3.46 acres) with frontage on Iona Road. This lot boundary adjustment will not result in the creation of any additional parcels.

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:

**APRIL 26, 2023 AT 9:20 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

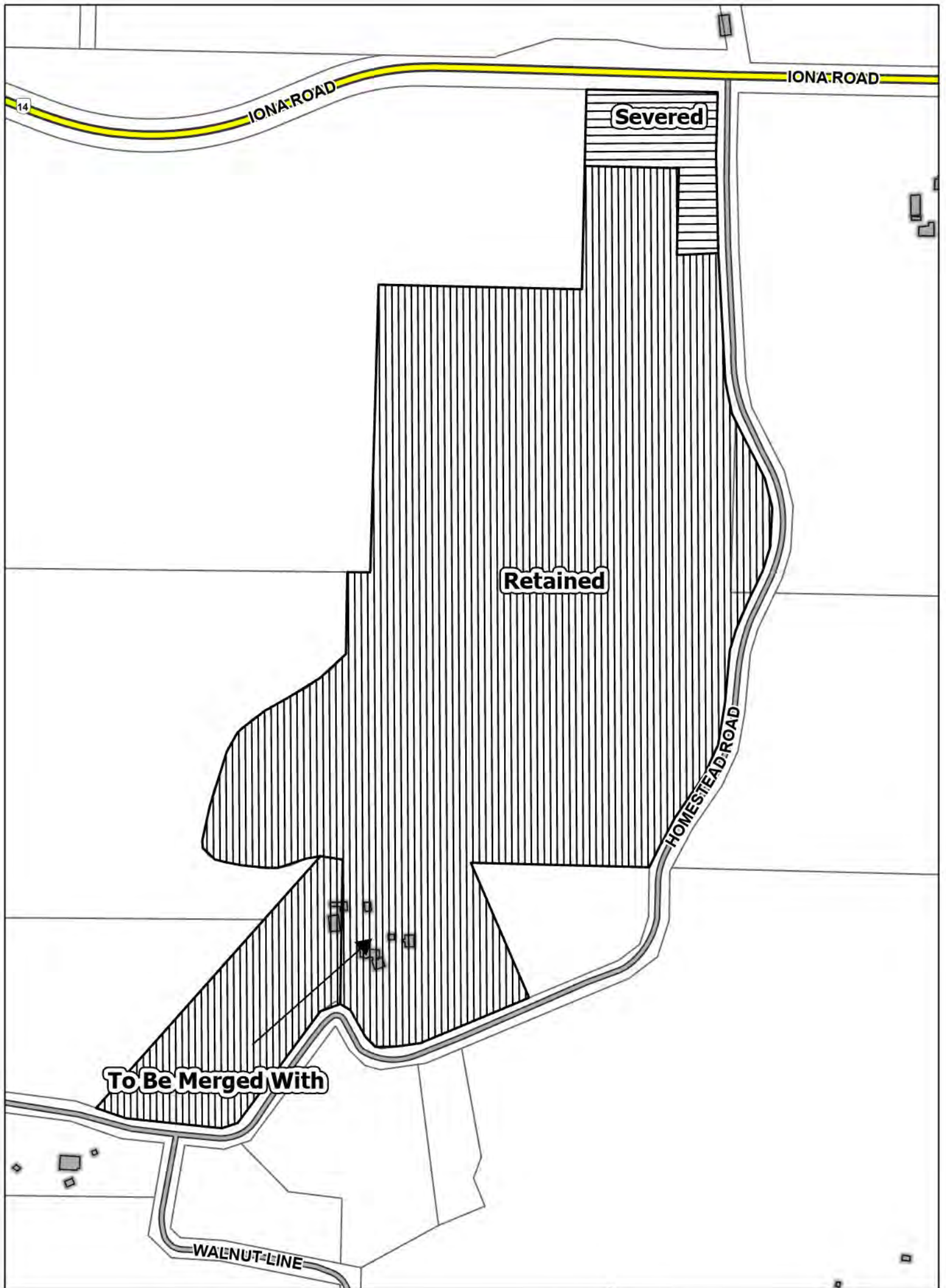
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 8<sup>th</sup> day of March, 2023.

Paul Clarke  
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)








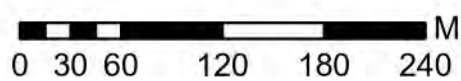
## Location Map

Subject Site: 8846 Homestead Road  
 File Number: E 9-23  
 Owner: Robert Cole and Crystal Lukings  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Municipality of Dutton Dunwich



### Legend

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



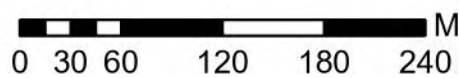








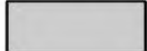
# Location Map

Subject Site: 8846 Homestead Road  
 File Number: E 9-23  
 Owner: Robert Cole and Crystal Lukings  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Municipality of Dutton Dunwich

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



## Legend

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



## Paul Clarke

---

**From:** Tracey Pillon-Abbs <Planning@duttondunwich.on.ca>  
**Sent:** April 12, 2023 7:36 PM  
**To:** Paul Clarke  
**Cc:** Paul Hicks; Tracy Johnson; Tara Kretschmer  
**Subject:** E 9 23

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 Paul C.

I took a report to council on the above-noted severance application with the recommended conditions.

Council attempted both a motion to approve and a motion to not approve the conditions, and both motions failed.

So, I have nothing to submit to you for the LDC hearing.

Do you need anything further from me? Has this ever happened before with another municipality?

Thanks,

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



**199 Currie Road  
Dutton, Ontario N0L 1J0  
T 519.762.2204 x27 F 519.762.2278**

[www.duttondunwich.on.ca](http://www.duttondunwich.on.ca)  
[twitter @DuttonDunwich](https://twitter.com/DuttonDunwich)

**If you have any accommodation needs or require communication supports or alternate formats, please let me know.**

March 22, 2023

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

Attn: **Paul Hicks**

Re: **Consent Application (E 9-23)**  
**8846 Homestead Road (Poddar)**  
**Part Lot B Part 1; Concession 8 S**  
**Part Lot B; Concession 8**  
**Part Lots B & C; Concession 9**  
**Municipality of Dutton Dunwich**

Please be advised that the above-mentioned application has been reviewed by this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, 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 is the Talbot Creek / Casey Drain, its associated ravine systems, stable slopes and erosion.

An application from this office is required prior to any works/construction taking place within the regulated area. The upper table lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the upper table lands for this 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 watercourse / drain and its associated ravine systems 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  
Planner





**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 9-23

**Owner:**  
**Robert Cole Lukings and Crystal Lukings**  
8846 Homestead Road, Iona Station, ON N0L  
1P0

**Agent:**  
**Maneesh Poddar**  
301-1599 Adelaide Street North,  
London, ON N5X 4E8

**Location:** Concession 8 S, Part of Lot B, Part 1 on 11R-3279. Concession 8, Part of Lot B,  
Concession 9, Part of Lots B and C. Municipally known as 8846 Homestead Road.

**PROPOSAL**

The applicant proposes a lot boundary adjustment that will result in the merging of a 2.8ha (6.9 acres) with a 28.1ha (70 acre) parcel, and the subsequent creation of a new parcel with an area of 1.6ha (3.93 acres) with frontage on Iona Road. This lot boundary adjustment will not result in the creation of any additional parcels.

Please note that the applicant has amended the application to increase the lot area from 1.4ha to 1.6ha to reflect a draft reference plan that was prepared by an OLS. Due to the minor nature of the change, and the fact that the planning merits are unaffected by the amendment, planning staff and County legal services are of the opinion that recirculation of notice was not required in advance of the April 26 meeting date.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

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

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

Municipality of Dutton Dunwich – No comments received.

*County Engineering* – No concerns.

*Catfish Creek Conservation Authority* – No concerns.

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



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

RECOMMENDATION:

A resolution was presented to Dutton Dunwich Council at the April 12 meeting; however, motions to make recommendations to the LDC failed. As no recommendations or conditions have been received in time for the April 26 LDC meeting date, staff are recommending this application be deferred so it can be brought back to Dutton Dunwich council for further consideration.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 10-23**

**LOT 10 ON REGISTERED PLAN No. 54  
MUNICIPALITY OF BAYHAM  
MUNICIPAL ADDRESS: 23 CENTRE STREET**

**TAKE NOTICE that** an application has been made by Jacob and Maria Neufeld, 23 Centre Street, Vienna, ON N0J 1Z0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 23 Centre Street.

The applicant proposes to sever a parcel with a frontage of 22.41m (73.52 feet) and a depth of 59.95 metres (196.7 feet) and an area of 1,028.6m<sup>2</sup> (0.25 acres) to create a new residential lot. The applicant is retaining a lot with an area of 4,833.7m<sup>2</sup> (1.20 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:

**APRIL 26, 2023 AT 9:30 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

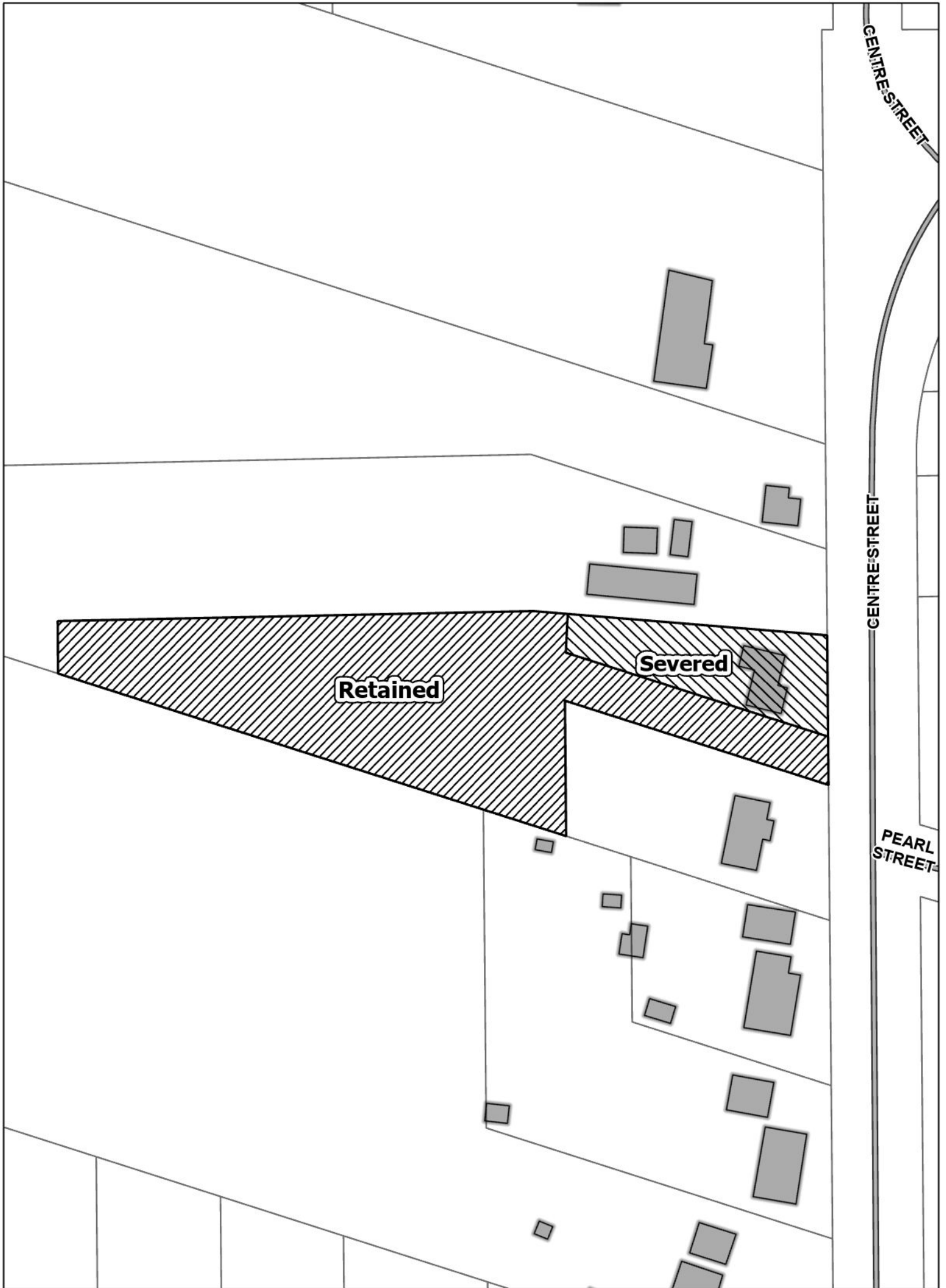
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 8<sup>th</sup> day of March, 2023.

Paul Clarke  
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)

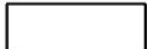






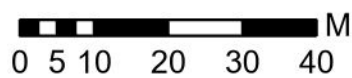
## Location Map

Subject Site: 23 Centre Street  
 File Number: E 10-23  
 Owner: Jacob Neufeld and Maria Neufeld  
 Planner: Unknown  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Municipality of Bayham



### Legend

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









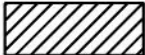


Mimistry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

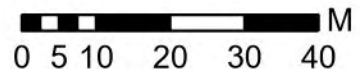
# Location Map

Subject Site: 23 Centre Street  
 File Number: E 10-23  
 Owner: Jacob Neufeld and Maria Neufeld  
 Planner: Unknown  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Municipality of Bayham



## Legend

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





Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

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

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



April 11, 2023

Paul Clarke, Secretary-Treasurer  
Elgin County Land Division Committee  
450 Sunset Drive  
St. Thomas ON N5R 5V1

**EMAIL ONLY**

Dear Mr. Clarke

**Re: Application for Consent No. E10-23 Neufeld**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the April 6, 2023 meeting:

**THAT** Report DS-18/23 regarding Consent Application E10-23 Neufeld, be received for information;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E10-23 be granted subject to the following conditions and considerations:

1. Install a municipal water connection to the retained parcel at the applicant's cost for all permits and installation requirements
2. Install a municipal sanitary sewer connection to the retained parcel at the applicants' cost for all permits and installation requirements
3. Provide engineered storm water management, drainage and grading plans to the satisfaction of the Municipality
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Centre Street Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality 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.
5. Obtain a municipal Road Access Permit for the installation of a driveway to the retained lands
6. Provide Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053
7. Provide the Planning Report fee payable to the Municipality
8. Provide a digital copy of the registered plan of survey

Municipal Appraisal Sheet and Staff Report DS-18/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill,  
Planning Coordinator|Deputy Clerk  
D09.NEUF

Cc: J. Neufeld (email)

## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 10-23 \_\_\_\_\_

Applicant Jacob and Maria Neufeld \_\_\_\_\_

Location Bayham – 23 Centre Street, Vienna \_\_\_\_\_

### PART 1 - OFFICIAL PLAN

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

Land Use Designation: RESIDENTIAL

Policies: Sections 4.2.4 and 4.5.2.8

---

### 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 ( X ) | No ( ) |

Comments: Zoning: Village Residential (R1) Zone

Rezoning not required

- 
- |  |         |        |
|--|---------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes ( ) | 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 ( X ) | No ( ) |
| 7. If so, is the Municipality prepared to provide those services?                         | Yes ( X ) | No ( ) |
| 8. Does the Municipality wish the Committee to impose conditions?                         | Yes ( X ) | No ( ) |
| 9. Does Council recommend the application?  | Yes ( X ) | No ( ) |
| 10. Does the municipality have other concerns that should be considered by the Committee? |           |        |

See Letter attached with listed conditions.

See Staff Report DS-18/23 considered at Council meeting scheduled for April 6, 2023.

4.2.3.5 Any proposals to redesignate lands from employment uses to residential uses, will only be considered during a comprehensive Official Plan Review and based on employment land needs projections.

4.2.4 **Intensification and Redevelopment**

4.2.4.1 The Municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services.

4.2.4.2 Targets for residential densities will be outlined in the individual land use designations. Residential intensification and redevelopment is subject to the following policies:

- a) The permitted forms of residential intensification and redevelopment shall only be permitted in those areas designated as “Hamlets” and “Villages” and will be permitted based on the level of water and wastewater servicing that is available in the specific settlement areas.
- b) Residential intensification and redevelopment may take the form of dwelling conversion, street infilling, rear yard infilling, and infill subdivisions.
- c) Residential intensification and redevelopment may only occur to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Municipality to satisfy the proposed water supply and wastewater disposal systems.
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in the Official Plan, the Municipality will ensure that:
  - 1. For dwelling conversions, the exterior design of the dwelling is consistent with the surrounding area in terms of height, bulk, scale, and layout;
  - 2. For street infilling, the proposal is consistent with Subsection 4.4.2.4 a), and with the established building line and setbacks of the surrounding area.
  - 3. For rear yard infilling, the proposal is consistent with subsection 4.4.2.4. a); the siting of buildings and parking areas minimizes the



impacts on neighbouring rear yards; direct vehicular access is provided to a public street with sufficient width to allow efficient vehicular use, on-site snow storage, and access and turn-around by emergency vehicles.

4. For infill subdivisions, the proposal is consistent with subsections 4.4.2.4. a) and c); and measures will be undertaken through a subdivision agreement, to buffer and screen the development from surrounding residential uses.

4.2.4.3 Proposals for residential intensification and redevelopment will not be supported if it is determined that the proposal cannot satisfy the above criteria, or would present a threat to public health and safety both on and off site.

#### 4.2.5 **Community Design**

The Municipality shall encourage development and redevelopment of lands, buildings, streets, and public spaces applying community design excellence, contributing to the quality of place for Bayham's residents. The following policies relate to the physical design of communities, including plans of subdivision, infill development proposals, and site plans. Through the development review process for all planning applications the Municipality shall:

- a) Ensure that new development is designed in keeping with the traditional character of Settlement Areas, in a manner that preserves the traditional image and enhances the sense of place in the Municipality;
- b) Promote efficient and cost-effective development buildings, landscapes and circulation design patterns that minimize land consumption;
- c) Promote improvement of the physical character, appearance and safety of streetscapes, public spaces, and parks;
- d) Encourage tree retention and/or tree replacement on private and public lands.
- e) Encourage design that considers and integrates existing and traditional street patterns and neighbourhood structure;
- f) Encourage a high quality of architecture and site design for institutional uses such as schools, places of worship, libraries and other public service

- 4.5.2.4 All such uses should comply with the applicable regulations for the use as prescribed by the Zoning By-law. As a general rule, no more than two similar complementary uses shall be situated within a two-block radius of each other.
- 4.5.2.5 Home occupations may be permitted if they are clearly secondary to a residential use, and comply with the standards and regulations as prescribed by the Zoning By-law.
- 4.5.2.6 In order to maintain and strengthen the development of the “Commercial” designation and in order to maintain the character of areas designated “Residential”, the establishment of commercial uses will not be permitted (with the exception of those described in subsection 4.5.2.3) in the “Residential” designation.
- 4.5.2.7 Neighbourhood parks, playgrounds and other public open space areas that serve residential needs and complement the character of the “Residential” areas shall be permitted in accordance with Section 4.5.8 provided they comply with the standards and regulations of the Zoning By-law.
- 4.5.2.8 Proposals for new single unit and two unit dwellings in the designated “Residential” areas shall meet the following criteria:
- a) Lot frontage, depth and size: The lot frontage, lot depth, and lot size of any lots proposed to be used or created for residential purposes shall be appropriate to the development being proposed and consistent, wherever desirable and feasible, to adjacent and surrounding lots. In no case shall lots be created or dwelling units constructed which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.
  - b) Natural features: Natural site features including vegetation, tree cover, and topography shall be protected, enhanced, and incorporated into the design of the proposed development to the greatest extent possible.
  - c) Design: Innovative housing design and site layout including energy-saving measures will be encouraged. To achieve energy savings, particular regard shall be had to building form and size, density, lot and building orientation, and on-site landscaping.
  - d) Open space: Open space including parkland shall be provided in accordance with the policies of Section 4.5.8.

- e) Adjacent and surrounding land use: The proposed development shall be compatible with existing (or proposed) neighbouring land uses. Where necessary or desirable, the proposed development shall be adequately screened from adjacent land uses by the provision of landscaping and/or buffering.
- f) Facilities and services: Existing or proposed municipal services (including potable water supply, sanitary sewage treatment and disposal, solid waste disposal, storm and surface drainage, roads, sidewalks, and street lighting) shall be adequate to serve the proposed development. If these services or facilities are deemed inadequate, the Municipality may require that an agreement be entered into with the developer as to the design and cost apportionment of any public works required to bring these services or facilities up to the appropriate standard.
- g) Storm drainage: Adequate provision for stormwater management/drainage and surface runoff subject to the requirements of the Municipality, and the statutory approval authority having jurisdiction, shall be provided. Where in the opinion of the Municipality it is deemed necessary or desirable, the Municipality may require the submission of a grading plan and/or stormwater management plan to ensure surface water runoff does not adversely affect neighbouring properties or receiving watercourses.
- h) Vehicular access: Vehicular access shall be available or made available from a public highway or public street of reasonable construction and maintenance to permit year round access and shall be subject to the approval of the authority(ies) having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection. In new residential subdivisions, the use of a curvilinear street pattern, cul-de-sacs, and other similar design features to minimize through traffic movements shall be encouraged.
- i) The Planning Act: In the case of a residential subdivision, all matters contained within Section 50 and 51 of the Planning Act as amended or revised from time to time shall be complied with.

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

**10.1 Permitted Uses**

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

- Single-detached dwelling or single-detached seasonal dwelling;
- Converted dwelling to a maximum of two (2) units;
- Semi-detached dwelling;
- Duplex dwelling;
- Group home;
- Home occupation;
- Bed and Breakfast Lodging or Tourist Home;
- Accessory uses.

**10.2 Permitted Buildings and Structures**

- Z751-2022** One dwelling on one lot or one or two units of a semi-detached dwelling on one lot;
- Accessory buildings and structures to the permitted uses.

**10.3 Minimum Lot Area**

- Vienna, Port Burwell: 800 m<sup>2</sup>, or 1390 m<sup>2</sup> where no public water supply or sanitary sewage disposal service are available
- Z698-2020** Straffordville: 900 m<sup>2</sup>, or 1390 m<sup>2</sup> where no sanitary sewage disposal service are available
- Z751-2022** Semi-detached dwelling unit:  
400 m<sup>2</sup>, or 695 m<sup>2</sup> where no public water supply or sanitary sewage disposal service are available

**10.4 Minimum Lot Frontage**

- Z698-2020** Public Water Supply and Sanitary Sewage Disposal Service: 15.0 metres  
for an internal lot and 18.0 metres for a corner lot.
- Partially Serviced: 20 metres
- Z751-2022** Semi-detached Dwellings:  
10 metres for an internal lot and 13.0 metres for a corner lot

10.5 **Maximum Building Height** Z751-2022  
7.0 metres

10.6 **Maximum Building Coverage**  
30%

10.7 **Minimum Floor Area** Z698-2020

10.8 **Minimum Front Yard Depth**  
7.0m

10.9 **Minimum Side Yard Width**

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

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

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

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

10.10 **Minimum Rear Yard Depth**  
7.0 metres

10.11 **Regulations for Accessory Buildings**

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

- Z556-2008 a) No accessory building shall be located within 6.0 metres of a public street;
- b) Maximum Height: 4.5 metres;
- Z751-2022 c) Maximum Floor Area: 75 m<sup>2</sup> or 8% lot coverage, whichever is less.

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

10.12.1

10.12.1.1 **Defined Area**  
R1-1 as shown on Schedule "H" to this By-law.

10.12.1.2 **Minimum Lot Area**  
2.5 hectares.

10.12.1.3 **Minimum Lot Frontage**  
Notwithstanding any other provisions of this By-law, as now or hereafter amended,





# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council  
**FROM:** Margaret Underhill, Planning Coordinator/Deputy Clerk  
**DATE:** April 6, 2023  
**REPORT:** DS-18/23 **FILE NO. C-07 / D09.23NEUF**  
**Roll # 3401-004-001-21100**

---

**SUBJECT:** Consent Application E10-23 Neufeld, J & M  
23 Centre Street, Vienna

---

### BACKGROUND:

Consent application E10-23 was received from the Elgin County Land Division Committee, as submitted by Jacob and Maria Neufeld, proposing to sever 1028.6 sq. m. (0.25 ac) parcel of land and retain 4833.7 sq. m. (1.19 ac) of land with the intent to create a lot.

The subject lands are designated "Residential" as per Schedule 'C' Vienna Land Use and Constraints in the Official Plan and zoned as Village Residential 1 (R1) as per Schedule "H" - Vienna in the Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on April 26, 2023.

### DISCUSSION:

The Owner will be required to connect to municipal sewers and water services as both are available at the frontage along Centre Street. The property is also assessed to the Centre Street Drain and maintenance schedule reapportionment will be required.

The planner's memorandum, dated March 29, 2023, analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

Staff and planner recommend Council's support of the application E10-23 with the recommended conditions to permit the severance to create a new lot in the settlement area of Vienna.

### ATTACHMENTS

1. Consent Application E10-23

2. Aerial Map – 23 Centre Street
3. IBI Memorandum dated March 29, 2023

## RECOMMENDATION

**THAT** Report DS-18/23 regarding Consent Application E10-23 Neufeld, be received for information;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E10-23 be granted subject to the following conditions and considerations:

1. Install a municipal water connection to the retained parcel at the applicant's cost for all permits and installation requirements
2. Install a municipal sanitary sewer connection to the retained parcel at the applicants' cost for all permits and installation requirements
3. Provide engineered storm water management, drainage and grading plans to the satisfaction of the Municipality
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Centre Street Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality 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.
5. Obtain a municipal Road Access Permit for the installation of a driveway to the retained lands
6. Provide Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053
7. Provide the Planning Report fee payable to the Municipality
8. Provide a digital copy of the registered plan of survey

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

CAO|Clerk

# Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	March 29, 2023
<b>From</b>	Paul Riley BA, CPT	<b>Project No</b>	3404-890
<b>cc</b>	William Pol, MCIP, RPP		
<b>Subject</b>	Jacob and Maria Neufeld – 23 Centre Street, Vienna – Application for Consent E10-23		

1. We have completed our review of Consent application E10/23, submitted by Jacob and Maria Neufeld for lands located at 23 Centre Street, west side and north of Pearl Street. The applicant is requesting consent for severance of 1,028.6 m<sup>2</sup> (0.25 acres) of land and to retain 4,833.7 m<sup>2</sup> (0.2 acres) of land. The intent is to create a residential lot comprising the existing dwelling and to retain a vacant parcel for future residential uses. The lands are designated “Residential” on Schedule ‘C’: Vienna Land Use and Constraints in the Official Plan. The lands are zoned Village Residential (R1) on Schedule “H” in Zoning By-law Z456-2003.
2. The proposed severed lot has lot frontage of 22.4 metres (73.5 feet) and lot depth of 60 metres (196 feet). The proposed lands to be severed comprise a single-detached dwelling and two sheds. The retained lands have lot frontage of 16.45 metres (54 feet) and lot depth of approximately 171 metres (561 feet). The lands to be retained are vacant aside from the shed located on the proposed property line (to be removed or relocated). The surrounding uses to the north, south, and east are residential and to the west are agriculture.
3. There was a previous conditionally approved Consent, application number E95-19, which proposed the same severance but with slightly differently configuration. The previous owner allowed the severance to lapse.
4. The Municipality of Bayham Official Plan Section 4.2.4 indicates that new residential development is encouraged on underutilized lands in settlement areas with access to municipal services. The proposed lot infills a portion of underutilized built-up area consistent with the Official Plan, however, the large area at the rear could be utilized for future subdivision in combination with abutting underutilized residential lands. Bayham OP Section 4.5.2.8 provides criteria for new single-detached units in the Residential Designation:



Municipality of BayhamMunicipality of Bayham – March 29, 2023

- a) *Lot frontage, depth and size*: the proposed single-detached dwelling parcel has adequate frontage, depth and area in accordance to the R1 zone.
- b) *Natural features*: there are no significant natural features.
- c) *Design*: the previous owner was encouraged during pre-consultation to consider locating the new dwelling to accommodate a future subdivision road or locate it at the street line consistent with the existing dwellings, however, there is no regulation in the zoning-by-law to restrict the dwelling location except for yard setbacks in the R1 zone and no building location has been determined.
- d) *Open Space*: parkland dedication shall apply in the form of cash-in-lieu.
- e) *Adjacent and surrounding uses*: the proposed residential lot is compatible with the surrounding low density residential uses.
- f) *Facilities and services*: The new dwelling on the proposed retained lot requires connection to the municipal water and sanitary sewer services.
- g) *Storm drainage*: adequate storm drainage shall be provided and demonstrated in a grading plan.
- h) *Vehicular access*: the severed lot has frontage on Centre Street which is a Municipal Road and is flat and straight at the frontage which is adequate. The applicants will need to obtain a permit for a new driveway access from the Municipality.
- i) *The Planning Act*: this is not a residential subdivision and the matters within the Planning Act are generally dealt with in other sections of this memo.

The additional residential lot in a settlement area with access to full municipal services is in conformity to the Official Plan.

5. The subject lands are located within the Village Residential (R1) zone and single-detached dwelling is a listed permitted use. The severed lands have adequate lot area, lot frontage and yard setbacks. The proposed retained lands have adequate lot area and lot frontage and can accommodate yard setbacks. The proposed consent complies with the zoning by-law if the accessory building overlapping each proposed parcel is removed or relocated in accordance with accessory building setbacks in Section 10.11 and 4.2.
6. Based on the above review of consent application E10-23 we have no objection to the proposed consent to create an additional residential lot in a fully serviced settlement area and recommend the following conditions for consent approval:
  - a) That the owner provide a digital copy of a survey of the lands;

Municipality of BayhamMunicipality of Bayham – March 29, 2023

- b) That the owner connect the new dwelling to the municipal water service;
- c) That the applicant connect the new dwelling to the municipal sanitary sewage disposal system;
- d) That the owner receive approval from the Municipality of Bayham for road entrance permit for a new access to the retained lands;
- e) That the applicant provide a Planning Report Fee payable to the Municipality of Bayham;
- f) The That the owner pay all fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland;
- g) 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 Municipality 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.

*Paul Riley*

IBI Group  
Paul Riley  
Consulting Planner to the  
Municipality of Bayham

## Paul Clarke

---

**From:** planning <planning@lprca.on.ca>  
**Sent:** March 17, 2023 10:00 AM  
**To:** Paul Clarke  
**Subject:** FW: Notices of Application - April LDC  
**Attachments:** E 10-23 - Notice of Application.pdf; E 16-23 - Notice of Application\_.pdf; E 20-23 - Notice of Application.pdf

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

Good morning,

Thanks for contacting the Long Point Region Conservation Authority (LPRCA). All three applications attached are outside of the area regulated by LPRCA under Ontario Regulation 178/06. As such, LPRCA has no comments or concerns.

In future, notices can just be sent to [planning@lprca.on.ca](mailto:planning@lprca.on.ca). Leigh-Anne has access to this mailbox as well and sending to the general inbox ensures emails are received regardless of staff absences/vacations/illness.

Thanks!



**Aisling "Ashleen" Laverty, CPT**

Resource Planner | Long Point Region Conservation Authority

4 Elm St., Tillsonburg ON N4G 0C4

519-842-4242 ext. 235 | [alaverty@lprca.on.ca](mailto:alaverty@lprca.on.ca)

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** March 17, 2023 9:30 AM  
**To:** Leigh-Anne Mauthe <lmauthe@lprca.on.ca>; planning <planning@lprca.on.ca>  
**Subject:** Notices of Application - April LDC

Good morning,

Please see the attached notices for consent applications scheduled to be heard by LDC at the April 26<sup>th</sup> meeting.

If you wish to provide comments on this application please submit them no later than EOD **Tuesday, April 18, 2023** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke, CPT**



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 10-23

**Owner:**  
**Jacob and Maria Neufeld**  
23 Centre Street, Vienna, ON N0J 1Z0

**Agent:**  
**None.**

**Location:** Lot 10 on Registered Plan No. 54. Municipally known as 23 Centre Street.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 22.41m (73.52 feet) and a depth of 59.95 metres (196.7 feet) and an area of 1,028.6m<sup>2</sup> (0.25 acres) to create a new residential lot. The applicant is retaining a lot with an area of 4,833.7m<sup>2</sup> (1.20 acres), proposed to remain in residential use.

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

**Local Municipality Official  
Plan**  
Residential

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

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Catfish Creek Conservation Authority* – No concerns.

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 giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to sever a 1,000m<sup>2</sup> parcel from the existing lot to create a new residential parcel. The subject land is located within the Village of Vienna, in the Municipality of Bayham, which is a Tier 1 Settlement Area. The PPS encourages development of

settlement areas which utilize a variety and mixtures of land uses and densities which can be supported by existing or planned municipal services.

*1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) Efficiently use land and resources*
- b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.*
- c) Minimize negative impacts to air quality and climate change, and promote energy efficiency*
- d) Prepare for the impacts of a changing climate*
- e) Support active transportation*
- f) Are transit-supportive, where transit is planned, exists or may be developed*
- g) Are freight-supportive*

County of Elgin Official Plan

County Staff has examined the application in relation to the policies outlined in the County of Elgin Official Plan (CEOP) and determined that it adheres to them. The subject lands have been designated as a Tier 1 Settlement Area in the CEOP. Tier 1 Settlement Areas are the largest settlement areas in the County and have full access to municipal water and wastewater services. The CEOP directs that the majority of new development should take place in Tier 1 Settlement Areas. With respect to land division in Settlement Areas, the OP permits lot creation for a variety of reasons in all settlement areas, including for the purposes of residential development. Staff have reviewed this consent application against the general consent criteria of Section E1.2.3.1 and found it to be in conformity.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Bayham 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. The proposed severed and retained parcels meet the requirements of the Village Residential (R1) zone and Bayham staff do not anticipate the need for a zoning amendment.

RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Bayham Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.

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

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

1. Install a municipal water connection to the retained parcel at the applicant's cost for all permits and installation requirements.
2. Install a municipal sanitary sewer connection to the retained parcel at the applicant's cost for all permits and installation requirements.
3. Provide engineered storm water management, drainage and grading plans to the satisfaction of the Municipality.
4. That the applicant initiate and assume, if required, all engineering cost associated with the preparation of a revised assessment schedule for the Centre Street Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the Municipality 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.
5. Obtain a municipal Road Access Permit for the installation of a driveway to the retained lands.
6. Provide Cash-In-Lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053.
7. Provide the Planning Report fee payable to the Municipality.
8. Provide a digital copy of the registered plan of survey.





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 11-23**

**LOT 11, CONCESSION 2  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 34690 THIRD LINE**

**TAKE NOTICE that** an application has been made by Helen Button, 108 Centre Street, St. Thomas, ON N5R 2Z7 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 34690 Third Line.

The applicant proposes to sever a parcel with a frontage of 14.58m (47.83 feet) and a depth of 65 metres (213.25 feet) and an area of 1,435.03m<sup>2</sup> (0.35 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 19.7ha (48.68 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:

**APRIL 26, 2023 AT 9:40 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

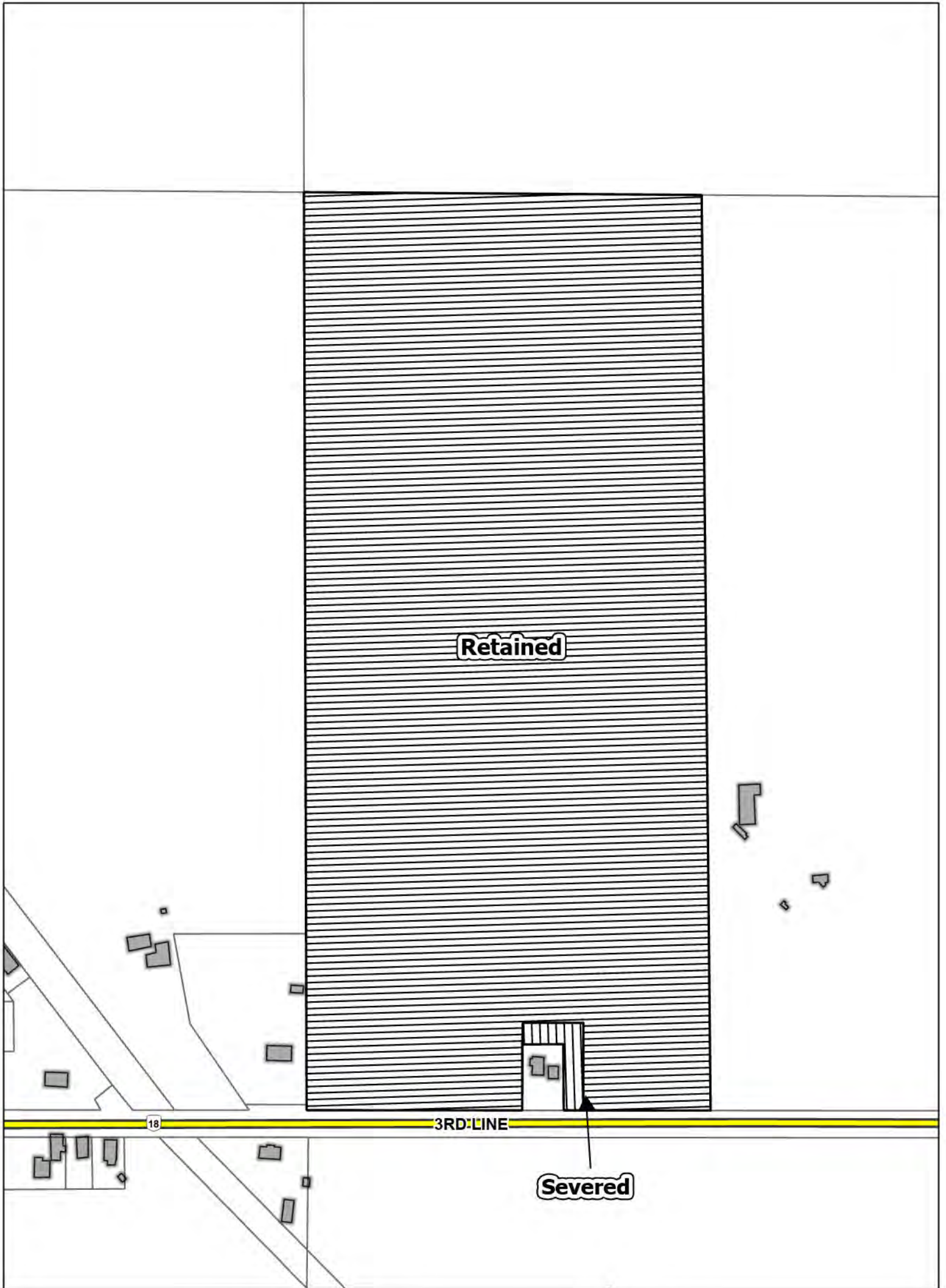
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 8<sup>th</sup> day of March, 2023.

Paul Clarke  
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.elgincounty.ca](http://www.elgincounty.ca)





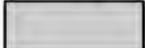


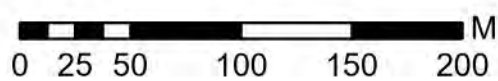
## Location Map

Subject Site: Lot 11, Concession 2  
 File Number: E 11-23  
 Owner: David William Dubyk and Janice Elaine Dubyk  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Township of Southwold



### Legend

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









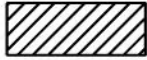

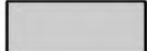
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

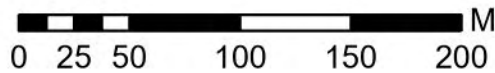
## Location Map

Subject Site: Lot 11, Concession 2  
 File Number: E 11-23  
 Owner: David William Dubyk and Janice Elaine Dubyk  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Township of Southwold



### Legend

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



## **PLA 2023-10: Appendix Two: Township Conditions**

Consent Application E11-23 Township 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's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Municipality.
5. Reapportionment of McIntyre Drains.
6. 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.
7. 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*.



## TOWNSHIP OF SOUTHWOLD

### Report to Council

**MEETING DATE:** March 27, 2023

**PREPARED BY:** Josh Mueller, MCIP, Planner

**REPORT NO:** PLA 2023-10

**SUBJECT MATTER: Consent Application E11-23 – Comments to the County of Elgin**

---

#### **Recommendation(s):**

THAT Council recommends approval to the Land Division Committee of the County of Elgin for consent application, E11-23, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2023-10.

#### **Purpose:**

The proposal is to sever a small area of land and add it to the neighbouring property, thus necessitating a lot line adjustment.

#### **Background:**

Below is background information in a summary chart:

<b>Application</b>	E11-23
<b>Owners</b>	David & Janice Dubyk
<b>Applicants</b>	Bruce Chapman & Kelly Anne Moss
<b>Legal Description</b>	CON 2 S PT LOT 11
<b>Civic Address</b>	34690 Third Line
<b>Entrance Access</b>	Third Line
<b>Water Supply</b>	Municipal Water (served/retained)
<b>Sewage Supply</b>	Privately owned and operated septic system
<b>Buildings and/or Structures</b>	House, shop
<b>Buildings and/or Structures</b>	Retained Parcel – Agricultural Land

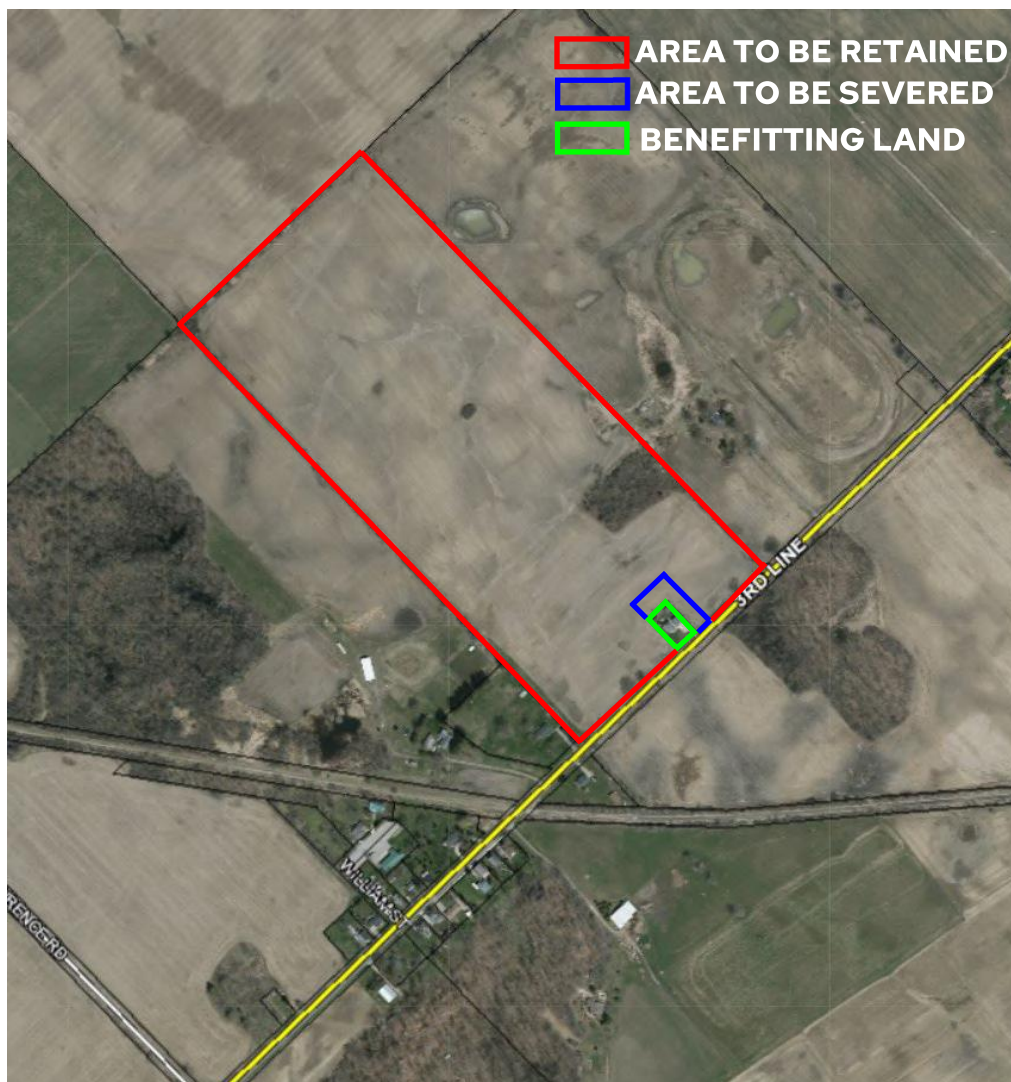


The chart below shows details of the application.

	Hectares	Acres
<b>Retained Parcel Overall Area</b>	<b>20.14</b>	<b>49.76</b>
<b>Benefitting Land Total Area</b>	<b>0.07</b>	<b>0.17</b>
<b>Area to be Severed</b>	<b>0.14</b>	<b>0.35</b>
<b>Area of Retained After Severance</b>	<b>19.93</b>	<b>49.26</b>
<b>Area of Benefitting and Severed</b>	<b>0.21</b>	<b>0.52</b>

The consent sketch, showing the proposed lot line adjustment, is attached to this report as Appendix One.

**Figure One:** Subject Area Map 34690 Third Line (Not to Scale)



**Planning Policy Review:**

For Consent Applications the Planning Approval Authority is the County of Elgin Land Division Committee. The Township of Southwold provides departmental comments to the County of Elgin for review.

The Provincial Policy Statement (PPS), County of Elgin Official Plan (CEOP), Township of Southwold Official Plan (OP), and the Township of Southwold Zoning Bylaw (ZB) were all reviewed to ensure the proposed lot line adjustment complies with all legislation.

The property is Designated as Agricultural in the CEOP and also in the OP and is zoned Agricultural 1 (A1) Zone in the ZB. The planning analysis is summed up in the chart below.

<b>Legislation</b>	<b>Section (s)</b>	<b>Relevance to Application</b>	<b>In Compliance</b>
<b>Provincial Policy Statement</b>	<b>2.3.4.2</b>	Lot adjustments in prime agricultural areas may be permitted for legal or technical reason	Yes, because no new lot to be created
<b>County of Elgin Official Plan</b>	<b>E1.2.3.2</b>	A consent may be permitted for the purpose of modifying lot boundaries provided no new building lot is created	Yes, because no new lot to be created
<b>Township of Southwold Official Plan</b>	<b>7.23.4 (d)</b>	To allow lot adjustments which do not result in the creation of a new lot	Yes, because no new lot to be created
<b>Township of Southwold Zoning By-law</b>	<b>5.2 (g)</b>	Proposed lot addition complies with all zoning requirements for the Agricultural 1 (A1) Zone	Meets all zoning requirements

**Circulation of the Application:**

The application and related information were circulated to internal Township departments to provide comments and feedback.

**Township Department Comments****Drainage Department**

- Reapportionment of McIntyre Drains.

**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 application for a lot line adjustment, is consistent with the PPS, conforms to the CEOP the OP, and complies with the ZB. The Township of Southwold Council recommends to the Land Division Committee of the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

**Respectfully submitted by:  
Josh Mueller, MCIP, Planner  
"Submitted Electronically"**

March 22, 2023

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

Attn: **Paul Hicks**

Re: **Consent Application (E 11-23)**  
**34690 Third Line (Button)**  
**Lot 11; Concession 2**  
**Township of Southwold**

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  
Planner

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: April 13, 2023 ELGIN COUNTY ROAD NO.: Third Line CR18

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 11-23

APPLICANT: Helen Button

PROPERTY: LOT NO. 11 CONCESSION: 2  
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 15m from the centreline of construction of Plank Road County Road (19) 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.*

  
\_\_\_\_\_  
**PETER DUTCHAK, CET**  
Manager of Transportation Services



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 11-23

**Owner:**  
**David William Dubyk and Janice Elaine Dubyk**  
34688 Third Line R.R. 1, Southwold, ON N0L 2G0

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

**Location:** Lot 11, Concession 2. Municipally known as 34690 Third Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 14.58m (47.83 feet) and a depth of 65 metres (213.25 feet) and an area of 1,435.03m<sup>2</sup> (0.35 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 19.7ha (48.68 acres), proposed 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

Township of Southwold – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Valley Conservation Authority* – No concerns.

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 giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.



The applicant is applying to sever a lot with an approximate lot area of 1,400m<sup>2</sup> to be conveyed to an existing adjacent lot. The PPS permits lot boundary adjustments, including lot additions within the prime agricultural area:

**2.3.4.2      *Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.***

*Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.*

The severed portion is proposed to be added to an existing rural residential parcel and the proposed severance is not anticipated to have any effect on the viability of the agricultural land in the surrounding area.

County of Elgin Official Plan

County Staff has examined the application in relation to the policies outlined in the County of Elgin Official Plan (CEOP) and determined that it adheres to them. The subject lands have been designated as Agricultural Area in the CEOP. The Official Plan permits lot boundary adjustments in the agricultural area provided they do not result in the creation of a new lot.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Southwold 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. The proposed severance meets the policies of the Southwold Official Plan. Township staff do not anticipate that this application will cause any deficiencies with the zoning regulations currently in place.

RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Township of Southwold Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
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. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Plank Road County Road 19 to the County of Elgin for the purposes of a road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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 parcels once the transaction has occurred to the Municipality.
4. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Municipality.
5. Reapportionment of McIntyre Drains.
6. 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.
7. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 12-23**

**PART OF LOT C, CONCESSION 9  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 20387 PIONEER LINE**

**TAKE NOTICE that** an application has been made by Cindy Knight, 20387 Pioneer Line, Rodney, ON N0L 2C0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 20387 Pioneer Line.

The applicant proposes to sever a parcel with a frontage of 10m (32.80 feet) and an area of 1.0407ha (2.57 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 20.8ha (51.4 acres), proposed to remain in agricultural use. The applicant is also proposing to create an easement with a width 10 metres (32.80 feet) and a depth of 149.399 metres (490.15 feet) in favour of the retained farm 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:

**APRIL 26, 2023 AT 9:50 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

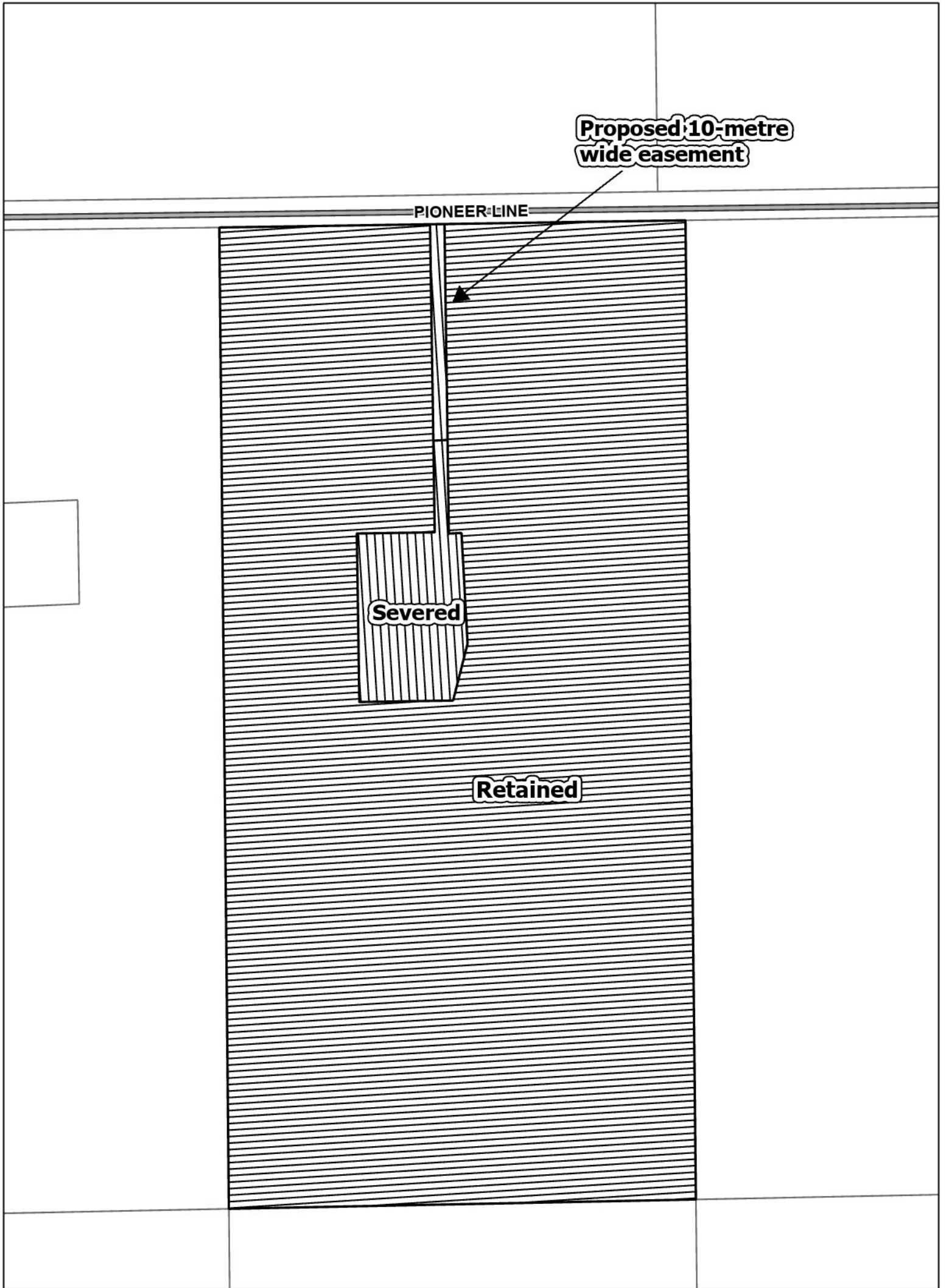
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 8<sup>th</sup> day of March, 2023.

Paul Clarke  
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.elgincounty.ca](http://www.elgincounty.ca)








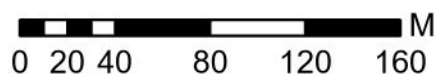
## Location Map

Subject Site: 20387 Pioneer Line  
 File Number: E 12-23  
 Owner: Cindy Lee Knight  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 03/24/2023  
 Municipality of West Elgin

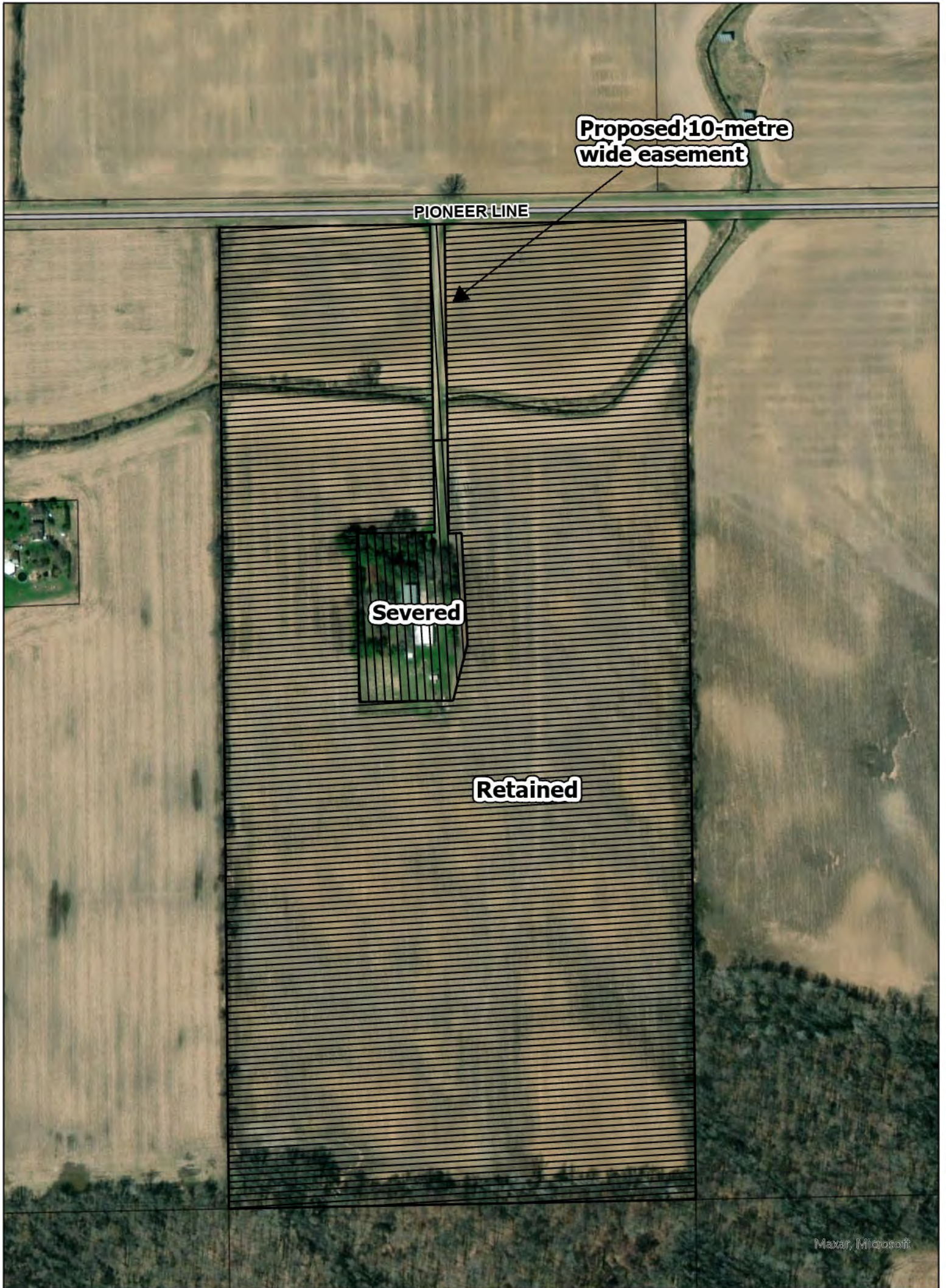


### Legend

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



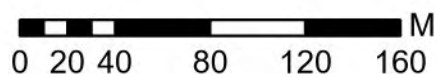






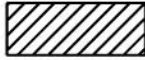

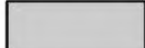
## Location Map

Subject Site: 20387 Pioneer Line  
 File Number: E 12-23  
 Owner: Cindy Lee Knight  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 03/24/2023  
 Municipality of West Elgin

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



### Legend

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





## Staff Report

---

**Report To:** Council Meeting

**From:** Robert Brown, Planner

**Date:** 2023-03-15

**Subject:** Severance Application E12-23 – Comments to Elgin County – 2023-12 – Planning Report

---

### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application, File E12-23 – Comments to Elgin County (Planning Report 2023-12);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E12-23, 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 E12-23, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the prospective purchaser, at 20387 Pioneer Line along with establishment of a permanent right-of-way over the existing laneway and bridge for continued access to the retained farm parcel.

### **Background:**

Below is background information, in a summary chart:

<b>Application</b>	E12-23
<b>Owner</b>	Cindy Knight
<b>Applicant/Purchaser</b>	Martin David Sacher
<b>Legal Description</b>	Part Lot of C, Concession 9
<b>Civic Address</b>	20387 Pioneer Line
<b>Water Supply</b>	Private on-site well
<b>Sewage Supply</b>	Private on-site individual septic system
<b>Existing Land Area</b>	21.84 ha (53.96 ac.)

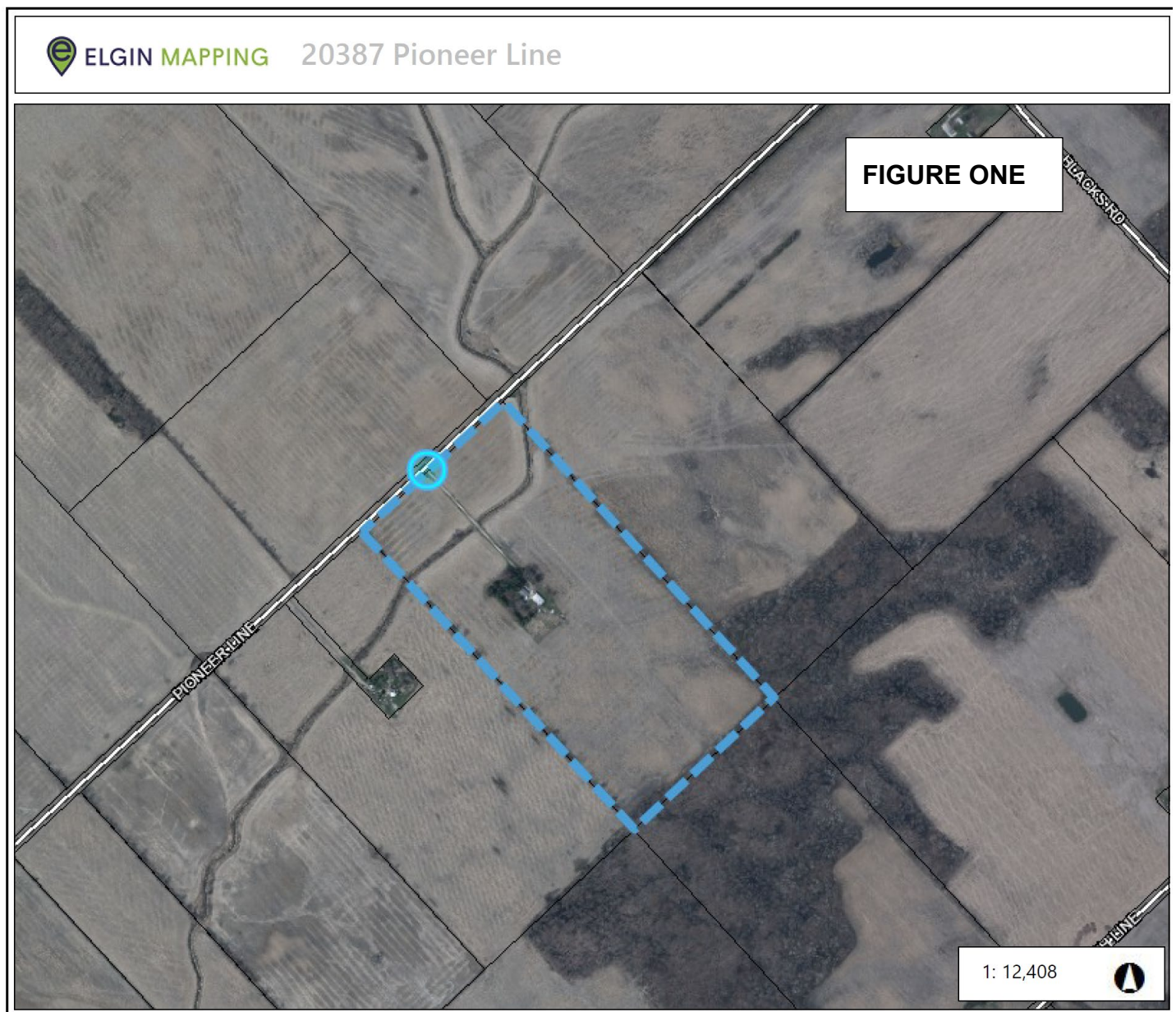


Below is the detailed dimensions and land areas of the application as follows:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E12-23</b>	10 m (32.8 ft.)	328.9 m (1,079 ft.)	1.041 ha (2.57 ac)	321.8 m (1,055.8 ft.)	675 m (2,214.5 ft.)	20.8 ha (51.4 ac.)

The Public Hearing is scheduled for April 26, 2023, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.



The severance sketch, showing E12-23 is 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 from time to time. The severance may result in a minimal increase in assessment.

### **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 proposed lot follows the existing footprint around the dwelling and buildings and does not include any actively farmed lands. There are no livestock facilities within 1,000 m of the proposed lot.

The property is adjacent to a wood area however the proposed surplus dwelling lot is not located in close proximity to the natural heritage feature (Section 2.3). This proposal is consistent with the PPS.

### **CEOP:**

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. The parcel is currently adjacent to 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 prospective purchaser's farming operations. The residence is serviced by a private on-site water well and private individual on-site septic system.

No development is proposed near to the natural heritage feature (Section D1.2). Therefore, this proposal conforms 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. The property is adjacent to a wooded area as indicated on Schedule 'B' on Map 2. However, this area is not impacted by the requested severance.

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 applicant has demonstrated that the residence is surplus to the prospective purchaser's 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 required as a condition of severance;
- There are no livestock operations within 1,000 m of the proposed lot;
- The proposed severed parcel follows the current limits of the grassed yard area; and
- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removal.

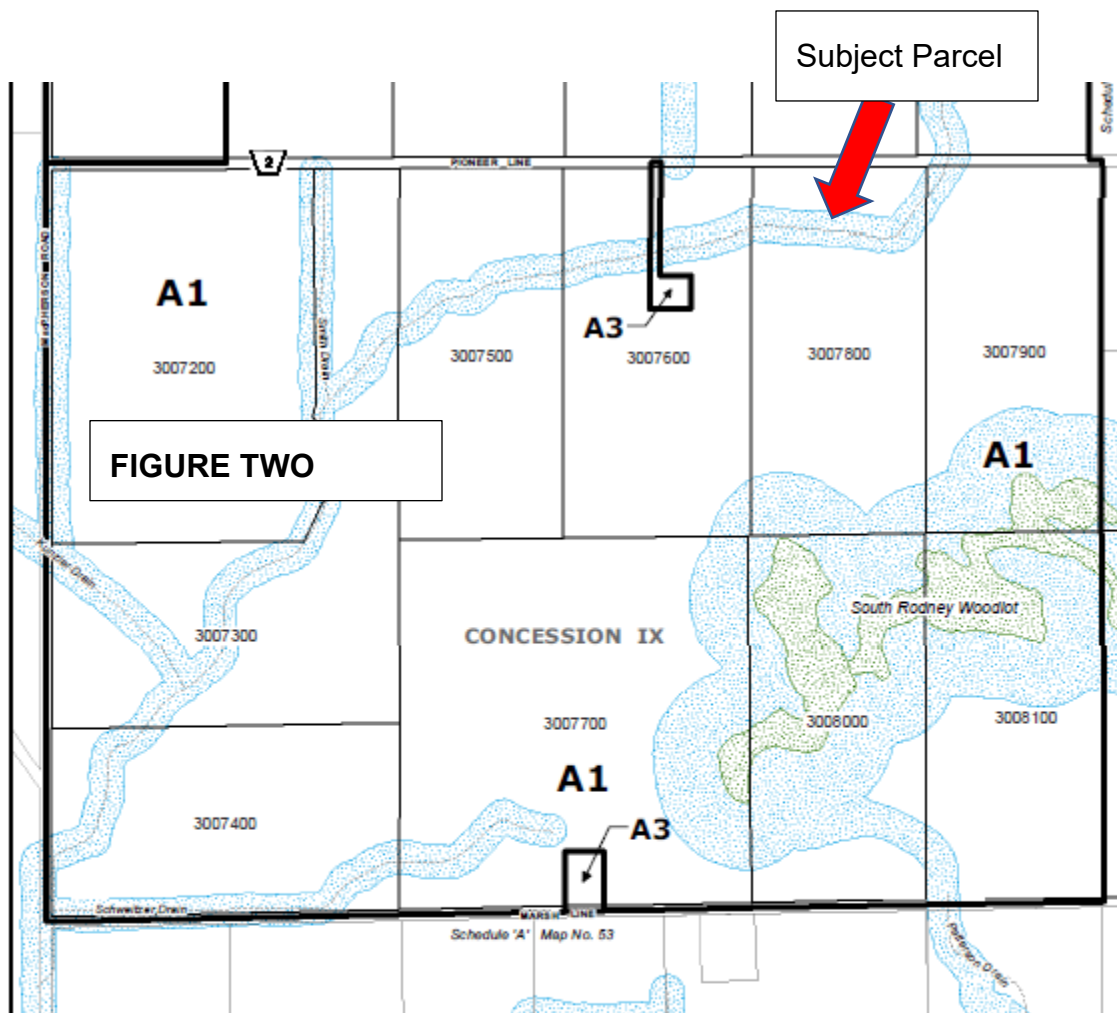
No development is proposed near the adjacent natural heritage feature on the property.

Lot creation polices under Section 10.4.1 of the OP, allow for severance (consent) applications 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 conforms to the OP.

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

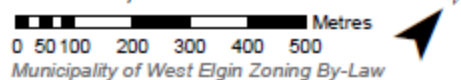
The subject lands are zoned General Agricultural (A1) on Schedule A, Map 44 of the ZBL, as depicted in Figure Two below:



*Municipality of WEST ELGIN: RURAL AREA*

*Schedule "A"*

SCALE 1:10,000



*Municipality of West Elgin Zoning By-Law*

*Map No. 44*

Permitted uses within the General Agricultural (A1) Zone include single unit dwellings. The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 m respectively.

The proposed severed parcel area is 1.041 ha (2.57 ac.), with a lot frontage of 10 m (32.8 ft.); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m. Therefore, the amending by-law will also need to address the reduced frontage. The proposed retained parcel would also need to be rezoned to Agricultural (A2) Zone, to continue to permit agricultural uses but prohibit new dwellings.

Provided a Zoning By-law Amendment is obtained for the severed and retained parcels, as a condition of the consent application, the proposal will comply with the Zoning By-law.

**Interdepartmental Comments:**

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

Drainage:

- The subject lands will require drainage reapportionment.

This is addressed as a condition of approval.

Utilities:

- No issues of concern.

Public Works:

- If a right-of-way is established over the existing laneway for access to the retained parcel not additional farm access will be required.

Building Dept:

- A septic system inspection has been completed but will need to be reviewed by the Chief Building Official for final clearance. A water test was also completed and has been reviewed by Public Health.

No other comments or concerns were received from Administration.

**Summary:**

The proposed surplus farm dwelling lot creation consent, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to prohibition of future dwellings on the retained parcel); As such, Council can recommend 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,



Robert Brown, H. Ba, MCIP, RPP  
Planner  
Municipality of West Elgin





**Report Approval Details**

Document Title:	Severance Application E12-2023 - Comments to Elgin County - 2023-12 - Planning Report.docx
Attachments:	- Appendix 1 - Knight Survey Sk.pdf - Planning Report 2023-12 Appendix Two - Conditions of Approval for County of Elgin.pdf
Final Approval Date:	Mar 29, 2023

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

Jana Nethercott

**Planning Report 2023-12: Severance Report E12-23 –**  
**Comments to the County of Elgin**

**Appendix Two: Severance Application E12-23 Conditions**

Severance Application E12-23 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 including any applicable easements and/or rights-of-way 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 severed and retained lands are transferred to the prospective purchaser Martin David Sacher as outlined in the purchase agreement.
5. That the septic system assessment completed for the severed parcel, dated November 1, 2022 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
6. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels. Such amendment of the Zoning By-law must come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
8. 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.
9. 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*.

March 22, 2023

Revised: March 27, 2023

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

Attn: **Paul Hicks**

Re: **Consent Application (E 12-23)**  
**20387 Pioneer Line (Knight)**  
**Part Lot C; Concession 9**  
**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, Interference with Wetlands and Alterations to Watercourses portion of the regulations. The issues of concern for this area are the South Rodney Woodlot (LT 16) Provincially Significant Wetland (PSW), the 120 m Adjacent Lands of the PSW, the Morden 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 drains will be required to any proposed works / structure(s) / site alteration. Setbacks from the PSW are also required to any proposed structure.

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

Yours truly



Connor Wilson  
Planner



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 12-23

**Owner:**  
**Cindy Lee Knight**  
20387 Pioneer Line, Rodney, ON N0L 2C0

**Agent:**  
**Storey Samways Planning Ltd. (David French)**  
55 Forest Street, Suite N, Chatham, ON  
N7L 1Z9

**Location:** Lot 11, Concession 2. Municipally known as 34690 Third Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 10m (32.80 feet) and an area of 1.0407ha (2.57 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 20.8ha (51.4 acres), proposed to remain in agricultural use. The applicant is also proposing to create an easement with a width 10 metres (32.80 feet) and a depth of 149.399 metres (490.15 feet) in favour of the retained farm parcel.

**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, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Valley Conservation Authority* – No concerns.

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 giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to sever a lot with an approximate lot area of 1 hectare to accommodate a dwelling that is surplus to a farming operation. Lot creation in prime agricultural areas for the purposes of surplus dwelling severances is permitted, subject to the policies of Section 2.3.4.1(c)

*2.3.4.1 (c) Lot creation in prime agricultural areas is discouraged and may only be permitted for:*

*A residence surplus to a farming operation as a result of farm consolidation, provided that:*

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

The applicant is also requesting an easement across the severed parcels driveway to accommodate existing services which cross over the driveway.

*2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.*

*Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.*

#### County of Elgin Official Plan

County Staff has examined the application in relation to the policies outlined in the County of Elgin Official Plan (CEOP) and determined that it adheres to them. The subject lands have been designated as Agricultural Area in the CEOP. The Official Plan permits lot creation in agricultural areas for the purposes of severing a surplus dwelling provided the dwelling is habitable and the area being severed is limited in size. Technical severances, such as minor boundary adjustments and easements are permitted in all land use designations. Staff have reviewed this application against the general consent criteria and found no deficiencies. There is an existing fence on the proposed severed lot which, as indicated by the sketch, would be bisected by the proposed property line at the rear. The applicants intend to move the fence so it is located entirely within the bounds of the severed lot.

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

Staff have reviewed the application against the policies of the Municipality of 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. The proposed severance meets the policies of the West Elgin Official Plan. Municipal staff are



proposing a condition of consent that the severed parcel be rezoned to Restricted Agricultural (A3) to address its reduced lot size and frontage. The retained parcel is also proposed to be rezoned to Agricultural (A3) which restricts residential development and satisfies the requirements of the PPS, CEOP and West Elgin OP.

**RECOMMENDATION:**

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of West Elgin Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed including any applicable easements and/or rights-of-way 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 severed and retained lands are transferred to the prospective purchaser Martin David Sacher as outlined in the purchase agreement.
5. That the septic system assessment completed for the severed parcel, dated November 1, 2022 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
6. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels. Such amendment of the Zoning By-law must come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
8. 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.
9. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 13-23 & E 18-23**

**LOTS 23 AND 24, CONCESSION NORTH GORE  
TOWNSHIP OF MALAHIDE  
MUNICIPAL ADDRESS: 51432 WOOLEYVILLE LINE**

**TAKE NOTICE** that an application has been made by David Roe, 61 Trailview Drive, Tillsonburg, ON N4G 0C6 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 51432 Wooleyville Line.

The applicant proposes to sever a parcel with a frontage of 43.89m (144 feet) and a depth of 134.112m (440 feet) and an area of 5,845.1m<sup>2</sup> (1.45 acres) to sever a dwelling that is surplus to a farming operation. The applicant is also severing a parcel with an area of 0.47ha (1.16 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 37.97ha (98.77 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:

**APRIL 26, 2023 AT 10:00 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

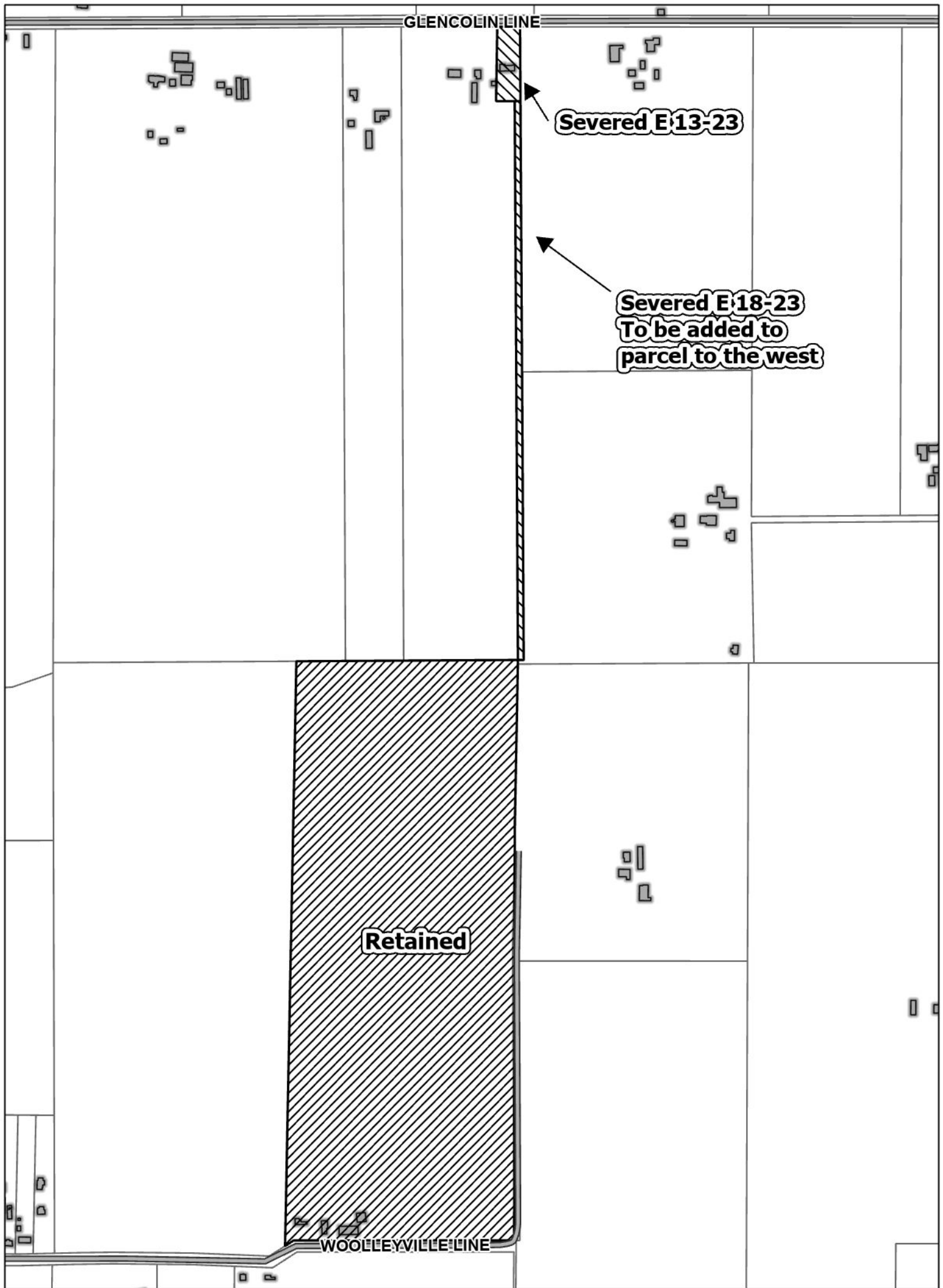
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 8<sup>th</sup> day of March, 2023.

Paul Clarke  
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.elgincounty.ca](http://www.elgincounty.ca)



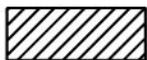




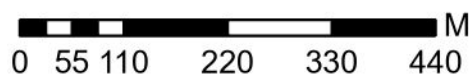
## Location Map

Subject Site: 51432 Wooleyville Line  
 File Number: E 13-23 and E 18-23  
 Owner: John and David Loewen  
 Planner: Unknown  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 02/24/2023  
 Township of Malahide



### Legend

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









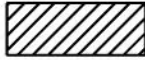

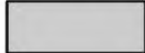
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario, Elgin County, Maxar, Microsoft

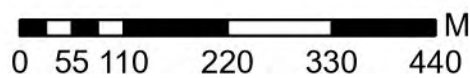
## Location Map

Subject Site: 51432 Wooleyville Line  
 File Number: E 13-23 and E 18-23  
 Owner: John and David Loewen  
 Planner: Unknown  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 02/24/2023  
 Township of Malahide



### Legend

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







April 11, 2023

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

**Re: Land Severance Application E13 & E18/23 – John Loewen & David Loewen (Our File: D10-E13-23 & E18-23)**

The purpose of this correspondence is to advise that the Township of Malahide Council considered the re-submitted applications (previously E51 & E52/21) and passed the following:

**“No. 23-164**  
**Moved By: Chester Glinski**  
**Seconded By: Sarah Leitch**

**THAT Report No. DS-23-12 entitled “Re-Submitted Applications for Consent to Sever Nos. E13-23 & E18-23 of John Loewen & David Loewen (Authorized Agent: David Roe)” be received;**

**AND THAT Council defer the approval of this application.**

**Carried”**

The deferral is based on outstanding zoning conformity issues with the subject lands, particularly, for the two businesses: one auto repair business on Wooleyville Line operating under the name of “Endeavour Enterprises” (which was zoned however well exceeded the number of vehicles permitted); and, one transport truck repair business on Glencolin Line that has obtained the first step in becoming lawfully-zoned, however requires that the building obtain structural improvements in accordance with the Ontario Building Code.

Council deferral seeks to have these outstanding matters resolved prior to the applications proceeding.

Respectfully,

ALLISON ADAMS  
Manager of Legislative Services/Clerk

Copy - Dave Jenkins – [dajenkins@elgin.ca](mailto:dajenkins@elgin.ca)  
John Seldon – [jseldon@elgin.ca](mailto:jseldon@elgin.ca)  
David Roe - [civicplanningsolutions@nor-del.com](mailto:civicplanningsolutions@nor-del.com)



## Paul Clarke

---

**From:** Gerrit Kremers <planning@catfishcreek.ca>  
**Sent:** February 16, 2023 1:38 PM  
**To:** Paul Clarke; Land Division  
**Subject:** RE: Notices of Application - March 22 LDC

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,

CCCA has no comments or concerns with the above note application at this time.

Thank You,



**Gerrit Kremers**  
Resource Planning Coordinator  
planning@catfishcreek.ca  
519-773-9037  
Catfish Creek Conservation Authority  
8079 Springwater Rd.  
Aylmer, ON N5H 2R4

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** February-16-23 12:12 PM  
**To:** Gerrit Kremers <planning@catfishcreek.ca>  
**Subject:** Notices of Application - March 22 LDC

Good morning,

Please see the attached notices for consent applications scheduled to be heard by LDC at the March 22<sup>nd</sup> meeting.

If you wish to provide comments on this application please submit them no later than EOD **Tuesday, March 14, 2023** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

-

**Paul Clarke, CPT**



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 13-23 and E 14-23

---

**Owner:**  
**John and David Loewen**  
51477 Glencolin Line, Aylmer, ON N5H 2R3

**Agent:**  
**David Roe**  
61 Trailview Line, Aylmer, ON N5H 2R3

**Location:** Lot 23 and 24, North Gore. Municipally known as 51432 Wooleyville Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 43.89m (144 feet) and a depth of 134.112m (440 feet) and an area of 5,845.1m<sup>2</sup> (1.45 acres) to sever a dwelling that is surplus to a farming operation. The applicant is also severing a parcel with an area of 0.47ha (1.16 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 37.97ha (98.77 acres), proposed to remain in agricultural use.

**REVIEW & ANALYSIS:**

County staff have received a request from the Council of the Township of Malahide requesting these applications be deferred due to non-compliance with the Zoning By-law and the Ontario Building Code. The authorized agent, David Roe, was made aware of Malahide's request to defer these applications and has no objections.

**RECOMMENDATION:**

That applications E 13-23 and E 18-23 be deferred, at the request of the Township of Malahide until such time as the outstanding zoning and Ontario Building Code deficiencies are addressed to the satisfaction of the Township of Malahide.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 14-23 AND E 15-23**

**LOT 19, CONCESSION 13 N PT  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 25361 TALBOT LINE**

**TAKE NOTICE** that an application has been made by Ajimon E. Ouseph and Jeniya C. George, 1441 Medway Part Drive, London, ON N6H 0Z6 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 25361 Talbot Line.

The applicant proposes to sever two (2) parcels, each with a frontage of 25.5m (83.67 feet) and a depth of 45m (147.64 feet) and an area of 1,144m<sup>2</sup> (0.28 acres) to create two (2) new residential lots. The applicant is retaining a lot with an area of 17,688m<sup>2</sup> (4.37 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:

**APRIL 26, 2023 AT 10:10 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

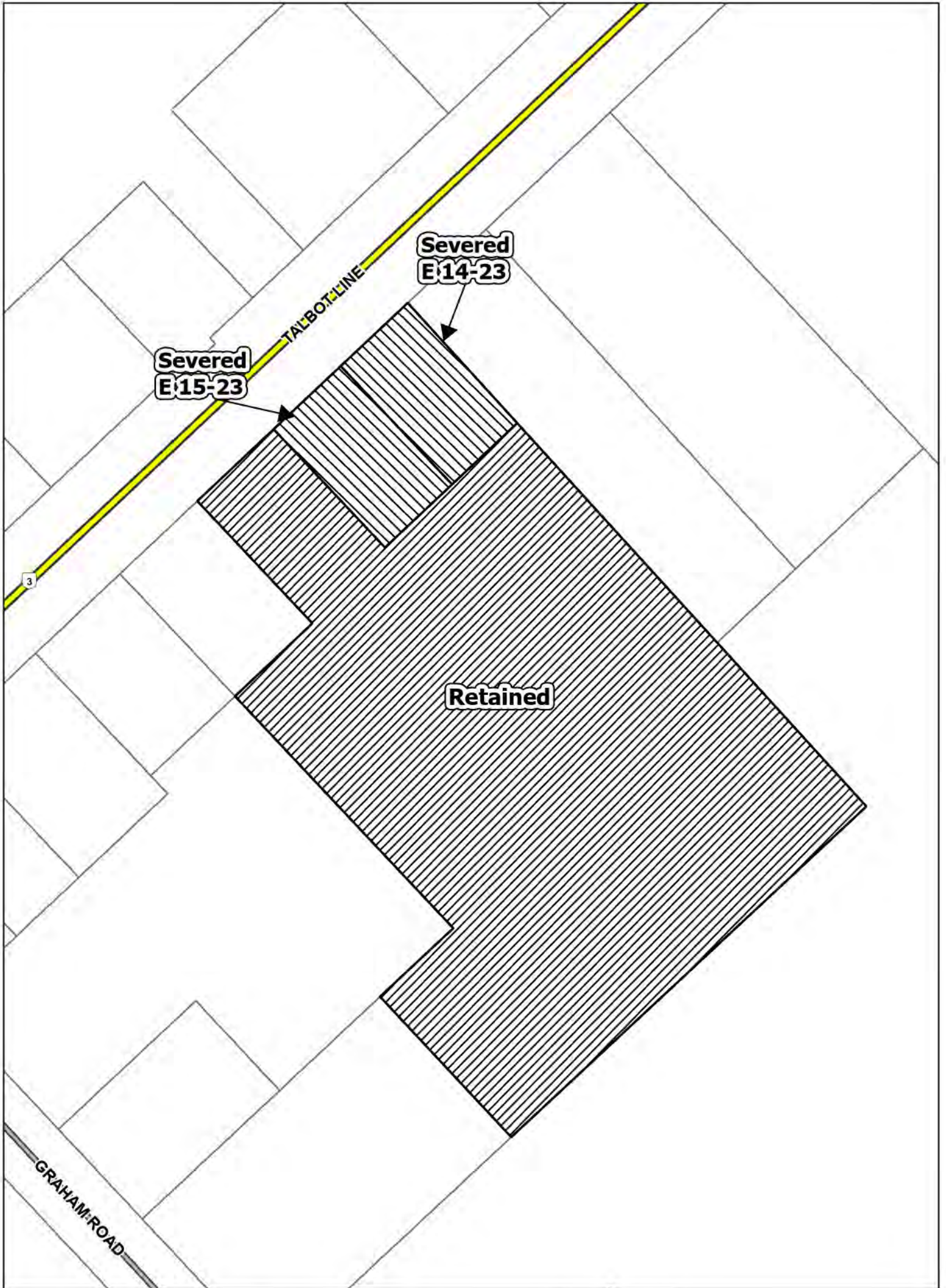
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 8<sup>th</sup> day of March, 2023.

Paul Clarke  
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.elgincounty.ca](http://www.elgincounty.ca)





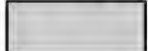


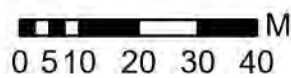
## Location Map

Subject Site: 25361 Talbot Line  
 File Number: E 14-23 & E 15-23  
 Owner: Ajimon E. Ouseph and Jeniya C. George  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Municipality of West Elgin



### Legend

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











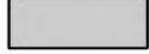
Mistry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

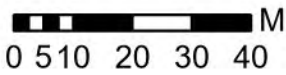
## Location Map

Subject Site: 25361 Talbot Line  
 File Number: E 14-23 & E 15-23  
 Owner: Ajimon E. Ouseph and Jeniya C. George  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Municipality of West Elgin



### Legend

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







## Staff Report

---

**Report To:** Council Meeting

**From:** Robert Brown, Planner

**Date:** 2023-03-29

**Subject:** Severance Application E 14 – 23 & E 15 – 23 – Comments to Elgin County – 2023-13 Planning Report

---

### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application File E14-23 and E15-23 – Comments to the County of Elgin (Planning Report 2023-13);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E14-23 and E15-23, subject to the Lower-Tier Municipal conditions in Appendix Two A and B of this report;

And further that West Elgin Council direct 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 Applications E14-23 and E15-23, as Elgin County is the planning approval authority for consents.

The purpose of the consent applications is to facilitate the creation of two lots in the northeast corner of the subject parcel as outlined in Figure Two A and B.

### **Background:**

Below is background information, in a summary chart:

<b>Application</b>	E14-23 & E15-23
<b>Owner/Applicant</b>	Ajimon Ouesph & Jeniya George
<b>Legal Description</b>	Part Lot of 19, Concession 13, Part 6 & 7, RP 11R 661
<b>Civic Address</b>	25361 Talbot Line
<b>Existing Land Area</b>	2 ha (4.93 ac.)
<b>Existing Buildings</b>	Single detached dwelling & outbuildings



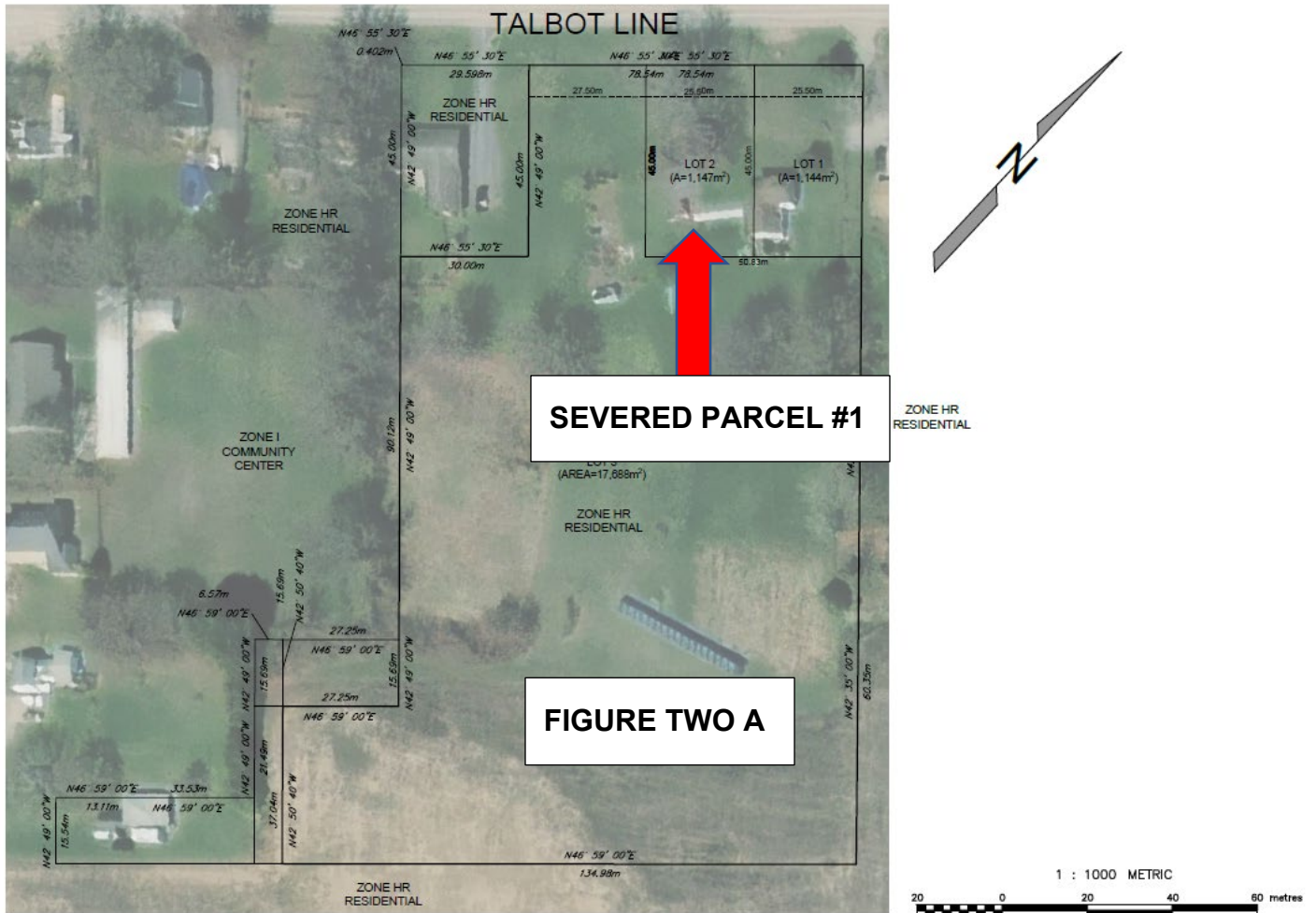
Figure One shows the location of the subject property.

The Public Hearing is scheduled for April 26, 2023, at the Elgin County Land Division Committee Meeting.

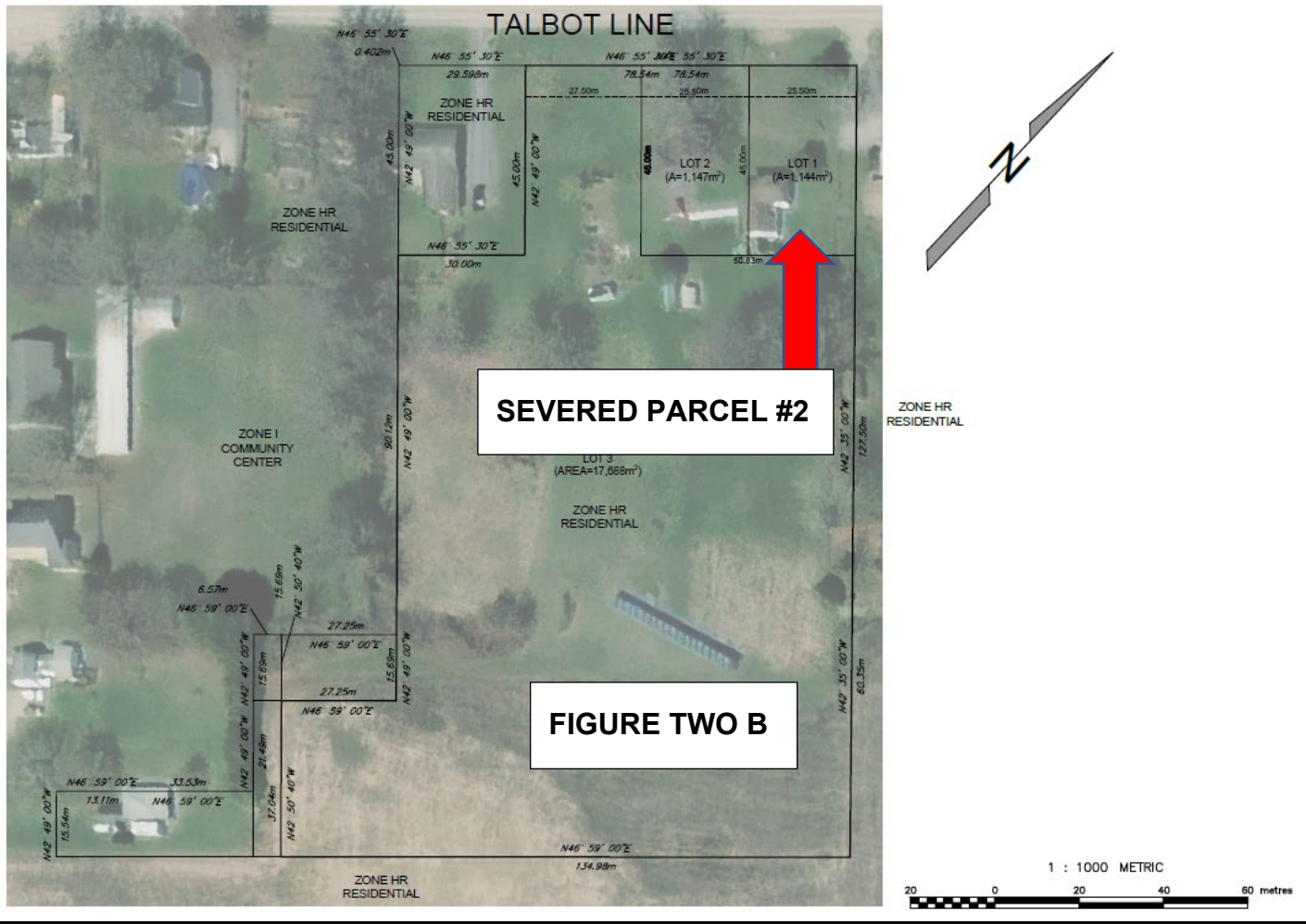


Figure Two A & B shows the proposed lots to be created.

Application	Severed Parcel			Retained Parcel
	Frontage	Depth	Area	Area
<b>E14-23 Fig. 2 A</b>	25.5 m (83.66 ft.)	45 m 147.64 ft.)	1,147.5 m <sup>2</sup> (12,352 ft <sup>2</sup> )	1.88 ha (4.65 ac.)



Application	Severed Parcel			Retained Parcel
	Length	Width	Area	Area
<b>E15-23 Fig. 2 B</b>	25.5 m (83.66 ft.)	45 m (147.64 ft.)	1,147.5 m <sup>2</sup> (12,352 ft <sup>2</sup> )	1.768 ha (4.37 ac.)



The entire severance sketch, showing E14/15-23 is attached to this report as Appendix One for reference purposes.

### **Financial Implications:**

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended from time to time. The creation of the new lots will result in an increase in assessment and opportunity for the construction of a new dwellings on the vacant parcels. The creation of the new lots is also subject to collection of cash-in-lieu of parkland.

### **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 approval authority is the County of Elgin Land Division Committee, wherein the Municipality provides agency comments to the County of Elgin as part of their decision-making process.

### **PPS:**

The subject property is location on the south side of Talbot Line within the hamlet of Eagle. Limited lot creation is permitted within this designated area in accordance with Section 1.1 of the PPS.

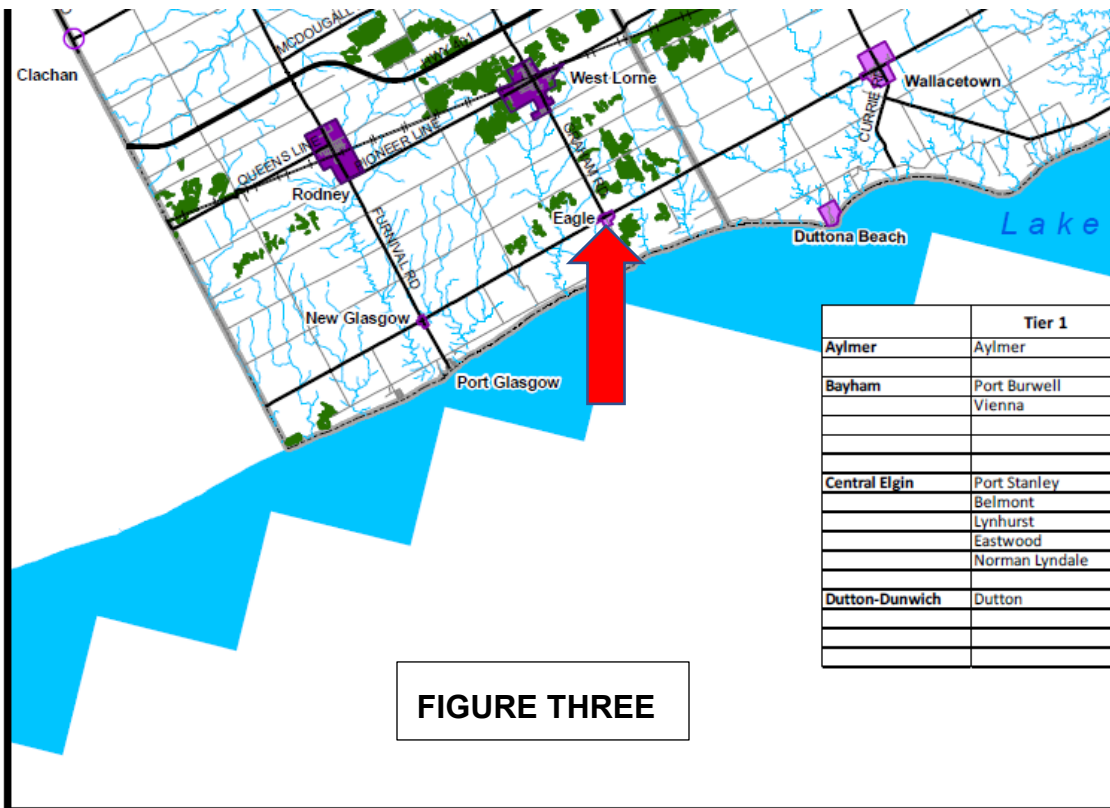
Partial servicing is available within Eagle, municipal water and private septic systems. The proposal is consistent with the PPS.



**CEOP:**

The subject lands are within the hamlet of Eagle and classified as a Tier Two settlement area as shown on Schedule 'A' Land Use in Figure Three. Limited development is permitted in these settlement areas on partial services.

New lot creation is subject to the policies of E1.2.3 and the General Criteria of Section E1.2.3.1. The criteria outlined in items a) through m) have been reviewed and the proposed lot creation complies with or will comply with these policies subject to conditions of approval. As such the proposed lot creation is in conformity with the CEOP.



**FIGURE THREE**

**County of Elgin  
Official Plan  
Schedule 'A'  
Land Use**

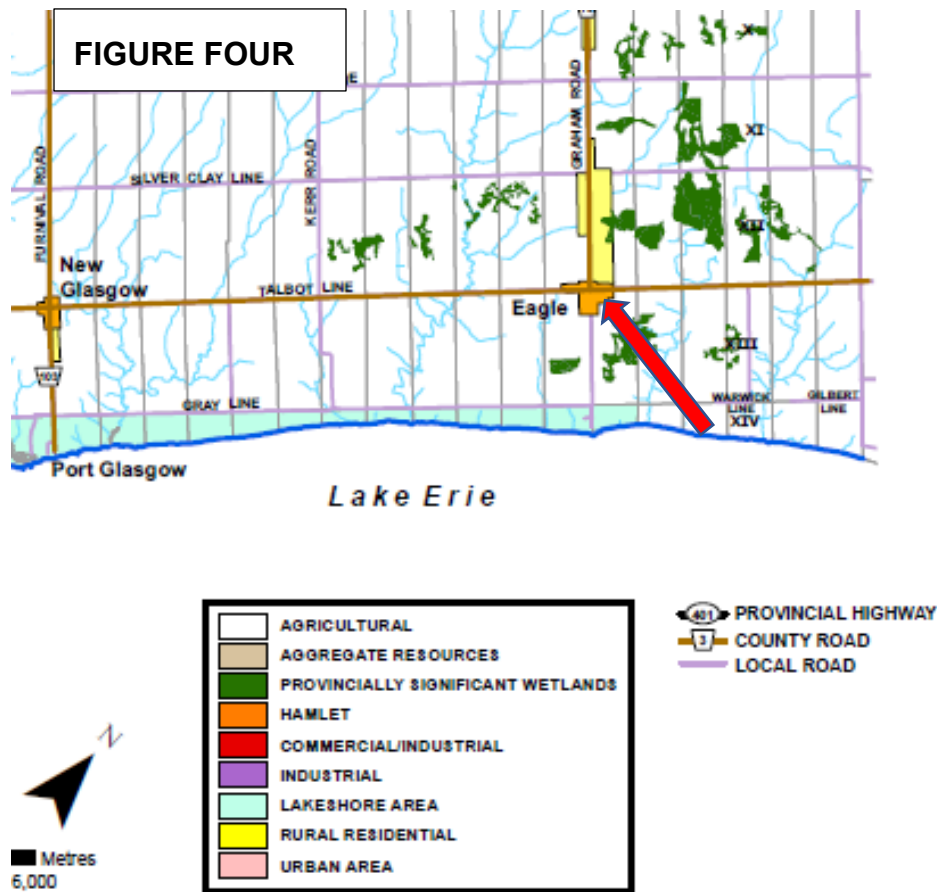
**Land Use Designations**

<b>Settlement Areas</b>	<b>Agricultural</b>
<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> Tier 1	<span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black;"></span> Agricultural Area
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> Tier 2	<b>Wetlands</b>
<span style="display: inline-block; width: 15px; height: 15px; border: 1px solid purple; border-radius: 50%;"></span> Tier 3	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> Provincially Significant Wetlands



**OP:**

The proposed severed parcels are designated as Hamlet on the Rural Area Land Use and Transportation Plan Schedule 'E' of the OP, as shown on Figure Four, in orange.



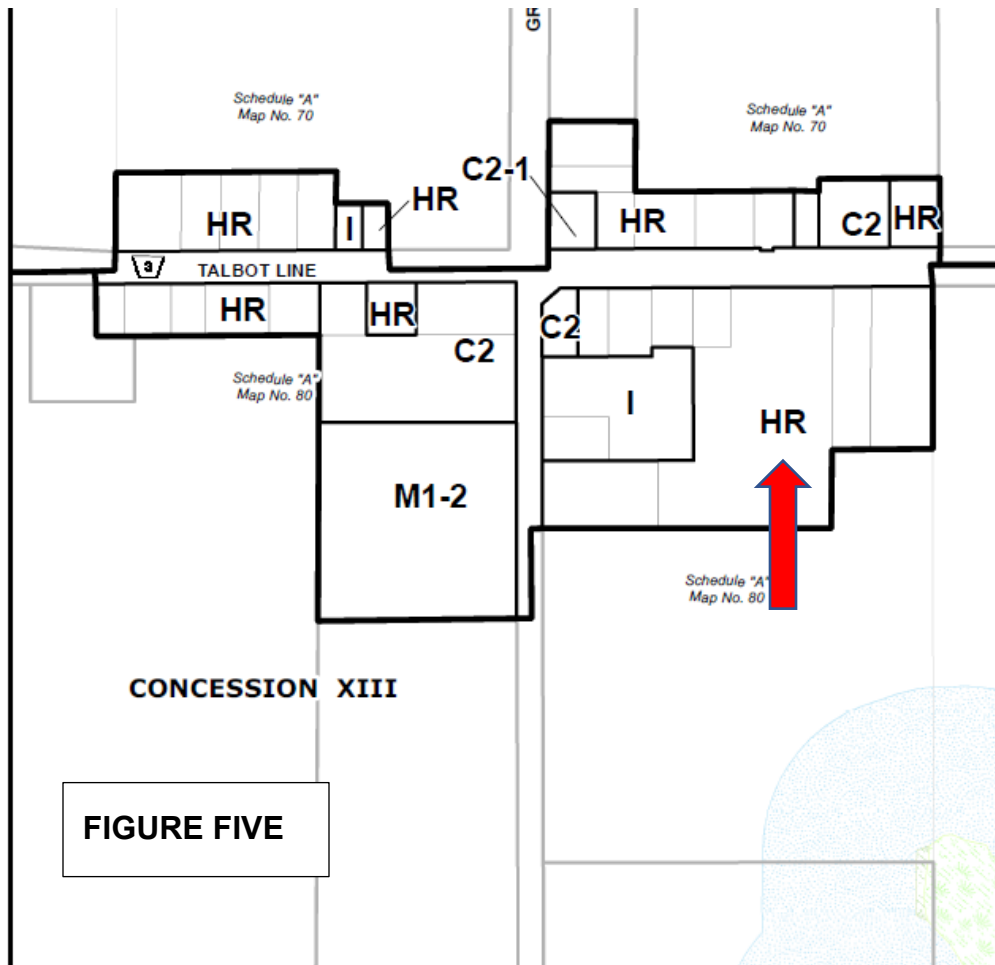
The Hamlet designation limits use to residential uses or specifically single detached dwellings. Lot creation policies for the Hamlet designation (Section 6.3.4) permit development on partial services. As a condition of the consent the applicant will be required to demonstrate that the lands are capable of supporting the proposed private septic systems. Lot creation is also subject to Section 10.4.1 of the OP which allows for severance (consent) applications. The proposed severance applications meet the policy of Section 10.4.1.

There is a small livestock facility located to the east of the subject lands. However, because the subject lands are located within what is considered a settlement area compliance with the Minimum Distance Separation guidelines developed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) are not applied. Therefore, this proposal conforms to the Official Plan.

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

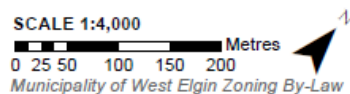
The subject lands are located in the Hamlet Residential (HR) Zone. (See Figure Five) The proposed lots, along with the retained parcel will meet the minimum lot area and frontage

requirements for partially serviced lands. If the existing dwelling is to remain lot line setbacks will need to be confirmed or the dwelling removed. Any accessory buildings that would remain on vacant lands will also need to be relocated to the lot with the dwelling or removed. Therefore, the proposal would comply with the ZBL.



Municipality of WEST ELGIN

Schedule "E"



Eagle

**Interdepartmental Comments:**

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

**Drainage:**

- The subject lands will require drainage reapportionment.

This is addressed as a condition of approval.

Utilities:

- New water connections will be required for two of the three lots.

Public Works:

- New access will be required. Talbot Line is a County Road as such permits will be required through the County.

Building Dept:

- Accessory buildings to remain on any new vacant parcel will need to be removed. Setback confirmation will be needed for the existing dwelling.

No other comments or concerns were received from Administration.

**Summary:**

It is the Planner's opinion that the proposed lot creation consent, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL, subject to the recommended minor variance; 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:



Robert Brown, H. Ba, MCIP, RPP  
Planner  
Municipality of West Elgin

**Report Approval Details**

Document Title:	Severance Application E14 - 2023, E15 - 2023 - Comments to Elgin County - 2023-13 - Planning Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix One - Site Sketch - Ouseph.pdf</li><li>- Planning Report 2023-13- Appendix Two A - West Elgin Conditions E14-15-23.pdf</li><li>- Planning Report 2023-13- Appendix Two B - West Elgin Conditions E14-15-23.pdf</li></ul>
Final Approval Date:	Mar 29, 2023

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

Jana Nethercott

## **Planning Report 2023-13: Appendix Two B**

### **Consent Application E15-23 – West Elgin Conditions**

Consent Application E15-23 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 have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction and clearance of the Municipality.
6. That the Applicant provide a septic system assessment completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality;
7. That the applicant install a new municipal water connection to the severed parcel (if required) at the applicant's expense and to the satisfaction of the Municipality;
8. That the applicant install a new municipal water connection to the retained parcel (if required) at the applicant's expense and to the satisfaction of the Municipality;
9. That the applicant obtain a new access permit from the County of Elgin to the severed parcel;
10. That the applicant obtain a new access permit from the County of Elgin to the retained parcel;
11. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
12. That all conditions noted above shall be fulfilled within 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*.



## **Planning Report 2023-13: Appendix Two A**

### **Consent Application E14-23 – West Elgin Conditions**

Consent Application E14-23 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 have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
5. That the applicant;
6. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction and clearance of the Municipality.
7. That the Applicant provide a septic system assessment 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 install a new municipal water connection to the severed parcel at the applicant's expense and to the satisfaction of the Municipality;
9. That the applicant obtain a new access permit from the County of Elgin to the severed parcel;
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within 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*.

March 22, 2023

Revised: March 27, 2023

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

Attn: **Paul Hicks**

Re: **Consent Application (E 14-23)**  
**Consent Application (E 15-23)**  
**25361 Talbot Line (Ouseph & George)**  
**Lot 19; Concession 13 N PT**  
**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 Interference with Wetlands portion of the regulations. The issues of concern for this area are the Redinger Drain Swamp (LT 65) Provincially Significant Wetland (PSW) and the 120 m Adjacent Lands of the PSW.

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 PSW are also required to any proposed structure

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

Yours truly



Connor Wilson  
Planner



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 14-23 and E 15-23

---

**Owner:** Ajimon E. Ouseph and Jeniya C. George  
**Agent:** None.  
1441 Medway Park Drive, London, ON N6H 0Z6

**Location:** Lot 19, North Part of Concession 13, Parts 6 and 7 on Reference Plan 11R-661.  
Municipally known as 25361 Talbot Line.

**PROPOSAL**

The applicant proposes to sever two (2) parcels, each with a frontage of 25.5m (83.67 feet) and a depth of 45m (147.64 feet) and an area of 1,144m<sup>2</sup> (0.28 acres) to create two (2) new residential lots. The applicant is retaining a lot with an area of 17,688m<sup>2</sup> (4.37 acres), proposed to remain in residential use.

<b>County of Elgin Official Plan</b> Tier 2 Settlement Areas	<b>Local Municipality Official Plan</b> Hamlet	<b>Local Municipality Zoning By-law</b> Hamlet Residential (HR)
---	---	--

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

Municipality of West Elgin – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Valley Conservation Authority* – No concerns.

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 giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to create two new residential lots in an existing settlement area. Each lot will have a lot area of 1,145m<sup>2</sup> and have frontage on Talbot Line, a County Road.

The PPS supports lot creation in settlement areas, and directs that settlement areas be the focus of development. The PPS supports a variety of land uses and densities which efficiently use land and resources, subject to Section 1.1.3.2.

*Section 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) Efficiently use land and resources*
- b) Are appropriate for, and effectively use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion*
- c) Minimize negative impacts to air quality and climate change, and promote energy efficiency*
- d) Prepare for the impacts of a changing climate*
- e) Support active transportation*
- f) Are transit-supportive, where transit is planned, exists or may be developed*
- g) Are freight supportive*

#### County of Elgin Official Plan

County Staff has examined the application in relation to the policies outlined in the County of Elgin Official Plan (CEOP) and determined that it adheres to them. The subject lands have been designated as Tier 2 Settlement Area, these are settlements which are smaller than Tier 1 Settlement Areas and generally have access to partial municipal services. In the case of the subject land, there is access to a municipal water system but each lot will need to be on private septic services. Lot creation in settlement areas is permitted for a variety of uses. Staff have reviewed the application against the general criteria of Section E1.2.3.1 and found that it complies to all relevant policies.

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

Staff have reviewed the application against the policies of the Municipality of 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. The proposed severance meets the policies of the West Elgin Official Plan. The Hamlet Official Plan designation permits the creation of new lots for residential purposes and supports the construction of residential uses, specifically single detached dwellings.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of West Elgin Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.

2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. Direct connection to a legal outlet for the severed lot is required – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
5. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.
6. Lot grading plan is required for the severed lot.

Additionally, it is recommended that the following conditions from the Municipality of West Elgin be included as conditions for consent for application E 14-23:

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 have a drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
5. That the applicant;
6. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant provide a septic system assessment 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 install a new municipal water connection to the severed parcel at the applicant's expense and to the satisfaction of the Municipality;
9. That the applicant obtain a new access permit from the County of Elgin to the severed parcel;
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within 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.

Additionally, it is recommended that the following conditions from the Municipality of West Elgin be included as conditions for consent for application E 15-23:



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 have a drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality.
6. That the Applicant provide a septic system assessment completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality;
7. That the applicant install a new municipal water connection to the severed parcel (if required) at the applicant's expense and to the satisfaction of the Municipality;
8. That the applicant install a new municipal water connection to the retained parcel (if required) at the applicant's expense and to the satisfaction of the Municipality;
9. That the applicant obtain a new access permit from the County of Elgin to the severed parcel;
10. That the applicant obtain a new access permit from the County of Elgin to the retained parcel;
11. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
12. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 16-23**

**SOUTH PART OF LOT 23, CONCESSION 9  
MUNICIPALITY OF BAYHAM  
MUNICIPAL ADDRESS: 11643 PLANK ROAD**

**TAKE NOTICE** that an application has been made by David John Obar and Jessica Jane Cain, 11643 Plank Road, Eden, ON N0J 1H0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11643 Plank Road.

The applicant proposes to sever a parcel with a frontage of 22.86m (75 feet) and a depth of 97.54m (320 feet) and an area of 2,053.34m<sup>2</sup> (22,102 sq. ft.) to create a new residential lot. The applicant is retaining a lot with an area of 4,130.93m<sup>2</sup> (44,465 sq. ft.), 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:

**APRIL 26, 2023 AT 10:20 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the 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 8<sup>th</sup> day of March, 2023.

Paul Clarke  
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.elgincounty.ca](http://www.elgincounty.ca)





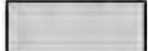


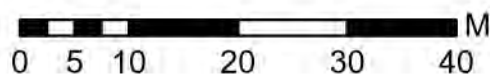
## Location Map

Subject Site: 11643 Plank Road  
 File Number: E 16-23  
 Owner: David John Obar and Jessica Jane Cain  
 Planner: Unknown  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Municipality of Bayham



### Legend

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












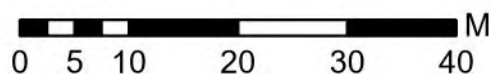
## Location Map

Subject Site: 11643 Plank Road  
 File Number: E 16-23  
 Owner: David John Obar and Jessica Jane Cain  
 Planner: Unknown  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 02/23/2023  
 Municipality of Bayham



### Legend

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





Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

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

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



April 11, 2023

Paul Clarke, Secretary-Treasurer  
Elgin County Land Division Committee  
450 Sunset Drive  
St. Thomas ON N5R 5V1

**EMAIL ONLY**

Dear Mr. Clarke

**Re: Application for Consent No. E16-23 Obar Cain**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the April 6, 2023 meeting:

**THAT** Report DS-16/23 regarding Consent Application E16-23 Obar and Cain be received for information;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E16-23 be granted subject to the following conditions and considerations:

1. Installation of an individual private well on the severed lot with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
2. Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for permits and installation
3. Provide engineered storm water management, drainage and grading plans showing the lot will not have a negative drainage impact on the abutting lands
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the West Branch of the Eden Main Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality 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.
5. Confirmation from the County of Elgin for future access to the County road
6. Purchase of a civic number sign for the severed lot
7. Cash in Lieu of Parkland Dedication fee to the Municipality for the created lot
8. Planning Report fee payable to the Municipality
9. Provide a digital copy of the registered plan of survey

Municipal Appraisal Sheet and Staff Report DS-19/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill,  
Planning Coordinator|Deputy Clerk  
D09.OBAR

Cc: D. Obar (email)



**MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE**

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

Submission E 16-23

Applicant David Obar and Jessica Cain

Location Bayham – 11643 Plank Road, Eden

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: HAMLETS  
Policies: Sections 4.2.4.1 and 4.4.2.2

PART 2 - ZONING

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

Comments: Zoning: Hamlet Residential (HR) Zone

Rezoning not required

- 5. If not, is the Municipality prepared to amend the By-Law? Yes ( ) 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 ( X ) No ( )
- 7. If so, is the Municipality prepared to provide those services? Yes ( X ) No ( )
- 8. Does the Municipality wish the Committee to impose conditions? Yes ( X ) No ( )
- 9. Does Council recommend the application? Yes ( X ) No ( )
- 10. Does the municipality have other concerns that should be considered by the Committee?

See Letter attached with listed conditions.

See Staff Report DS-19/23 considered at Council meeting scheduled for April 6, 2023.

4.2.3.5 Any proposals to redesignate lands from employment uses to residential uses, will only be considered during a comprehensive Official Plan Review and based on employment land needs projections.

4.2.4 **Intensification and Redevelopment**

4.2.4.1 The Municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services.

4.2.4.2 Targets for residential densities will be outlined in the individual land use designations. Residential intensification and redevelopment is subject to the following policies:

- a) The permitted forms of residential intensification and redevelopment shall only be permitted in those areas designated as “Hamlets” and “Villages” and will be permitted based on the level of water and wastewater servicing that is available in the specific settlement areas.
- b) Residential intensification and redevelopment may take the form of dwelling conversion, street infilling, rear yard infilling, and infill subdivisions.
- c) Residential intensification and redevelopment may only occur to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Municipality to satisfy the proposed water supply and wastewater disposal systems.
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in the Official Plan, the Municipality will ensure that:
  - 1. For dwelling conversions, the exterior design of the dwelling is consistent with the surrounding area in terms of height, bulk, scale, and layout;
  - 2. For street infilling, the proposal is consistent with Subsection 4.4.2.4 a), and with the established building line and setbacks of the surrounding area.
  - 3. For rear yard infilling, the proposal is consistent with subsection 4.4.2.4. a); the siting of buildings and parking areas minimizes the

impacts on neighbouring rear yards; direct vehicular access is provided to a public street with sufficient width to allow efficient vehicular use, on-site snow storage, and access and turn-around by emergency vehicles.

4. For infill subdivisions, the proposal is consistent with subsections 4.4.2.4. a) and c); and measures will be undertaken through a subdivision agreement, to buffer and screen the development from surrounding residential uses.

4.2.4.3 Proposals for residential intensification and redevelopment will not be supported if it is determined that the proposal cannot satisfy the above criteria, or would present a threat to public health and safety both on and off site.

#### 4.2.5 **Community Design**

The Municipality shall encourage development and redevelopment of lands, buildings, streets, and public spaces applying community design excellence, contributing to the quality of place for Bayham's residents. The following policies relate to the physical design of communities, including plans of subdivision, infill development proposals, and site plans. Through the development review process for all planning applications the Municipality shall:

- a) Ensure that new development is designed in keeping with the traditional character of Settlement Areas, in a manner that preserves the traditional image and enhances the sense of place in the Municipality;
- b) Promote efficient and cost-effective development buildings, landscapes and circulation design patterns that minimize land consumption;
- c) Promote improvement of the physical character, appearance and safety of streetscapes, public spaces, and parks;
- d) Encourage tree retention and/or tree replacement on private and public lands.
- e) Encourage design that considers and integrates existing and traditional street patterns and neighbourhood structure;
- f) Encourage a high quality of architecture and site design for institutional uses such as schools, places of worship, libraries and other public service

- f) New hamlet commercial or industrial uses shall be included in a separate zoning category in the Zoning By-law and existing commercial and industrial facilities should also be so recognized in the zoning by-law;
- g) Adequate off-street parking shall be provided;
- h) Adequate buffer planting shall be provided between the hamlet commercial or industrial use and any adjacent residential areas, and such buffer planting may include provisions for grass strips, fences, and appropriate planting of trees and shrubs.

#### 4.4.2 **Residential Uses**

4.4.2.1 The principal land use function of "Hamlets" shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings. These uses will be controlled and regulated by the Zoning By-law.

4.4.2.2 Consents will generally be discouraged and will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in the Official Plan and to the following criteria when considering an application for a consent in the Hamlet areas:

- a) Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority;
- b) Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction;
- c) Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly;
- d) The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law;
- e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;

- f) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.

4.4.2.3 It is the intention of this Plan to allow for the eventual development of other residential types such as multiple unit dwellings and single unit mobile home parks within the residential areas of the "Hamlets". These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that municipal water and sewer services are available, and an amendment to the Zoning By-law has been approved.

4.4.2.4 Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential developments:

- a) The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
- b) The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic generation;
- c) Adequate off-street parking shall be provided;
- d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

#### 4.4.3 **Commercial Uses**

4.4.3.1 The general principles to be considered in the development and zoning of commercial uses in the "Hamlets" are as follows:

- a) The uses permitted in this land use category are those uses that may serve local residents or the entire Municipality. These uses may include



## **SECTION 9 HAMLET RESIDENTIAL (HR) ZONE REGULATIONS**

### **9.1 Permitted Uses**

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

- One single detached dwelling on one lot;
- Bed and Breakfast Lodging or Tourist Home;
- Converted dwelling;
- Home occupation;
- Private garage or carport as an accessory use;
- Accessory use.

### **9.2 Minimum Lot Area**

No public water supply or sanitary sewage disposal service: 1,390 m<sup>2</sup>

Z698-2020

Public water supply, but no sanitary sewage disposal service: 1,100 m<sup>2</sup>

Public sanitary sewage disposal service, but no public water supply: 900 m<sup>2</sup>

### **9.3 Minimum Lot Frontage**

20.0m

Z698-2020

### **9.4 Maximum Lot Coverage**

30%

### **9.5 Maximum Building Height**

10.5m

9.5.1 Maximum Accessory Building Height: 4.5m

### **9.6 Minimum Floor Area**

Z698-2020

### **9.7 Maximum Floor Area for an Accessory Building**

75 m<sup>2</sup> or 8% lot coverage, whichever is less

### **9.8 Minimum Front Yard Depth**

7.0 metres

### **9.9 Minimum Side Yard Width**

Single detached dwelling with an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first storey
Single detached dwelling without an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first

	storey for one side and 3.0 metres on the other side
Single detached dwelling situated on a corner lot:	4.5 metres on the side abutting a public street and 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on the other side

9.10 **Minimum Rear Yard Depth**

9.0m

9.11 **Minimum Separation Distance**

From the edge of a railway right-of-way: 30.0 metres

9.12 **Exceptions - Hamlet Residential (HR) Zone**

9.12.1

9.12.1.1 **Defined Area**

HR-1 as shown on Schedule "B" to this By-law.

9.12.1.2 **Permitted Uses**

Commercial Greenhouse in addition to all other uses permitted in the Hamlet Residential (HR) Zone.

9.12.1.3 **Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

9.12.1.4 **Minimum Lot Area**

975 square metres

9.12.1.5 **Minimum Lot Frontage**

- I. For a commercial greenhouse: 16 metres
- II. For a residential dwelling: 14.5 metres

9.12.1.6 **Minimum Side Yard**

2 metres on each side of each building in compliance with subsection 4.25.

9.12.2

9.12.2.1 **Defined Area**

HR-2 as shown on Schedule "E" to this By-law.

9.12.2.2 **Permitted Uses**

Service shop

Inside storage

Pumphouse for a communal well system

In addition to all other uses permitted in the Hamlet Residential (HR) Zone



# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council  
**FROM:** Margaret Underhill, Planning Coordinator/Deputy Clerk  
**DATE:** April 6, 2023  
**REPORT:** DS-19/23 **FILE NO. C-07 / D09.23 OBAR CAIN**  
**Roll # 3401-000-006-19001**

---

**SUBJECT:** Consent Application E16-23 Obar, D and Cain, J  
11643 Plank Road, Eden

---

### **BACKGROUND:**

Consent application E16-23 was received from the Elgin County Land Division Committee submitted by David Obar and Jessica Cain proposing to sever 2053.3 m<sup>2</sup> (0.5 acres) of land and retain 4130.9 m<sup>2</sup> (1.02 acres) of land with the intent to create an additional new building lot in the hamlet of Eden.

The subject lands are designated "Hamlets" on Schedule 'A1' Municipality of Bayham: Land Use in the Municipality of Bayham Official Plan. The lands are zoned Hamlet Residential (HR) on Schedule "D" Eden in Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on April 26, 2023.

### **DISCUSSION:**

The planner's memorandum, dated March 29, 2023, analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

Staff note that the lot is assessed to the West Branch of the Eden Main Drain and therefore, upon creation of the lot, the drain maintenance schedule will have to be reassessed. The lot will require connection to the municipal sanitary sewer system and a private well installed as conditions. Additional listed conditions are included in the recommendation.

Staff and planner recommend Council's support of the application with the listed conditions to permit the creation of one building lot.

## ATTACHMENTS

1. Consent Application E16-23
2. Aerial map – 11643 Plank Road
3. IBI Memorandum dated March 29, 2023

## RECOMMENDATION

**THAT** Report DS-16/23 regarding Consent Application E16-23 Obar and Cain be received for information;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E16-23 be granted subject to the following conditions and considerations:

1. Installation of an individual private well on the severed lot with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety
2. Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for permits and installation
3. Provide engineered storm water management, drainage and grading plans showing the lot will not have a negative drainage impact on the abutting lands
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the West Branch of the Eden Main Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality 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.
5. Confirmation from the County of Elgin for future access to the County road
6. Purchase of a civic number sign for the severed lot
7. Cash in Lieu of Parkland Dedication fee to the Municipality for the created lot
8. Planning Report fee payable to the Municipality
9. Provide a digital copy of the registered plan of survey

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

CAO|Clerk

# Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	March 29, 2023
<b>From</b>	Paul Riley BA, CPT	<b>Project No</b>	3404-891
<b>cc</b>	William Pol, MCIP, RPP		
<b>Subject</b>	David John Obar and Jessica Jane Cain – 11643 Plank Road, Eden – Application for Consent E16-23		

1. We have completed our review of Consent application E16/23, submitted by David John Obar and Jessica Jane Cain for lands located at 11643 Plank Road, west side and north of Eden Line. The applicant is requesting consent for severance of 2,053.3 m<sup>2</sup> (0.5 acres) of land and to retain 4,130.9 m<sup>2</sup> (1 acre) of land. The intent is to create a residential lot on a southern portion of the subject lands. The lands are designated “Hamlets” on Schedule ‘A1 Municipality of Bayham: Land Use in the Official Plan. The lands are zoned Hamlet Residential (HR) on Schedule “D” in Zoning By-law Z456-2003.
2. The proposed severed lot has lot frontage of 22.86 metres (75 feet) and lot depth of 97.5 metres (320 feet) and is irregular in configuration due to the existing parcel configuration. The proposed lands to be severed are vacant. The retained lands have lot frontage of 28.96 metres (95 feet) and lot depth of 124.36 metres (408 feet). The lands to be retained comprise a single-detached dwelling and swimming pool. The surrounding uses are agricultural to the north, industrial to the west and residential to the northeast, east and south, and a commercial use to the southeast.
3. The proposed severed lot would abut the industrial manufacturing use to the west and in 2019 the business owners went through a Site Plan process which included adding warehousing space to contain storage within a new building and fencing and a landscape buffer. It is anticipated that the new residential lot would be somewhat impacted by noise from the manufacturing activities. There are existing residential uses adjacent to the manufacturing use that have co-existed for a number of years. Based on the light industrial nature of the adjacent industrial manufacturing use and the existing residential nature of the lands, adding one single-detached residential lot is generally compatible.
4. There is an ongoing conditionally approved Consent, application number E74-22, which proposes the severance of a vacant residential lot on a north portion of the subject lands.



Municipality of BayhamMunicipality of Bayham – March 29, 2023

5. Section 4.2.4.1 of the Municipality of Bayham Official Plan states that “*The Municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services*”. The subject property is within the settlement area boundary, and the Hamlet of Eden has available municipal sewer services. Section 4.4.2.2 of the Official Plan regarding consents on Residential Lands in Hamlets sets out the following criteria for a consent:
- a. *Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority. The applicant shall connect the new dwelling to the municipal sanitary sewer disposal system and the applicant shall install a private well with test results showing water quality and quantity for residential use that meets provincial standards.*
  - b. *Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction. The lands front on Plank Road, which is an adequate public road.*
  - c. *Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly. The proposed lot has the effect of infilling in an existing developed area within the settlement area boundaries of the Hamlet of Eden.*
  - d. *The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law. The proposed lot size is adequate to accommodate low density residential uses in accordance to the Zoning By-law and is adequate to be serviced by municipal sewer services and private water services.*
  - e. *Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads. Plank Road is an Elgin County Road and is likely suitable for private driveway access within the hamlet area. Elgin County may require approval for the new driveway for access.*
  - f. *Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades. Plank Road is a straight and flat Elgin County Road with other private driveway accesses within Eden which*

Municipality of BayhamMunicipality of Bayham – March 29, 2023

is likely suitable for private driveway access, to be confirmed by Elgin County.

- g. *Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands.* The vacant agricultural lands designated for residential uses abutting to the north and west have adequate frontage further north on Plank Road for future access, subsequent access to interior lands is not impacted.

The proposed Consent is in conformity to the Official Plan once Conditions of Consent for servicing and road access are completed.

6. The subject lands are located within the Hamlet Residential (HR) zone of Bayham Zoning By-law Z456-2003. The proposed single-detached residential dwelling on the lands to be severed is a listed permitted use in the HR zone. The configuration of the proposed lot is adequate to accommodate the proposed single-detached dwelling unit and would be in accordance with the regulations of the HR zone, including minimum lot area and frontage. The irregular configuration may make limit the possible dwelling location on the lot and depends on the size and type of building. The HR zone minimum setbacks apply and shall be accounted for when constructing the dwelling. The existing single-detached dwelling is also located in the HR zone and will continue to conform to the applicable HR zone regulations pertaining to minimum lot area and frontage, minimum setbacks, etc. The proposed lots are in conformity to the Zoning By-law.
7. Based on the above review of consent application E16-23 we have no objection to the proposed consent to create an additional residential lot in a fully serviced settlement area and recommend the following conditions for consent approval:
  - a. That the owner provide a digital copy of a survey of the lands;
  - b. That the owner connect the new dwelling to the municipal sanitary sewer service;
  - c. That the owner provide storm water management, drainage and grading plans for the severed lot;
  - d. That the owner install a private well with test results showing water quality and quantity for residential use that meets provincial standards.
  - e. That the applicant apply and pay all fees to the Municipality with respect to Civic Addressing/signage for the severed lot;
  - f. That the owner provide confirmation from Elgin County that a Road Access Permit is obtained;

Municipality of BayhamMunicipality of Bayham – March 29, 2023

- g. That the applicant provide a Planning Report Fee payable to the Municipality of Bayham;
- h. That the owner pay all fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
- 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 Municipality 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.

*Paul Riley*

IBI Group  
Paul Riley  
Consulting Planner to the  
Municipality of Bayham

## Paul Clarke

---

**From:** planning <planning@lprca.on.ca>  
**Sent:** March 17, 2023 10:00 AM  
**To:** Paul Clarke  
**Subject:** FW: Notices of Application - April LDC  
**Attachments:** E 10-23 - Notice of Application.pdf; E 16-23 - Notice of Application\_.pdf; E 20-23 - Notice of Application.pdf

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

Good morning,

Thanks for contacting the Long Point Region Conservation Authority (LPRCA). All three applications attached are outside of the area regulated by LPRCA under Ontario Regulation 178/06. As such, LPRCA has no comments or concerns.

In future, notices can just be sent to [planning@lprca.on.ca](mailto:planning@lprca.on.ca). Leigh-Anne has access to this mailbox as well and sending to the general inbox ensures emails are received regardless of staff absences/vacations/illness.

Thanks!



**Aisling “Ashleen” Laverty, CPT**

**Resource Planner | Long Point Region Conservation Authority**

**4 Elm St., Tillsonburg ON N4G 0C4**

**519-842-4242 ext. 235 | [alaverty@lprca.on.ca](mailto:alaverty@lprca.on.ca)**

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** March 17, 2023 9:30 AM  
**To:** Leigh-Anne Mauthe <lmauthe@lprca.on.ca>; planning <planning@lprca.on.ca>  
**Subject:** Notices of Application - April LDC

Good morning,

Please see the attached notices for consent applications scheduled to be heard by LDC at the April 26<sup>th</sup> meeting.

If you wish to provide comments on this application please submit them no later than EOD **Tuesday, April 18, 2023** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke, CPT**

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: April 13, 2023 ELGIN COUNTY ROAD NO.: Plank Road CR19

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 16-23

APPLICANT: David John Obar and Jessica Jane Cain

PROPERTY: LOT NO. 23 CONCESSION: 9  
REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Bayham

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

- 1) Land for road widening is required .....   
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Plank Road County Road (19) 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.



\_\_\_\_\_  
**PETER DUTCHAK, CET**  
Manager of Transportation Services





**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 16-23

---

**Owner:**  
**David John Obar and Jessica Jane Cain**  
11643 Plank Road, Eden, ON, N0J 1H0

**Agent:**  
**None.**

**Location:** South Part of Lot 23, Concession 9, Part S and Part 1 on 11R-4217.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 22.86m (75 feet) and a depth of 97.54m (320 feet) and an area of 2,053.34m<sup>2</sup> (22,102 sq. ft.) to create a new residential lot. The applicant is retaining a lot with an area of 4,130.93m<sup>2</sup> (44,465 sq. ft.), proposed to remain in residential use.

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

**Local Municipality Official  
Plan**  
Hamlet

**Local Municipality Zoning  
By-law**  
Hamlet Residential (HR)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Long Point Region Conservation Authority* – No concerns.

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

The subject land is also the subject of another consent application (File E 74-22) which was granted provisional consent last year.

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 giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to create a new residential lot in a settlement area. The proposed severed lot will be approximately 2,050m<sup>2</sup> in area with frontage on Plank Road. The PPS supports lot creation in settlement areas, and directs that settlement areas be the focus of development. The PPS supports a variety of land uses and densities which efficiently use land and resources, subject to Section 1.1.3.2.

*Section 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) Efficiently use land and resources*
- b) Are appropriate for, and effectively use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion*
- c) Minimize negative impacts to air quality and climate change, and promote energy efficiency*
- d) Prepare for the impacts of a changing climate*
- e) Support active transportation*
- f) Are transit-supportive, where transit is planned, exists or may be developed*
- g) Are freight supportive*

#### County of Elgin Official Plan

County Staff has examined the application in relation to the policies outlined in the County of Elgin Official Plan (CEOP) and determined that it adheres to them. The subject lands are classified as a Tier 2 Settlement Area, which are smaller than Tier 1 Settlement Areas and usually have access to partial municipal services. The proposed severed lot will have access to a municipal sanitary system but will require an individual well. Lot creation is permitted in settlement areas for various purposes. County Staff has reviewed the application against the overall requirements of Section E1.2.3.1 and has determined that it adheres to all pertinent policies.

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

Staff have reviewed the application against the policies of the Municipality of Bayham 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. The proposed severance meets the policies of the Bayham Official Plan and the proposed lot meets the requirements of the Hamlet Residential (HR) zone.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Bayham Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.

2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.
4. Direct connection to a legal outlet for the severed lot is required – If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
5. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.
6. Lot grading plan is required for the severed lot.

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

1. Installation of an individual private well on the severed lot with water quantity and water quality reports for bacteria and nitrates content meeting provincial standards for residential use, as a matter of public health and safety.
2. Installation of a municipal sanitary sewer connection to the severed lot at the applicants' cost for permits and installation.
3. Provide engineered storm water management, drainage and grading plans showing the lot will not have a negative drainage impact on the abutting lands.
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the West Branch of the Eden Main Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the Municipality 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.
5. Confirmation from the County of Elgin for future access to the County Road.
6. Purchase of a civic number sign for the severed lot.
7. Cash-in-Lieu of Parkland Dedication fee to the Municipality for the created lot.
8. Planning Report fee payable to the Municipality.
9. Provide a digital copy of the registered plan of survey.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 17-23**

**PART OF LOT 20, CONCESSION 5  
MUNICIPALITY OF DUTTON DUNWICH**

**TAKE NOTICE** that an application has been made by Peter Littlejohn, 29751 Lakeview Line, Wallacetown, ON N0L 2M0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Part of Lot 20, Concession 5.

The applicant proposes to create an easement 6m wide along the western boundary of the property line to provide access for the maintenance, repair and replacement of a buried hydro cable. The applicant is also creating an easement for the encroachment of a solar panel on a surplus farm dwelling parcel which was granted provisional consent in February, 2022 (file #E 101-22).

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:

**APRIL 26, 2023 AT 10:30 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

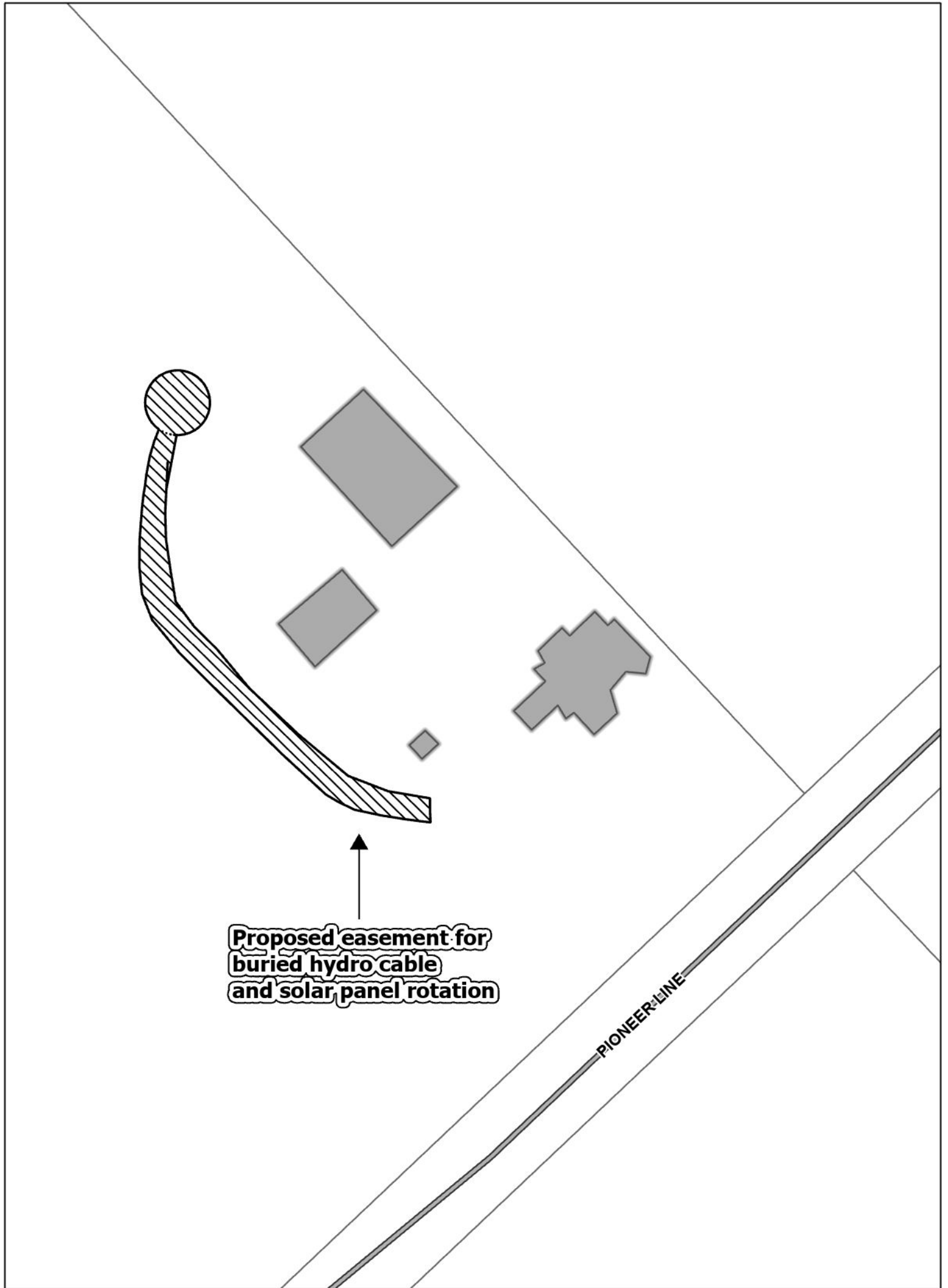
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 16<sup>th</sup> day of March, 2023.

Paul Clarke  
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)

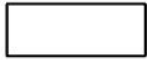

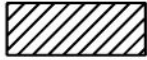




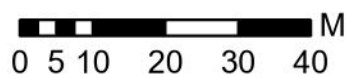
## Location Map

Subject Site: Part of Lot 20, Concession 5  
 File Number: E 17-23  
 Owner: David Harold Durham  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 03/01/2023  
 Municipality of Dutton Dunwich



### Legend

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







**Proposed easement for  
buried hydro cable  
and solar panel rotation**

PIONEER LINE



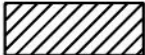

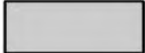
Elgin County, Maxar, Microsoft

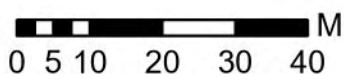
## Location Map

Subject Site: Part of Lot 20, Concession 5  
 File Number: E 17-23  
 Owner: David Harold Durham  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 03/01/2023  
 Municipality of Dutton Dunwich



### Legend

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



## 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 17 23

Applicant David Harold Durham

Location 31556 Pioneer 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: The subject lands are designated Agriculture on Schedule 'A' Land Use Plan

Policies: Section 8.3.5 permits easements which do not result in the creation of a new 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: ZBA approved and is currently awaiting an appeal period, as of the date of writing the staff report.

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

### 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 the Municipality recommend the application? Yes (X ) No ( )
10. Does the Municipality have other concerns that should be considered by the Committee?

Staff Report attached.

Revised 30/01/20



Municipality of  
**Dutton Dunwich**

**TO:** County of Elgin Land Division Committee  
**FROM:** Tracey Pillon-Abbs, MCIP, RPP, Planner  
**DATE:** April 12, 2023  
**SUBJECT:** Application for Severance (E 17/23), 31556 Pioneer Line, Municipality of Dutton Dunwich – David Harold Durham

---

**FOR INFORMATION:**

**Background**

The subject parcel is legally described as Concession 5, North of A SE Part Lot 20, and locally known as 31556 Pioneer Line, Municipality of Dutton Dunwich.

Several drains cross the subject lands. There are small woodlots located on portions of the subject parcel.

A portion of the property is subject to the regulations of the Lower Thames Valley Conservation Authority (LTVCA) along the drains.

**Purpose of Application**

The owner is requesting an easement for an existing solar panel.

LDC applications B100/22 and B101/22 have also been applied and were considered previously.

**Department Comments**

The proposed severance application was circulated to municipal staff. The following is a summary of the comments received at the time of writing this report:

<b>Departments</b>	<b>Comments received</b>
Drainage	No concerns with drainage and an easement.
Building	No comments.
Water	No comments.
Sewer	No comments.



<b>Departments</b>	<b>Comments received</b>
Road	No comments.
Fire	No comments.

**PLANNING POLICY REVIEW:**

**Provincial Policy Statement**

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

Section 2.3.4 permits the creation of easements.

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

**County of Elgin Official Plan**

The subject lands are designated Agricultural Area on Schedule ‘A’ Land Use of the County of Elgin Official Plan (COP), with a portion subject to Natural Heritage Features and Areas on Appendix ‘#1’ abutting the subject lands.

Section E1.2.3.3 permits easements.

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

**Comment:** The proposed application is consistent with the COP. No development is proposed in the woodlands.

**Municipality of Dutton Dunwich Official Plan**

The subject lands are designated Agriculture on Schedule ‘A’ Land Use Plan of the current and adopted Official Plan (OP), as approved July 6, 2021.

Section 8.3.5 permits easements which do not result in the creation of a new lot.

**Comments:** The proposed application is consistent with the OP.

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

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50 (ZBL), the subject lands are currently zoned Exception Special Agricultural (A2-12) Zone on Map 7, Schedule ‘A’ with a portion subject to the LTVCA Regulation Limit.

As a condition of applications B100/22 and B101/22, a Zoning By-law Amendment (ZBA) was required to rezone the subject property to the Exception Special Rural Residential (RS-27) Zone to permit non-farm residential uses. Relief for the maximum lot area of the proposed severed lot is required, as a condition of ZBA.

The retained parcel was rezoned to the Agricultural (A2-12) Zone to prohibit new residential uses and maintain the required minimum 40 ha farm size.

The ZBA is in progress and is awaiting its appeal period, as of the time of writing this report.

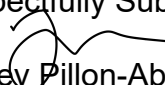
**Comments:** The proposed application complies with the intent of the ZBL. All other zone regulations can be complied with.

**RECOMMENDATION:**

Administration supports approval of the application to the LDC for the proposed severance application with the following recommended conditions:

- 1) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- 2) That taxes are to be paid in full;
- 3) That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality; and
- 4) 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.

Respectfully Submitted

  
Tracey Pillon-Abbs, MCIP, RPP  
Planner



March 22, 2023

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

Attn: **Paul Hicks**

Re: **Consent Application (E 17-23)**  
**0 Pioneer Line (Littlejohn)**  
**Part Lot 20; Concession 5**  
**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.

Please be advised that the subject property is located in an area with a Significant Groundwater Recharge Area [SGRA] as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. However, there are no policies in the local Source Protection Plans that regulate activities in Highly Vulnerable Aquifers or Significant Groundwater Recharge Areas. We encourage any development in these areas to consider the sensitivity of the area, and take steps to protect it, such as: conserving water, properly disposing of hazardous waste, using non-toxic products where possible, and preventing pollutants from entering into runoff. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at [www.sourcewaterprotection.on.ca](http://www.sourcewaterprotection.on.ca).

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

Yours truly

A handwritten signature in blue ink, appearing to read "Connor Wilson".

Connor Wilson  
Planner



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 17-23

**Owner:**  
**David Harold Durham**  
2634 Sandra Post Crescent, London, ON N6K  
5R4

**Applicant:**  
**Peter Littlejohn (Littlejohn Family  
Farms Ltd.)**  
29751 Lakeview Line, Wallacetown, ON  
N0L 2M0

**Location:** Part of Lot 20, Concession 5.

PROPOSAL

The applicant proposes to create an easement 6m wide along the western boundary of the property line to provide access for the maintenance, repair and replacement of a buried hydro cable. The applicant is also creating an easement for the encroachment of a solar panel on a surplus farm dwelling parcel which was granted provisional consent in February, 2022 (file #E 101-22).

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agriculture

**Local Municipality Zoning  
By-law**  
Subject of zoning  
amendment for surplus  
dwelling (in appeal period)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Dutton Dunwich – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Conservation Authority* – No concerns.

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 giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to create an easement along a parcel which was granted provisional consent to sever for the purposes of a surplus dwelling at the February 2023 LDC meeting. The application is to create an easement for the purposes of a solar panel installation and hydro cable which straddles the property lines of the severed and retained lands. Section 2.3.4.2 of the PPS permits severances for legal and technical reasons which include the creation of easements where no new lot is being created.

#### County of Elgin Official Plan

County Staff has examined the application in relation to the policies outlined in the County of Elgin Official Plan (CEOP) and determined that it adheres to them. The subject lands are classified as Agricultural Area. Section E1.2.3.3 of the CEOP permits technical severances, such as those which create easements, in all land use designations. This consent application will not result in the creation of a new lot and is to accommodate existing infrastructure.

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

Staff have reviewed the application against the policies of the Municipality of 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. Similar to the CEOP, the Dutton Dunwich OP permits consents for the creation of easements in all land use designations.

The subject land is presently the subject of a Zoning By-law Amendment (ZBA) which was a condition of the previously granted provisional consent. The ZBA has the effect of rezoning the subject land to Exception Special Rural Residential (RS-27) and has been approved by the Council of the Municipality of Dutton Dunwich and is currently in the appeal period.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Dutton Dunwich Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

1. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
2. That taxes are to be paid in full;
3. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality; and



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

4. 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.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 19-23**

**PART OF LOT 15, 5 WEST DIVISION ALDBOROUGH  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 13941 COLLEY ROAD**

**TAKE NOTICE** that an application has been made by Joseph Hentz, 53 Front Street West, Strathroy, ON N7G 1X6 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 13941 Colley Road.

The applicant proposes to sever a parcel with a frontage of 55m (180.45 feet) and a depth of 145m (475.72 feet) and an area of 7,9475m<sup>2</sup> (1.97 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 41 ha (101.5 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:

**APRIL 26, 2023 AT 10:40 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

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

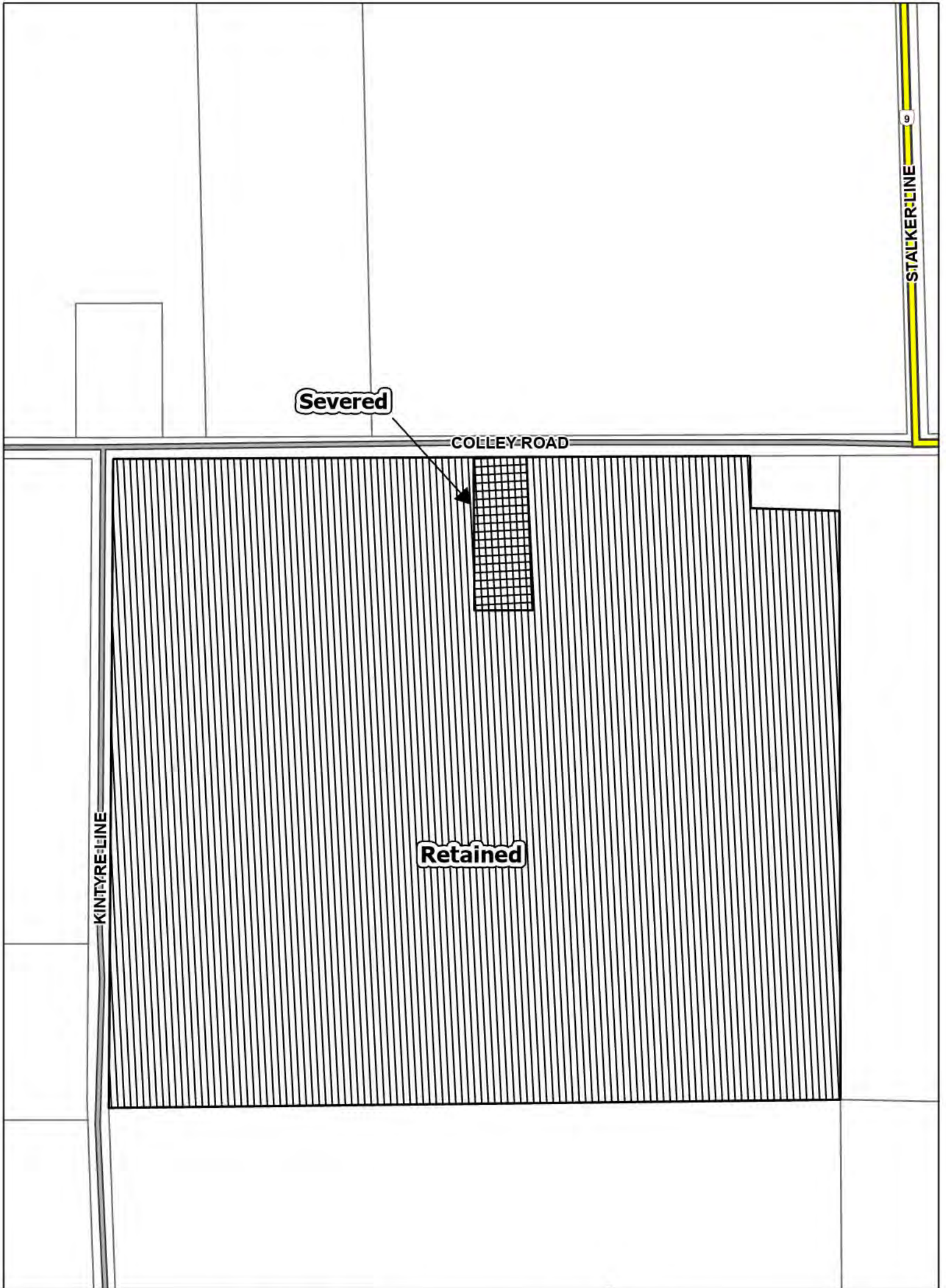
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

Dated at the Municipality of Central Elgin this 16<sup>th</sup> day of March, 2023.

Paul Clarke  
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)

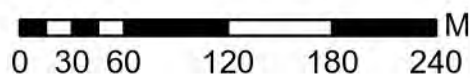








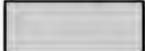
## Location Map

Subject Site: 13941 Colley Road  
 File Number: E 19-23  
 Owner: Stacey Carland Johnston  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 03/01/2023  
 Municipality of West Elgin

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



### Legend

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

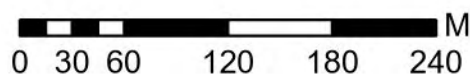




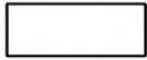

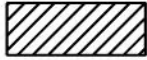

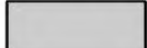
## Location Map

Subject Site: 13941 Colley Road  
 File Number: E 19-23  
 Owner: Stacey Carland Johnston  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 03/01/2023  
 Municipality of West Elgin

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



### Legend

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



**Planning Report 2023-14: Severance Report E19-23 –**  
**Comments to the County of Elgin**

**Appendix Two: Severance Application E19-23 Conditions**

Severance Application E19-23 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 including any applicable easements and/or rights-of-way 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 severed and retained lands are transferred to the prospective purchaser Owen Cardwell Robert Johnston, Brenda Lee Johnston and John Robert Johnston as outlined in the purchase agreement.
5. That a septic system assessment be completed for the severed parcel to the satisfaction and clearance of the Municipality.
6. That the Applicant provide written confirmation from a licensed well installer that the private well provides the quality and quantity of potable water required by Provincial standards.
7. That the Applicant provide written confirmation of a water quality test by the applicable public health unit;
8. That the barn and silo encroaching on the proposed line of severance be demolished and removed from the property to the satisfaction of and clearance of the Municipality;
9. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels. Such amendment of the Zoning By-law must come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
10. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
11. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
12. That all conditions noted above shall be fulfilled within 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*.



## Staff Report

---

**Report To:** Council Meeting  
**From:** Robert Brown, Planner  
**Date:** 2023-03-20  
**Subject:** Severance Application E19-2023 – Comments to Elgin County – 2023-14 – Planning Report

---

### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application, File E19-23 – Comments to Elgin County (Planning Report 2023-14);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E19-23, 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 E19-23, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the prospective purchaser at 13941 Colley Road.

### **Background:**

Below is background information, in a summary chart:

<b>Application</b>	E19-23
<b>Owner</b>	Stacey Carland Johnston
<b>Applicant/Purchaser</b>	Owen Cardwell Robert Johnston
<b>Legal Description</b>	Part Lot of 15, Concession 5 WD
<b>Civic Address</b>	13941 Colley Road
<b>Entrance Access</b>	Colley Road
<b>Water Supply</b>	Private on-site well
<b>Sewage Supply</b>	Private on-site individual septic system
<b>Existing Land Area</b>	40.06 ha (99 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>E19-23</b>	55 m (180.4 ft.)	145 m (475.7 ft.)	0.8 ha (1.97 ac)	602 m (1,975 ft.)	613 m (2,011 ft.)	41 ha (101.3 ac.)

The Public Hearing is scheduled for April 26, 2023, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.





The severance sketch, showing E19-23 is 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 from time to time. The severance may result in a minimal increase in assessment.

### **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 current lot footprint is very irregular in shape. The proposed lot does include some actively farmed land however it squares off the lot to be severed and will improve the long-term efficient operation of the remaining farmland. The removal is also offset by the removal of an existing barn, the area around which can be returned to productive use. There are livestock facilities within 800 m of the proposed lot. However, severance of the existing dwelling will not impact on the livestock operations.

The property does contain a small amount of wooded area in the southwest corner of the retained parcel however the proposed surplus dwelling lot is not located within the natural heritage (Section 2.3) portions of the property and will not impact on its ongoing function. As such, the proposal is 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 and Provincially Significant Wetlands 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 prospective purchaser's farming operations. The residence is serviced by a private water well and private individual on-site septic system.

No development is proposed within the natural heritage feature (Section D1.2). Therefore, this proposal conforms 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 contains a wooded area as indicated on Schedule 'B' on Map 2. That same portion of the property is also included as part of the Ferndell Wetland Complex. These areas are not impacted by the requested severance.

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 applicant has demonstrated that the residence is surplus to the prospective purchaser's 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 required as a condition of severance;
- There is a livestock operation within 800 m of the proposed lot however there is not impact to the proposed lot or neighbouring livestock operation;
- The proposed severed parcel does include a small amount of productive farmland but only what is necessary to square off the irregular yard configuration; and
- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removal. However, the applicant is proposing to remove a large older barn and silo that would end up encroaching on the proposed lot lines of the severed parcel.

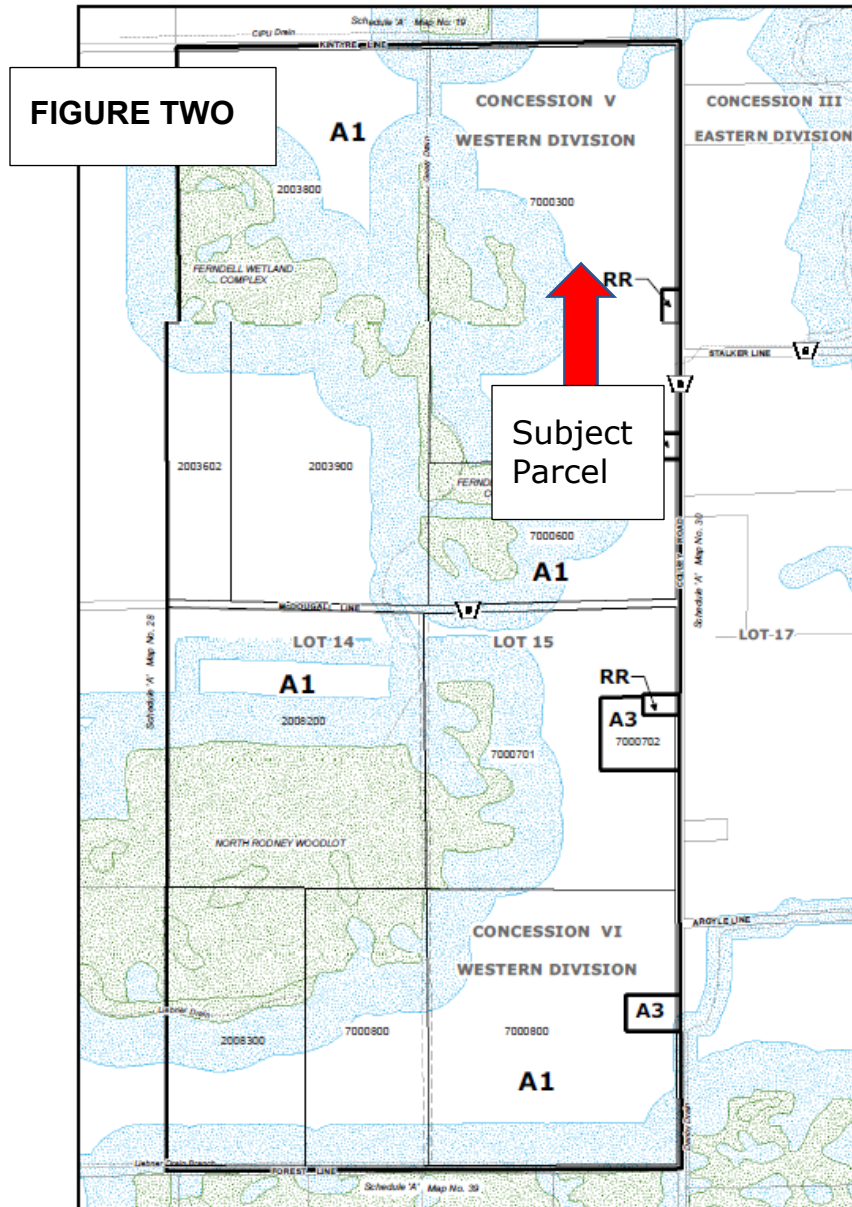
No development is proposed within the natural heritage feature on the property.

Lot creation polices under Section 10.4.1 of the OP, allow for severance (consent) applications 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 conforms 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 29 of the ZBL, as depicted in Figure Two below:



Municipality of WEST ELGIN: RURAL AREA  
 SCALE 1:10,000  
 0 50 100 200 300 400 500 Metres  
 Municipality of West Elgin Zoning By-Law

Schedule "A"  
 Map No. 29

Permitted uses within the General Agricultural (A1) Zone include single unit dwellings. The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 m respectively.

The proposed severed parcel area is 0.8 ha (1.97 ac.), with a lot frontage of 55 m (180.44 ft.); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m. The proposed retained parcel would also need to be rezoned to Agricultural (A2) Zone, to continue to permit agricultural uses but prohibit new dwellings.

Provided a Zoning By-law Amendment is obtained for the severed and retained parcels, as a condition of the consent application, the proposal will comply with the Zoning by-law.

### **Interdepartmental Comments:**

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

#### **Drainage:**

- The subject lands will require drainage reapportionment.

This is addressed as a condition of approval.

#### **Utilities:**

- No issues of concern.

#### **Public Works:**

- There is existing access to both the severed and retained parcels.

#### **Building Dept:**

- A septic system inspection and well test will be required as conditions of the severance approval.

No other comments or concerns were received from Administration.

### **Summary:**

The proposed surplus farm dwelling lot creation consent, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to prohibition of future dwellings on the retained parcel); As such, Council can recommend 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,

A handwritten signature in black ink, appearing to read 'Robert Brown', with a long horizontal flourish extending to the right.

Robert Brown, H. Ba, MCIP, RPP  
Planner  
Municipality of West Elgin



**Report Approval Details**

Document Title:	Severance Application E19-2023 - Comments to Elgin County - 2023-14 - Planning Report.docx
Attachments:	- Appendix 1 - Johnston Survey SK.pdf - Planning Report 2023-14 Appendix Two - Conditions of Approval for County of Elgin.pdf
Final Approval Date:	Mar 29, 2023

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

Jana Nethercott

March 22, 2023

Revised: March 27, 2023

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

Attn: **Paul Hicks**

Re: **Consent Application (E 19-23)**  
**13941 Colley Road (Hentz)**  
**Part Lot 15; Concession 5**  
**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, Interference with Wetlands and Alterations to Watercourses portion of the regulations. The issues of concern for this area are the Ferndell Complex (LT 7) Provincially Significant Wetland (PSW), the 120 m Adjacent Lands of the PSW, the Greary Drain, the Matheson 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 drains will be required to any proposed works / structure(s) / site alteration. Setbacks from the PSW are also required to any proposed structure.

Please be advised that the subject property is located in an area with a Significant Groundwater Recharge Area [SGRA] as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. However, there are no policies in the local Source Protection Plans that regulate activities in Highly Vulnerable Aquifers or Significant Groundwater Recharge Areas. We encourage any development in these areas to consider the sensitivity of the area, and take steps to protect it, such as: conserving water, properly disposing of hazardous waste, using non-toxic products where possible, and preventing pollutants from entering into runoff. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at [www.sourcewaterprotection.on.ca](http://www.sourcewaterprotection.on.ca).

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

Yours truly



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 19-23

**Owner:**  
**Stacey Carland Johnson**  
13941 Colley Road, Rodney, ON N0L 2C0

**Agent:**  
**Joseph M. Hentz**  
53 Front Street West, Strathroy, ON  
N7G 1X6

**Location:** Part of Lot 15, Concession 5 West Division Aldborough. Municipally known as 13941 Colley Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 55m (180.45 feet) and a depth of 145m (475.72 feet) and an area of 7,9475m<sup>2</sup> (1.97 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 41 ha (101.5 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agriculture

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

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of West Elgin – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Conservation Authority* – No concerns.

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 giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to sever a dwelling that is surplus to a farming operation. The applicant is requesting consent to sever a parcel of approximately 8,000m<sup>2</sup> which contains a

dwelling, a metal barn/driveshed and a frame barn and concrete silo which are to be removed. The PPS permits lot creation in agricultural areas for the purposes of severing a dwelling that is surplus to a farming operation, provided that:

1. *The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
2. *The planning authority ensures that no new residential dwellings are permitted on the remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.*

#### County of Elgin Official Plan

County Staff has examined the application in relation to the policies outlined in the County of Elgin Official Plan (CEOP) and determined that it adheres to them. The subject lands are classified as Agricultural Area. The CEOP permits lot creation in agricultural areas provided the new lot is a minimum size needed to accommodate the dwelling, ancillary structures and the well/septic system. Staff have reviewed this application against the general consent criteria in the OP and found no issues.

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

Staff have reviewed the application against the policies of the Municipality of 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. The Municipality is proposing to rezone the severed lot to Restricted Agricultural (A3) to address the smaller lot size of the severed lot. The retained lot will be rezoned to Agricultural (A2), which prohibits residential development.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of West Elgin Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed including any applicable easements and/or rights-of-way 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 severed and retained lands are transferred to the prospective purchaser Owen Cardwell Robert Johnston, Brenda Lee Johnston and John Robert Johnston as outlined in the purchase agreement.
5. That a septic system assessment be completed for the severed parcel to the satisfaction and clearance of the Municipality.
6. That the Applicant provide written confirmation from a licensed well installer that the private well provides the quality and quantity of potable water required by Provincial standards.
7. That the Applicant provide written confirmation of a water quality test by the applicable public health unit;
8. That the barn and silo encroaching on the proposed line of severance be demolished and removed from the property to the satisfaction of and clearance of the Municipality;
9. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels. Such amendment of the Zoning By-law must come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
10. That the Applicant have a drainage reapportionment completed (if required) pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
11. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
12. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 20-23**

**PART OF S MOOR'S BLK ON REGISTERED PLAN No. 22  
MUNICIPALITY OF BAYHAM  
MUNICIPAL ADDRESS: 53871 CHURCH STREET**

**TAKE NOTICE** that an application has been made by Wagler Homes Inc. (Jacob Wagler), 54857 Talbot Line, Eden, ON N0J 1H0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 53871 Church Street.

The applicant proposes to sever a parcel with a frontage of 24.86m (81.56 feet) and a depth of 40.2m (131.89 feet) and an area of 1,000.9m<sup>2</sup> (10,773.6 sq. ft.) to create a new residential lot. The applicant is retaining a lot with an area of 1,427.7m<sup>2</sup> (15,367.63 sq. ft.) 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:

**APRIL 26, 2023 AT 10:50 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the 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 16<sup>th</sup> day of March, 2023.

Paul Clarke  
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)





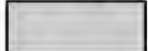


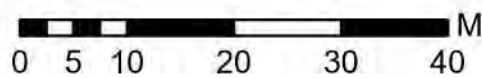
## Location Map

Subject Site: 53871 Church Street  
 File Number: E 20-23  
 Owner: Wagler Homes Inc.  
 Planner: Unknown  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 03/01/2023  
 Municipality of Bayham

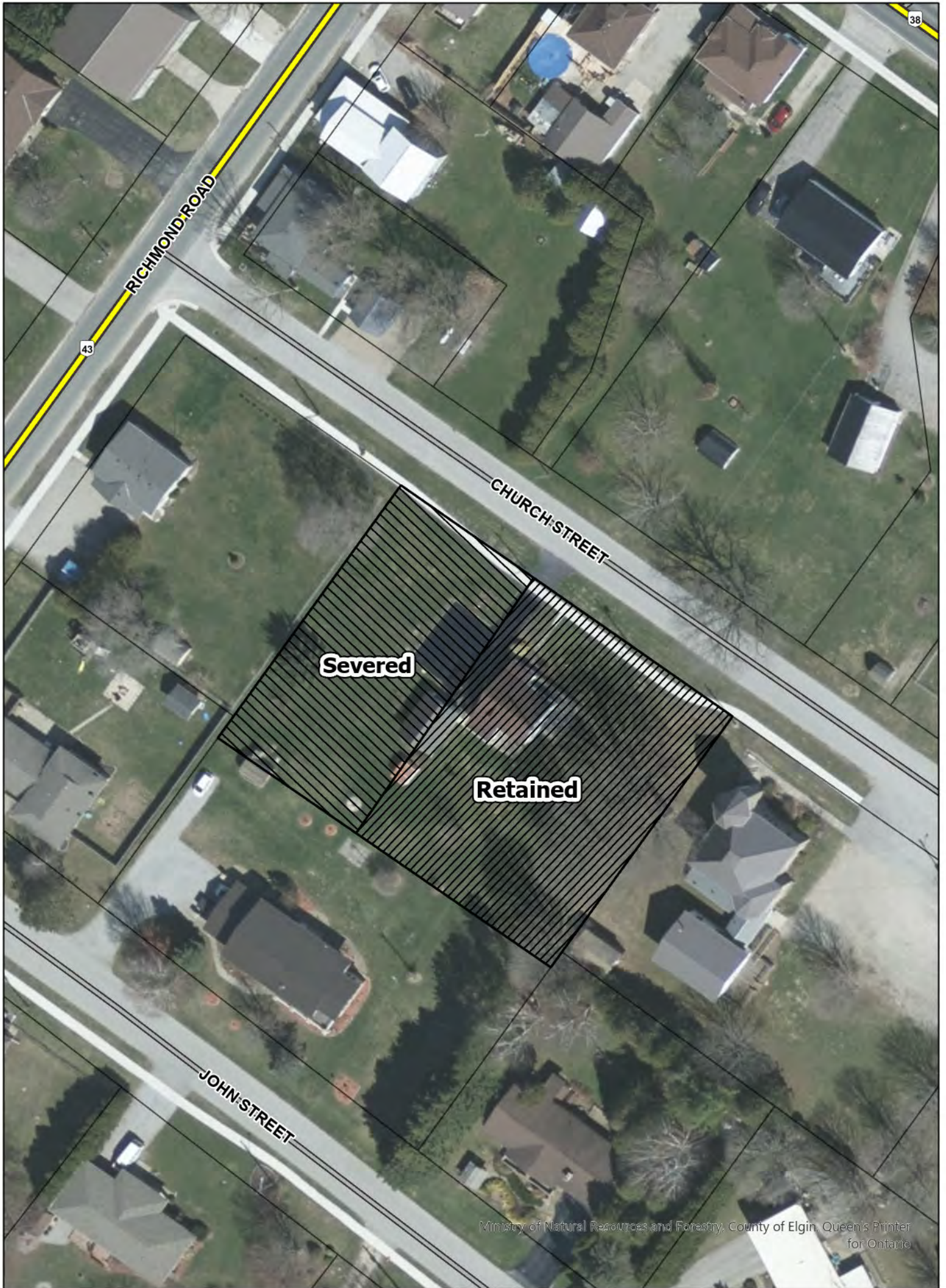


### Legend

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









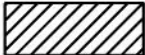

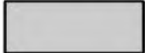
Mimistry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

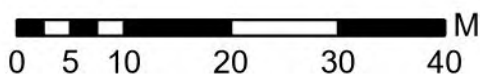
## Location Map

Subject Site: 53871 Church Street  
 File Number: E 20-23  
 Owner: Wagler Homes Inc.  
 Planner: Unknown  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 03/01/2023  
 Municipality of Bayham



### Legend

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





Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

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

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



April 11, 2023

Paul Clarke, Secretary-Treasurer  
Elgin County Land Division Committee  
450 Sunset Drive  
St. Thomas ON N5R 5V1

**EMAIL ONLY**

Dear Mr. Clarke

**Re: Application for Consent No. E20-23 Wagler**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the April 6, 2023 meeting:


**THAT** Report DS-20/23 regarding the Consent Application E20-23 Wagler be received;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E20-23 be granted subject to the following conditions and considerations:

1. Installation of municipal water service connection to the property line at the cost of the applicant for permit and installation
2. Municipal lot assessment for septic system
3. That the owner apply for a demolition permit to remove the detached garage and the asphalt drive with retaining walls and all debris to be removed to the satisfaction of the municipality
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Richmond Main Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality 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.
5. Engineered storm water management, drainage/grading plan
6. Purchase of civic number sign for the severed lot
7. Digital copy of the registered plan of survey
8. Cash in Lieu of Parkland Dedication fee for each lot
9. Planning Report fee payable to the Municipality

Municipal Appraisal Sheet and Staff Report DS-20/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

  
Margaret Underhill,  
Planning Coordinator|Deputy Clerk

D09.WAGL

Cc: J. Wagler (email)

## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 20-23

Applicant Wagler Homes Inc.

Location Bayham – 53871 Church Street, Richmond

### 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: HAMLETS

Policies: Sections 4.2.4.1 and 4.4.2.2

---

### PART 2 - ZONING

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

Comments: Zoning: Hamlet Residential (HR) Zone

Rezoning not required

- 
- |  |         |        |
|--|---------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes ( ) | 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 ( X ) | No ( ) |
| 7. If so, is the Municipality prepared to provide those services?                         | Yes ( X ) | No ( ) |
| 8. Does the Municipality wish the Committee to impose conditions?                         | Yes ( X ) | No ( ) |
| 9. Does Council recommend the application?  | Yes ( X ) | No ( ) |
| 10. Does the municipality have other concerns that should be considered by the Committee? |           |        |

See Letter attached with listed conditions.

See Staff Report DS-20/23 considered at Council meeting scheduled for April 6, 2023.



4.2.3.5 Any proposals to redesignate lands from employment uses to residential uses, will only be considered during a comprehensive Official Plan Review and based on employment land needs projections.

4.2.4 **Intensification and Redevelopment**

4.2.4.1 The Municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services.

4.2.4.2 Targets for residential densities will be outlined in the individual land use designations. Residential intensification and redevelopment is subject to the following policies:

- a) The permitted forms of residential intensification and redevelopment shall only be permitted in those areas designated as “Hamlets” and “Villages” and will be permitted based on the level of water and wastewater servicing that is available in the specific settlement areas.
- b) Residential intensification and redevelopment may take the form of dwelling conversion, street infilling, rear yard infilling, and infill subdivisions.
- c) Residential intensification and redevelopment may only occur to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Municipality to satisfy the proposed water supply and wastewater disposal systems.
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in the Official Plan, the Municipality will ensure that:
  - 1. For dwelling conversions, the exterior design of the dwelling is consistent with the surrounding area in terms of height, bulk, scale, and layout;
  - 2. For street infilling, the proposal is consistent with Subsection 4.4.2.4 a), and with the established building line and setbacks of the surrounding area.
  - 3. For rear yard infilling, the proposal is consistent with subsection 4.4.2.4. a); the siting of buildings and parking areas minimizes the

impacts on neighbouring rear yards; direct vehicular access is provided to a public street with sufficient width to allow efficient vehicular use, on-site snow storage, and access and turn-around by emergency vehicles.

4. For infill subdivisions, the proposal is consistent with subsections 4.4.2.4. a) and c); and measures will be undertaken through a subdivision agreement, to buffer and screen the development from surrounding residential uses.

4.2.4.3 Proposals for residential intensification and redevelopment will not be supported if it is determined that the proposal cannot satisfy the above criteria, or would present a threat to public health and safety both on and off site.

4.2.5 **Community Design**

The Municipality shall encourage development and redevelopment of lands, buildings, streets, and public spaces applying community design excellence, contributing to the quality of place for Bayham's residents. The following policies relate to the physical design of communities, including plans of subdivision, infill development proposals, and site plans. Through the development review process for all planning applications the Municipality shall:

- a) Ensure that new development is designed in keeping with the traditional character of Settlement Areas, in a manner that preserves the traditional image and enhances the sense of place in the Municipality;
- b) Promote efficient and cost-effective development buildings, landscapes and circulation design patterns that minimize land consumption;
- c) Promote improvement of the physical character, appearance and safety of streetscapes, public spaces, and parks;
- d) Encourage tree retention and/or tree replacement on private and public lands.
- e) Encourage design that considers and integrates existing and traditional street patterns and neighbourhood structure;
- f) Encourage a high quality of architecture and site design for institutional uses such as schools, places of worship, libraries and other public service

- f) New hamlet commercial or industrial uses shall be included in a separate zoning category in the Zoning By-law and existing commercial and industrial facilities should also be so recognized in the zoning by-law;
- g) Adequate off-street parking shall be provided;
- h) Adequate buffer planting shall be provided between the hamlet commercial or industrial use and any adjacent residential areas, and such buffer planting may include provisions for grass strips, fences, and appropriate planting of trees and shrubs.

#### 4.4.2 **Residential Uses**

4.4.2.1 The principal land use function of "Hamlets" shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings. These uses will be controlled and regulated by the Zoning By-law.

4.4.2.2 Consents will generally be discouraged and will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in the Official Plan and to the following criteria when considering an application for a consent in the Hamlet areas:

- a) Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority;
- b) Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction;
- c) Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly;
- d) The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law;
- e) Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads;

- f) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades;
- g) Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands;
- h) Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.

4.4.2.3 It is the intention of this Plan to allow for the eventual development of other residential types such as multiple unit dwellings and single unit mobile home parks within the residential areas of the "Hamlets". These residential types shall be included in separate zoning categories in the Zoning By-law and will be permitted, providing that municipal water and sewer services are available, and an amendment to the Zoning By-law has been approved.

4.4.2.4 Consideration of the following factors shall be given in the evaluation of an amendment to the Zoning By-law for multi-unit residential developments:

- a) The uses permitted shall include the various types of multiple dwellings such as townhouses, converted dwellings and walk-up apartments;
- b) The multiple unit dwellings shall be sited to enhance the quality of the immediate area with particular attention to the effects of vehicular and pedestrian traffic generation;
- c) Adequate off-street parking shall be provided;
- d) Multiple unit dwellings will only be permitted in areas where municipal water and sewer services are available.

#### 4.4.3 **Commercial Uses**

4.4.3.1 The general principles to be considered in the development and zoning of commercial uses in the "Hamlets" are as follows:

- a) The uses permitted in this land use category are those uses that may serve local residents or the entire Municipality. These uses may include

**SECTION 9 HAMLET RESIDENTIAL (HR) ZONE REGULATIONS**

**9.1 Permitted Uses**

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

- One single detached dwelling on one lot;
- Bed and Breakfast Lodging or Tourist Home;
- Converted dwelling;
- Home occupation;
- Private garage or carport as an accessory use;
- Accessory use.

**9.2 Minimum Lot Area**

- No public water supply or sanitary sewage disposal service: 1,390 m<sup>2</sup>
- Public water supply, but no sanitary sewage disposal service: 1,100 m<sup>2</sup>
- Public sanitary sewage disposal service, but no public water supply: 900 m<sup>2</sup>

Z698-2020

**9.3 Minimum Lot Frontage**

20.0m

Z698-2020

**9.4 Maximum Lot Coverage**

30%

**9.5 Maximum Building Height**

10.5m

9.5.1 Maximum Accessory Building Height: 4.5m

**9.6 Minimum Floor Area**

Z698-2020

**9.7 Maximum Floor Area for an Accessory Building**

75 m<sup>2</sup> or 8% lot coverage, whichever is less

**9.8 Minimum Front Yard Depth**

7.0 metres

**9.9 Minimum Side Yard Width**

Single detached dwelling with an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first storey
Single detached dwelling without an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first



	storey for one side and 3.0 metres on the other side
Single detached dwelling situated on a corner lot:	4.5 metres on the side abutting a public street and 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on the other side

9.10 **Minimum Rear Yard Depth**

9.0m

9.11 **Minimum Separation Distance**

From the edge of a railway right-of-way: 30.0 metres

9.12 **Exceptions - Hamlet Residential (HR) Zone**

9.12.1

9.12.1.1 Defined Area

HR-1 as shown on Schedule "B" to this By-law.

9.12.1.2 Permitted Uses

Commercial Greenhouse in addition to all other uses permitted in the Hamlet Residential (HR) Zone.

9.12.1.3 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

9.12.1.4 Minimum Lot Area

975 square metres

9.12.1.5 Minimum Lot Frontage

- I. For a commercial greenhouse: 16 metres
- II. For a residential dwelling: 14.5 metres

9.12.1.6 Minimum Side Yard

2 metres on each side of each building in compliance with subsection 4.25.

9.12.2

9.12.2.1 Defined Area

HR-2 as shown on Schedule "E" to this By-law.

9.12.2.2 Permitted Uses

Service shop

Inside storage

Pumphouse for a communal well system

In addition to all other uses permitted in the Hamlet Residential (HR) Zone



# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council  
**FROM:** Margaret Underhill, Planning Coordinator/Deputy Clerk  
**DATE:** April 6, 2023  
**REPORT:** DS-20/23 **FILE NO. C-07 / D09.23WAGL**  
**Roll # 3401-000-007-11001**

---

**SUBJECT:** Consent Application E20-23 Wagler Homes Inc.  
53871 Church Street, Richmond

---

### BACKGROUND

A consent application E20-23 was received from the Elgin County Land Division Committee submitted by Wagler Homes Inc. proposing to sever a lot 1000.9 m<sup>2</sup> (0.25 ac) and retain 1427.7 m<sup>2</sup> (0.35 ac) in the hamlet of Richmond. The property is known as 53871 Church Street, Richmond.

The subject land is designated "Hamlets" on Schedule 'A1' Municipality of Bayham Land Use of the Official Plan. Lands are zoned Hamlet Residential (HR) on Schedule "E" Richmond in Municipality of Bayham Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on April 26, 2023.

### DISCUSSION

The planner's memorandum dated, March 29, 2023, analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

The one proposed lot may be considered to be an infilling lot in a settlement area. The lot requires a municipal water service connection from the water main to the property line and requires a municipal lot assessment for the development of private septic system.

As well, our standard conditions include: engineered storm water management, drainage/grading plans, civic numbering signage, survey, cash in lieu payment for the creation of a building lot and the planning report fee. The lot fronts on Church Street and will be subject to a road access permit from the municipality at the time of building permit. The subject land is within the Richmond Main Drain watershed requiring a reassessment of the maintenance

schedule to add the new lot.

Staff and municipal planner recommend the support of the consent application for the creation of one building lot fronting on Church Street in the hamlet of Richmond with the recommended conditions.

### ATTACHMENTS

1. Consent Application E20-23
2. Aerial Map – 53871 Church Street
3. IBI Group Memorandum dated March 29, 2023

### RECOMMENDATION

**THAT** Report DS-20/23 regarding the Consent Application E20-23 Wagler be received;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E20-23 be granted subject to the following conditions and considerations:

1. Installation of municipal water service connection to the property line at the cost of the applicant for permit and installation
2. Municipal lot assessment for septic system
3. That the owner apply for a demolition permit to remove the detached garage and the asphalt drive with retaining walls and all debris to be removed to the satisfaction of the municipality
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Richmond Main Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality 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.
5. Engineered storm water management, drainage/grading plan
6. Purchase of civic number sign for the severed lot
7. Digital copy of the registered plan of survey
8. Cash in Lieu of Parkland Dedication fee for each lot
9. Planning Report fee payable to the Municipality

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

CAO|Clerk

# Memorandum

**To/Attention** Municipality of Bayham **Date** March 29, 2023  
**From** Paul Riley BA, CPT **Project No** 3404-892  
**cc** William Pol, MCIP, RPP  
**Subject** Wagler Homes Inc. – 53871 Church Street, Richmond –  
Application for Consent E20-23

1. We have completed our review of Consent application E20/23, submitted by Wagler Homes Inc. for lands located at 53871 Church Street, south side and east of Richmond Road. The applicant is requesting consent for severance of 1,000.9 m<sup>2</sup> (0.25 acres) of land and to retain 1,427.7 m<sup>2</sup> (0.35 acres) of land. The intent is to create a residential lot on the western portion of the subject lands. The lands are designated “Hamlets” on Schedule ‘A1 Municipality of Bayham: Land Use in the Official Plan. The lands are zoned Hamlet Residential (HR) on Schedule “E” in Zoning By-law Z456-2003.
2. The proposed severed lot has lot frontage of 24.6 metres (80.7 feet) and lot depth of 40.2 metres (131.9 feet). The proposed lands to be severed are vacant. The retained lands have lot frontage of 35.5 metres (116.3 feet) and lot depth 40.2 metres. The lands to be retained comprise a single-detached dwelling and detached garage. The surrounding uses are residential to the north west and south and institutional to the east (church).
3. Section 4.2.4.1 of the Municipality of Bayham Official Plan states that “*The Municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services*”. The subject property is within the settlement area boundary, and the Hamlet of Richmond has available municipal water services. Section 4.4.2.2 of the Official Plan regarding consents on Residential Lands in Hamlets sets out the following criteria for a consent:
  - a. *Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority. The applicant shall connect the new dwelling to the municipal water system and shall install a private septic system that meets provincial standards.*

Municipality of BayhamMunicipality of Bayham – March 29, 2023

- b. *Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction. The lands front on Church Street, which is an adequate public road.*
- c. *Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly. The proposed lot has the effect of infilling in an existing developed area within the settlement area boundaries of the Hamlet of Richmond.*
- d. *The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law. The proposed lot size is adequate to accommodate low density residential uses in accordance to the Zoning By-law and is adequate to be serviced by municipal water services and private septic services.*
- e. *Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads. Church Street is a municipal road and is suitable for private driveway access. The new driveway will require a municipal permit.*
- f. *Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades. Church Street is a low-volume local road and is straight and flat, therefore, no traffic hazard is anticipated.*
- g. *Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands. There are no interior lands.*

The proposed Consent is in conformity to the Official Plan once Conditions of Consent for servicing and road access are completed.

4. The subject lands are located within the Hamlet Residential (HR) zone of Bayham Zoning By-law Z456-2003. The proposed single-detached residential dwelling on the lands to be severed is a listed permitted use in the HR zone. The configuration of the proposed lot is adequate to accommodate the proposed single-detached dwelling unit and would be in accordance with the regulations of the HR zone, including minimum lot area and frontage. The HR zone minimum setbacks apply and shall be accounted for when constructing the dwelling. The existing single-detached dwelling is also located in the HR zone and will continue to conform to the applicable HR zone regulations pertaining to minimum lot area and frontage, minimum setbacks, etc. The proposed lots are in conformity to the Zoning By-law.



Municipality of BayhamMunicipality of Bayham – March 29, 2023

5. Based on the above review of consent application E16-23 we have no objection to the proposed consent to create an additional residential lot in a fully serviced settlement area and recommend the following conditions for consent approval:
  - a. That the owner provide a digital copy of a survey of the lands;
  - b. That the owner connect the new dwelling to the municipal water service;
  - c. That the owner install a private septic system for residential use that meets provincial standards.
  - d. That the applicant apply and pay all fees to the Municipality with respect to Civic Addressing/signage for the severed lot;
  - e. That the applicant provide a Planning Report Fee payable to the Municipality of Bayham;
  - f. The That the owner pay all fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.

*Paul Riley*

IBI Group  
Paul Riley  
Consulting Planner to the  
Municipality of Bayham

## Paul Clarke

---

**From:** planning <planning@lprca.on.ca>  
**Sent:** March 17, 2023 10:00 AM  
**To:** Paul Clarke  
**Subject:** FW: Notices of Application - April LDC  
**Attachments:** E 10-23 - Notice of Application.pdf; E 16-23 - Notice of Application\_.pdf; E 20-23 - Notice of Application.pdf

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

Good morning,

Thanks for contacting the Long Point Region Conservation Authority (LPRCA). All three applications attached are outside of the area regulated by LPRCA under Ontario Regulation 178/06. As such, LPRCA has no comments or concerns.

In future, notices can just be sent to [planning@lprca.on.ca](mailto:planning@lprca.on.ca). Leigh-Anne has access to this mailbox as well and sending to the general inbox ensures emails are received regardless of staff absences/vacations/illness.

Thanks!



**Aisling "Ashleen" Laverty, CPT**

Resource Planner | Long Point Region Conservation Authority

4 Elm St., Tillsonburg ON N4G 0C4

519-842-4242 ext. 235 | [alaverty@lprca.on.ca](mailto:alaverty@lprca.on.ca)

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** March 17, 2023 9:30 AM  
**To:** Leigh-Anne Mauthe <lmauthe@lprca.on.ca>; planning <planning@lprca.on.ca>  
**Subject:** Notices of Application - April LDC

Good morning,

Please see the attached notices for consent applications scheduled to be heard by LDC at the April 26<sup>th</sup> meeting.

If you wish to provide comments on this application please submit them no later than EOD **Tuesday, April 18, 2023** to be included in the agenda package and considered by the Land Division Committee.

Thanks,

**Paul Clarke, CPT**



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 20-23

---

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

**Agent:**  
**None.**

**Location:** Part of S Moor's Block on Registered Plan No. 22. Municipally known as 53871 Church Street.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 24.86m (81.56 feet) and a depth of 40.2m (131.89 feet) and an area of 1,000.9m<sup>2</sup> (10,773.6 sq. ft.) to create a new residential lot. The applicant is retaining a lot with an area of 1,427.7m<sup>2</sup> (15,367.63 sq. ft.) proposed to remain in residential use.

**County of Elgin Official  
Plan**  
Tier 3 Settlement Area

**Local Municipality Official  
Plan**  
Hamlets

**Local Municipality Zoning  
By-law**  
Hamlet Residential (HR)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Long Point Region Conservation Authority* – No concerns.

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 giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to sever an existing residential lot to create a new residential parcel with an area of approximately 1,000m<sup>2</sup>. The subject land is located in the settlement area of

Richmond, in the Municipality of Bayham. The PPS permits lot creation in settlement areas for a variety of purposes including residential intensification. The proposed severance will result in the creation of a new residential lot in an existing residential area. The subject land has a lot frontage of approximately 60m while other residential parcels in the area have a lot frontage of roughly half of that.

- 1.1.3.2 *Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3*
- 1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

#### County of Elgin Official Plan

County Staff has examined the application in relation to the policies outlined in the County of Elgin Official Plan (CEOP) and determined that it adheres to them. The subject lands are classified as Agricultural Area. The CEOP directs that the majority of new growth in the County be directed towards settlement areas, and permits lot creation for a variety of uses in those designations.

*Limited development (including new lot creation) is permitted in these settlement areas given the absence of full municipal services.*

Richmond is a Tier 3 Settlement area, which are the smallest settlement areas within the County. Tier 3 settlement areas are primarily serviced through on-site individual well and septic systems; however, in this case the parcel has access to municipal water systems but will require a private septic system. Give the sites access to municipal services and the size of the existing lot makes this proposal a good candidate for lot creation within a Tier 3 Settlement Area.

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

Staff have reviewed the application against the policies of the Municipality of Bayham 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. The proposal is considered infilling within an existing residential lot, which is encouraged by the Bayham OP. The application is not anticipated to comply with the provisions of the zoning by-law.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Bayham Official Plan policies. As such,

planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

1. Installation of municipal water service connection to the property line at the cost of the applicant for permit and installation.
2. Municipal lot assessment for septic system.
3. That the owner apply for a demolition permit to remove the detached garage and the asphalt drive with retaining walls and all debris to be removed to the satisfaction of the municipality.
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Richmond Main Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the municipality 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 in full for any additional costs incurred.
5. Engineered storm water management, drainage/grading plan.
6. Purchase of civic number sign for the severed lot.
7. Digital copy of the registered plan of survey.
8. Cash-in-Lieu of Parkland Dedication fee for each lot.
9. Planning report fee payable to the municipality.





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 2-23**

**PART 1 & 2, PART OF LOT 1 ON REGISTERED PLAN No. 41  
TOWNSHIP OF SOUTHWOLD  
MUNICIPAL ADDRESS: 33402 FIRST LINE**

**TAKE NOTICE that** an application has been made by Andrzej Szafran and Lina Mateus, 33294 First Line, Iona Station, ON N0L 1P0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 33402 First Line.

The applicant proposes to sever a parcel with a depth of 12.19 metres (40 feet) and an area of 565m<sup>2</sup> (0.14 acres) to be conveyed as an addition to an adjoining lot. The applicant is retaining a lot with an area of 15.67ha (38.7 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:

**APRIL 26, 2023 AT 11:00 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

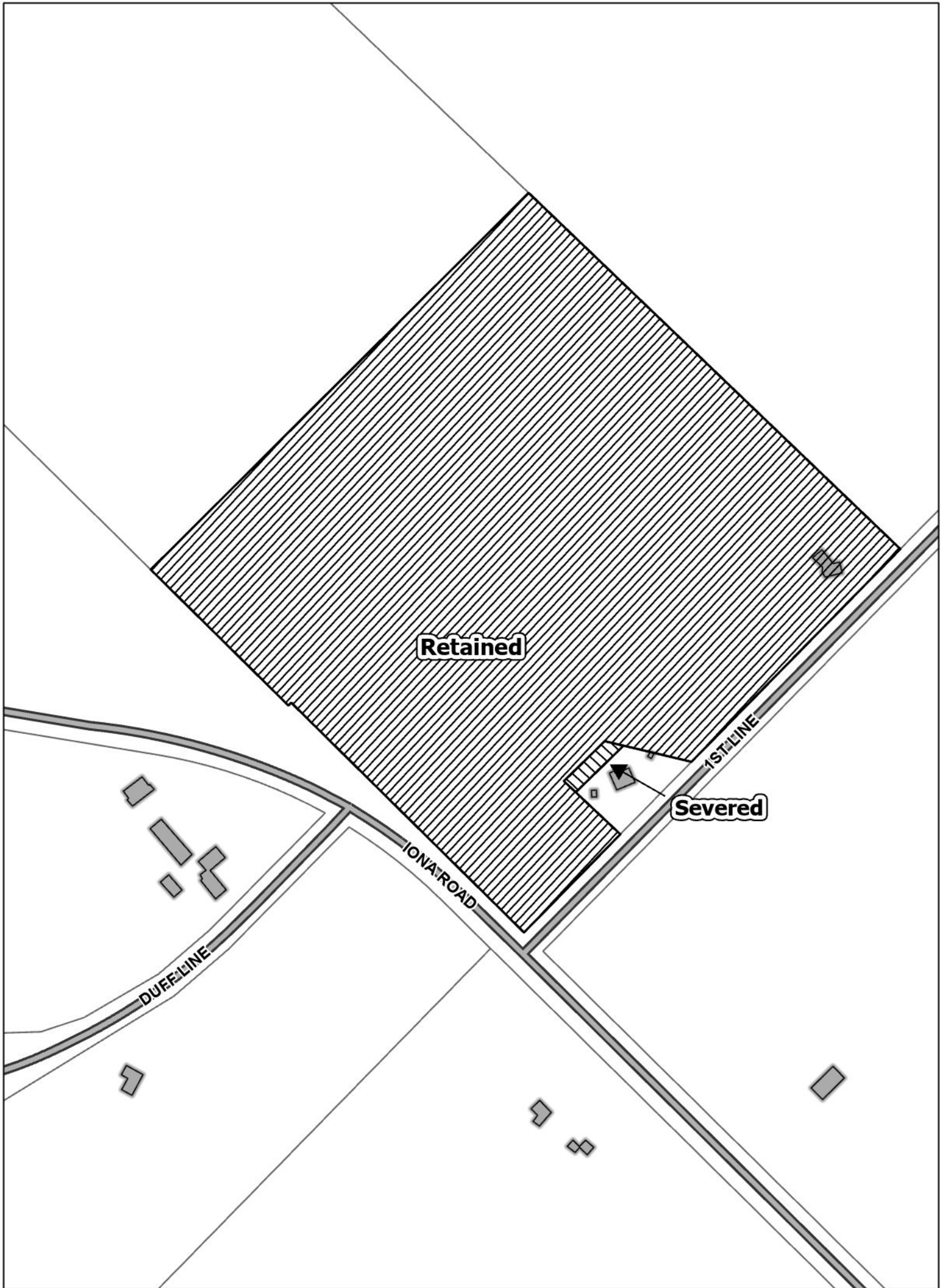
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 17<sup>th</sup> day of March, 2023.

Paul Clarke  
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)

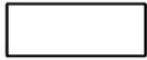

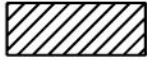




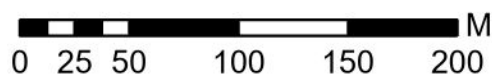
## Location Map

Subject Site: 33402 First Line  
 File Number: E 2-23  
 Owner: Reinfried Strasser & Mary O'Hagan  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 02/14/2023  
 Township of Southwold

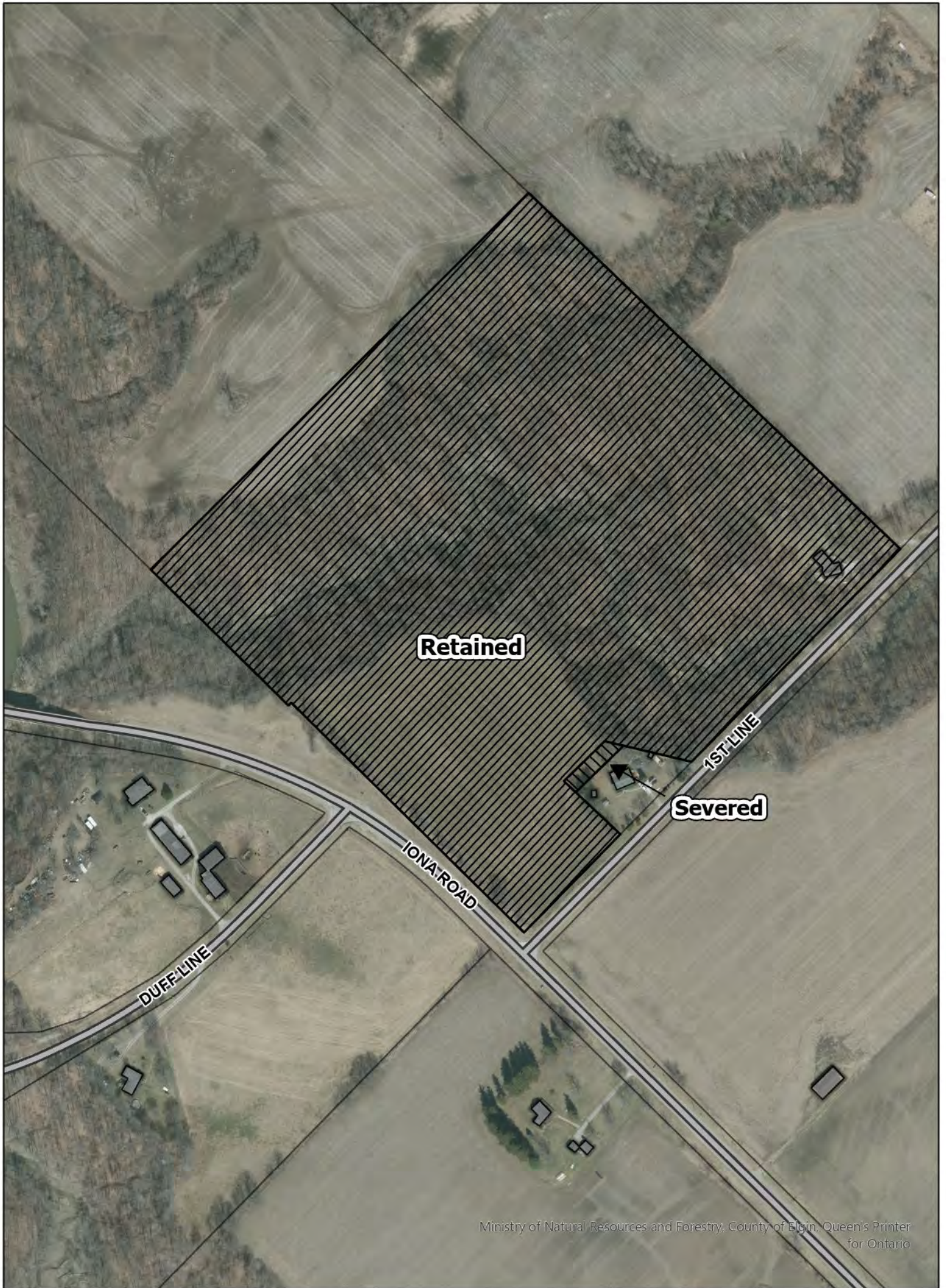


### Legend

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







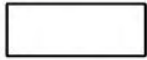

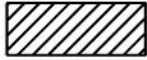

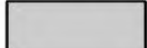
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

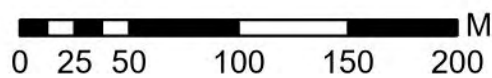
## Location Map

Subject Site: 33402 First Line  
 File Number: E 2-23  
 Owner: Reinfried Strasser & Mary O'Hagan  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 02/14/2023  
 Township of Southwold



### Legend

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





VIA EMAIL ONLY

February 28, 2023

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

**RE: Township of Southwold Consent Application - Comments to the County of Elgin**  
**County File Number: E2-23**

Please be advised that the Township of Southwold has reviewed the above-noted application, at the February 27, 2023 Council Meeting and passed the following resolution:

**PLA 2023-06 Consent Application E2-23, 33294 First Line**

**2023-79 THAT** Council recommend approval to the Land Division Committee of the County of Elgin for consent application, E2-23, subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2023-06.

**CARRIED**

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,

*Josh Mueller*

Josh Mueller, Planner  
Township of Southwold  
35663 Fingal Line  
Fingal, Ontario, N0L 1K0  
Office: 519-769-2010  
Email: [planning@southwold.ca](mailto:planning@southwold.ca)



**MUNICIPAL APPRAISAL SHEET**

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

Submission: E2-23

Owner/Applicant: Strasser/Szafran

Location: 33294 First 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

Policies: Section 3.2.4

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: No Comments

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 ( )
- (b) the dedication of highways ( )
- (c) the dedication of land for highway widening ( )
- (d) entering into an agreement with the municipality dealing with matters the Committee considers necessary. ( )

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

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

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

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

Planning Report PLA 2023-06

## **Appendix Two: Severance Application E2-23**

Consent Applications E2-23 Township 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's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Municipality.
5. 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.
6. 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*.

February 24, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 2-23)**  
**33402 First Line (Szafran & Mateus)**  
**Part Lot 1; Plan 41**  
**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 Neil Turner Drain, a natural watercourse tributary to the drain, stable slopes, the 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, natural watercourse and the associated ravine systems will be required to any proposed works / structure(s) / site alteration.

Please be advised that the subject property is located in an area with a Highly Vulnerable Aquifer [HVA] and a Significant Groundwater Recharge Area [SGRA] as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. However, there are no policies in the local Source Protection Plans that regulate activities in Highly Vulnerable Aquifers or Significant Groundwater Recharge Areas. We encourage any development in these areas to consider the sensitivity of the area, and take steps to protect it, such as: conserving water, properly disposing of hazardous waste, using non-toxic products where possible, and preventing pollutants from entering into runoff. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at [www.sourcewaterprotection.on.ca](http://www.sourcewaterprotection.on.ca).

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

Yours truly

A handwritten signature in blue ink, appearing to read "Connor Wilson".

Connor Wilson  
Planner



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 2-23

**Owner:**  
**Reinfried Strasser and Mary O'Hagan**  
33402 First Line, Iona Station, ON N0L 1P0

**Agent:**  
**Andrzej Szafran and Lina Mateus**  
33294 First Line, Iona Station, ON N0L  
1P0

**Location:** Parts 1 & 2, Part of Lot 1 on Registered Plan No. 41. Municipally known as 33294 First Line.

PROPOSAL

The applicant proposes to sever a parcel with a depth of 12.19 metres (40 feet) and an area of 565m<sup>2</sup> (0.14 acres) to be conveyed as an addition to an adjoining lot. The applicant is retaining a lot with an area of 15.67ha (38.7 acres), proposed to remain in agricultural use.

This application was deferred at the March LDC meeting pending compliance with the statutory notice requirements of the Planning Act. Signs were posted at the subject property well in advance of this meeting, and all Planning Act notice requirements are deemed to have been met.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

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

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Valley Conservation Authority* – No concerns.

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 giving of public notice. With respect of the PPS, based on the

analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to sever a 565m<sup>2</sup> parcel of an existing agricultural lot which will be conveyed as a lot addition to an existing, adjacent residential parcel. The PPS permits lot adjustments in the agricultural area, provided no new lot is created.

*2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.*

The PPS defines legal and technical reasons as: *severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.*

County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as Agricultural Area in the CEOP. The OP permits technical severances in the agricultural area provided that no new lot is being created. The proposed severance will see a 565m<sup>2</sup> parcel be severed from the existing agricultural parcel and be added to the rear of the adjacent residential property.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Southwold 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. The proposed severance meets the policies of the Township of Southwold Official Plan. The proposal for a lot addition in the agricultural area is permitted by the Southwold OP, and the proposed consent is not anticipated to have a negative effect on the zone provisions for the subject land.

RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Township of Southwold Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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





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

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's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Municipality.
5. 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.
6. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 95-22**

**LOT 3 ON REGISTERED PLAN No. 205  
MUNICIPALITY OF BAYHAM  
MUNICIPALLY KNOWN AS 56284 HERITAGE LINE**

**TAKE NOTICE that** an application has been made by Anthony Hiebert, 11712 Plank Road, Eden ON N0J 1H0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 56284 Heritage Line, Municipality of Bayham.

The applicant proposes to sever a parcel with a frontage of 3.048 metres (10 feet) and a depth of 11.709 metres (38.41 feet) and an area of 435.689m<sup>2</sup> (0.008 acres) for the purposes of establishing a utility easement. The applicant is retaining a lot with a frontage of 11.709 metres (38.41 feet) and a depth of 41.465 metres (136.04 feet) and an area of 485.49m<sup>2</sup> (0.12 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 APRIL 26<sup>th</sup> AT 11:10 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the 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 23<sup>rd</sup> day of March, 2023.

Paul Clarke  
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: 56284 Heritage Line  
 File Number: E 89-22 & E 95-22  
 Owner: Anthony Hiebert  
 Planner: Unknown  
 CA: Long Point Conservation  
 Created By: PC  
 Date: 01/25/2022  
 Municipality of Bayham

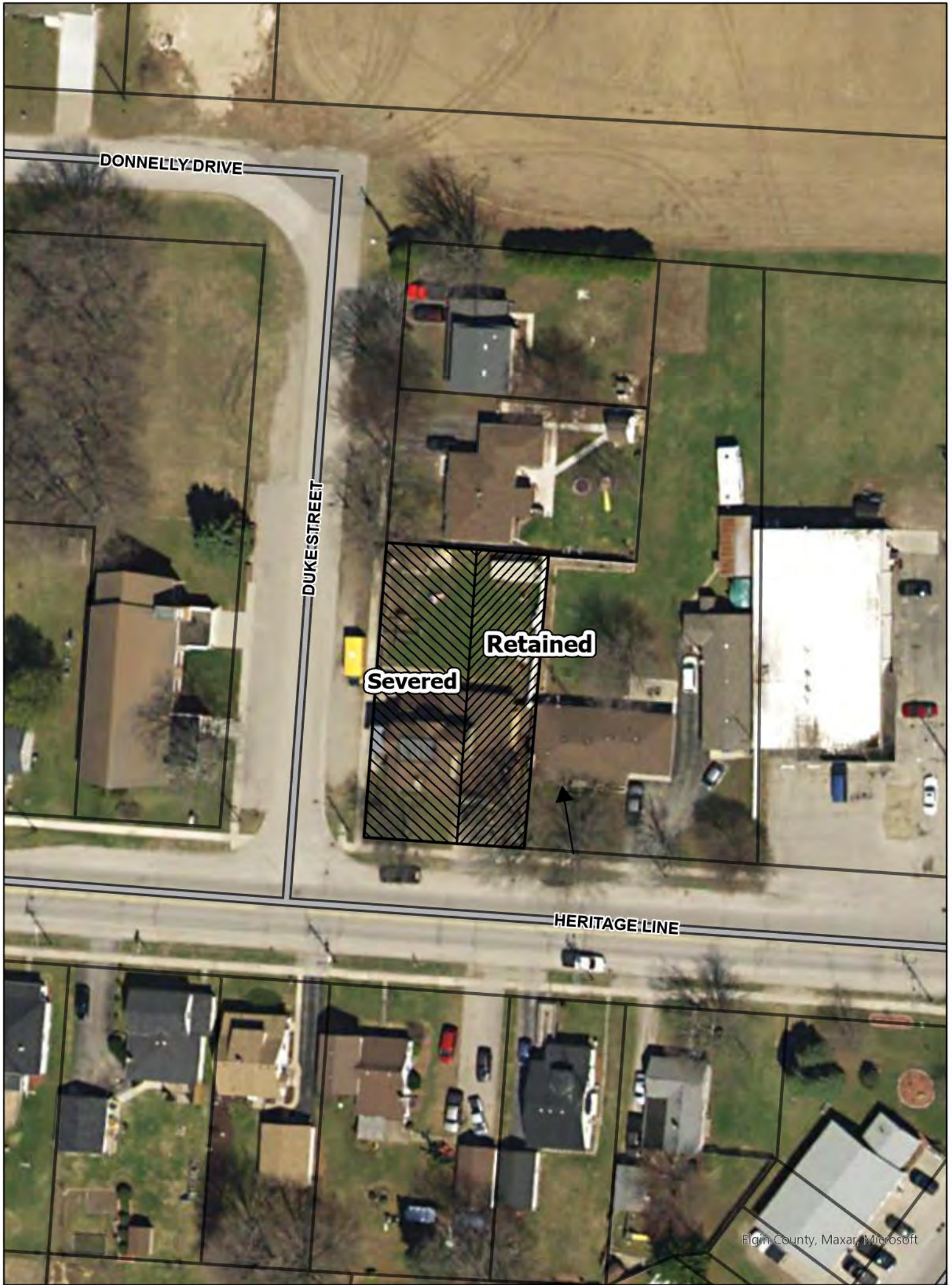


## Legend

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












Elgin County, Maxar, Microsoft

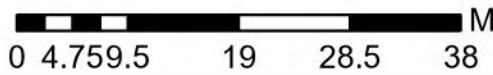
## Location Map

Subject Site: 56284 Heritage Line  
 File Number: E 89-22  
 Owner: Anthony Hiebert  
 Planner: Unknown  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 10/18/2022  
 Municipality of Bayham



### Legend

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





Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

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

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



February 7, 2023

Paul Clarke  
Secretary-Treasurer  
Elgin County Land Division Committee  
450 Sunset Drive  
St. Thomas ON N5R 5V1

EMAIL ONLY

Dear Mr. Clarke

**Re: Application for Consent No. E89-22 and E95-22 Hiebert**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the February 2, 2023 meeting:

**THAT Report DS-10/23 regarding Consent Applications E89-22 and E95-22 Hiebert, be received for information;**

**AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E89-22 be granted subject to the following conditions and considerations:**

1. Provide a professional assessment that a primary well and a secondary well location for future replacement can be adequately accommodated on both parcels if needed in the future OR the owner remove the existing sanitary sewer connection from the retained lands and connect the retained lands dwelling to the sanitary sewer line in the Heritage Line right-of-way to the satisfaction of the municipality
2. Rezoning of the retained land to a site-specific R1 zone to permit a reduced lot area and lot frontage
3. Rezoning of the severed lands to a site-specific R1 zone to permit a reduced lot frontage
4. Provide engineered storm water management and grading plans to the satisfaction of the Municipality
5. Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053
6. Planning Report fee payable to the Municipality
7. Provide a digital copy of the registered plan of survey

**AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E95-22 be deferred until such time as municipal Condition 1 of application E89-22 is satisfied.**

Municipal Appraisal Sheet and Staff Report DS-09/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill  
Planning Coordinator|Deputy Clerk

D09.HIEBERT

Cc: A. Hiebert and C. Rizzuto (emails)



**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 E89-22 and E95-22

Applicant Hiebert, Anthony

Location Bayham – 56282 and 56284 Heritage Line, Straffordville

PART 1 - OFFICIAL PLAN

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

Land Use Designation: RESIDENTIAL  
Policies: 4.2 General residential policies in settlement areas

PART 2 - ZONING

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

Comments: Zoning: Village Residential 1 (R1)

Rezoning required of the retained land to a site-specific R1 zone to permit a reduced lot area and lot frontage

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

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

- 6. Does the Municipality foresee demand for new municipal services? Yes ( X ) No ( )
- 7. If so, is the Municipality prepared to provide those services? Yes ( X ) No ( )
- 8. Does the Municipality wish the Committee to impose conditions? Yes ( X ) No ( )
- 9. Does Council recommend the application? Yes ( X ) No ( )
- 10. Does the municipality have other concerns that should be considered by the Committee?

See Letter attached with listed conditions.  
See Staff Report DS-10/23 considered at Council meeting held February 2, 2023



## **SECTION 4 SETTLEMENT AREA POLICIES**

### **4.1 OBJECTIVE**

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

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

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

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

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

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

4.2.1.1 Ribbon or strip development and indiscriminate development outside the designated settlement areas shall not be permitted.

4.2.1.2 The Municipality will place the highest priority on the location of new urban development in areas of the Municipality where full municipal services are readily available.

4.2.1.3 It shall be the policy of this Plan to restrict major residential, commercial or industrial development, generally defined as plans of subdivision with more than five (5) lots, in the urban areas until both sewer and/or water services can be provided to the site(s) under consideration in accordance with Ministry of the Environment Conservation and Parks requirements. Residential development in these areas will be allowed on the basis of infilling with some growth in areas directly adjacent to existing built-up areas through consents and small plans of subdivision.

the Official Plan;

- b) Completion of an Environmental Impact Study (EIS) in accordance with Section 2.2.3.3 of the Official Plan;
- c) Cultural and An archaeological assessments to be completed to the satisfaction of the Ministry of Tourism, Culture and Sport as per Section 2.6.3 of the Official Plan;
- d) An agricultural impact assessment, to be completed to the satisfaction of the approval authority;
- e) Adequate and appropriate access to a public road;
- f) A development agreement entered into between the developer and the Municipality, which shall address, but is not limited to, vehicular access to the lands; and
- g) Pedestrian access to Port Burwell Provincial Park, from the subject property, to be reviewed by the Ministry of Natural Resources and Forestry.

#### 3.3.4 **Specific Policy Area No. 4 – New England**

Notwithstanding the "Agriculture" policies of this Plan to the contrary, the lands comprising Part Lot 24 & 25, Concession 9 of the Municipality of Bayham and designated as Specific Policy Area on Schedule "A1" to this plan may be used for the purposes of non-farm residential development on an infilling basis to a maximum of five (5) new lots. The exact boundary of Specific Policy Area No. 4 will be outlined in the Zoning By-law. The proponent must demonstrate that MDS I has been satisfied.

#### 4.2.2 **Residential Uses**

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

#### 4.2.3 **Employment Uses**

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

4.2.3.5 Any proposals to redesignate lands from employment uses to residential uses, will only be considered during a comprehensive Official Plan Review and based on employment land needs projections.

#### 4.2.4 **Intensification and Redevelopment**

4.2.4.1 The Municipality shall encourage intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services.

4.2.4.2 Targets for residential densities will be outlined in the individual land use designations. Residential intensification and redevelopment is subject to the following policies:

- a) The permitted forms of residential intensification and redevelopment shall only be permitted in those areas designated as “Hamlets” and “Villages” and will be permitted based on the level of water and wastewater servicing that is available in the specific settlement areas.
- b) Residential intensification and redevelopment may take the form of dwelling conversion, street infilling, rear yard infilling, and infill subdivisions.
- c) Residential intensification and redevelopment may only occur to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Municipality to satisfy the proposed water supply and wastewater disposal systems.
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in the Official Plan, the Municipality will ensure that:
  1. For dwelling conversions, the exterior design of the dwelling is consistent with the surrounding area in terms of height, bulk, scale, and layout;
  2. For street infilling, the proposal is consistent with Subsection 4.4.2.4 a), and with the established building line and setbacks of the surrounding area.
  3. For rear yard infilling, the proposal is consistent with subsection 4.4.2.4. a); the siting of buildings and parking areas minimizes the



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

**10.1 Permitted Uses**

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

- Single-detached dwelling or single-detached seasonal dwelling;
- Converted dwelling to a maximum of two (2) units;
- Semi-detached dwelling;
- Duplex dwelling;
- Group home;
- Home occupation;
- Bed and Breakfast Lodging or Tourist Home;
- Accessory uses.

**10.2 Permitted Buildings and Structures**

- Z751-2022** One dwelling on one lot or one or two units of a semi-detached dwelling on one lot;
- Accessory buildings and structures to the permitted uses.

**10.3 Minimum Lot Area**

- Vienna, Port Burwell: 800 m<sup>2</sup>, or 1390 m<sup>2</sup> where no public water supply or sanitary sewage disposal service are available
- Z698-2020** Straffordville: 900 m<sup>2</sup>, or 1390 m<sup>2</sup> where no sanitary sewage disposal service are available
- Z751-2022** Semi-detached dwelling unit:  
400 m<sup>2</sup>, or 695 m<sup>2</sup> where no public water supply or sanitary sewage disposal service are available

**10.4 Minimum Lot Frontage**

- Z698-2020** Public Water Supply and Sanitary Sewage Disposal Service: 15.0 metres  
for an internal lot and 18.0 metres for a corner lot.
- Partially Serviced: 20 metres
- Z751-2022** Semi-detached Dwellings:  
10 metres for an internal lot and 13.0 metres for a corner lot

10.5 **Maximum Building Height** Z751-2022  
7.0 metres

10.6 **Maximum Building Coverage**  
30%

10.7 **Minimum Floor Area** Z698-2020

10.8 **Minimum Front Yard Depth**  
7.0m

10.9 **Minimum Side Yard Width**

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

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

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

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

10.10 **Minimum Rear Yard Depth**  
7.0 metres

10.11 **Regulations for Accessory Buildings**

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

Z556-2008

a) No accessory building shall be located within 6.0 metres of a public street;

b) Maximum Height: 4.5 metres;

Z751-2022

c) Maximum Floor Area: 75 m<sup>2</sup> or 8% lot coverage, whichever is less.

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

10.12.1

10.12.1.1 Defined Area

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

10.12.1.2 Minimum Lot Area

2.5 hectares.

10.12.1.3 Minimum Lot Frontage

Notwithstanding any other provisions of this By-law, as now or hereafter amended,



# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council  
**FROM:** Margaret Underhill, Planning Coordinator/Deputy Clerk  
**DATE:** February 2, 2023  
**REPORT:** DS-10/23 **FILE NO. C-07 / D09.22 HIEB**  
**Roll # 3401-000-004-33800**

---

**SUBJECT:** Consent Applications E89-22 and E95-22  
A. Hiebert, 56284 Heritage Line, Straffordville

---

### **BACKGROUND:**

Consent applications E89-22 and E95-22 were received from the Elgin County Land Division Committee, as submitted by Anthony Hiebert, proposing to sever 485.9 sq. m. (0.12 ac) parcel of land and retain 348.66 sq. m. (0.09 ac) of land with the intent to divide a semi-detached residential dwelling lot.

The subject lands are designated "Residential" as per Schedule 'B' of the Municipality of Bayham Official Plan and zoned as Village Residential 1 (R1) as per Schedule 'F' – Straffordville in the Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on February 22, 2023.

### **DISCUSSION:**

The lands are serviced with municipal sewers and private on-site water services. The Consent for Easement (E95-22) proposes to provide for a municipal sewer connection from Duke Street across the proposed severed lot by easement connecting to the retained lands dwelling unit. There is a concern that the sewer connection crosses the severed lands and will impact the land area for private water well services.

The planner's memorandum, dated January 26, 2023, analyzes the applications subject to the Municipality of Bayham Official Plan and Zoning By-law.

Rezoning is recommended as a requirement to recognize the reduced lot area and lot frontage along with other standard conditions included in the recommendation.

Staff and planner recommend Council's support of the application E89-22 with the recommended conditions to permit the severance of a semi-detached dwelling on a residential

lot in Straffordville.

Due to the fact that E95-22 is an easement proposal to accommodate E89-22, staff would recommend deferring the easement application E95-22 until such time as the Condition 1 for application E89-22 is satisfied.

**ATTACHMENTS**

1. Consent Applications E89-22 and E95-22
2. IBI Memorandum dated January 26, 2023

**RECOMMENDATION**

**THAT Report DS-10/23 regarding Consent Applications E89-22 and E95-22 Hiebert, be received for information;**

**AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E89-22 be granted subject to the following conditions and considerations:**

1. Provide a professional assessment that a primary well and a secondary well location for future replacement can be adequately accommodated on both parcels if needed in the future OR the owner remove the existing sanitary sewer connection from the retained lands and connect the retained lands dwelling to the sanitary sewer line in the Heritage Line right-of-way to the satisfaction of the municipality
2. Rezoning of the retained land to a site-specific R1 zone to permit a reduced lot area and lot frontage
3. Rezoning of the severed lands to a site-specific R1 zone to permit a reduced lot frontage
4. Provide engineered storm water management and grading plans to the satisfaction of the Municipality
5. Cash-in-lieu of Parkland fee payable to the Municipality as required in Municipal By-law No. 2020-053
6. Planning Report fee payable to the Municipality
7. Provide a digital copy of the registered plan of survey

**AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E95-22 be deferred until such time as municipal Condition 1 of application E89-22 is satisfied.**

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO

CAO|Clerk

# Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	January 26, 2023
<b>From</b>	Paul Riley, CPT	<b>Project No</b>	3404-884
<b>cc</b>	William Pol, MCIP, RPP		
<b>Subject</b>	Anthony Hiebert - 56284 Heritage Line, Straffordville - Application for Consent E89/22 and E95/22		

1. We have completed our review of Consent Applications E89/22 and E95/22 submitted by Anthony Hiebert for lands located at 56284 Heritage Line, north side, and east side of Duke Street in the village of Straffordville. The applicant is requesting a Consent to sever 485.49 m<sup>2</sup> (0.12 ac) of land and to retain 348.66 m<sup>2</sup> (0.09 ac) of land with the intent to create a semi-detached residential dwelling lot. The subject lands are designated 'Residential' on Schedule 'B' of the Municipality of Bayham Official Plan and are zoned Village Residential (R1) on Schedule 'F' of Zoning By-law Z456-2003.
2. The proposed severed parcel will have lot frontage of 11.709 m (38.4 ft) and lot depth of 41.465 m (136 ft) and is currently occupied by one-half of a semi-detached dwelling. The proposed retained parcel will have lot frontage of 8.408 m (27.6 ft) and lot depth of 41.465 m and is currently occupied by one-half of a semi-detached dwelling. The lands are serviced by municipal sewer services and private onsite water services. Surrounding land uses are residential.
3. The proposed Consent for Easement (E95/22) is proposed to provide for municipal sanitary sewer connection from Duke Street across the severed lot by easement connecting to the retained lands dwelling unit. The installed sewer connection crosses the severed lands across the middle of the back yard which has an impact to providing land area for private water services (well).
4. The subject lands were previously occupied by a duplex dwelling which burned down and was demolished in 2021. The proposed development is considered the replacement of two previously existing dwelling units as a non-conforming use. The Zoning By-law Section 4.52 Loss By Natural Causes indicates that where a building or structure is destroyed or partially destroyed by fire or other natural causes, replacement of the building or structure to the same basic dimensions and on the same basic site may be permitted. Bayham Official Plan Section 8.4.2.1 policies indicate where the existing development is non-conforming to the regulations of the Zoning By-law the lands can be zoned in the Zoning By-law in accordance to the present use provided that it meets the following criteria:



Municipality of Bayham – January 26, 2023

- a) The zoning will not allow any change of use which will be detrimental to adjacent complying uses since the use will be continued residential use in the form of 2 dwelling units, except on two separate lots.
- b) the use does not constitute a danger or a nuisance to surrounding uses by the traffic, noise, odours, dust or visual impacts.
- c) the use is not discontinued and is compatible.

The proposed consent represents a situation where redevelopment is due to loss by natural causes and the residential use of the lands with two dwelling units in a duplex configuration is replaced with a semi-detached building with two units, subject to rezoning to address reduced lot area and setbacks, is in conformity to the above Sections of the Official Plan and Zoning By-law.

5. The Municipality of Bayham Official Plan Section 4.2 general residential policies in settlement areas, indicate that development in settlement areas for residential uses are permitted on the basis of infilling in an existing built up area; that residential uses other than single-detached dwellings are encouraged in settlement areas where there is no land use conflict when new or converted dwellings are feasible; and affordable housing is encouraged. The creation of a new lot in the form of a semi-detached building is encouraged and would increase supply of more affordable units in the Municipality, which is consistent to the Official Plan.
6. The subject lands are located in the Village Residential (R1) zone and semi-detached dwelling is a listed permitted use. The severed and retained lots do not meet the minimum lot frontage for semi-detached dwelling use. The corner unit has lot frontage of 11.7 m whereas 13.0 m (42.7 ft) is the required minimum, and the interior semi-detached unit has frontage of 8.4 m whereas 10.0 m (32.8 ft) is the required minimum. The retained lot has lot area of 348.66 m<sup>2</sup> whereas 400 m<sup>2</sup> is the permitted minimum. The dwellings have adequate yard setbacks.

The proposed development in the form of two semi-detached dwelling units lots with reduced frontage and reduced lot area on lands previously used for a two-unit duplex is in conformity to the Zoning By-law.

7. The reduced lot area and lot frontage would be adequate for a lot with access to full municipal services, however, the proposed lots are serviced by private water services. The lands should have adequate land area for a water well with the possibility to drill another well should the other fail. The proposed sanitary sewer connection and associated easement proposal are potentially problematic from a private water servicing perspective in the long-term.

There is a municipal sewer pipe along Heritage Line that could service the retained lands, however, the applicant has already constructed the Duke Street connection.

Municipality of Bayham – January 26, 2023

The Municipality does not have any responsibility or planning requirement to support an easement for undesirable sanitary sewer connection in relation to necessary land area for the long-term provision of private water services. The application indicates that wells were to be installed in the fall, however, no confirmation has been received that private water services are adequate.

8. Based on the above review of Consent Application E89/22 and E95/22, we have no objection to the proposed severance and site-specific zoning and recommend the following conditions:
- a) That the owner remove the existing sanitary sewer connection and connect the retained lands dwelling to the sanitary sewer line in the Heritage Line right-of-way, or provide professional assessment that a primary well and a secondary location for a future replacement well can be adequately accommodated.
  - b) That the owner rezone the retained lands to a site-specific R1 zone to permit minimum lot area of 366 m<sup>2</sup> and minimum lot frontage of 8.41 m.
  - c) That the owner rezone the severed lands to a site-specific R1 zone to permit minimum lot frontage of 11.71 m.
  - d) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
  - e) That the owner provides a survey of the subject lands.
  - f) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the severed lot.
  - g) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

*Paul Riley*

IBI Group  
Paul Riley

Consulting Planner to the  
Municipality of Bayham

Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

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

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



April 11, 2023

Paul Clarke, Secretary-Treasurer  
Elgin County Land Division Committee  
450 Sunset Drive  
St. Thomas ON N5R 5V1

**EMAIL ONLY**

Dear Mr. Clarke

**Re: Application for Consent No. E95-22 Hiebert**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the April 6, 2023 meeting:

**THAT** Report DS-17/23 regarding Consent Application E95-22 Hiebert, be received for information;

**AND THAT** in consideration of the submission from the Water Mining Inc. regarding Consent E89-22 Notice of Decision dated February 23, 2023 Municipality of Bayham Condition 1, Council recommends to the Elgin County land Division Committee that Consent Application E95-22 be granted subject to the following conditions and considerations:

1. Provide a digital copy of the registered plan of survey showing the easement for the retained parcel
2. Planning Report Fee payable to the Municipality

Municipal Appraisal Sheet and Staff Report DS-17/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

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

Margaret Underhill,  
Planning Coordinator|Deputy Clerk

D09.HIEB

Cc: A. Hiebert (email)  
C. Rizzuto, Agent (email)

**MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE**

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

Submission E 95-22

Applicant Anthony Hiebert

Location Bayham – 56282 and 56284 Heritage Line, Straffordville

PART 1 - OFFICIAL PLAN

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

Land Use Designation: RESIDENTIAL

Policies: OP Section 8.7.2.5

---

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 ( X ) | No ( ) |

Comments: Zoning: Village Residential

Rezoning not required for easement

- 
- |  |         |        |
|--|---------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes ( ) | 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 ( ) |
| 7. If so, is the Municipality prepared to provide those services?                         | Yes ( )   | No ( ) |
| 8. Does the Municipality wish the Committee to impose conditions?                         | Yes ( X ) | No ( ) |
| 9. Does Council recommend the application?  | Yes ( X ) | No ( ) |
| 10. Does the municipality have other concerns that should be considered by the Committee? |           |        |

See Letter attached with listed conditions.

See Staff Report DS-17/23 considered at Council meeting scheduled for April 6, 2023

assessment roll of the municipality at the address shown on the roll or as indicated where the Clerk of the Municipality has received written notice of a change of ownership or occupancy, and shall receive additional notification through prepaid first class mail, to be posted not less than 20 days prior to the public meeting.

## **8.7 CONSENTS AND THE CREATION OF NEW LOTS**

### **8.7.1 Elgin Land Division Committee**

8.7.1.1 The granting of consents to sever and convey land in the Municipality of Bayham shall continue to be the responsibility of the Elgin County Land Division Committee.

8.7.1.2 Municipal Council or their delegated authority shall provide comments to the Elgin County Land Division Committee on all applications for consent to sever and convey land in the Municipality of Bayham.

### **8.7.2 Policies**

8.7.2.1 A consent shall only be granted if the purpose for which the lands subject to the consent are to be used is in conformity with this Plan and the provisions of the Zoning By-law, and, when it is clear that a plan of subdivision need not be registered. Where a consent contravenes this Plan or the zoning by-law, no consent shall be granted unless the Plan and/or the Zoning By-law is amended and approved accordingly.

8.7.2.2 The policies of this Plan and the requirements of the Municipality regarding consents may be implemented through a site plan agreement between the Municipality and the applicant pursuant to the Planning Act.

8.7.2.3 A consent shall only be granted for mortgage purposes where it is capable of satisfying the appropriate and applicable policies of this Plan and the appropriate and applicable regulations of the Zoning By-law with respect to the use to which the lands would be put if a separate lot is created.

8.7.2.4 A consent shall only be granted for the purposes of settling an estate where it is capable of satisfying the appropriate and applicable policies of this Plan and the appropriate and applicable regulations of the Zoning By-law with respect to the use to which the lands would be put if the estate is settled and a new lot or lots are created.

8.7.2.5 Consents for lot adjustments, lot additions, minor boundary changes, easements and rights-of-way, or correction of title are permitted in any land use designation, provided the severance does not result in the creation of a new lot, the severed and retained



parcels comply with the other requirements of this Plan, the Zoning By-law, and where applicable, the consent decision shall stipulate that Subsection 3 of Section 50 of the Planning Act, be applied to any subsequent conveyance of the severed parcel.

8.7.2.6 In the event a consent is granted which does not conform to the policies of this Plan, the Municipal Council may appeal the decision to the Local Planning Appeal Tribunal.

8.7.2.7 Consents abutting or adjacent to a Provincial Highway must meet the policies and guidelines of the Province of Ontario for access and are subject to permit approval.

## **8.8 MAINTENANCE AND OCCUPANCY STANDARDS**

### **8.8.1 General**

8.8.1.1 The Municipality shall endeavour to keep in a fit and well-maintained condition all municipally owned properties and structures, and to provide or maintain in good repair such municipal services as roads, sidewalks, water and sewerage facilities, and landfill sites.

### **8.8.2 By-law**

8.8.2.1 The Municipality may pass by-laws pursuant to the Building Code Act, to establish minimum standards of maintenance and occupancy, and to conserve, sustain and protect existing and future development. A maintenance and occupancy by-law, applicable to all property within the municipality, may contain requirements with respect to:

- a) Garbage disposal and pest prevention;
- b) Structural maintenance, safety and cleanliness of buildings;
- c) Services to buildings including plumbing, heating and electricity;
- d) Keeping properties free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or material;
- e) Maintaining yards, lands, parking and storage areas, fences, swimming pools, accessory buildings, and signs;
- f) Occupancy standards.

8.8.2.2 The Municipality shall appoint a Property Standards Officer who will be responsible for administering and enforcing the Maintenance and Occupancy Standards By-law, and a



# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council  
**FROM:** Margaret Underhill, Planning Coordinator/Deputy Clerk  
**DATE:** April 6, 2023  
**REPORT:** DS-17/23 **FILE NO. C-07 / D09.22 HIEB**  
**Roll # 3401-000-004-33800**

---

**SUBJECT:** Consent Application E95-22 Hiebert, Anthony  
56282 and 56284 Heritage Line, Straffordville

---

### **BACKGROUND:**

On February 2, 2023, Council considered Staff Report DS-10/23 and supported Consent Application E89-22 to sever a semi-detached dwelling and recommended deferral of the accompanying Consent Application E95-22 until such time as Condition 1 of E89-22 was satisfied.

The lands are serviced with municipal sewers and private on-site water services. The consent for easement (E95-22) proposes to provide for the municipal sewer connection from Duke Street across the proposed severed lot through an easement connecting to the retained lands dwelling unit. At the time of the application review, staff were concerned that the sewer connection crossing the severed lands will impact the land area for private water well services and so a condition was included in the E89-22 recommendation as follows:

- Provide a professional assessment that a primary well and a secondary well location for future replacement can be adequately accommodated on both parcels if needed in the future OR the owner remove the existing sanitary sewer connection from the retained lands and connect the retained lands dwelling to the sanitary sewer line in the Heritage Line right-of-way to the satisfaction of the municipality.

On February 22, 2023, the Elgin County Land Division Committee granted E89-22 and deferred E95-22 as per Council's recommendation.

### **DISCUSSION:**

Staff are in receipt of correspondence from Water Mining Inc., dated February 10, 2023, providing a positive analysis of the two sand point water wells installed at the property. This correspondence satisfies Condition 1 of Consent E89-22.

With E89-22 Condition 1 satisfied, staff recommend Council's support of application E95-22 with

the recommended conditions to permit the easement for sanitary services for the easterly portion of the existing semi-detached dwelling on a residential lot in Straffordville.

**ATTACHMENTS**

1. Consent Application E95-22
2. Water Mining Inc. correspondence, dated February 10, 2023

**RECOMMENDATION**

**THAT** Report DS-17/23 regarding Consent Application E95-22 Hiebert, be received for information;

**AND THAT** in consideration of the submission from the Water Mining Inc. regarding Consent E89-22 Notice of Decision dated February 23, 2023 Municipality of Bayham Condition 1, Council recommends to the Elgin County land Division Committee that Consent Application E95-22 be granted subject to the following conditions and considerations:

1. Provide a digital copy of the registered plan of survey showing the easement for the retained parcel
2. Planning Report Fee payable to the Municipality

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

CAO|Clerk



Water Mining Inc.  
GST/HST# 702638685RT0001  
PO Box 422, Tillsonburg, ON N4G 4H8  
519-688-2000  
paul@watermininginc.com  
Well contractor license # 7702

To Whom it may concern:

Summary of water assessment on property 56282 Heritage Line, Straffordville, Ontario NOJ 1Y0 in response to water well concerns. Below is an assessment to provide evidence that a primary well and a secondary well location for future replacement can be adequately accommodated on both parcels if needed in the future.

Water Mining Inc. installed the sandpoint water well during construction of the home. The Ontario Ministry of the Environment Well Tag ID # for this sandpoint is A353125.

The property lot was found large enough to accommodate many different locations for a sandpoint water well. When selecting a location to install this particular well, there were many different locations to choose from. Sufficient space is not a concern on this property for installing multiple sandpoint water wells.

During construction of the sandpoint water well, water was located at a depth of 14 feet. To ensure a sufficient volume of water we installed the water well to a depth of 28 feet. The top of the well screen is sitting at 23 feet. This means the well screen is fully submerged below 9 feet of water. To put into perspective, some well screens in Ontario are only submerged below 1 foot of water without presenting water supply issues.

According to Reg. 903 Ministry of the Environment Conservation and Parks the water recovery rate was within all limits.

During testing of the sandpoint water well, the well produced a water quantity of 11 gallons per minute. Most households in Ontario use a maximum water quantity between 2 to 5 gallons per minute.

When performing testing on this sandpoint water well according to Reg. 903, the sandpoint water well sufficiently passed all limits. Therefore, the water well situation on property 56282 Heritage Line, Straffordville, Ontario NOJ 1Y0 has no reason for concern.

Paul Ryksen

Well Technician Licence # 4610

*Feb 10, 2023.*

Date

RECEIVED

FEB 10 2023

MUNICIPALITY OF BAYHAM





Units recorded in:  Metric  Imperial

Owner's Information

Last Name/Organization: Hickent E-mail Address: \_\_\_\_\_  
 Address (Street Number/Name): 411 Oak St. Municipality: Verona Province: ON. Postal Code: N4V 1Z0 Telephone: 519 819 0

Well Location (Street Number/Name): 282 Heritage Line 56282 Township: Beitham Lot: \_\_\_\_\_ Concession: \_\_\_\_\_  
 City/Town/Village: Stratfordville Province: **Ontario**  
 Coordinates: Zone: 18 Easting: 171518 Northing: 2195473331 Municipal Plan and Sublot Number: 06 Other: \_\_\_\_\_

Soil and Bedrock Materials/Abandonment Sealing Record (see instructions on the back of this form)

Colour	Most Common Material	Other Materials	General Description
	<u>sand</u>		<u>medium density</u>
	<u>fine of.</u>		<u>medium density</u>

Annular Space		
Depth at (m/ft)	Type of Sealant Used (Material and Type)	Volume Placed (m <sup>3</sup> /ft <sup>3</sup> )
<u>23</u>	<u>4" Portland Chips</u>	<u>5</u>

Results of Well Yield Testing																															
After test of well yield, water was:	Draw Down																														
<input type="checkbox"/> Clear and sand free <input type="checkbox"/> Other, specify _____	<table border="1"> <tr> <th>Time (min)</th> <th>Water Level (m/ft)</th> </tr> <tr> <td>Static Level</td> <td><u>14</u></td> </tr> <tr> <td>1</td> <td></td> </tr> <tr> <td>2</td> <td></td> </tr> <tr> <td>3</td> <td></td> </tr> <tr> <td>4</td> <td></td> </tr> <tr> <td>5</td> <td></td> </tr> <tr> <td>10</td> <td></td> </tr> <tr> <td>15</td> <td></td> </tr> <tr> <td>20</td> <td></td> </tr> <tr> <td>25</td> <td></td> </tr> <tr> <td>30</td> <td></td> </tr> <tr> <td>40</td> <td></td> </tr> <tr> <td>50</td> <td></td> </tr> <tr> <td>60</td> <td><u>11</u></td> </tr> </table>	Time (min)	Water Level (m/ft)	Static Level	<u>14</u>	1		2		3		4		5		10		15		20		25		30		40		50		60	<u>11</u>
Time (min)	Water Level (m/ft)																														
Static Level	<u>14</u>																														
1																															
2																															
3																															
4																															
5																															
10																															
15																															
20																															
25																															
30																															
40																															
50																															
60	<u>11</u>																														
If pumping discontinued, give reason:																															
Pump intake set at (m/ft)																															
Pumping rate (l/min / GPM):																															
Duration of pumping																															
<u>1 hrs + 0 min</u>																															
Final water level end of pumping (m/ft)																															
<u>16</u>																															
If flowing give rate (l/min/GPM)																															
Recommended pump depth (m/ft)																															
Recommended pump rate (l/min/GPM)																															
Well production (l/min/GPM)																															
Disinfected?																															
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																															

**Method of Construction:**  
 Conventional  Jetting  Reverse  Driving  Digging  
 Diamond  Public  Domestic  Livestock  Irrigation  Industrial  Other, specify \_\_\_\_\_

**Well Use:**  
 Commercial  Not used  Municipal  Dewatering  Test Hole  Monitoring  Cooling & Air Conditioning

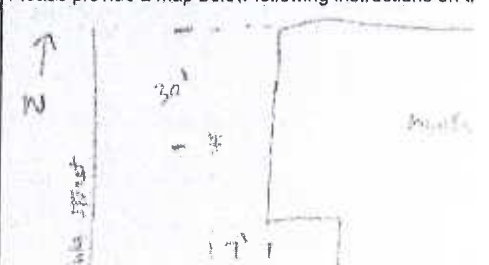
Construction Record - Casing				Status of Well	
Material (Galvanized, Fibreglass, Concrete, Plastic, Steel)	Wall Thickness (cm/in)	Depth (m/ft)		<input checked="" type="checkbox"/> Water Supply	<input type="checkbox"/> Replacement Well
		From	To		
<u>Plastic</u>	<u>.315</u>	<u>0</u>	<u>23</u>	<input type="checkbox"/> Test Hole	<input type="checkbox"/> Recharge Well
				<input type="checkbox"/> Dewatering Well	<input type="checkbox"/> Observation and/or Monitoring Hole
				<input type="checkbox"/> Alteration (Construction)	<input type="checkbox"/> Abandoned, Insufficient Supply
				<input type="checkbox"/> Abandoned, Poor Water Quality	<input type="checkbox"/> Abandoned, other, specify _____
				<input type="checkbox"/> Other, specify _____	

Construction Record - Screen			
Material (Plastic, Galvanized, Steel)	Slot No.	Depth (m/ft)	
		From	To
<u>Plastic</u>	<u>6</u>	<u>23</u>	<u>28</u>

**Water Details:**  
 Kind of Water:  Fresh  Untested  Gas  Other, specify \_\_\_\_\_  
 Depth at (m/ft): \_\_\_\_\_

**Hole Diameter:**  
 Depth (m/ft): \_\_\_\_\_ Diameter (cm/in): \_\_\_\_\_

Map of Well Location





Annular Space		
Depth Set at (m/ft) From	To	Type of Sealant Used (Material and Type)
0	23	3/8" Bostants Chips

Method of Construction	Well Use
<input type="checkbox"/> Cable Tool <input type="checkbox"/> Rotary (Conventional) <input type="checkbox"/> Rotary (Reverse) <input type="checkbox"/> Boring <input type="checkbox"/> Air percussion <input type="checkbox"/> Other, specify wash bore	<input type="checkbox"/> Diamond <input type="checkbox"/> Jetting <input type="checkbox"/> Driving <input type="checkbox"/> Digging <input type="checkbox"/> Public <input type="checkbox"/> Domestic <input type="checkbox"/> Livestock <input type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="checkbox"/> Other, specify
	<input type="checkbox"/> Commercial <input type="checkbox"/> Municipal <input type="checkbox"/> Test Hole <input type="checkbox"/> Cooling & Air Conditioning <input type="checkbox"/> Not used <input type="checkbox"/> Dewatering <input type="checkbox"/> Monitoring

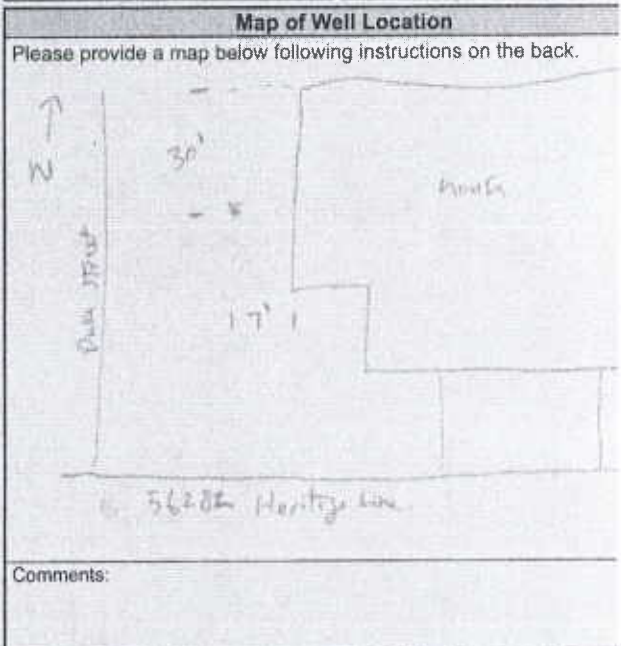
Construction Record - Casing				Status of Well	
Inside Diameter (cm/in)	Open Hole OR Material (Galvanized, Fibreglass, Concrete, Plastic, Steel)	Wall Thickness (cm/in)	Depth (m/ft)		<input type="checkbox"/> Water Supply <input type="checkbox"/> Replacement Well <input type="checkbox"/> Test Hole <input type="checkbox"/> Recharge Well <input type="checkbox"/> Dewatering Well <input type="checkbox"/> Observation and/or Monitoring Hole <input type="checkbox"/> Alteration (Construction) <input type="checkbox"/> Abandoned, Insufficient Supply <input type="checkbox"/> Abandoned, Poor Water Quality <input type="checkbox"/> Abandoned, other, specify <input type="checkbox"/> Other, specify
			From	To	
2	Plastic	.315	0	23	

Construction Record - Screen					
Outside Diameter (cm/in)	Material (Plastic, Galvanized, Steel)	Slot No.	Depth (m/ft)		<input type="checkbox"/> Other, specify
			From	To	
2.25	Plastic	6	23	28	

Water Details		Hole Diameter	
Water found at Depth (m/ft)	Kind of Water: <input type="checkbox"/> Fresh <input type="checkbox"/> Untested <input type="checkbox"/> Gas <input type="checkbox"/> Other, specify	Depth (m/ft) From	To
12		0	28
Water found at Depth (m/ft)	Kind of Water: <input type="checkbox"/> Fresh <input type="checkbox"/> Untested <input type="checkbox"/> Gas <input type="checkbox"/> Other, specify		
Water found at Depth (m/ft)	Kind of Water: <input type="checkbox"/> Fresh <input type="checkbox"/> Untested <input type="checkbox"/> Gas <input type="checkbox"/> Other, specify		

Well Contractor and Well Technician Information			
Business Name of Well Contractor		Well Contractor's Licence No.	
Water Mining Inc.		7/7/0/2	
Business Address (Street Number/Name)		Municipality	
20 Bow 422		Tillsonburg	
Province	Postal Code	Business E-mail Address	
ON	N1A 6A1A7	adam@watermininginc.com	
Bus Telephone No. (inc. area code)	Name of Well Technician (Last Name, First Name)		
51296882000	Riksen, David		
Well Technician Licence No.	Signature of Technician and/or Contractor	Date Submitted	
13131618	[Signature]	2/6/22 M/M/22	

Results of Well Yield Testing			
After test of well yield, water was: <input type="checkbox"/> Clear and sand free <input type="checkbox"/> Other, specify	Draw Down		Recover
	Time (min)	Water Level (m/ft)	Time (min)
<input type="checkbox"/> Clear and sand free <input type="checkbox"/> Other, specify	Static Level	14	16
	1		1
	Pump intake set at (m/ft)	2	2
	Pumping rate (l/min / GPM)	3	3
	Duration of pumping 1 hrs + 0 min	4	4
	Final water level end of pumping (m/ft)	5	5
If flowing give rate (l/min/GPM)	10		10
	15		15
	20		20
	25		25
	30		30
Recommended pump rate (l/min/GPM)	40		40
	50		50
Well production (l/min/GPM)	60		60
Disinfected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			



Comments:		<b>Ministry Use On</b> Audit No. <b>Z389</b> Received
Well owner's information package delivered <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Package Delivered 2/6/22 M/M/22 Date Work Completed 2/6/22 M/M/22	

Contractor's Copy

**RECEIVED**  
 FEB 10 2023  
 MUNICIPALITY OF BAYHAM



Water Mining Inc.  
GST/HST# 702638685RT0001  
PO Box 422, Tillsonburg, ON N4G 4H8  
519-688-2000  
paul@watermininginc.com  
Well contractor license # 7702

To Whom it may concern:

Summary of water assessment on property 56284 Heritage Line, Straffordville, Ontario NOJ 1Y0 in response to water well concerns. Below is an assessment to provide evidence that a primary well and a secondary well location for future replacement can be adequately accommodated on both parcels if needed in the future.

Water Mining Inc. installed the sandpoint water well during construction of the home. The Ontario Ministry of the Environment Well Tag ID # for this sandpoint is A353116.

The property lot was found large enough to accommodate many different locations for a sandpoint water well. When selecting a location to install this particular well, there were many different locations to choose from. Sufficient space is not a concern on this property for installing multiple sandpoint water wells.

During construction of the sandpoint water well, water was located at a depth of 12 feet. To ensure a sufficient volume of water we installed the water well to a depth of 30 feet. The top of the well screen is sitting at 25 feet. This means the well screen is fully submerged below 13 feet of water. To put into perspective, some well screens in Ontario are only submerged below 1 foot of water without presenting water supply issues.

According to Reg. 903 Ministry of the Environment Conservation and Parks the water recovery rate was within all limits.

During testing of the sandpoint water well, the well produced a water quantity of 7.5 gallons per minute. Most households in Ontario use a maximum water quantity between 2 to 5 gallons per minute.

When performing testing on this sandpoint water well according to Reg. 903, the sandpoint water well sufficiently passed all limits. Therefore, the water well situation on property 56284 Heritage Line, Straffordville, Ontario NOJ 1Y0 has no reason for concern.

Paul Ryksen

Well Technician Licence # 4610

Feb 10, 2023.

Date

RECEIVED

FEB 10 2023

MUNICIPALITY OF BAYHAM





Units recorded in:  Metric  Imperial

Page

**Owner's Information**

Last Name/Organization: Herbert E-mail Address: \_\_\_\_\_

Address (Street Number/Name): 677 Heritage Lane, 41 Oak St. Municipality: Victoria Province: ON Postal Code: M0S 1B0 Telephone: 511 98

Well Location (Street Number/Name): 677 Heritage Lane, 56284 Township: Essex Bayham Lot: \_\_\_\_\_ Concessor: \_\_\_\_\_

District/Municipality: \_\_\_\_\_ City/Town/Village: St. Georgeville Province: **Ontario**

Coordinates: Zone: 183 Easting: 1751183214 Northing: 4713131119 Municipal Plan and Sublot Number: \_\_\_\_\_ Other: \_\_\_\_\_

**Soil and Bedrock Materials/Abandonment Sealing Record (see instructions on the back of this form)**

Colour	Most Common Material	Other Materials	General Description
	<u>fine sand</u>		<u>medium density</u>
	<u>fine sand</u>		<u>medium density</u>

Annular Space		
Depth at (m/ft): To	Type of Sealant Used (Material and Type)	Volume Placed (m <sup>3</sup> /ft <sup>3</sup> )
<u>25</u>	<u>3 Bontek CAPS</u>	<u>5</u>

Results of Well Yield Testing	
After test of well yield, water was:	Draw Down
<input type="checkbox"/> Clear and sand free	Time (min)
<input type="checkbox"/> Other, specify _____	Water Level (m/ft)
If pumping discontinued, give reason:	Static Level
	<u>12</u>
Pump Intake set at (m/ft)	1
	2
Pumping rate (l/min / GPM)	3
<u>7.5</u>	4
Duration of pumping	5
<u>1 hrs + 0 min</u>	10
Final water level end of pumping (m/ft)	15
<u>14</u>	20
If flowing give rate (l/min/GPM)	25
	30
Recommended pump depth (m/ft)	40
	50
Recommended pump rate (l/min/GPM)	60
<u>7.5</u>	<u>12</u>
Well production (l/min/GPM)	
<u>7.5</u>	
Disinfected?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Method of Construction	Well Use
<input type="checkbox"/> Conventional <input type="checkbox"/> Reverse <input type="checkbox"/> Digging	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Livestock <input type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="checkbox"/> Other, specify _____
<input type="checkbox"/> Diamond <input type="checkbox"/> Jutting <input type="checkbox"/> Driving	<input type="checkbox"/> Commercial <input type="checkbox"/> Municipal <input type="checkbox"/> Test Hole <input type="checkbox"/> Cooling & Air Conditioning
<input type="checkbox"/> Not used <input type="checkbox"/> Dewatering <input type="checkbox"/> Monitoring	

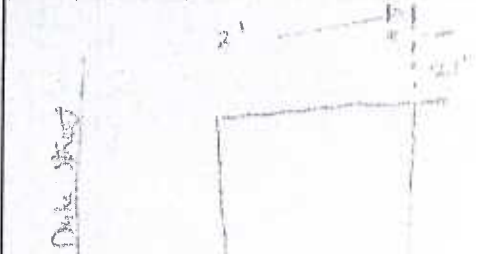
Construction Record - Casing				Status of Well	
Open Hole OR Material (Galvanized, Fibreglass, Concrete, Plastic, Steel)	Wall Thickness (cm/in)	Depth (m/ft)		<input checked="" type="checkbox"/> Water Supply	<input type="checkbox"/> Replacement Well
		From	To		
<u>Plastic</u>	<u>3.15</u>	<u>0</u>	<u>25</u>	<input type="checkbox"/> Test Hole	<input type="checkbox"/> Recharge Well
				<input type="checkbox"/> Dewatering Well	<input type="checkbox"/> Observation and/or Monitoring Hole
				<input type="checkbox"/> Alteration (Construction)	<input type="checkbox"/> Abandoned, Insufficient Supply
				<input type="checkbox"/> Abandoned, Poor Water Quality	<input type="checkbox"/> Abandoned, other, specify _____
				<input type="checkbox"/> Other, specify _____	

Construction Record - Screen			
Material (Plastic, Galvanized, Steel)	Slot No.	Depth (m/ft)	
		From	To
<u>Plastic</u>	<u>6</u>	<u>25</u>	<u>30</u>

Water Details		Hole Diameter	
Kind of Water: <input type="checkbox"/> Fresh <input type="checkbox"/> Untested	Depth (m/ft): From	To	Diameter (cm/in)
<input type="checkbox"/> Gas <input type="checkbox"/> Other, specify _____			

**Map of Well Location**

Please provide a map below following instructions on t





Method of Construction		Well Use		
<input type="checkbox"/> Cable Tool	<input type="checkbox"/> Diamond	<input type="checkbox"/> Public	<input type="checkbox"/> Commercial	<input type="checkbox"/> Not used
<input type="checkbox"/> Rotary (Conventional)	<input type="checkbox"/> Jetting	<input type="checkbox"/> Domestic	<input type="checkbox"/> Municipal	<input type="checkbox"/> Dewatering
<input type="checkbox"/> Rotary (Reverse)	<input type="checkbox"/> Driving	<input type="checkbox"/> Livestock	<input type="checkbox"/> Test Hole	<input type="checkbox"/> Monitoring
<input type="checkbox"/> Boring	<input type="checkbox"/> Digging	<input type="checkbox"/> Irrigation	<input type="checkbox"/> Cooling & Air Conditioning	
<input type="checkbox"/> Air percussion		<input type="checkbox"/> Industrial		
<input type="checkbox"/> Other, specify <i>wash beds</i>		<input type="checkbox"/> Other, specify		

Construction Record - Casing				Status of Well	
Inside Diameter (cm/in)	Open Hole OR Material (Galvanized, Fibreglass, Concrete, Plastic, Steel)	Wall Thickness (cm/in)	Depth (m/ft)		<input checked="" type="checkbox"/> Water Supply <input type="checkbox"/> Replacement Well <input type="checkbox"/> Test Hole <input type="checkbox"/> Recharge Well <input type="checkbox"/> Dewatering Well <input type="checkbox"/> Observation and/or Monitoring Hole <input type="checkbox"/> Alteration (Construction) <input type="checkbox"/> Abandoned, Insufficient Supply <input type="checkbox"/> Abandoned, Poor Water Quality <input type="checkbox"/> Abandoned, other, specify <input type="checkbox"/> Other, specify
			From	To	
2	Plastic	3/5	0	25	

Construction Record - Screen				Status of Well	
Outside Diameter (cm/in)	Material (Plastic, Galvanized, Steel)	Slot No.	Depth (m/ft)		<input type="checkbox"/> Other, specify
			From	To	
2.25	Plastic	6	25	30	

Water Details		Hole Diameter	
Water found at Depth (m/ft) <input type="checkbox"/> Gas <input type="checkbox"/> Other, specify	Kind of Water: <input type="checkbox"/> Fresh <input type="checkbox"/> Untested	Depth (m/ft) From	Depth (m/ft) To
12		0	30
Diameter (cm/in)			2

Well Contractor and Well Technician Information			
Business Name of Well Contractor <i>Water Mining Inc.</i>		Well Contractor's Licence No. <i>7171012</i>	
Business Address (Street Number/Name) <i>P.O. Box 432</i>		Municipality <i>Tillamook</i>	
Province <i>ON</i>	Postal Code <i>M4G 4H8</i>	Business E-mail Address <i>info@watermining.com</i>	
Bus. Telephone No. (inc. area code) <i>416 488 2000</i>	Name of Well Technician (Last Name, First Name) <i>Ryden Darcy</i>		
Well Technician's Licence No. <i>313618</i>	Signature of Technician and/or Contractor <i>[Signature]</i>	Date Submitted <i>2022/10/06</i>	

Pumping rate (l/min / GPM) <i>7.5</i>	3	3
Duration of pumping <i>1</i> hrs + <i>0</i> min	4	4
Final water level end of pumping (m/ft) <i>14</i>	5	5
If flowing give rate (l/min/GPM)	10	10
Recommended pump depth (m/ft)	15	15
Recommended pump rate (l/min/GPM) <i>7.5</i>	20	20
Well production (l/min/GPM) <i>7.5</i>	25	25
Disinfected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	30	30
	40	40
	50	50
	60	60

**Map of Well Location**

Please provide a map below following instructions on the back.

Comments:

Well owner's information package delivered	Date Package Delivered	Ministry Use Only
<input checked="" type="checkbox"/> Yes	<i>2022/10/06</i>	Audit No. <i>23896</i>
<input type="checkbox"/> No	Date Work Completed <i>2022/10/06</i>	Received

Contractor's Copy

**RECEIVED**  
 FEB 10 2023  
 MUNICIPALITY OF BAYHAM

## Paul Clarke

---

**From:** Aisling Laverty <alaverty@lprca.on.ca>  
**Sent:** March 24, 2023 4:22 PM  
**To:** Paul Clarke  
**Subject:** RE: E 95-22 Notice of 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.

Thanks Paul. This property is outside of the area regulated by LPRCA under Ontario Regulation 178/06. As such, LPRCA has no comments or concerns.

Thanks,



**Aisling "Ashleen" Laverty, CPT**

Resource Planner | Long Point Region Conservation Authority

4 Elm St., Tillsonburg ON N4G 0C4

519-842-4242 ext. 235 | [alaverty@lprca.on.ca](mailto:alaverty@lprca.on.ca)

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** March 23, 2023 9:27 AM  
**To:** hieberttony9@gmail.com; crizzuto@tillsonburglawyers.com  
**Cc:** ttayer@bayham.on.ca; Marg Underhill <MUnderhill@bayham.on.ca>  
**Subject:** E 95-22 Notice of Application

Good morning,

Please see the attached notice of application for E 95-22. If you wish to provide comments on this application, please provide them by EOD **Tuesday 18<sup>th</sup>, 2023**.

Thank you,



**Paul Clarke, CPT**

Planning Technician / Secretary-Treasurer of the Land Division Committee



(519) 631-1460 x170



450 Sunset Drive, St. Thomas, ON N5R 5V1



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







**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** 95-22

**Owner:**  
**Anthony Heibert**

11712 Plank Road, Eden, ON, N0J 1H0

**Location:** Lot 3 on Registered Plan No. 205. Municipally known as 56284 Heritage Line, Bayham.

**Agent:**  
**Michael G. Szorenyi**

36 Broadway, Tillsonburg, ON N4H 3P1

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 3.048 metres (10 feet) and a depth of 11.709 metres (38.41 feet) and an area of 435.689m<sup>2</sup> (0.008 acres) for the purposes of establishing a utility easement. The applicant is retaining a lot with a frontage of 11.709 metres (38.41 feet) and a depth of 41.465 metres (136.04 feet) and an area of 485.49m<sup>2</sup> (0.12 acres), proposed to remain in residential use.

This application was originally brought to LDC in February along with a related application (E 89-22). This application was deferred at the request of Bayham, all outstanding issues with the Municipality have been resolved and Bayham Council is now recommending approval of this application.

**County of Elgin Official  
Plan**

Tier 2 Settlement Area

**Local Municipality Official  
Plan**

Residential

**Local Municipality Zoning  
By-law**

Village Residential (R1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of Bayham* – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Long Point Region Conservation Authority* – No comments.

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 giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS. Consents for lot adjustments and technical severances including easements are permitted in all land use designations.

#### 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. The subject lands are designated as a Tier 2 Settlement Area. Tier 2 Settlement Areas are those settlements which are smaller than Tier 1 and have access to partial municipal services only. A variety of residential uses are encouraged in these settlements and lot creation for new residential uses is permitted. Staff have reviewed the application against the criteria in Section E1.2.3.1 and found no issues.

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

Staff have reviewed the application against the policies of the Municipality of Bayham 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. As this application is only for an easement, there is not anticipated to be any zoning concerns as a result of this application.

#### RECOMMENDATION:

That application E 95-22 is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Bayham Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

1. Provide a copy of the registered plan of survey showing the easement for the retained parcel.
2. Planning report fee payable to the municipality.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF AMENDED APPLICATION FOR CONSENT  
APPLICATION No. E 1-23**

**PART OF LOTS A AND B, CONCESSION 4  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 21179 CLACHAN ROAD**

**TAKE NOTICE that** an application has been made by Timothy VanLith, 21179 Clachan Road, Muirkirk, ON N0L 1X0 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 21179 Clachan Road.

The applicant proposes to sever a parcel with a frontage of 6.096 metres (20 feet) and a depth of 393.33 metres (1,290.45 feet) and an area of 12,140.6m<sup>2</sup> (3 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 969.17 metres (3,179.7 feet) and a depth of 969.17 metres (3,179.7 feet) and an area of 79.72ha (197 acres), proposed to remain in agricultural use. The applicant is also applying to establish a 12-meter wide easement east of the laneway accessing the proposed severed residential parcel for the purposes of access and maintenance of the existing hydro polls.

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:

**APRIL 26, 2023 AT 11:10 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

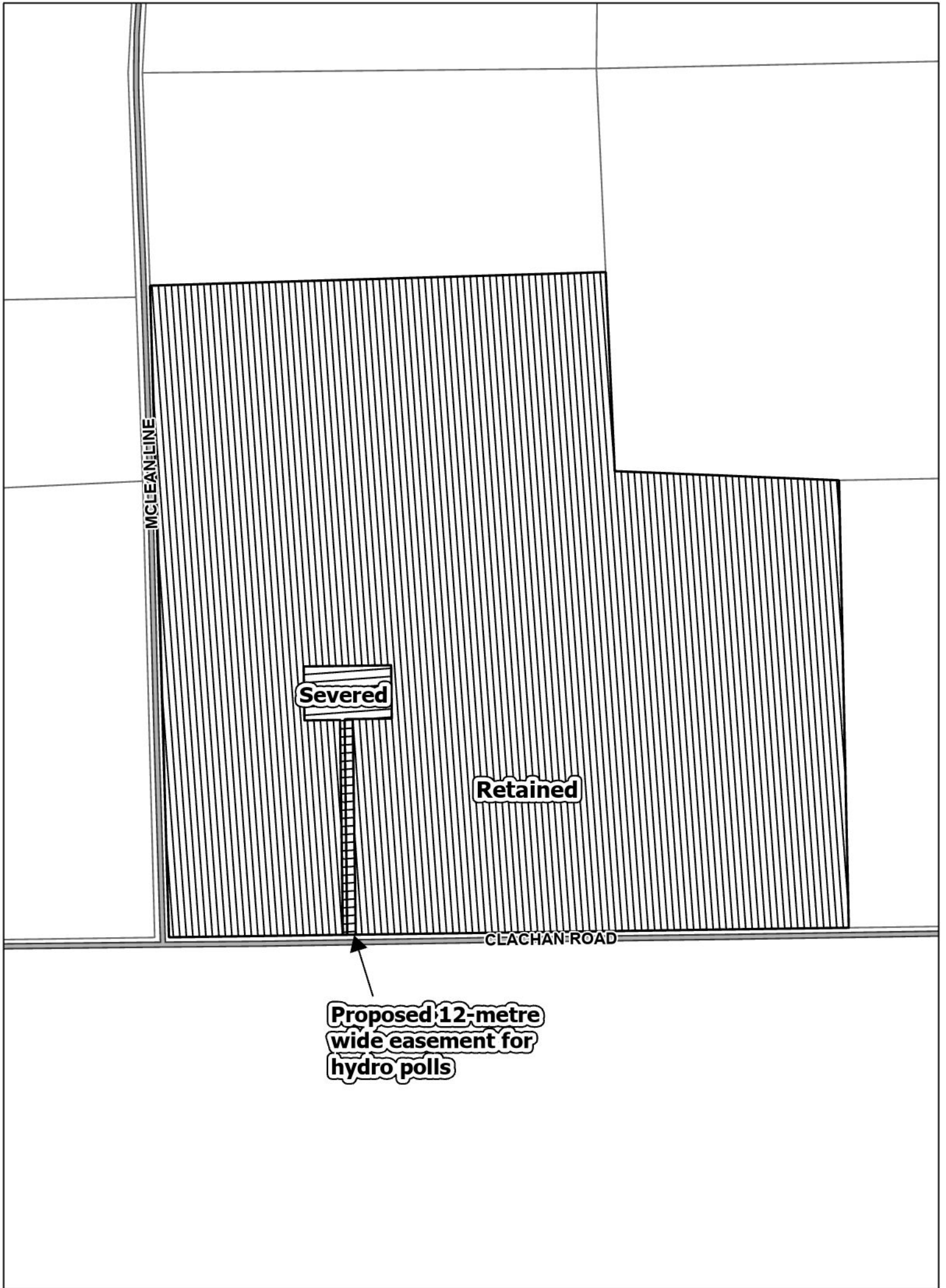
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

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 24<sup>th</sup> day of March, 2023.

Paul Clarke  
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.elgincounty.ca](http://www.elgincounty.ca)



## Location Map

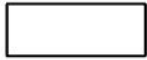

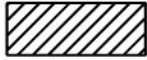

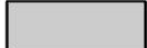


Subject Site: 21179 Clachan Road  
 File Number: E 1-23  
 Owner: J&M VanLith Farms Ltd. & Lithville Farms Ltd.  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 03/24/2023  
 Municipality of West Elgin

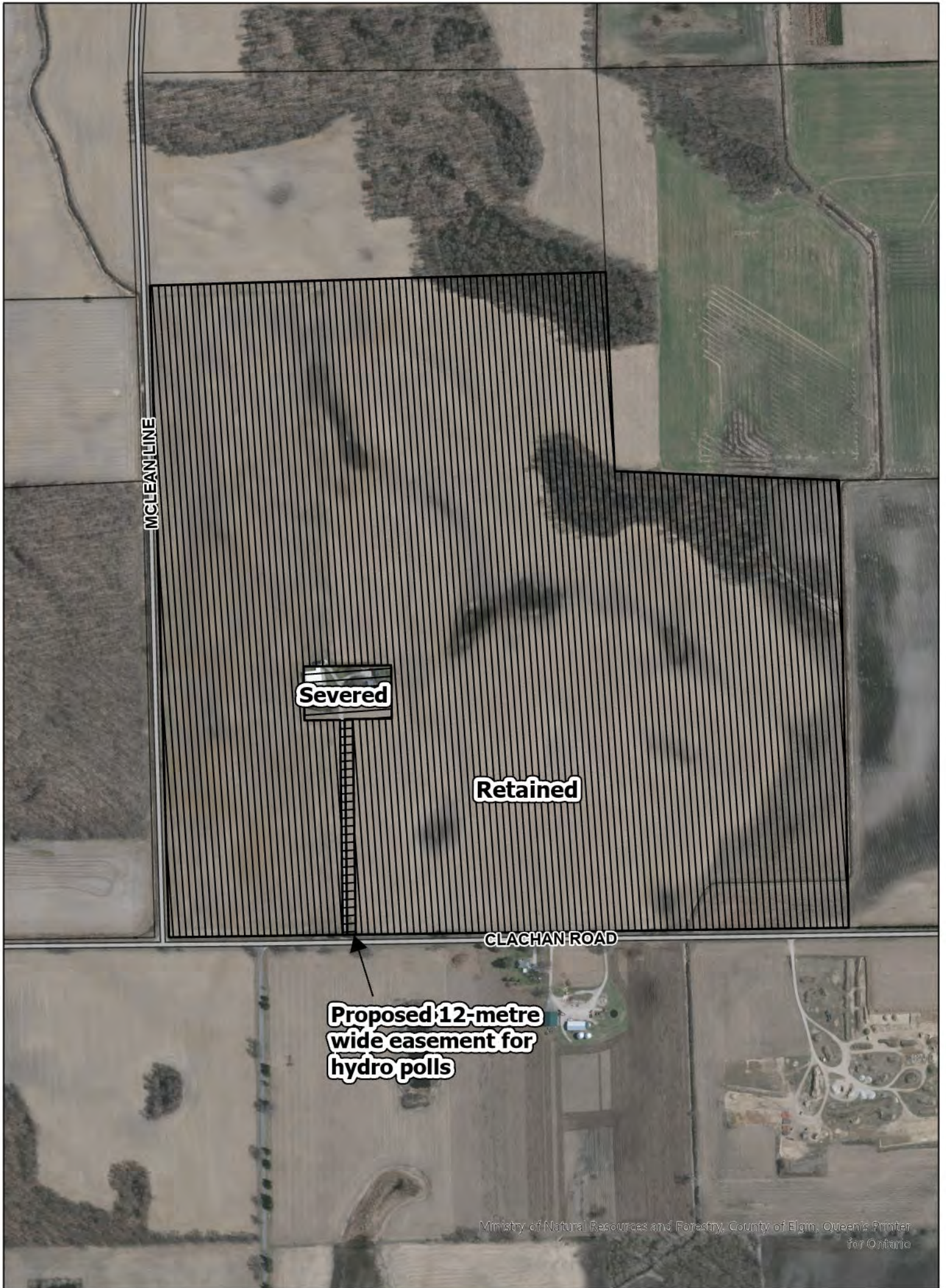
The Corporation of the County Elgin  
 Prepared By: Planning and Development



### Legend

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





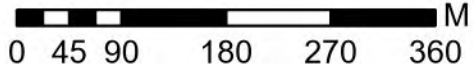
Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

## Location Map








Subject Site: 21179 Clachan Road  
 File Number: E 1-23  
 Owner: J&M VanLith Farms Ltd. & Lithville Farms Ltd.  
 Planner: Unknown  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 03/24/2023  
 Municipality of West Elgin

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



### Legend

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





# The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

March 09, 2023

At the Regular Meeting of Council on March 09, 2023 the Council of the Municipality of West Elgin passed the following Resolution :

**Resolution No. 2023- 92**

**Moved: Councillor Tellier**

**Seconded: Councillor Navackas**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application, File E1-23 – Comments to Elgin County (Planning Report 2023-09);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E1-23, 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**

A handwritten signature in blue ink, appearing to read "Jana Nethercott".

Jana Nethercott  
Clerk

Encl.



**Staff Report**

---

**Report To:** Council Meeting  
**From:** Robert Brown, Planner  
**Date:** 2023-02-15  
**Subject:** Severance Application E1-23 – Comment to Elgin County – Planning Report 2023-09

---

**Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application, File E1-23 – Comments to Elgin County (Planning Report 2023-09);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E1-23, 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 E1-23, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the applicant, at 21179 Clachan Rd.

**Background:**

Below is background information, in a summary chart:

<b>Application</b>	E1-23
<b>Owner</b>	J&M VanLith Farms Ltd.
<b>Applicant</b>	Timothy VanLith
<b>Legal Description</b>	Part Lot of A, Concession 4
<b>Civic Address</b>	21179 Clachan Line
<b>Entrance Access</b>	Clachan Line
<b>Water Supply</b>	Private on-site well
<b>Sewage Supply</b>	Private on-site individual septic system
<b>Existing Land Area</b>	80.94 ha (200 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>E1-23</b>	6.096 m (20 ft)	Flag- shaped	1.21 ha (3.0 ac)	921.7 m (3,024 ft)	irregular	79.7 ha (197 ac)

The Public Hearing is scheduled for March 22, 2023, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the applicants existing parcel of land.



The severance sketch, showing E01-23 is 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 from time to time. The severance may result in a minimal increase in assessment.

### **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 located some distance from Clachan Road but is limited in area to accommodate the existing infrastructure, including the existing driveway, associated with the existing dwelling. There are no livestock facilities within 1,000 m of the proposed lot as such there is no MDS issue related to the surplus dwelling severance.

The property does contain a small wooded area however the proposed surplus dwelling lot is not located within the natural heritage (Section 2.3) portions of the property. The property also falls within an aggregate resource area. Section 2.5.1 outlines that, "Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified." The applicant was required to provide information on the presence and feasibility of aggregate extraction on the site. Based on the results of the test holes and review by three aggregate industry experts it was concluded that there is no economically viable quantities located around the proposed dwelling lot. As such removal of the dwelling will not impact on the remaining lands should gravel extraction be considered in the future.

This proposal is 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 residence is serviced by a private on-site water well and private individual on-site septic system.

No development is proposed within the natural heritage feature (Section D1.2). Therefore, this proposal conforms 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 contains a wooded area as indicated on Schedule 'B' on Map 2. This area is not impacted by the requested severance.

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 applicant has demonstrated 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 required as a condition of severance;
- There is no livestock operation within 1,000 m of the proposed lot;
- The proposed severed parcel does not include any productive farmland; and

- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removal.

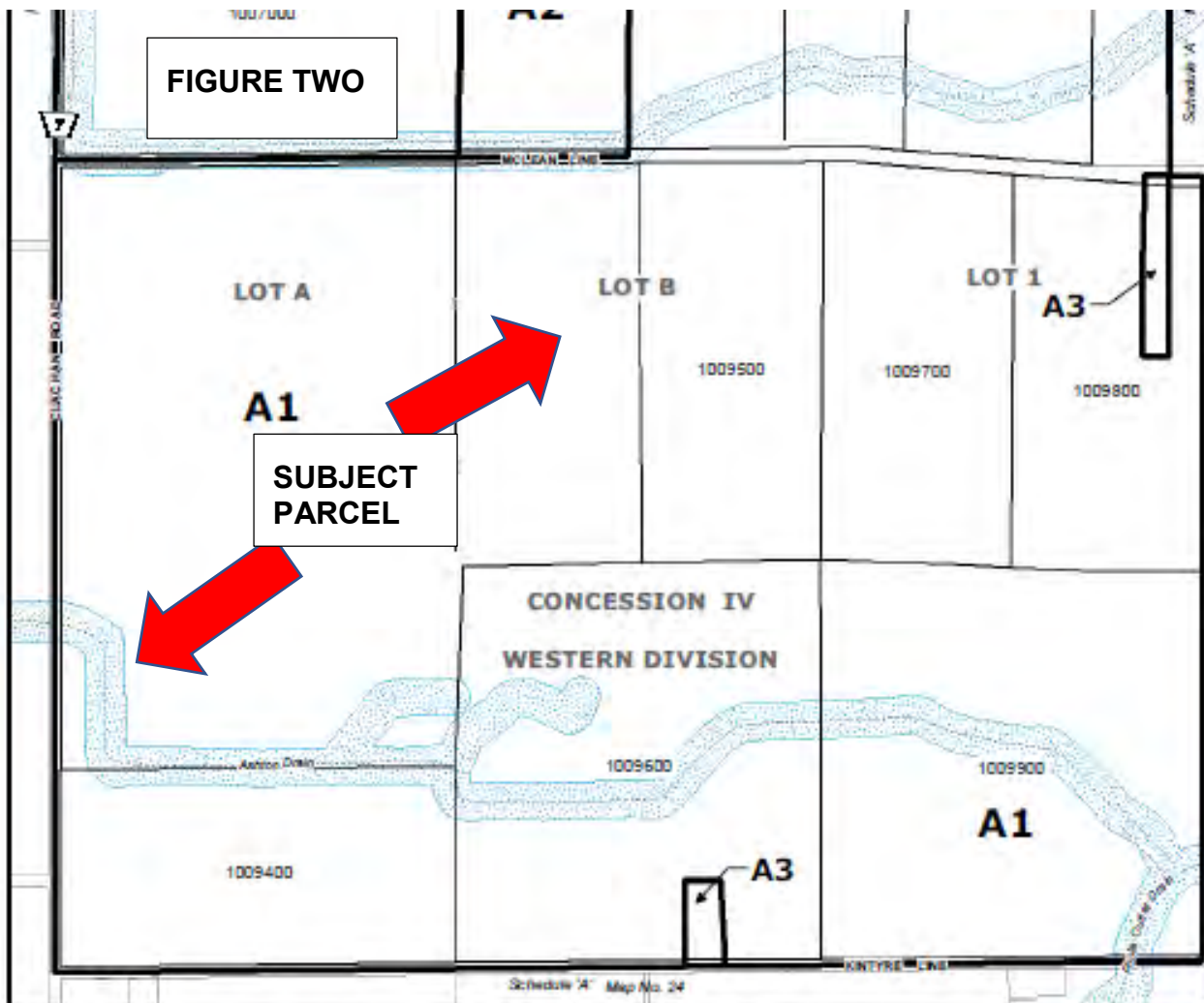
No development is proposed within the natural heritage feature on the property.

Lot creation polices under Section 10.4.1 of the OP, allow for severance (consent) applications 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 conforms 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 14 of the ZBL, as depicted in Figure Two below:



Municipality of WEST ELGIN: RURAL AREA

Schedule "A"

SCALE 1:10,000

0 50 100 200 300 400 500 Metres

Municipality of West Elgin Zoning By-Law



April 28, 2014

Map No. 14

Permitted uses within the General Agricultural (A1) Zone include single unit dwellings. The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 m respectively.

The proposed severed parcel area is 1.1346 ha (2.8 ac.), with a lot frontage of 6.096 m (20 ft.); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m. The reduced frontage resulting from the lot configuration to minimize inclusion of farm land will need to be addressed as part of the amending by-law. The proposed retained parcel would also need to be rezoned to Agricultural (A2) Zone, to permit agricultural uses and prohibit new dwellings.

Provided a Zoning By-law Amendment is obtained for the severed and retained parcels, as a condition of the consent application, the proposal will comply with the Zoning by-law.

### **Interdepartmental Comments:**

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

#### **Drainage:**

- The subject lands will require drainage reapportionment.

This will be addressed as a condition of approval.

#### **Utilities:**

- No issues of concern.

#### **Public Works:**

- If any entrance modifications are needed, an entrance permit would be required.

#### **Building Dept:**

- A septic system inspection has been completed and reviewed by the Chief Building Official which addresses one of the standard conditions of approval. The existing well was also tested for condition and quality. No issues were noted by the inspector and no quality issues were noted by Public Health.

No other comments or concerns were received from Administration.

### **Summary:**

The proposed surplus farm dwelling lot creation consent, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to prohibition of future dwellings on the retained parcel); As such, Council can recommend 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,

A handwritten signature in black ink, appearing to read 'Robert Brown', with a long horizontal flourish extending to the right.

Robert Brown, H. Ba, MCIP, RPP  
Planner  
Municipality of West Elgin



**Report Approval Details**

Document Title:	Severance Application E1-23 - Comments to Elgin County - 2023-09-Planning.docx
Attachments:	- Appendix One - Draft R Plan.pdf - Planning Report 2032-09 Appendix Two - Comments to the County of Elgin.pdf
Final Approval Date:	Feb 28, 2023

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

Jana Nethercott

PLAN OF SURVEY OF  
PART OF LOT A  
CONCESSION 4  
GEOGRAPHIC TOWNSHIP OF ALDBOROUGH  
MUNICIPALITY OF WEST ELGIN  
COUNTY OF ELGIN

SCALE 1 : 750 METRES  
0 24 48 96 15 20 30 50 70  
SURVEYORS ON SITE INC.  
THE INTENDED PLOT SIZE OF THIS PLAN IS 609mm IN WIDTH BY 914mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:750.

LEGEND

□	MONUMENT PLANTED
■	MONUMENT FOUND
▬	STANDARD IRON BAR
SSIB	SHORT STANDARD IRON BAR
IB	IRON BAR
CM	CONCRETE MONUMENT
M	MEASURED
S	SET
O1	INSTRUMENT E275743
1355	BRIAN VAUGHAN SURVEYING LIMITED
OU	ORIGIN UNKNOWN

NOTES

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

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.999622230.

BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS (SMARTNET) ON MONUMENTS (O) AND (S) AS SHOWN HEREON, HAVING A GRID BEARING OF N41°33'10"W, NAD83 CSRS (2010.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE).

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 7th DAY OF OCTOBER, 2022.

NOVEMBER 25, 2022

CHRISTOPHER JOHN OYLER  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-XXXXX.

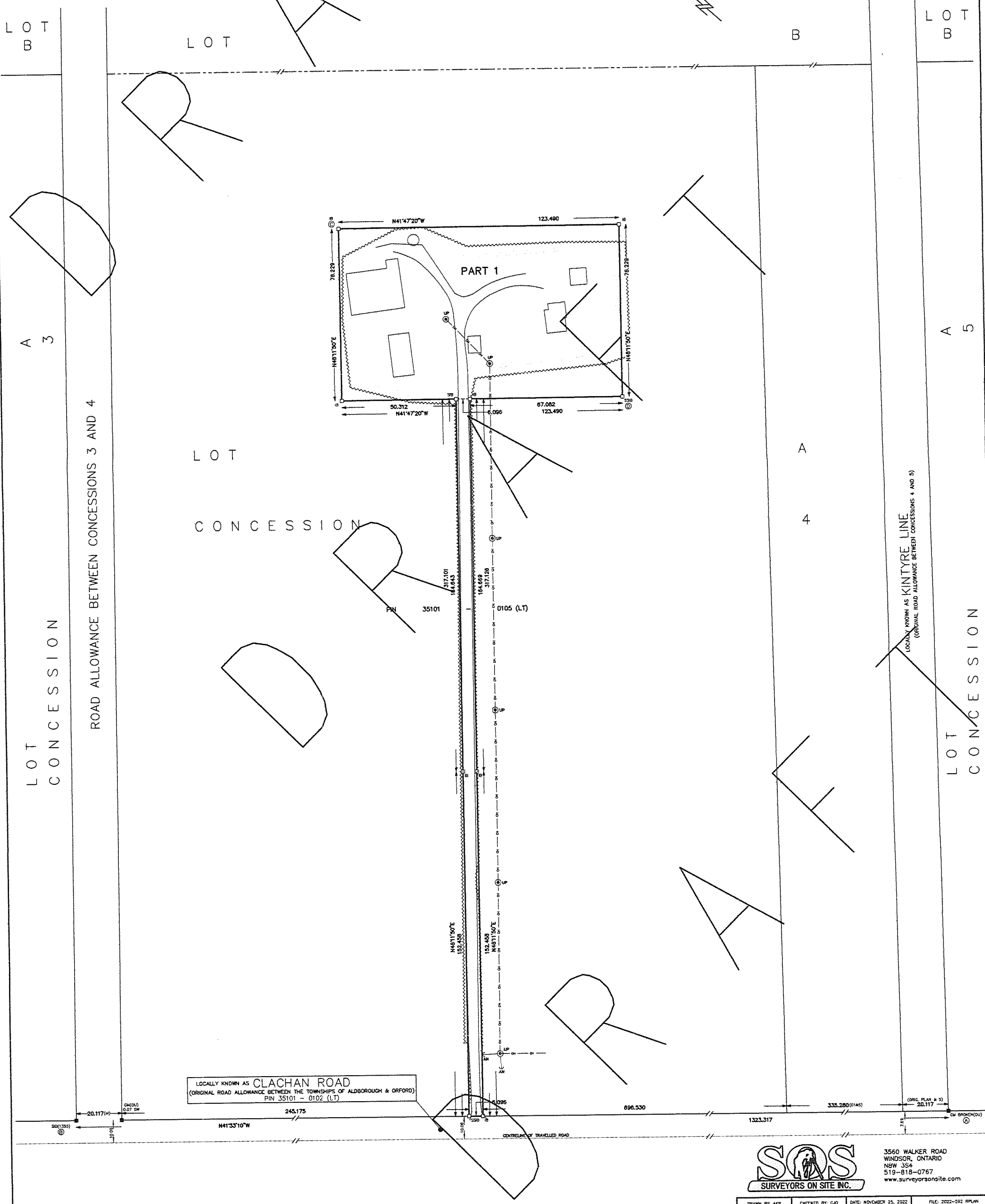
SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA (Ha)
1	PART OF A	4	PART OF PIN 35101-0105 (LT)	1.1346

GEOGRAPHIC TOWNSHIP OF ALDBOROUGH  
PART 1 COMPRISES PART OF PIN 35101-0105(LT).

COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (SMARTNET) AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS) (2010.0).  
COORDINATES COMPLY WITH THE RURAL ABSOLUTE ACCURACY PER SEC. 14(2) OF O.REG. 216/10.

POINT ID	NORTHING	EASTING
(A)	4712443.808	436146.772
(B)	4713433.741	435269.344
(C)	4713554.872	435704.818
(D)	4713392.041	435730.278

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.



**SOS**  
SURVEYORS ON SITE INC.

3560 WALKER ROAD  
WINDSOR, ONTARIO  
N8W 3S4  
519-818-0767  
www.surveyorsonsite.com

DRAWN BY: AKR CHECKED BY: CAO DATE: NOVEMBER 25, 2022 FILE: 2022-502 RPLAN

**Planning Report 2023-09: Severance Report E1-23 –**  
**Comments to the County of Elgin**

**Appendix Two: Severance Application E1-23 Conditions**

Severance Application E1-23 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 drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
6. 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.
7. 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*.

February 16, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application (E 1-23)**  
**21179 Clachan Road (VanLith)**  
**Lot 22; Concession 9**  
**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 is the Ashton Drain, its tributary 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 tributary will be required to any proposed works / structure(s) / site alteration.

Please be advised that the subject property is located in an area with a Significant Groundwater Recharge Area [SGRA] as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. However, there are no policies in the local Source Protection Plans that regulate activities in Highly Vulnerable Aquifers or Significant Groundwater Recharge Areas. We encourage any development in these areas to consider the sensitivity of the area, and take steps to protect it, such as: conserving water, properly disposing of hazardous waste, using non-toxic products where possible, and preventing pollutants from entering into runoff. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at [www.sourcewaterprotection.on.ca](http://www.sourcewaterprotection.on.ca).

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

Yours truly

A handwritten signature in blue ink, appearing to read "Connor Wilson".

Connor Wilson  
Planner



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgincounty.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:** April 26, 2023  
**Application:** E 1-23

**Owner:**  
**J+M VanLith Farm Ltd. And Lithville Farms  
Ltd.**

22131 Clachan Road, Bothwell, ON N0P 1C0

**Location:** Part of Lots A and B, Concession 4, Municipality of West Elgin. Municipally known as 21179 Clachan Road.

**Agent:**  
**Timothy VanLith**

21179 Clachan Road, Muirkirk, ON N0L  
1X0

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 6.096 metres (20 feet) and a depth of 393.33 metres (1,290.45 feet) and an area of 12,140.6m<sup>2</sup> (3 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 969.17 metres (3,179.7 feet) and a depth of 969.17 metres (3,179.7 feet) and an area of 79.72ha (197 acres), proposed to remain in agricultural use. The applicant is also applying to establish a 12-meter wide easement east of the laneway accessing the proposed severed residential parcel for the purposes of access and maintenance of the existing hydro polls.

This application was granted provisional consent at the March LDC meeting with a condition that the applicant apply for to create an easement on the subject land for the purposes of access and maintenance of exiting hydro polls on the retained farmland. The applicant has amended the application to include the proposed easement and so the amended application is being brought back to LDC for approval.

**County of Elgin Official  
Plan**

Agricultural Area

**Local Municipality Official  
Plan**

Agricultural

**Local Municipality Zoning  
By-law**

General Agriculture (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of West Elgin – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Valley Conservation Authority* – No concerns.

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 giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant is applying to sever an existing dwelling that is surplus to the needs of a farming operation. The applicant is proposing to sever a parcel of approximately 12,000m<sup>2</sup> containing the existing residential dwelling is proposing to retain the 80ha farm parcel. The PPS permits severances in prime agricultural areas for the purposes of surplus dwelling severances, provided the following conditions are met:

a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective

Staff have reviewed this application against the policies of the PPS and found that it is consistent. The application is to sever a dwelling that is surplus to the needs of the farmer and the severed lot is of a minimum size needed to accommodate the septic system, well and buildings accessory to the residential dwelling. The proposed property lines for the severed parcel will result in a parcel with a long driveway leading to the residence and accessory dwellings, this parcel layout will minimize the amount of land being severed.

The lot is located within an aggregate resource area, however, test holes conducted on the subject land indicate that there is no economically viable quantities of aggregate located around the proposed surplus dwelling lot. Creation of the new lot is not anticipated to affect the viability of future aggregate extraction on the retained lands.

### County of Elgin Official Plan

Staff have reviewed the application against the policies of the County of Elgin Official Plan (CEOP) and are of the opinion that the application conforms to the CEOP. The subject lands are designated as Agricultural Area in the CEOP. The OP supports consents in the agricultural area for the purposes of severing an existing residential dwelling that is surplus to a farming operation. County staff have reviewed the application against the general criteria of the OP and found no deficiencies.

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

Staff have reviewed the application against the policies of the Municipality of 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. The proposed severance meets the policies of the West Elgin Official Plan. West Elgin staff have reviewed the proposed severance against the OP policies governing surplus dwelling severances and found the application to be in conformity with those policies. The severed lot has a proposed frontage of ~6m while the Restricted Agricultural (A3) zone requires a minimum frontage of 30m. West Elgin is requesting, as a condition of consent, that the applicant apply for an be granted approval of a zoning by-law amendment which would see the retained lands re-zoned to a zone that prohibits residential development. This zoning amendment can also address the deficient lot frontage and area of the proposed severed lot.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of West Elgin Official Plan policies. As such, planning staff are of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed 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 (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
6. 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.
7. 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*.