



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, August 23, 2023, 9:00 A.M

- 1st Call to Order
- 2nd Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3rd Adoption of Minutes
- 4th Business Arising Out of Minutes
- 5th Disclosure of Pecuniary Interest or the General Nature Thereof
- 6th Correspondence – Items for Information
- 7th Business Arising from Correspondence
- 8th New Business
- 9th Consent Applications
 - 9:05 am E 50-23 Jacob Unger – 53579 Calton Line, Municipality of Bayham
 - 9:15 am E 51-23
E 52-23 Simona Rasanu – 14648 Currie Road & 14650 Currie Road, Municipality of Dutton Dunwich
 - 9:25 am E 53-23 Joseph Hentz – 6423 Plank Road, Municipality of Bayham
 - 9:35 am E 54-23 Courtney Sinclair – 239 Miller Road, Municipality of Dutton Dunwich
 - 9:45 am E 55-23 Amy Dale – 51189 Broadway Street, Township of Malahide
 - 9:55 am E 56-23
E 57-23 Del Walcarius – Lot 1, 2 and 3, Concession 3, Municipality of Bayham
 - 10:05 am E 58-23 Mike Klassen – 76 King Street, Town of Aylmer
 - 10:15 am E 59-23 Ted Halwa – 223 Prospect Street, Municipality of Central Elgin



10:25 am E 60-23

Jamie Robertson – 37362 Lake Line, Township
of Southwold

10th Date of Next Meeting

11th Adjournment

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Accessible formats are available upon request.

Corporation of the County of Elgin
Land Division Committee

Minutes

July 26, 2023

County of Elgin Land Division Committee met this 26th day of July, 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
Tom Marks
John Seldon
Bill Ungar
Dave Jenkins

Staff Present (in-person):

Paul Clarke, Planning Technician / Land Division Committee Secretary-Treasurer
Susie Bury, 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 Seldon

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|---------------|-----|----|---------|
| West Elgin | Dugald Aldred | | | |
| 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 | | |
| TOTAL | | 6 | 0 | |

RESOLVED THAT the minutes of the meeting held on June 28th, 2023 be adopted.

- Motion Carried.

4. BUSINESS ARISING OUT OF MINUTES

None.

5. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

John Seldon declared an interest in E 40-23.

6. CORRESPONDENCE – ITEMS FOR INFORMATION

None.

7. BUSINESS ARISING FROM CORRESPONDENCE

None.

8. NEW BUSINESS

Follow up from the previous meeting's closed session discussion.

9. APPLICATIONS FOR CONSENT:

Application E 39-23 – 9:05 am

Kurtis Hathaway – 28286 Duff Line

The applicant proposes to sever a parcel with a frontage of 34.77m (114 feet), a depth of 51.51m (168 feet) and an area of 4,990m² (1.23 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 7.2ha (17.8 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 Dutton Dunwich | Recommends approval of the application subject to the conditions provided |
| 2 | Lower Thames Valley | 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: John Andrews
Seconded by: Tom Marks

RESOLVED THAT severance application E 39-23 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 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 centerline of construction of Duff Line 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, the following conditions from the Municipality of Dutton Dunwich be included as conditions for consent:

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
2. That septic system review for the severed parcel has been completed;
3. That municipal drain re-apportionments have been completed;
4. That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
5. That two (2) hard copies and one (1) digital copy of the registered survey have

- been provided to the Municipality;
- 6. That taxes are to be paid in full;
- 7. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
- 8. That a 911 sign be established for the severed and retained parcels;
- 9. That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official;
- 10. That lots merge on title; and
- 11. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|---------------|----------|----------|---------|
| West Elgin | Dugald Aldred | | | |
| 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 | | 6 | 0 | |

- Motion Carried.

John Seldon recused himself.

Application E 40-23 – 9:13 am
Dan Froese – 55314 Jackson Line

The applicant proposes to sever a parcel with a frontage of 70m (230 feet), a depth of 83.144m (273 feet) and an area of 0.62ha (1.6 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 47.75ha (118 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: Dan Froese attended virtually

Written submissions (*) were received from the following:

| Submission | | Comments |
|-------------------|------------------------|---|
| 1 | Municipality of Bayham | Recommends approval, subject to conditions. |

| | | |
|---|-----------------------------------|---|
| 2 | Long Point Region | No Concerns |
| 3 | Elgin County Engineering Services | Not on a County Road |
| 4 | Elgin County Planning Services | Recommends approval, subject to conditions. |

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

Moved by: Bill Ungar
Seconded by: Dave Jenkins

RESOLVED THAT severance application E 40-23 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. Municipal addressing to be provided to Elgin County by the municipality to the satisfaction of Elgin County.

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

1. The owner obtain a Zoning By-law Amendment approval to change the zoning of the retained lands from an Agricultural (A1-A) zone to a Special Agricultural (A2) Zone to prohibit new dwellings.
2. The owner obtain Zoning By-law Amendment approval to change the zoning of the severed lands from Agricultural (A1-A) zone to a Rural Residential (RR) zone or a site-specific RR-xx Zone to permit an oversized accessory building and the prohibition of the keeping of livestock in the retained barn.
3. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Arn 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.
4. Purchase of civic number sign for the retained parcel.
5. Digital copy of the registered plan of survey.
6. Planning Report fee payable to the Municipality.

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|---------------|-----|----|---------|
| West Elgin | Dugald Aldred | | | |
| Bayham | John Seldon | | | |
| Southwold | John Andrews | x | | |
| Central Elgin | Tom Marks | x | | |
| Aylmer | Bill Ungar | x | | |

| | | | | |
|----------------|--------------|---|---|--|
| Malahide | Dave Jenkins | x | | |
| Dutton Dunwich | Ian Fleck | x | | |
| TOTAL | | 5 | 0 | |

- Motion Carried.

John Seldon resumed his place at the table.

Application E 41-23 – 9:25 a.m.

David French – 22830 Kintyre Line.

The applicant proposes to sever an irregular parcel with an area of 0.7538ha (1.86 acres) containing a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 173ha (428 acres) proposed to remain in agricultural use. The applicant also proposes to create two easements for an existing well servicing the dwelling and a geothermal bed.

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: David French was present in person

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 Objections |
| 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: John Andrews
Seconded by: Tom Marks

RESOLVED THAT severance application E 41-23 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. Municipal addressing be provided to the County of Elgin by the local Municipality to the satisfaction of 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 septic system assessment completed for the severed parcel, dated April 26, 2023 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
5. 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.
6. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
7. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
8. That all conditions noted above shall be fulfilled within 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*.

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|---------------|----------|----------|---------|
| West Elgin | Dugald Aldred | | | |
| 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 | | 6 | 0 | |

- Motion Carried.

Application E 42-23 to E 44-23 – 9:33 a.m.
Ryan Pereira – 10117 Talbotville Gore Road

E 42-23:

The applicant proposes to sever a parcel with a frontage of 36m (118 feet), a depth of 21.22m (70 feet) and an area of 852.929m² (0.21 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,163.104m² (0.53 acres) for a future single detached dwelling.

E 43-23:

The applicant proposes to sever a parcel with a frontage of 18m (60 feet), a depth of 21.032m (69 feet) and an area of 380.282m² (0.09 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,163.104m² (0.53 acres) for a future single detached dwelling.

E 44-23:

The applicant proposes to sever a parcel with a frontage of 18m (60 feet), a depth of 20.844 (68 feet) and an area of 376.895 m² (0.09 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,163.104m² (0.53 acres) for a future single detached dwelling.

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: Ryan Pereria was present in-person
Agent: None present.

Written submissions (*) were received from the following:

| Submission | | Comments |
|------------|-----------------------------------|-----------------------|
| 1 | Township of Southwold | Recommends approval |
| 2 | Kettle Creek | No Comments. |
| 3 | Elgin County Engineering Services | Not on a County Road. |
| 4 | Elgin County Planning Services | Recommends approval. |

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

Moved by: John Andrews
Seconded by: Bill Ungar

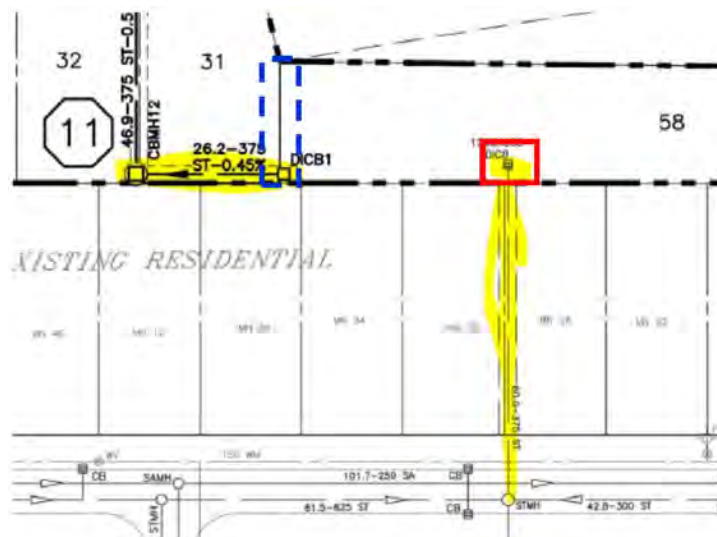
RESOLVED THAT severance application E 42-23 to E 44-23 be approved, subject to the following conditions:

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 Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended apply to any subsequent conveyance or transaction involving the subject lands

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

1. That the Applicant meet all the requirements, all financial and municipal fees including but not limited to cash in lieu of parkland, development charges and water connection fees of the Township, to the satisfaction and clearance of the Township.
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 Township.
3. That the Applicant's Solicitor provides an undertaking to the Township, to provide a copy of the registered deeds for the severed parcels once the transaction has occurred.
4. That the Applicant register on title two 3 metre drainage easements.

- a) From DICB 1 (see dashed blue line below) create a 3-meter easement contained wholly in lot 58 to the northerly property line to maintain existing drainage conditions from Mun. 10141.
- b) Extend the highlighted easement between Mun 30 and 26 to 3 metres north of the DICB for maintenance purposes (see red box below).



5. That prior to the issuance of a building permit the Applicant submits a lot

- grading plan to the satisfaction of the Township.
6. That a driveway entrance permit and 911 sign be obtained, if required.
 7. That the Applicant's Solicitor provide a request for clearance of conditions to the Township, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Township.
 8. That prior the final approval of the County, the County is advised in writing by the Township 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*.

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|---------------|-----|----|---------|
| West Elgin | Dugald Aldred | | | |
| 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 | | 6 | 0 | |

- Motion Carried.

Application E 45-23 – 9:46 a.m.
Gerhard Blatz – 181 Elk Street

The applicant proposes to sever a parcel with a frontage of 12.8m (42 feet), a depth of 30.18m (100 feet) and an area of 386.304m² (0.09 acres) to create a new residential lot. The applicant is retaining a lot with an area of 617.7846m² (0.15 acres) to remain in residential use.

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

Owner:

Agent: Gerhard Blatz attended virtually.

Written submissions (*) were received from the following:

| Submission | | Comments |
|-------------------|-----------------------------------|---|
| 1 | Town of Aylmer | Recommends approval of the application subject to the conditions provided |
| 2 | Catfish Creek | 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: Tom Marks
Seconded by: Dave Jenkins

RESOLVED THAT severance application E 45-23 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. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

Additionally, the following conditions from the Town of Aylmer be included as conditions for consent:

1. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That the Owner make payment of cash-in-lieu or conveyance of land for parkland purposes in accordance with Town of Aylmer By-law No. 01-22, to the satisfaction of the Town of Aylmer.
3. That the Owners provide confirmation of the location of any existing overhead or underground services installed to the proposed retained parcel. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the owners, to the satisfaction of the Town of Aylmer.
4. That the proposed severed parcel be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the owners, to the satisfaction of the Town of Aylmer.
5. That the Owners coordinate the required municipal water supply and sanitary sewer servicing for the proposed severed parcel with the Associate Director of Infrastructure and Operations prior to construction of the Elk Street Capital Project and that such servicing be installed either prior to or during the Elk Street Capital Project.
6. That the Owners have a lot grading plan for the proposed severed parcel, prepared by a professional engineer, which includes connection to a legal and adequate outlet, to the satisfaction of the Town of Aylmer.
7. That a draft reference plan, illustrating the proposed severed parcel be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E45-23, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
8. That municipal addressing be assigned to the 'proposed severed parcel' by the

- Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
 10. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|---------------|----------|----------|---------|
| West Elgin | Dugald Aldred | | | |
| 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 | | 5 | 1 | |

- Motion Carried.

Application E 46-23 to E 49-23 – 9:55 a.m.

John Nezezon – 46 Chapel Street

The applicant proposes to sever four (4) residential parcels. The first parcel (Parcel A) will have a frontage of 63.88m (210 feet), a depth of 47.94m (157 feet) and an area of 0.30ha (0.74 acres). The second parcel (Parcel B) will have a frontage of 63.84m (210 feet), a depth of 47.57m (156 feet) and an area of 0.30ha (0.74 acres). The third parcel (Parcel C) will have a frontage of 63.35m (207 feet), a depth of 47.2m (154 feet) and an area of 0.30ha (0.74 acres). The fourth parcel (Parcel D) will have a frontage of 64.90m (212 feet), a depth of 46.83m (153 feet) and an area of 0.30ha (0.74 acres). The applicant is retaining a lot with an area of 15.81ha (39 acres) 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: John Nezezon present in person

Dave Jess present in person and made comments
Muireann Peters and George Nebenzahl were present in person and made comments in objection to the applications

Written submissions (*) were received from the following:

| Submission | | Comments |
|------------|-------------------------------------|---|
| 1 | Municipality of Bayham | Recommends approval, subject to conditions. |
| 2 | Long Point Region | 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 |
| 5 | Muireann Peters and George Nebenzah | Letter of objection |

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

Moved by: John Andrews
Seconded by: Tom Marks

RESOLVED THAT severance application E 46-23 to E 49-23 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. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County.

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

1. That the owner install/construct adequate extension of municipal water services and installation of a public fire hydrant to the proposed severed lots and enter into a Development Agreement with the Municipality for such service extension.
2. That the owner install/construct adequate extension of municipal sanitary sewer services to the proposed severed lots and enter into a Development Agreement with the Municipality for such service extension.
3. That the owner enter into a Development Agreement with the Municipality to upgrade the public right-of-way lands along the entirety of the width and frontage of the proposed severed lands to current municipal standards, including, but not limited to, roadway surface widening and ditch/drainage works. The extent of the upgrades will be determined subsequent to detailed review of the owner's professional design plans for the development, and prior to the signing of the Development Agreement in consultation with the Municipality, and/or Municipal Engineering Consultants, and the owner's Professional Engineering Consultant.

4. That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality.
5. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Chapel 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.
6. That the owner obtain Removal of a Holding Symbol zoning approval subsequent to entering into a Development Agreement with the Municipality for any municipal servicing upgrades for the development.
7. That the owner pay fees as required in Municipal By-law No. 2020-053 Cash-in-Lieu of Parkland.
8. That the owner provides a survey of the subject lands and include in the drawing package the requirements from the Planning Act Section 51(17).
9. That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
10. To satisfy the required road dedication of 20.0 metres minimum local road, this property is subject to a widening of one-half of the distance required to increase the Chapel Street ROW to 20.0 metres (65.62 ft.) in width across the entirety of the lot frontage on Chapel Street. The extent of the road widening lands shall be determined by the owner by way of providing a 'reference plan' from a legal land surveyor confirming the extent of the road widening, with all costs and applications associated with the transfer of lands to the Municipality to be the responsibility of the owner. The reference plan describing the widening to be transferred must be pre-approved by the Municipality.

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|---------------|-----|----|---------|
| West Elgin | Dugald Aldred | | | |
| 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 | | 6 | 0 | |

- Motion Carried.

Application E 34-23 – 10:05 a.m.
Adam McCallum – 27936 Chalmers Line

The applicant proposes to sever a parcel with a frontage of 70m (230 feet), a depth of 184m (603 feet) and an area of 1.29ha (3.19 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of

41.85ha (103 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:

Agent:

Written submissions (*) were received from the following:

| Submission | | Comments |
|------------|-----------------------------------|---|
| 1 | Municipality of Dutton Dunwich | Recommends approval, subject to conditions. |
| 2 | Lower Thames Valley | No Concerns |
| 3 | Elgin County Engineering Services | Not on a County Road |
| 4 | Elgin County Planning Services | Recommends approval, subject to conditions. |

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

Moved by: John Seldon

Seconded by: Bill Ungar

RESOLVED THAT the decision on severance application E 34-23 be amended to reflect the amended conditions from the Municipality of Dutton Dunwich, and that Section 53(26) of the Planning Act, R.S.O., as amended applies as the change to the decision is minor.

1. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
2. That septic system review for the severed parcel has been completed;
3. That municipal drain re-apportionments have been completed;
4. That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
6. That taxes are to be paid in full;
7. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
8. That a 911 sign be established for the severed and retained parcels;
9. That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official;
10. That the applicant confirms with the Municipality that they are a bona fide farmer; and

11. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality.

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|---------------|-----|----|---------|
| West Elgin | Dugald Aldred | | | |
| 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 | | 6 | 0 | |

- Motion Carried.

CLOSED SESSION

Moved by: Bill Ungar

Seconded by: John Andrews

RESOLVED THAT the Committee move to closed session to discuss matters concerning an identifiable individual.

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|---------------|-----|----|---------|
| West Elgin | Dugald Aldred | | | |
| 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 | | 6 | 0 | |

- Motion Carried.

Moved by: Bill Ungar

Seconded by: John Andrews

RESOLVED THAT the Committee rise and report.

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|---------------|-----|----|---------|
| West Elgin | Dugald Aldred | | | |
| 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 | | 6 | 0 | |

- Motion Carried.

5. ADJOURNMENT

Moved by: Bill Ungar

Seconded by: Dave Jenkins

RESOLVED THAT the Committee adjourn at 10:49 am on July 26, 2023 to meet again at 9:00am on August 23, 2023.

| Recorded Vote – Minutes | | Yes | No | Abstain |
|--------------------------------|---------------|-----|----|---------|
| West Elgin | Dugald Aldred | | | |
| 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 | | 6 | 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 50-23**

**NORTH PART OF LOT 1, CONCESSION 3
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 53579 CALTON LINE**

TAKE NOTICE that an application has been made by Jacob Unger, 53579 Calton Line, Aylmer, ON N5H 2R5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 53579 Calton Line..

The applicant proposes to sever a parcel with a frontage of 24.37m (80 feet), a depth of 67.82m (222 feet) and an area of 1,652.77m² (0.4 acres) to create a new residential lot. The applicant is retaining a lot with an area of 4,414.11m² (1.09 acres) to remain in residential use.

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

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

**AUGUST 23, 2023 AT 9:05 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

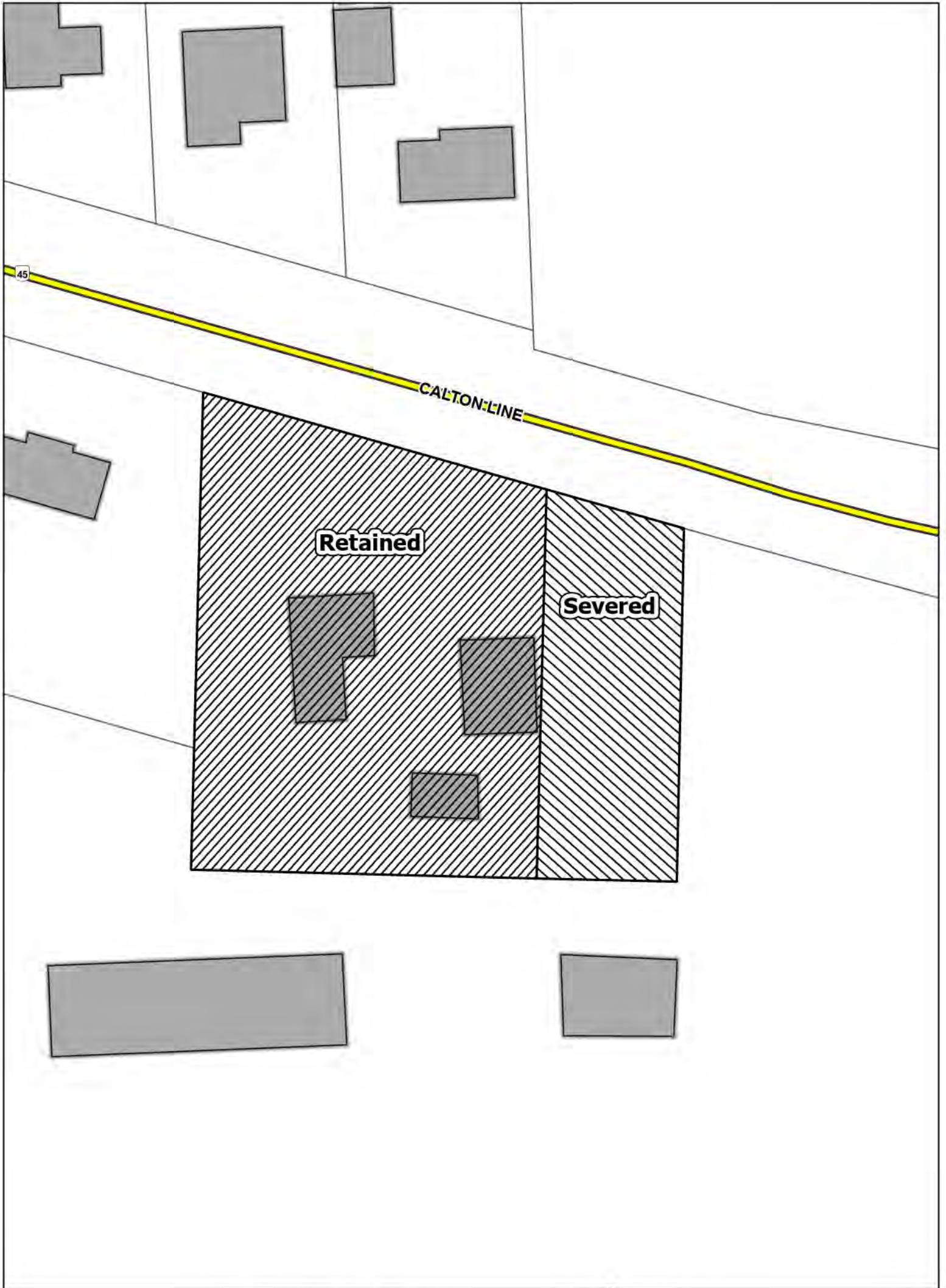
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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

Dated at the Municipality of Central Elgin this 17th day of July, 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





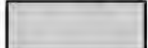


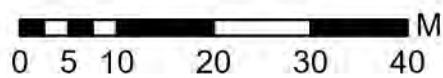
Location Map

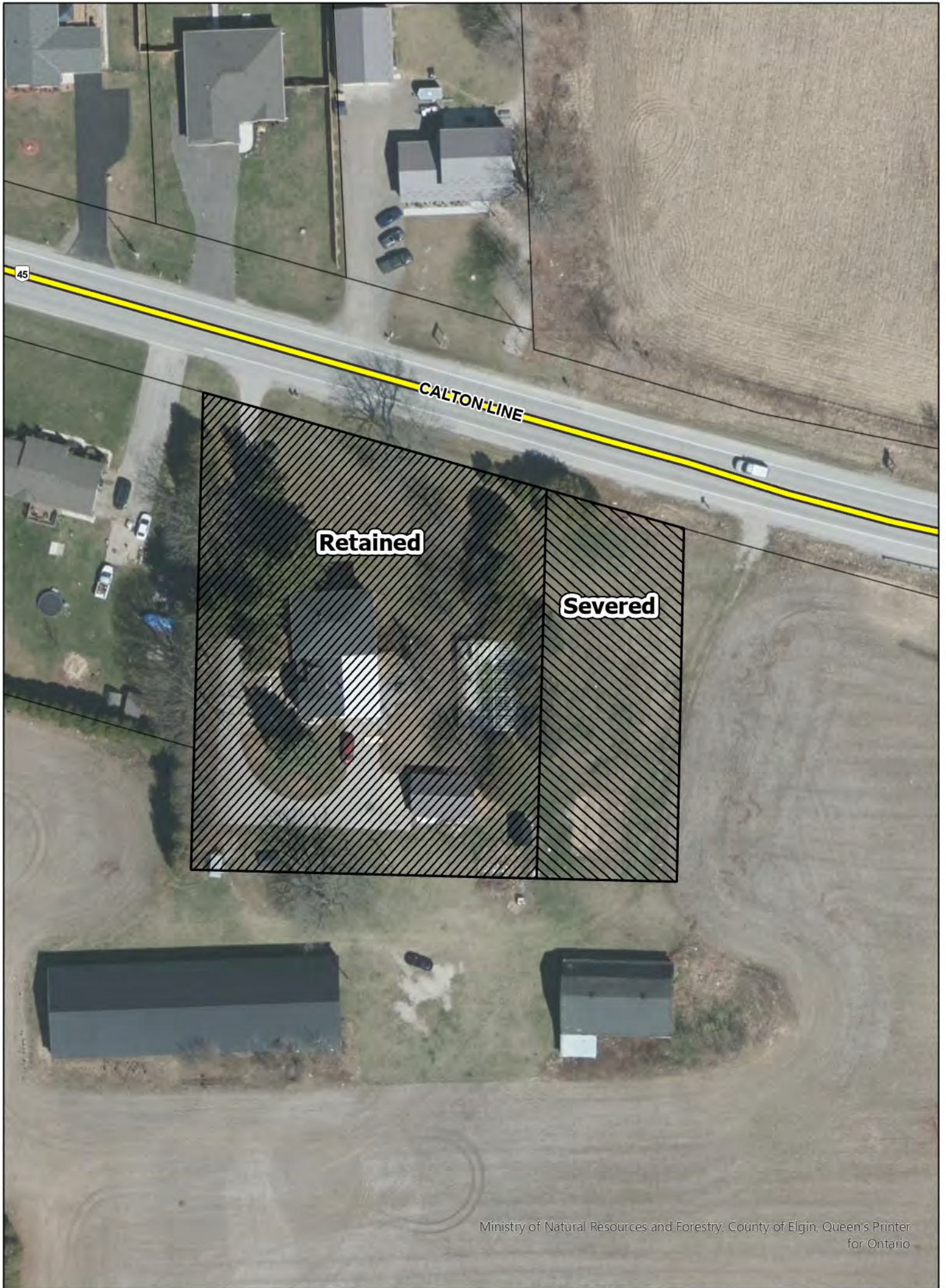
Subject Site: 53576 Calton Line
 File Number: E 50-23
 Owner: Jacob and Elizabeth Unger
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 06/26/2023
 Municipality of Bayham



Legend

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










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

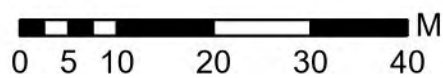
Location Map

Subject Site: 53576 Calton Line
 File Number: E 50-23
 Owner: Jacob and Elizabeth Unger
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 Created By: PC
 Date: 06/26/2023
 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

W: www.bayham.on.ca



July 21, 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. E50-23 Unger

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the July 20, 2023 meeting:

THAT Report DS-44/23 regarding the Consent Application E50-23 Unger be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E50-23 be granted subject to the following conditions and considerations:

1. That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality
2. That the owner pay fees as required in Municipal By-law No. 2020-053 Cash-in-lieu of Parkland
3. That the owner provides a survey of the subject lands and includes in the drawing package the requirements from the Planning Act Section 51(17)
4. That the owner provides a Planning Report fee payable to the Municipality
5. The owner obtain site-specific Zoning By-law Amendment approval to permit existing maximum accessory building floor area in excess of the permitted maximum on the retained parcel
6. That the owner install an individual private well on the severed lot providing the municipality 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
7. That the owner obtain a Municipal Lot Assessment through the municipality for determination of soils for a private septic system on the severed lot
8. That the owner provide written confirmation of County road access approval for the severed lot from the County of Elgin
9. That the owner purchase a civic number sign for the severed lot from the Municipality

Municipal Appraisal Sheet and Staff Report DS-44/23 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.UNGE

cc: J. Unger (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 E50-23

Applicant Jacob and Elizabeth Unger

Location Bayham – 53579 Calton Line

PART 1 - OFFICIAL PLAN

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

Land Use Designation: HAMLETS

Policies: 4.2, 4.2.4 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 () | No (X) |

Comments: Zoning: Hamlet Residential

Rezoning required to the retained parcel.

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

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

- | | | |
|--|-----------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (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-44/23 considered at Council meeting held July 20, 2023.

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 m²
- Public water supply, but no sanitary sewage disposal service: 1,100 m²
- Public sanitary sewage disposal service, but no public water supply: 900 m²

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 m² 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

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



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: July 20, 2023
REPORT: DS-44/23 **FILE NO. C-07 / D09.23UNGE**
Roll # 3401-000-008-06310

SUBJECT: Consent Application E50-23 Unger, J and E
53579 Calton Line

BACKGROUND

A consent application E50-23 was received from the Elgin County Land Division Committee, submitted by Jacob and Elizabeth Unger, proposing to sever a lot 1652.77 m² (0.41 acre) and retain 4,414.11 m² (1.09 acres) of land. The property is known as 53579 Calton Line.

The subject land is designated "Hamlets" on Schedule 'A1' Municipality of Bayham: Land Use in the Official Plan. The lands are zoned Hamlet Residential (HR) on Schedule "G" and Special Agriculture (A2-18) on Schedule 'A' Map No. 10 in Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on August 23, 2023.

DISCUSSION

The planner's memorandum, dated July 5, 2023, analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

The created lot is within the hamlet boundary of Calton and is considered to be infilling in an existing developed area where private water and sewer services are necessary and adequate lot area needed to provide these private services. Even though the lands are zoned appropriately as Hamlet Residential, the owner will have to obtain site-specific Zoning By-law amendment approval to permit existing maximum accessory building floor area in excess of the permitted maximum in the HR Zone.

Staff and municipal planner recommend the support of the consent application for the creation of one building lot in the hamlet of Calton with the recommended conditions. Conditions do not include a drain reassessment as the lands are not within a municipal drain watershed.

ATTACHMENTS

1. Consent Application E50-23
2. Aerial Map – 53579 Calton Line
3. Arcadis Memorandum, dated July 5, 2023

RECOMMENDATION

THAT Report DS-44/23 regarding the Consent Application E50-23 Unger be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E50-23 be granted subject to the following conditions and considerations:

1. That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality
2. That the owner pay fees as required in Municipal By-law No. 2020-053 Cash-in-lieu of Parkland
3. That the owner provides a survey of the subject lands and includes in the drawing package the requirements from the Planning Act Section 51(17)
4. That the owner provides a Planning Report fee payable to the Municipality
5. The owner obtain site-specific Zoning By-law Amendment approval to permit existing maximum accessory building floor area in excess of the permitted maximum on the retained parcel
6. That the owner install an individual private well on the severed lot providing the municipality 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
7. That the owner obtain a Municipal Lot Assessment through the municipality for determination of soils for a private septic system on the severed lot
8. That the owner provide written confirmation of County road access approval for the severed lot from the County of Elgin
9. That the owner purchase a civic number sign for the severed lot from the Municipality

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

Chief Administrative Officer

Memorandum

| | | | |
|---------------------|---|-------------------|--------------|
| To/Attention | Municipality of Bayham | Date | July 5, 2023 |
| From | Paul Riley, CPT | Project No | 3404-904 |
| cc | William Pol, MCIP, RPP | | |
| Subject | Jacob and Elizabeth Unger - 53579 Calton Line, Calton - Application for Consent E50/23 | | |

1. We have completed our review of Consent Application E50/23 submitted by Jacob and Elizabeth Unger for lands located at 53579 Calton Line, south side, east of Richmond Road in the hamlet of Calton. The applicant is requesting Consent to sever approximate land area of 1,652.77 m² (0.41 acres) and to retain 4,414.11 m² (1.09 acres) of land with the intent to create one residential dwelling lot within the hamlet. The subject lands are designated 'Hamlets' on Schedule 'A1' of the Municipality of Bayham Official Plan and are zoned Hamlet Residential (HR) on Schedule 'G' and Special Agriculture (A2-18) on Schedule 'A' Map No. 10 of Zoning By-law Z456-2003.
2. The proposed severed lands are vacant and would have lot frontage of 24.37 m (79.95 ft) and lot depth of 67.82 m (222.51 ft). The proposed retained lands would have lot frontage of 60.96 m (200 ft) and lot depth of 72.41 m (237.96 ft); and comprise a single-detached dwelling and three accessory buildings. The accessory buildings include a greenhouse, garage/shop and garden shed. Surrounding uses include residential to the north and west, and agriculture to the south and east.
3. During the Municipality of Bayham Zoning By-law Review in 2019, the Municipality updated the parcel mapping in GIS based on new information provided by Elgin County. The mapping appears to have an error for the subject lands where the proposed severed lands were not included with the remainder of the lands. As a result, the severed lands are depicted on Schedule 'A' Map No. 10 as being within the A2-18 zone, however, past mapping does show the subject lands in their entirety within the settlement area (Bayham OP Schedule "A1") and within the Hamlet Residential (HR) zone in the Zoning By-law (2014 Schedule G). Therefore, the Municipality will revise the mapping.
4. The Municipality of Bayham Official Plan (Bayham OP) Section 4.2 general residential policies in settlement areas, indicates that residential development in settlement areas is permitted on the basis of infilling in areas directly adjacent to existing built-up areas, through subdivisions and consents depending on the number of lots proposed. The Municipality encourages intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land. The proposed consent is in conformity to these Official Plan policies.

Municipality of Bayham – July 5, 2023

5. Bayham OP Section 4.2.4 Intensification and Redevelopment indicates that the proposed consent would be permitted on the basis of water and wastewater servicing in the specific settlement area; in the form of street infilling; maintaining the minimum lot areas of the Zoning By-law to provide for adequate private water and sewer. The proposed lot would be considered street infilling in the hamlet of Calton where private water and sewer services would be necessary and has adequate lot area to provide for private water and sewer services.
6. Bayham OP Section 4.4.2.2 provides criteria for proposals for consent for residential purposes in a hamlet designation, including:
 - a) **Services: no extension of municipal services is required and private water and sewer services will be provided to the satisfaction of the approval authority.**

The applicant provided a letter from ESI Group indicating the existing dwelling has an adequate sewer system. WRC Purifying tested the well pressure and the water appeared clear and sand free and a water quality test was provided.

Private service installation for the proposed lot shall be installed to the satisfaction of the approval authority as a condition of the consent.
 - b) **Public Road Access: Calton Line is a public road suitable for residential access.**
 - c) **Infilling: the proposal is to infill in an existing developed area.**
 - d) **Lot Size: the proposed lot area exceeds the minimum requirement in the HR zone for privately serviced lots and appears to be of an appropriate size.**
 - e) **Road Access: direct access to Calton line would be consistent to the other residential lots in Calton on municipal or County Roads.**
 - f) **Road Safety: based on aerial photos Calton Line at the frontage does not appear to create a traffic hazard.**
 - g) **Subsequent access to interior lands: the creation of the lot does not appear to interfere with subsequent access to the interior lands to the south.**
 - h) **N/A.**

The proposed consent is consistent to the Official Plan subsequent to the clearing of Conditions.

7. As mentioned above, a portion of the subject lands generally consisting of the proposed severed lands is shown as A2-18 zoning in error and the Municipality will need to revise the zone mapping. The proposed lots are in conformity to the minimum lot area, minimum lot frontage and setbacks in the HR zone.

Municipality of Bayham – July 5, 2023

The proposed retained lot includes three accessory buildings with approximate floor area of 262 m² (2,820 ft²) which exceeds Section 9.7 maximum floor area of 75 m² (807 ft²) or 8% lot coverage, whichever is less. In order to permit the accessory building floor area the applicant will be required to obtain Zoning By-law Amendment for site-specific permission for existing maximum floor area for accessory buildings. The exact dimensions of the accessory buildings will be a submission requirement.

8. Based on the above review of Consent Application E50/23, we have no objection to the proposed consent with the following recommended conditions for Consent:
 - a) That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality.
 - b) 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.
 - c) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
 - d) That the owner provides a survey of the subject lands and includes in the drawing package the requirements from the Planning Act Section 51(17).
 - e) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
 - f) That the owner obtain site-specific Zoning By-law Amendment approval to permit existing maximum accessory building floor area in excess of the permitted maximum;
 - g) That the owner install a private water system on the severed lot for residential use that meets provincial standards;
 - h) That the owner be required to obtain a municipal lot assessment through the municipality for determination of soils for a private septic system.

Paul Riley

Arcadis
Paul Riley
Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 14, 2023 ELGIN COUNTY ROAD NO.: CR 45

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 50-23

APPLICANT: Jacob and Elizabeth Unger

PROPERTY: LOT NO. N PT Lot 1 CONCESSION: _____
REG'D PLAN: RP 11R-7936 Pt 1 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.....

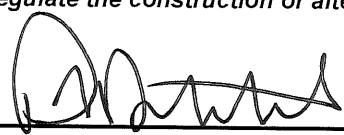
- 10) The County has no concerns.....

- 11) Not on County Road

- 12) Please provide me with a copy of your action on this application

- 13) O t h e r ...

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: August 23, 2023
Application: E 50-23

Owner:
Jacob and Elizabeth Unger
53579 Calton Line, Aylmer, ON N5H 2R5

Agent:
Jacob Unger
53579 Calton Line, Aylmer, ON N5H
2R5

Location: North Part of Lot 1, Concession 3. Municipally known as 53579 Calton Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 24.37m (80 feet), a depth of 67.82m (222 feet) and an area of 1,652.77m² (0.4 acres) to create a new residential lot. The applicant is retaining a lot with an area of 4,414.11m² (1.09 acres) to remain in residential use.

**County of Elgin Official
Plan**
Tier 3 Settlement Area

**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 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.

The applicant proposes to sever a parcel of approximately 1,650m² to create a building lot. The subject property is located in the Bayham side of the Village of Calton, a Tier 3 Settlement Area as designated in the County of Elgin Official Plan.

Section 1.1.3

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets.

1.1.3.1

Settlement areas shall be the focus of growth and development.

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;*
and
- g) are freight-supportive.*

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 3 Settlement Area in the CEOP. Tier 3 Settlement Areas are the smallest hamlets within the County and typically rely on private water and wastewater services. Residential lot creation in all settlement areas is permitted, particularly for the purposes of intensification on underutilized or vacant lots.

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. Bayham staff are recommending a condition to rezone the severed lot due to an error on the Bayham zoning schedule which identifies the severed parcel as A2-18, whereas it should be zoned Hamlet Residential (HR) as the retained lot is. This error was a result of the Municipality of Bayham's Zoning By-law Review in 2019 when the municipality updated the parcel mapping in GIS. Historically, the entirety of the subject land was within Settlement Area and was zoned HR, therefore the municipality will revise the zoning to correct this error.

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 be provided to the County of Elgin by the local Municipality to the satisfaction of the County of Elgin.
4. That the owner dedicates lands along the frontage of the severed and retained lot/parcel up to 15m from the centerline of construction of Calton Line County Road 45 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.
5. Direct connection to a legal outlet for the severed lot is required – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
6. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

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

1. That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality.
2. That the owner pay fees as required in Municipal By-law No. 2020-053 Cash-in-Lieu of Parkland.
3. That the owner provides a survey of the subject lands and includes in the drawing package the requirements from the Planning Act Section 51(17).
4. That the owner provides a Planning Report fee payable to the Municipality.
5. The owner obtain a site-specific Zoning By-law Amendment approval to permit existing maximum accessory building floor area in excess of the permitted maximum on the retained parcel.
6. That the owner install and individual private well on the severed lot providing the municipality 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.
7. That the owner obtain a Municipal Lot Assessment through the municipality for determination of soils for a private septic system on the severed lot.
8. That the owner provide written confirmation of a County road access approval for the severed lot from the County of Elgin.
9. That the owner purchases a civic number sign for the severed lot from the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 51-23 and E 52-23**

**PART OF LOT 13-14, CONCESSION A
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 14648 & 14650 CURRIE 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 14648 & 14650 Currie Road.

The applicant proposes to sever a parcel with a frontage of 48.6 (160 feet), a depth of 79.6m (261 feet) and an area of 3,884.1m² (0.96 acres) to sever a dwelling that is surplus to a farming operation. The applicant proposes to sever another parcel with a frontage of 77.6 (255 feet), a depth of 79.6m (261 feet) and an area of 5,925.8m² (1.46 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 19.26ha (47.6 acres) 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:

**AUGUST 23, 2023 AT 9:15 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

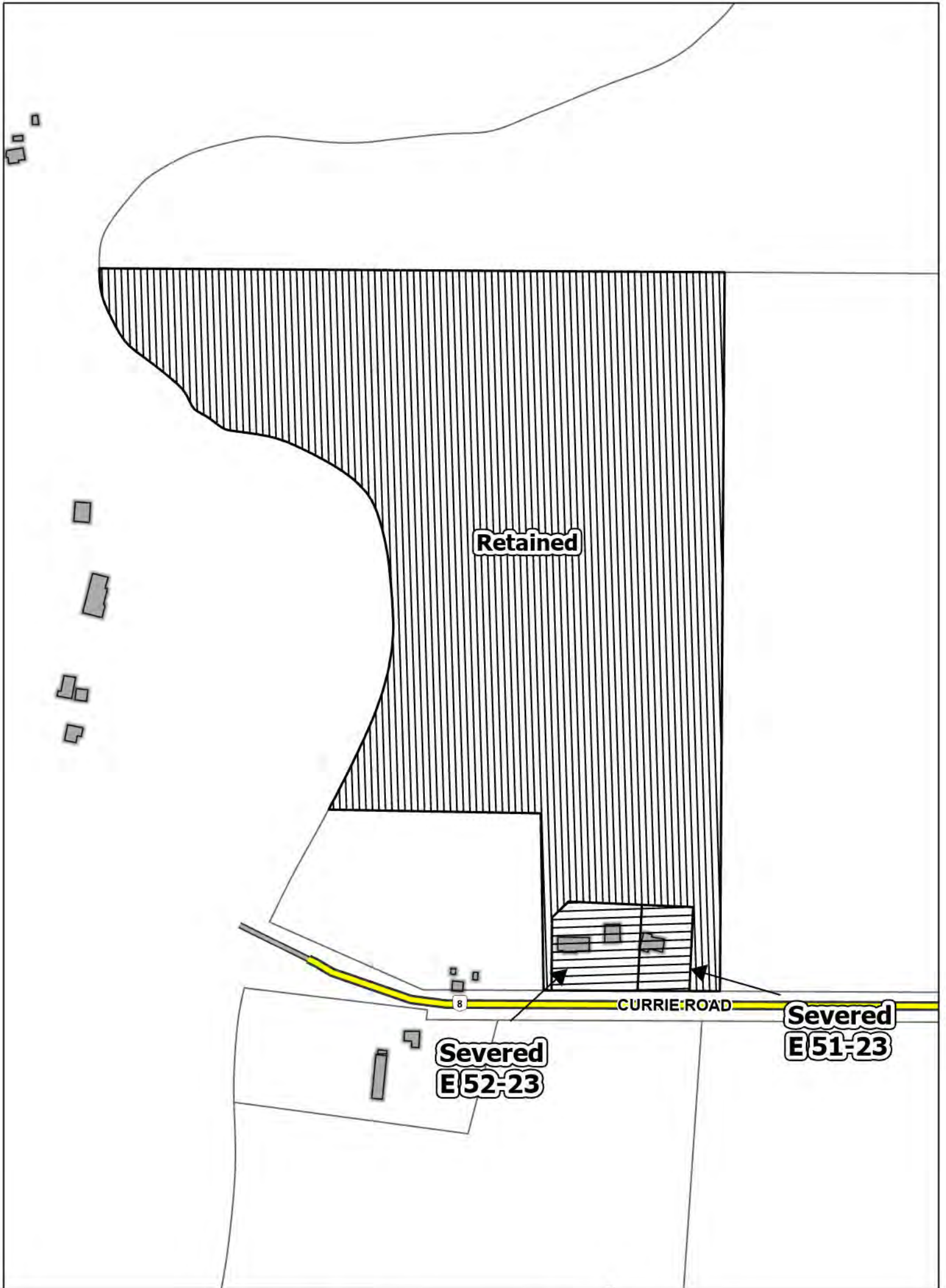
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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

Dated at the Municipality of Central Elgin this 17th day of July, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

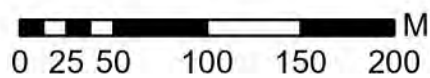
County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549
www.progressivebynature.com







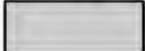
Location Map

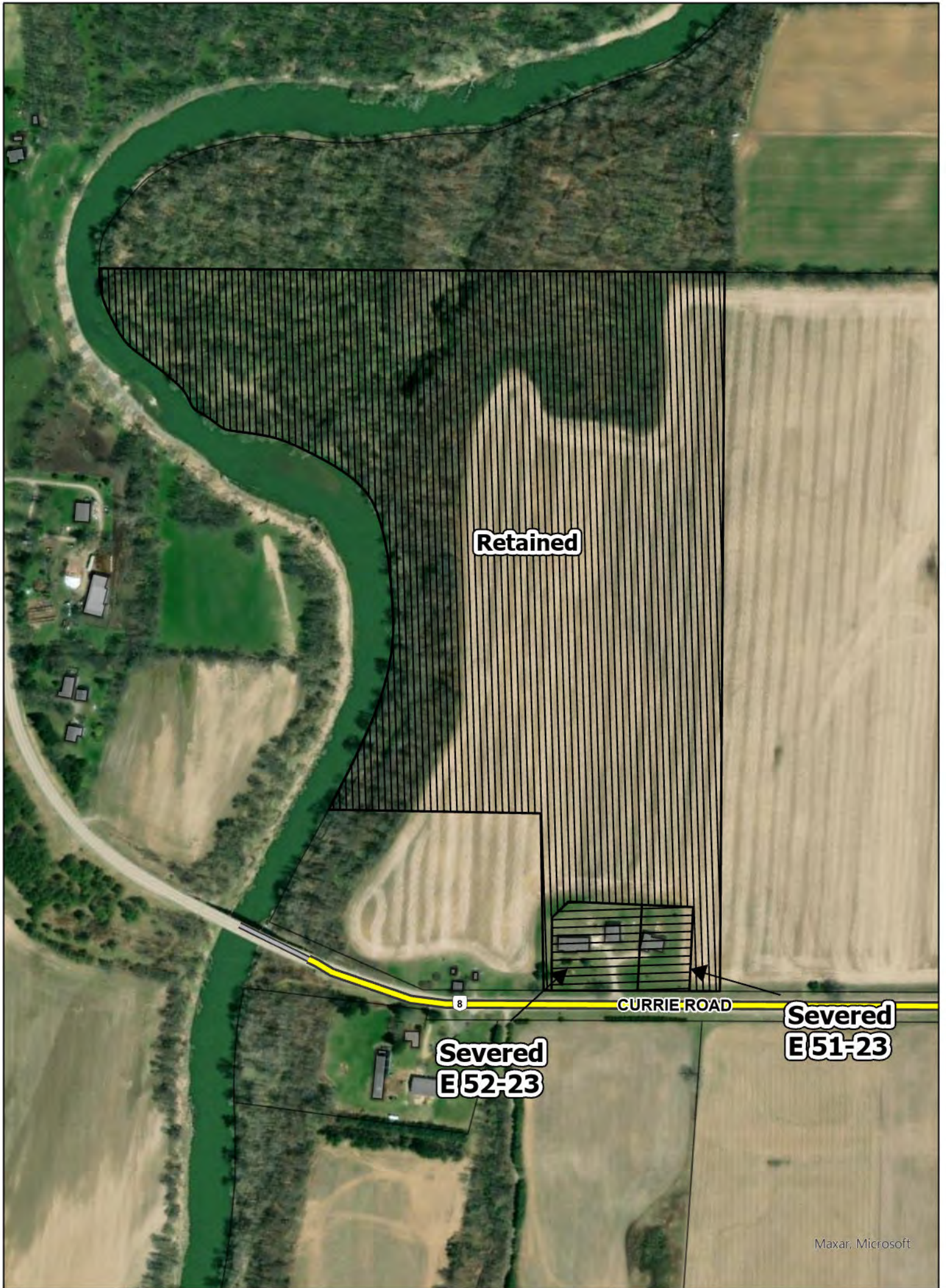


Subject Site: 14650 & 14648 Currie Road
 File Number: E 51-23 & E 52-23
 Owner: Charles and Louise Schultz
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 07/11/2023
 Municipality of Dutton Dunwich



Legend

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



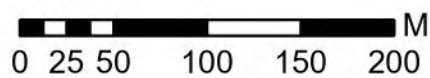
Maxar, Microsoft

Location Map

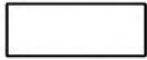

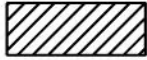

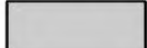


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 Municipality of Dutton Dunwich

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



Legend

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

July 20, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application E-51-23 & E-52-23**
14648 & 14650 Currie Road
Part Lot 13-14; Concession A
Municipality of Dutton Dunwich

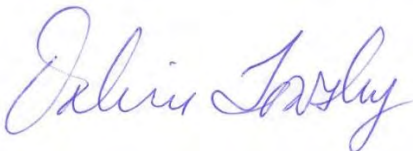
Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to the proposal as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Policy Statement as well as the Conservation 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 Alteration to Watercourses portion of the regulations. The issue of concern in this area is the Thames River, its associated flood plain, 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, outside of the flood flats, 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 Thames River 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.

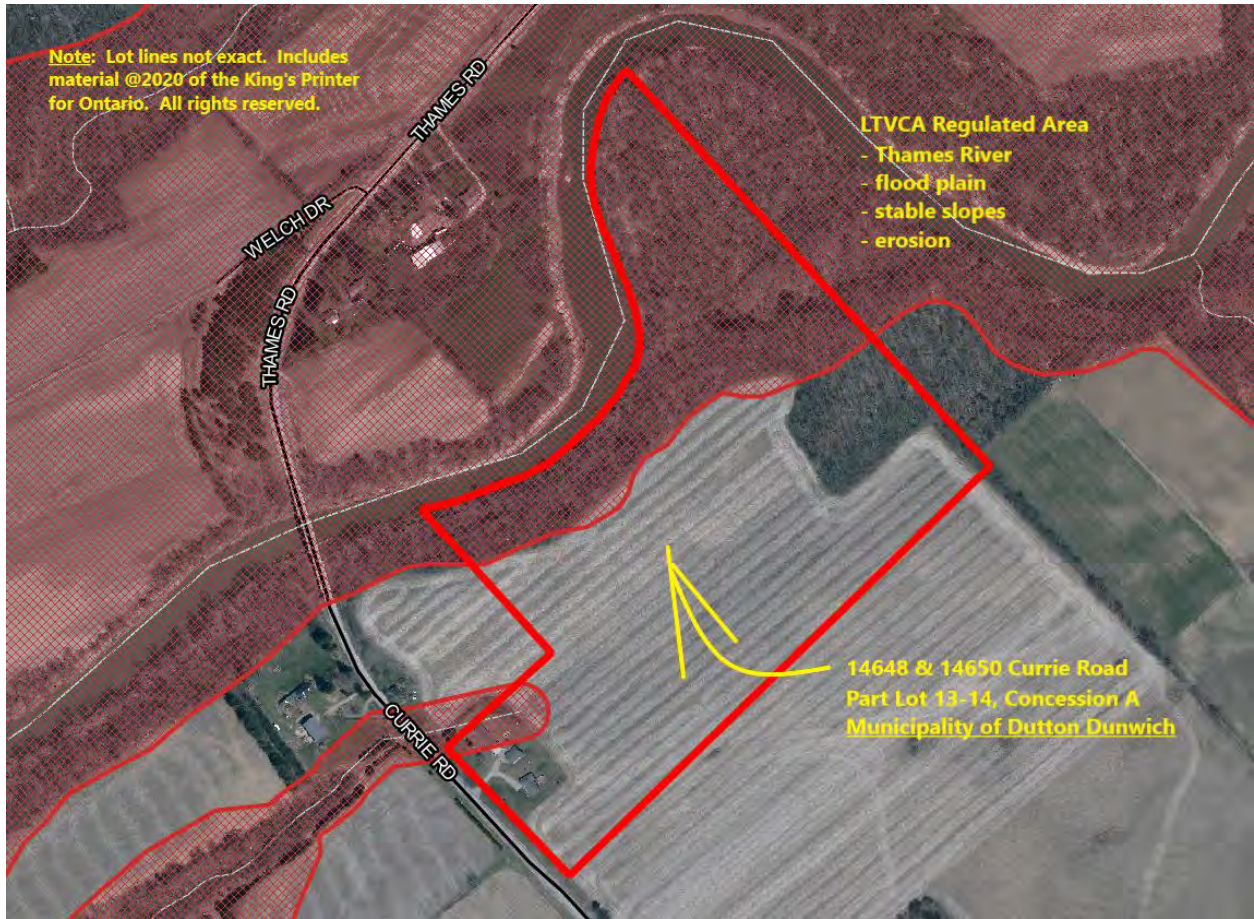
I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly

A handwritten signature in blue ink that reads "Valerie Towsley".

Valerie Towsley
Watershed Resource Planner

Note: Lot lines not exact. Includes material ©2020 of the King's Printer for Ontario. All rights reserved.



LTVCA Regulated Area

- Thames River
- flood plain
- stable slopes
- erosion

14648 & 14650 Currie Road
Part Lot 13-14, Concession A
Municipality of Dutton Dunwich



Municipality of
Dutton Dunwich

TO: County of Elgin Land Division Committee
FROM: Tracey Pillon-Abbs, MCIP, RPP, Planner
DATE: August 9, 2023
SUBJECT: Application for Severance (E 51-23), **14648 Currie Road**, Municipality of Dutton Dunwich – Charles and Louise Schultz (Owner)

FOR INFORMATION:

Background

The subject parcel is legally described as CON BF PT LOTS 13,14; RP11R6223 PART 1, Municipality of Dutton Dunwich.

There are 2 existing dwellings located on the subject lands in addition to accessory structures.

The property is serviced by a private water service (well) and a private septic system.

There is a drain that crosses the subject lands on the northwest corner.

There are wooded areas located on the subject lands on the north and east portions.

Purpose of Application

The applicant proposes to sever a parcel with a frontage of 48.6m (160 feet), a depth of 79.6m (261 feet) and an area of 3,884.1m² (0.96 acres) to sever a dwelling that is surplus to a farming operation.

A second application is being requested for another lot (E 52-23).

The applicant is retaining a lot with an area of 19.26ha (47.6 acres) to remain in agricultural use.

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:

| Departments | Comments received |
|--------------------|--|
| Drainage | Reapportionment of the Shultz Drain Mutual Agreement Drain |
| Building | Review of the existing sewage systems must be completed by a licensed installer, and inspection by myself is to be coordinated with the licensed installer to view the tank and location of the area beds. The existing accessory structure will need to be removed from the property line. |
| Water | There is NO Municipal water at this location, so no concerns from water department. |
| Sewer | No comments |
| Public Works | 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).

The subject property is within a prime agricultural area. Section 2.3.1 sets out that prime agricultural areas shall be protected for long-term use for agriculture.

Section 2.3.2 sets out that planning authorities shall designate prime agricultural areas and specialty crop areas in accordance with guidelines developed by the Province, as amended from time to time.

Section 2.3.3.1 sets out that in prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

Section 2.3.3.2 (Permitted Uses) sets out that in prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Section 2.3.4.1 (c) (Lot Creation) for prime agricultural areas was evaluated. 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 flexibility for future changes in the type or size of agricultural operations; b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; c) a residence surplus to a farming operation as a result of farm consolidation, provided that: 1- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and 2- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

Comments: The proposed severance application is consistent with the PPS.

The proposed severed lot has an existing dwelling and is compatible with and does not hinder the surrounding agricultural operation. No new residential will be permitted on the retained lands.

The retained lot exists and provides similar flexibility for future operations.

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) and are subject to Natural Heritage Features and Areas on Appendix '1' and Aggregate & Petroleum Resource Area on Schedule 'C'.

Section E1.2.3.1 (General Criteria) contains the conditions of approval for severed and/or retained lots.

Section E1.2.3.4 Lot Creation on Lands in the Agricultural Area contains the policies that permit this type of severance as set out in the Agricultural Area designation. The severance to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation is permitted, provided that the development of a new residential use is prohibited on the retained parcel, created by the consent to sever.

Section 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.

Section C4.1 (b) sets out that the objective is to protect known deposits of aggregate resources and areas of potential mineral aggregate resources for potential future extraction.

Comments: The proposed severed parcel and retained parcel are in conformity with the County policies, provided the sewage disposal can be adequately addressed, and the lands are appropriately zoned.

The house is habitable, and the owners have indicated the severance is the result of farm consolidation as a condition of severance, a zoning by-law amendment is required to prohibit the development of new residential use.

No new development is proposed in the natural heritage feature or aggregate resource.

Municipality of Dutton Dunwich Official Plan

The subject lands are designated Agriculture on Schedule 'A' Land Use Plan of the Official Plan (OP), as approved on July 6, 2021, with a portion subject to Natural Heritage and Hazards on Schedule 'B' and Natural Resources on Schedule 'C'.

Section 8.3.4 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the 'Agriculture' designation subject to several criteria.

Evaluation of the criteria is as follows:

- a) *The dwelling has been in existence for a minimum of five years;*
Records indicate that the dwelling has been in existence for more than five years, as indicated by the owner on the application.
- b) *The lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the appropriate approval authority, and be serviced with potable water supply;*
The proposed lot has access to services.
- c) *The lot with the surplus dwelling must meet the provisions of the Minimum Distance Separation I requirements;*
The proposed severed parcel meets the MDS I setback to all neighbouring livestock facilities, as indicated by the owner on the application.
- d) *The lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended or a minor variance is granted;*
The proposed severed parcel would be rezoned to an RS Zone to permit non-farm residential uses.
- e) *The retained agricultural lands comply with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended, or a minor variance is granted;*
The proposed retained parcel would be rezoned to an A2 Zone to prohibit new residential uses.
- f) *A land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;*

There is minimal potential for land use conflicts as a result of the proposed surplus farm dwelling severance. No agricultural lands would be removed from production.

- g) *Farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred;*
Farm consolidation will occur.
- h) *A farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.*
The applicant has confirmed the base of a farm operation.

Section 4.2 sets out the policies for the protection of the hazard lands.

Section 4.4 sets out the policies for the protection of mineral aggregate resources.

Comments: The above-noted criteria can be complied with.

No development is proposed in the woodlands area or in the aggregate resources area.

The proposed severance application conforms to 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 zoned Agricultural (A1) Zone on Map 2, Schedule ‘A’ with a portion subject to the LTVCA Regulation Limit.

As a condition of severance, a Zoning By-law Amendment (ZBA) is required to rezone the severed and retained parcels.

The severed parcel will be rezoned to the Special Rural Residential (RS) Zone to permit non-farm residential uses.

The retained parcel will be rezoned to the Exception Special Agricultural (A2-XX) Zone to prohibit new residential uses.

A review of the A2 and RS zone requirements is as follows:

| Zone Provision | A2 Requirement (Farm) | Proposed (Retained) | RS Requirement (Lot) | Proposed (Severed) | Compliance |
|-----------------------|------------------------------|----------------------------|-----------------------------|---------------------------|---|
| Min. Lot Area | 20.0 ha | 19.26 ha | 2,750 m ² | 3,884.1 m ² | Relief to decrease the required minimum lot area of the |

| Zone Provision | A2 Requirement (Farm) | Proposed (Retained) | RS Requirement (Lot) | Proposed (Severed) | Compliance |
|-------------------|-----------------------|---------------------|----------------------|------------------------|--|
| | | | | | farm is required. This is a reduction of 0.74 ha. |
| Max. Lot Area | N/A | N/A | 8,093 m ² | 3,884.1 m ² | Complies |
| Min. Lot Frontage | 150.0 m | m | 30.0 m | 48.6 m | Complies |

Comments: The proposed severance application shall comply with the intent of the ZBL.

The existing accessory structure will need to be removed from the proposed property line.

Relief to reduce the minimum lot area of the proposed farm lot is required. 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 a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- 2) That the existing accessory structure be removed from the proposed property line;
- 3) That septic system review for the severed parcel has been completed;
- 4) That Municipal drain re-apportionments have been completed;
- 5) That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- 6) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- 7) That taxes are to be paid in full;
- 8) That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
- 9) That a 911 sign be established for the severed and retained parcels;
- 10) That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official;

- 11) That the applicant confirms with the Municipality that they are a bona fide farmer; and
- 12) 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 Pilon-Abbs, MCIP, RPP
Planner

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 51-23

Applicant Charles and Louise Schultz (Owner)

Location 14648 Currie Road

OFFICIAL PLAN

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

Land Use Designation: Section 8.3.4 states that an application for consent to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the 'Agriculture' designation subject to several criteria.

ZONING

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

Comments: As a condition of severance, a Zoning By-law Amendment (ZBA) is required to rezone the severed and retained parcels. The severed parcel will be rezoned to the Special Rural Residential (RS) Zone to permit non-farm residential uses. The retained parcel will be rezoned to the Exception Special Agricultural (A2-XX) Zone to prohibit new residential uses.

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

OTHER

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

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

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

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

No Concerns. See STAFF MEMO attached (no council report required).

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 14, 2023 ELGIN COUNTY ROAD NO.: CR 8

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 51-23 and E52-23

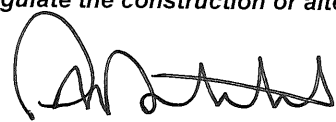
APPLICANT: Charles and Louise Schultz

PROPERTY: LOT NO. Part Lt 13-14 CONCESSION: Conc A Broken front
REG'D PLAN: Part 1 11R6223 MUNICIPALITY: Dutton Dunwich

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 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: August 23, 2023
Application: E 51-23 and E 52-23

Owner:
Charles and Louise Schultz
14650 Currie Road, Dutton Dunwich, ON N0L
1J0

Agent:
Simona Rasanu (SBM Ltd.)
301-1599 Adelaide Street North,
London, ON N5X 4E8

Location: Part of Lot 13-14, Concession A. Municipally known as 14648 & 14650 Currie Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 48.6 (160 feet), a depth of 79.6m (261 feet) and an area of 3,884.1m² (0.96 acres) to sever a dwelling that is surplus to a farming operation. The applicant proposes to sever another parcel with a frontage of 77.6 (255 feet), a depth of 79.6m (261 feet) and an area of 5,925.8m² (1.46 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 19.26ha (47.6 acres) to remain in agricultural use.

**County of Elgin Official
Plan**
Agricultural Area

**Local Municipality Official
Plan**
Agriculture

**Local Municipality Zoning
By-law**
Agriculture (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No objections. Notes subject land is within a Highly Vulnerable Aquifer and Significant Groundwater Recharge Area.

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 proposes to sever two parcels to accommodate two dwelling which are surplus to the farming operation. The first lot will have an area of slightly less than 1-acre and the second will have an area of approximately 1.5-acres.

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

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

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

The parcels being severed include existing dwellings that are surplus to the needs of a farmer and are of sufficient size to accommodate the existing well and septic systems and do not comprise any actively cultivated lands.

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Agricultural Area in the CEOP. Similarly to the PPS, the CEOP discourages lot creation in the Agricultural Area, with the exception of farm splits and surplus dwellings. CEOP policies require the severed lands be a minimum size necessary and are to accommodate a habitable dwelling which is surplus to the needs of a farmer.

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. The Municipality has requested a rezoning as a condition of consent. The proposed rezoning will change the zoning of the severed lots to Special Rural Residential (RS) to permit non-farm uses while the retained farmland will be rezoned to a Special Agricultural Exception zone to prohibit future residential development on the farmland parcel.

RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Dutton Dunwich 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 be provided to the County of Elgin by the local Municipality to the satisfaction of the County of Elgin.
4. That the owner dedicates lands along the frontage of the severed and retained lot/parcel up to 15m from the centerline of construction of Currie Road County Road 8 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.
5. Direct connection to a legal outlet for the severed lot is required – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
6. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

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

- 1) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- 2) That the existing accessory structure be removed from the proposed property line;
- 3) That septic system review for the severed parcel has been completed;
- 4) That Municipal drain re-apportionments have been completed;
- 5) That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
- 6) That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
- 7) That taxes are to be paid in full;
- 8) That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
- 9) That a 911 sign be established for the severed and retained parcels;
- 10) That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official;
- 11) That the applicant confirms with the Municipality that they are a bona fide farmer; and
- 12) 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 53-23**

**PART OF LOT 14 ON REGISTERED PLAN No. 54
MUNICIPALITY OF BAYHAM
MUNICIPAL ADDRESS: 6423 PLANK ROAD**

TAKE NOTICE that an application has been made by Joseph Hentz, 88 Dufferin Avenue, London, ON N6A 1K4, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 6423 Plank Road.

The applicant proposes to sever a parcel with a frontage of 36.8m (120 feet), a depth of 72m (236 feet) and an area of 2,800m² (0.7 acres) to create a new residential lot. The applicant is retaining a lot with an area of 53,700m² (13.27 acres) for future residential development.

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:

**AUGUST 23, 2023 AT 9:25 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

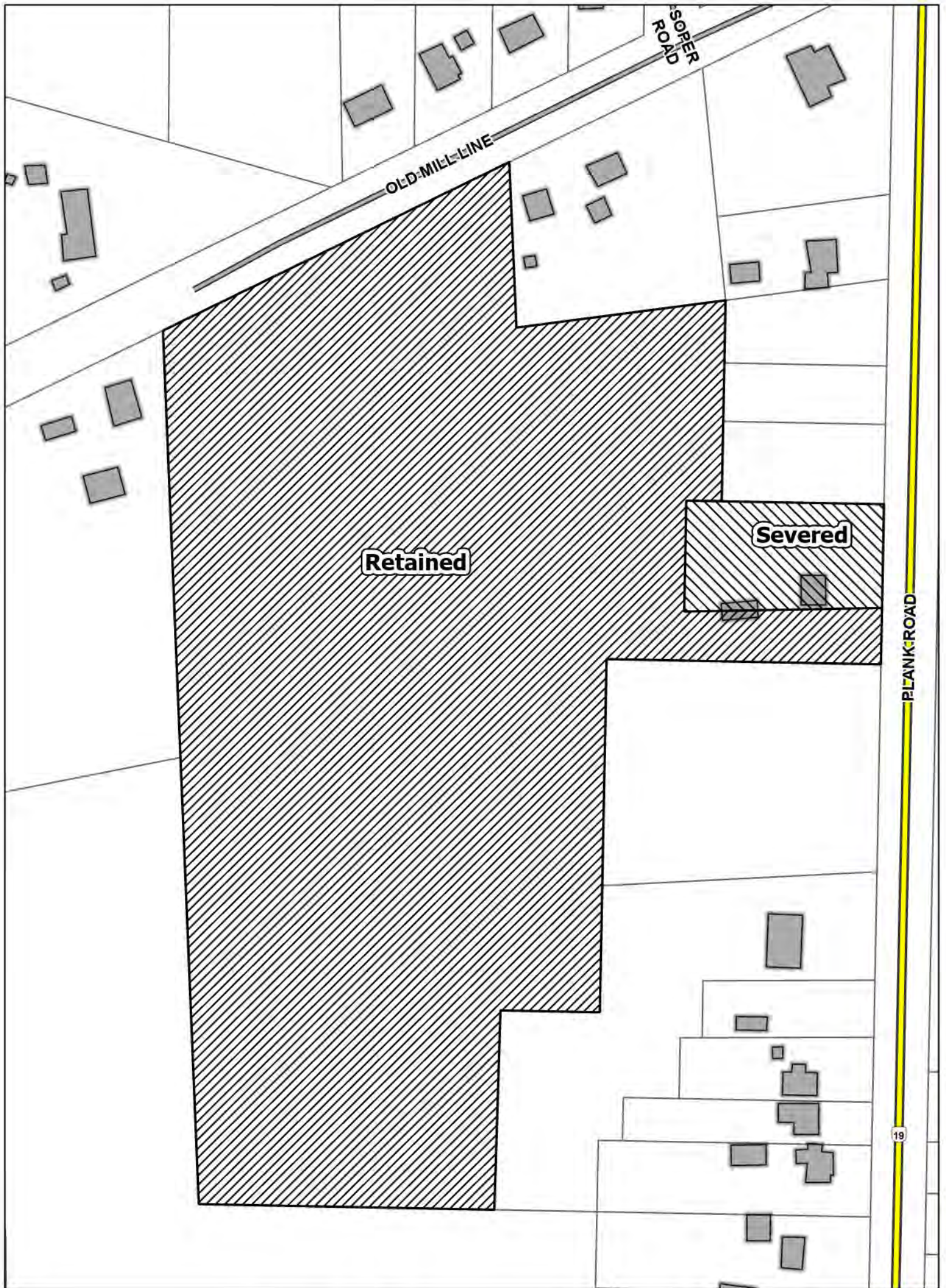
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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

Dated at the Municipality of Central Elgin this 17th day of July, 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





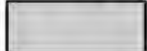


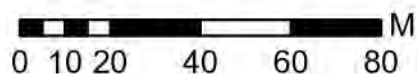
Location Map

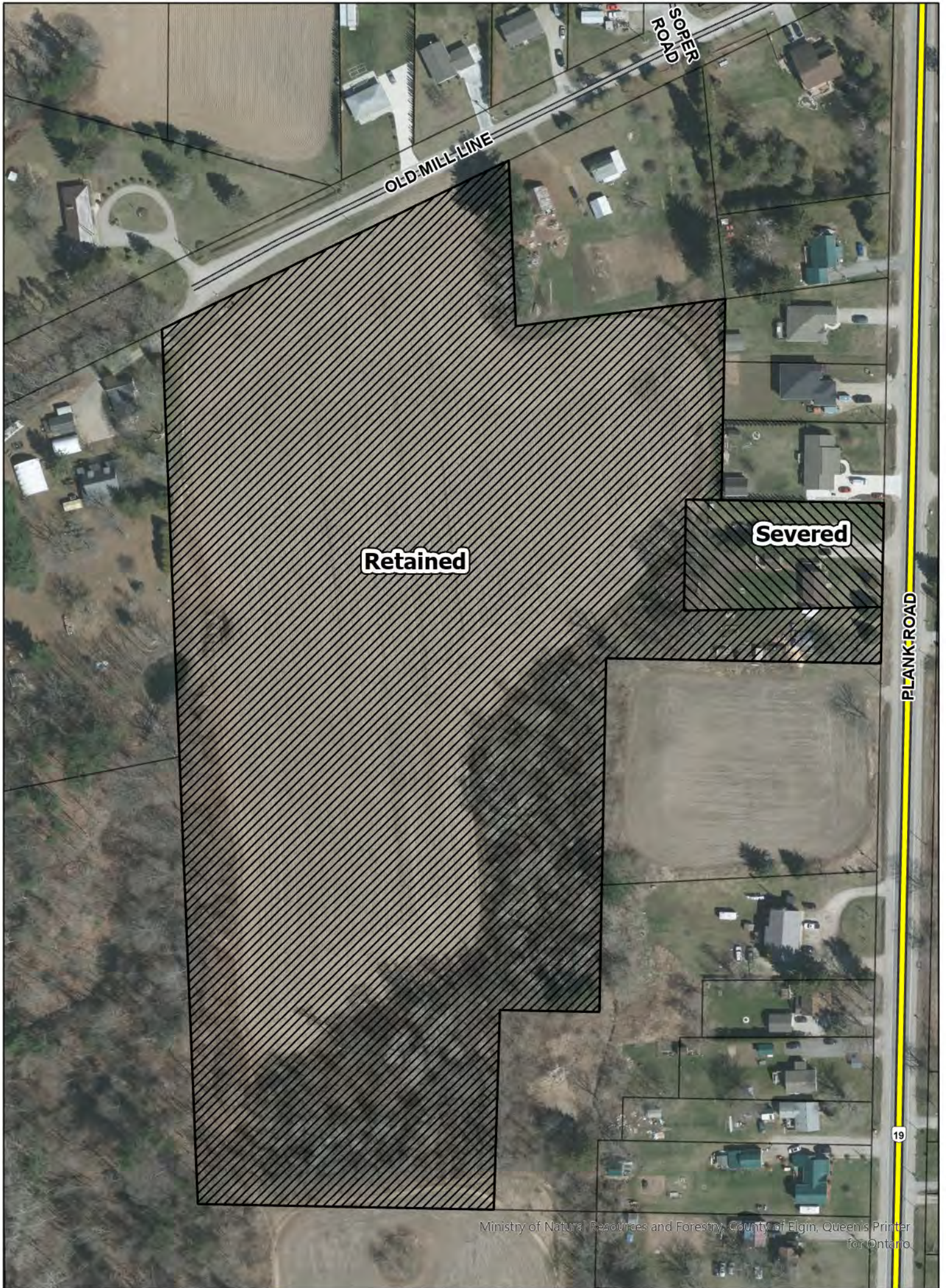
Subject Site: 6423 Plank Road
 File Number: E 53-23
 Owner: Randall and Deborah Pettigrew
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 06/26/2023
 Municipality of Bayham



Legend

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



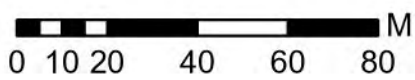


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario



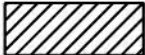

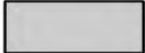
Location Map



Subject Site: 6423 Plank Road
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 Owner: Randall and Deborah Pettigrew
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 Date: 06/26/2023
 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

W: www.bayham.on.ca



August 17, 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. E53-23 Pettigrew

Please be advised that the Council of the Municipality of Bayham passed the following resolution at the August 17, 2023 meeting:

THAT Report DS-49/23 regarding the Consent Application E53-23 Pettigrew be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E53-23 be granted subject to the following conditions and considerations:

1. Connection of the existing dwelling to the municipal water service
2. Connection of the existing dwelling to the municipal sanitary service
3. Owner obtain zoning approval to remove the Holding 'h2' Symbol for the severed land
4. Owner remove any and all structures from the retained lands to the satisfaction of the Municipality
5. Engineered storm water management, drainage/grading plan for the severed parcel to show that the neighbouring lands will not be negatively impacted by surface runoff to the satisfaction of the Municipality
6. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for a municipal 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.
7. Payment of Cash in Lieu of Parkland Dedication fee as required in Municipal By-law No. 2020-053
8. Provide a digital copy of the registered plan of survey of the subject land and includes in the drawing package the requirements from the Planning Act Section 51(17)
9. Payment of the Planning Report fee to the Municipality
10. Purchase of a civic number sign for the severed lot from the Municipality

Municipal Appraisal Sheet and Staff Report DS-49/23 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.PETT

cc: J. Hentz (email)
R & D Pettigrew (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 E53-23

Applicant Randall and Deborah Pettigrew

Location Bayham – 6423 Plank Road, 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: Section 4.2 Residential policies Settlement areas; 4.2.4 Intensification and Redevelopment; 4.5.2 Residential uses; 4.5.2.8 Criteria for Consent for residential purposes

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: Holding - Village Residential 1 (R1(h2))

Rezoning required to remove the Holding provision subject to installation of municipal services

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

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-49/23 considered at the Council meeting held August 17, 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.

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 (60th 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

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

buildings;

- g) Encourage streetscaping that reflects the intended land use character of Settlement Areas and the specific land use designation;
- h) Encourage high quality of park and open space design. Land for parkland dedication shall be selected to facilitate its use as a central focal point for new or existing neighbourhoods;
- i) Encourage the provision of pedestrian, cycling and trail linkages through development approvals process; and,
- j) Encourage, at the Municipality's discretion, design guidelines with development applications, establishing how the policies of this Section have been considered and addressed. These guidelines shall be prepared by the applicant to address physical features including streetscaping, landscaping, setbacks, signage, garage placement, architectural treatment and related design matters.

4.3 GROUP HOMES

4.3.1 Policies

- 4.3.1.1 Group Homes will be permitted in areas of the Municipality that are designated "Hamlets" or "Residential".
- 4.3.1.2 For the purposes of this Plan, a group home is a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff) or live under responsible supervision consistent with the particular requirements of the residents. The home is licensed and/or approved for funding under Provincial Statutes and is in compliance with all applicable Municipal By-laws.
- 4.3.1.3 In order to prevent an undue concentration of group homes in specific areas of the Municipality, standards requiring a minimum distance between these facilities may be incorporated in the Zoning By-law.
- 4.3.1.4 Facilities existing on the date the zoning by-law comes into effect, but not complying with the requirements of the by-law, will be allowed to continue in operation but will not be permitted to expand without Municipal approval.

pursuant to the Planning Act, for consents and new subdivisions will be used to create local parks.

4.4.4.7 Monies acquired in lieu of parkland dedication shall be managed by the Municipality in a park fund for use in providing recreational lands and facilities to serve the needs of all residents.

4.5 VILLAGES

This section of the Official Plan provides the land use policies that apply to future development in the Villages of Straffordville, Vienna and Port Burwell during the 2018-2038 planning period.

4.5.1 General

4.5.1.1 Three major concentrations of urban development have been designated as “Villages” in the Official Plan of the Municipality of Bayham. The villages of Port Burwell and Vienna have the capability of accommodating urban types of development on full municipal services including piped water and sewerage facilities. The village of Straffordville has the capability of accommodating urban types of development on municipal sewers. For public health and safety purposes, all proposed development within the Village of Straffordville shall require proof of potable water by the Municipality, and will be restricted to infilling until such time as municipal water becomes available.

4.5.1.2 There are eleven land use designations / constraints that apply in the three villages as follows:

- Residential
- Multi-Unit Residential
- Harbour Residential/Commercial
- Commercial
- Industrial
- Institutional
- Open Space
- Conservation Lands
- Hazard Lands
- Floodway
- Flood Fringe

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

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

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

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

4.5.2 **Residential**

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

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

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

- Small scale professional offices which occupy less than 93 m² (1000 ft²);
- Small scale institutional uses such as churches;
- Home occupations.

- 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 m², or 1390 m² where no public water supply or sanitary sewage disposal service are available
- Z698-2020** Straffordville: 900 m², or 1390 m² where no sanitary sewage disposal service are available
- Z751-2022** Semi-detached dwelling unit:
400 m², or 695 m² 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 m² 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,

3.3 Holding Zones

In any zone which is accompanied by the holding symbol "h", the uses normally permitted by that zone for lands, buildings or structures may only be allowed when the holding symbol is removed by amendment to this By-law or any subsequent holding by-law. Permitted uses, when the holding symbol (h) is applied, are limited to those that existed on the date when the holding by-law was passed. The purpose of individual holding zones is as follows:

Z611-2012

- a) h1 Purpose: To ensure public health and safety, an agreement with the Municipality, or the satisfying of conditions of severance, which address impacts of new development to the applicable proposed water supply system and/or sewage treatment and disposal system; and which may include issues relating to water capacity, water quantity, water quality, and financial costs will be required prior to the removal of the "h1" zone symbol.
- b) h2 Purpose: To ensure orderly development, a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, will be required prior to the removal of the "h2" zone symbol.
- c) h3 Purpose: To ensure the mitigation of impacts to natural heritage features and their ecological functions, an Environmental Impact Study will be required prior to the removal of the "h3" zone symbol.
- d) h4 Purpose: To ensure parcels of land do not become landlocked, proof of access to a public right-of-way by the proponent will be required prior to the removal of the "h4" zone symbol.
- e) h5 Purpose: To ensure parcels of land meet Ministry of the Environment, Conservation and Parks requirements, a record of site condition shall be prepared and accepted prior to development of the lands.
- f) h6 Purpose: To ensure that development takes a form compatible with adjacent land uses, Agreement(s) with the Municipality shall be entered into following a public site plan review process specifying the issues allowed for under Section 41 of the Planning Act, as amended from time to time, prior to removal of the "h6" symbol.

Z655-2016

Z701-2020

3.4 Application of Regulations

No person shall within any zone use any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with this By-law for the zone in which such land, building, structure or use is located.

3.5 Defined Areas

All zones may be subdivided into one or more defined areas within which greater or lesser restrictions shall apply. These defined areas shall be designated by reference to the symbol of the zone within which each such defined area is located together with a number so as to differentiate different defined areas within a zone



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: August 17, 2023
REPORT: DS-49/23 **FILE NO. C-07 / D09.23PETT**
Roll # 3401-000-002-05500

SUBJECT: Consent Application E53-23 Pettigrew, R and D
6423 Plank Road, Vienna

BACKGROUND

A consent application E53-23 was received from the Elgin County Land Division Committee submitted by Randall and Deborah Pettigrew proposing to sever their dwelling on land located at 6423 Plank Road, west side, south of Old Mill Line in the village of Vienna. The applicant is requesting consent to sever approximate land area of 2,800 m² (0.7 acres) and to retain 53,700 m² (13.3 acres) of land with the intent to create one residential dwelling lot and to retain vacant land for future development.

The subject land is designated "Residential" and portions of "Hazard Lands" on Schedule 'C' of the Official Plan and are zoned Holding - Village Residential 1 (R1(h2)) on Schedule 'H' Vienna of Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the application on August 23, 2023.

DISCUSSION

The planner's memorandum attached dated, July 25, 2023, analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

Provided the severed lot connects to the municipal water and sewer services, the proposed consent to create the dwelling lot is in conformity with the Official Plan Section 4.5.2 Residential uses in a Village.

Regarding the requirement to connect, Mr. Pettigrew provided correspondence with the application requesting Council waive the requirement to connect based on an agreement with the Municipality executed in December 2000 by way of By-law No. 2000-106. The Agreement identifies that KC Emerson Enterprises and Pettigrew, being parties to the Agreement, shall pay \$46,500 dollars to

have the gravity fed sanitary line extended north along the frontage of their respective properties. The Agreement, however, does not speak to an exemption to connect. Since the Agreement was executed in December 2000, the Vienna settlement boundary has been extended to a point slightly north of Light Line. The properties in question are now within the designated boundary of Vienna and subject to the policies requiring that any new development be required to connect to the full services available to Vienna properties.

Rezoning to remove the Holding provision (h2) is required. The purpose of the 'h2' symbol is to ensure orderly development by way of a subdivision agreement to address both financial and servicing impacts of new development prior to the h2 removal and is intended for infill subdivision development primarily. A subdivision agreement is not necessary for the one lot, however, the services would have to be installed in order to remove the Holding 'h2' provision.

Our standard conditions would include: rezoning to remove the Holding symbol on the severed land; engineered storm water management with drainage/grading plans for the severed lot; civic numbering signage for the retained land; survey; cash in lieu payment for the creation of a lot; and, the planning report fee. To be determined, the subject land may be within a 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 residential dwelling lot fronting on Plank Road in the village of Vienna with the recommended conditions.

STRATEGIC PLAN

Not Applicable.

ATTACHMENTS

1. Consent Application E53-23
2. Aerial Map – 6423 Plank Road
3. Arcadis Memorandum dated July 25, 2023

RECOMMENDATION

THAT Report DS-49/23 regarding the Consent Application E53-23 Pettigrew be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E53-23 be granted subject to the following conditions and considerations:

1. Connection of the existing dwelling to the municipal water service
2. Connection of the existing dwelling to the municipal sanitary service
3. Owner obtain zoning approval to remove the Holding 'h2' Symbol for the severed land
4. Owner remove any and all structures from the retained lands to the satisfaction of the Municipality
5. Engineered storm water management, drainage/grading plan for the severed parcel to show that the neighbouring lands will not be negatively impacted by surface runoff to the satisfaction of the Municipality
6. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for a municipal 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.

7. Payment of Cash in Lieu of Parkland Dedication fee as required in Municipal By-law No. 2020-053
8. Provide a digital copy of the registered plan of survey of the subject land and includes in the drawing package the requirements from the Planning Act Section 51(17)
9. Payment of the Planning Report fee to the Municipality
10. Purchase of a civic number sign for the severed lot from the Municipality

Respectfully Submitted by:

Margaret Underhill

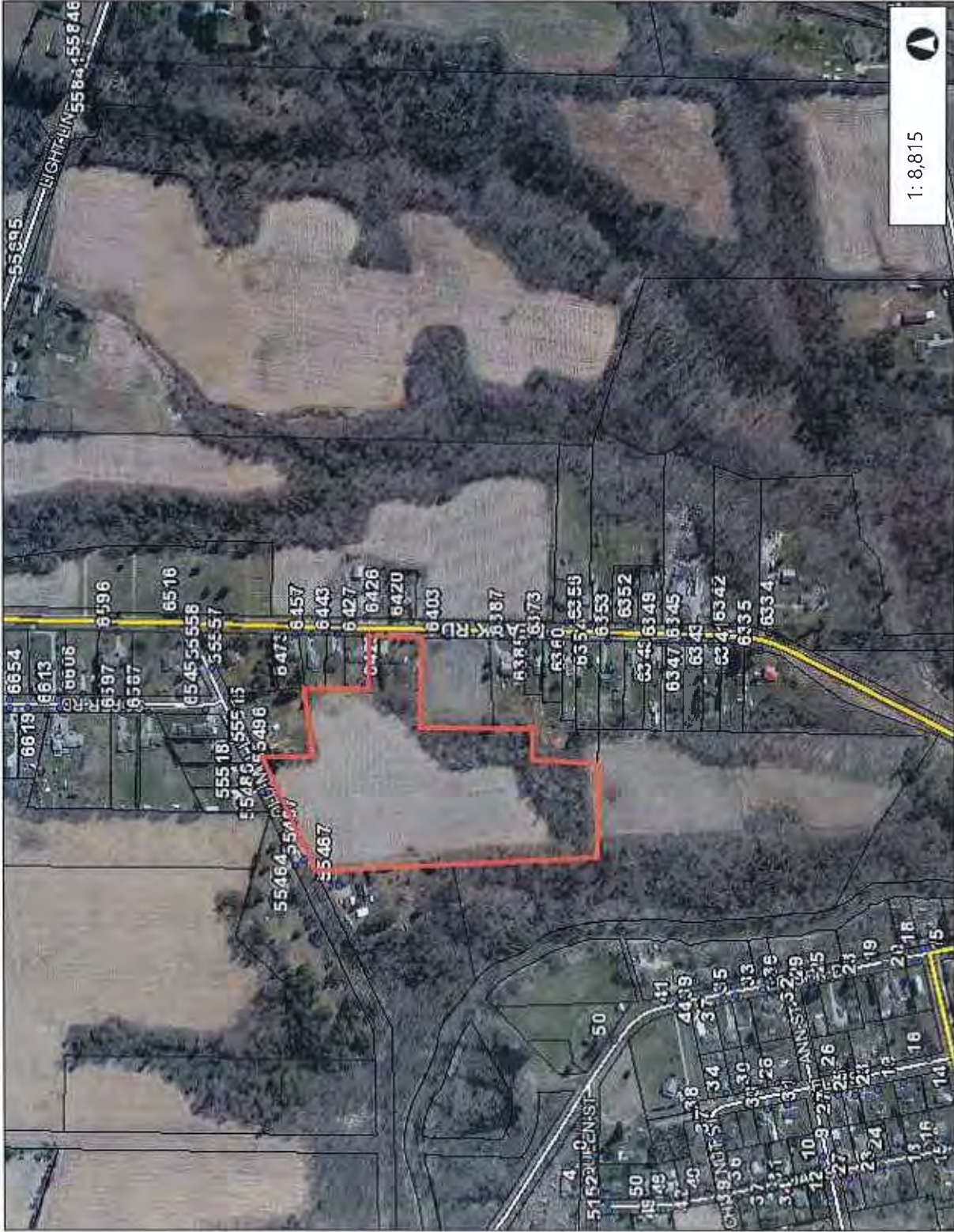
Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

Chief Administrative Officer

ELGIN MAPPING 6423 Plank Road - Pettigrew



- Legend**
- Elgin County Parcels
 - E911
 - Boundary
 - Elgin Road Network
 - Elgin Road Network
 - Elgin Road Network
 - Lagoons
 - World Imagery

Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Memorandum

| | | | |
|---------------------|---|-------------------|---------------|
| To/Attention | Municipality of Bayham | Date | July 25, 2023 |
| From | Paul Riley, CPT | Project No | 3404-912 |
| cc | William Pol, MCIP, RPP | | |
| Subject | Randall and Deborah Pettigrew - 6423 Plank Road, Vienna - Application for Consent E53/23 | | |

1. We have completed our review of Consent Application E53/23 submitted by Randall and Deborah Pettigrew for lands located at 6423 Plank Road, west side, south of Old Mill Line in the village of Vienna. The applicant is requesting Consent to sever approximate land area of 2,800 m² (0.7 acres) and to retain 53,700 m² (13.3 acres) of land with the intent to create one residential dwelling lot and to retain vacant lands for future development. The subject lands are designated 'Residential' and portions of 'Hazard Lands' on Schedule 'C' of the Municipality of Bayham Official Plan and are zoned Holding - Village Residential 1 (R1(h2)) on Schedule 'H' of Zoning By-law Z456-2003.
2. The proposed severed lands comprise a dwelling and a shed and would have lot frontage of 36.8 m (120.7 ft) and lot depth of 72 m (236.2 ft). The proposed retained lands comprise 4 greenhouses/sheds to be removed and a portion of the lands are farmed; and would have lot frontage of 20.16 m (66.14 ft) on Plank Road and 138.2 m (453.4 ft) on Old Mill Line and irregular lot depth. Surrounding uses include residential in all directions in the form of single-detached dwellings.
3. The Municipality of Bayham Official Plan (Bayham OP) Section 4.2 general residential policies in settlement areas, indicates that residential development in settlement areas is permitted on the basis of infilling in areas directly adjacent to existing built-up areas, through subdivisions and consents depending on the number of lots proposed. The Municipality encourages intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land. The proposed consent is in conformity to these Official Plan policies.
4. Bayham OP Section 4.2.4 Intensification and Redevelopment indicates that the proposed consent would be permitted on the basis of water and wastewater servicing in the specific settlement area; in the form of street infilling or infill subdivisions; maintaining the minimum lot areas of the Zoning By-law to provide for adequate private water and sewer. The proposed lot shall be connected to

Municipality of Bayham – July 25, 2023

municipal water and sewer services which are available in the area and the retained lands would be available for future infill subdivision.

The proposed severed lot is oversized in nature being more than double the minimum lot area in the R1 zone, however, the applicants have indicated that they have continued to use the proposed lot area for personal use for approximately 38 years in the form of shade trees, an annual BBQ event, and for active recreation uses and vehicle parking. Based on the existing use of the lands with respect to the existing residential use an oversized lot configuration is acceptable. The proposed consent is in conformity to the Bayham Official Plan.

5. Bayham OP Section 4.5.2 Residential uses in a Village indicates that the primary use of such lands should be for single-detached dwellings or other low-density residential use and shall be serviced with municipal water and sewer services. The proposed consent is in conformity to these policies subject to connection to municipal water and sewer services.
6. Bayham OP Section 4.5.2.8 provides criteria for proposals for consent for residential purposes in a Residential designation in a Village, including:
 - a) Lot Frontage, depth and size: the proposed lot is oversized in nature, as discussed above, and would have adequate frontage; and the retained lands include an adequate width to provide for future roadway connection to Plank Road for an infill subdivision, with secondary access available on Old Mill Line.
 - b) Natural Features: The proposed severed lands comprise a functioning residential lot with existing residential use and some shade trees that are proposed to be retained and function to delineate the proposed severed lands. The future development of the retained lands would need to consider retention of valuable natural features in its design.
 - c) Design: innovative housing design and site layout are encouraged, however, the severed lands dwelling and open space are existing.
 - d) Open Space: Parkland dedication will be required as a condition of consent.
 - e) Adjacent and surrounding land use: the proposed consent is compatible with surrounding land uses.
 - 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.* There are existing municipal water and sewer services available to service the severed lands, therefore, such

Municipality of Bayham – July 25, 2023

connection shall be constructed and connected to the existing dwelling and providing for such service connections should be agreed upon through a development agreement between the owner and the municipality.

- g) Stormwater Management: Adequate provision for stormwater management/drainage and surface runoff shall be provided, in the form of grading plans and any changes needed to municipal drains is the responsibility of the applicant/owner.
- h) Vehicular Access: Plank Road is an existing Elgin County Road and there is an existing driveway, which is adequate. Based on a desktop review of aerial photography/Streetview, Plank Road is straight and does not have any significant slope at the frontage for the retained lands that would eventually be a roadway access for future infill subdivision.
- i) The Planning Act: a future residential subdivision for the retained lands would need to be consistent to Planning Act Section 50 and 51.

The proposed consent is in conformity to the Official Plan subsequent to the clearing of Conditions.

- 7. The subject lands are zoned Holding - Village Residential 1 (R1(h2) which permits single-detached dwelling residential use. The proposed lot has adequate yard setbacks and frontage and exceeds the minimum lot area. According to Zoning By-law Section 3.3 b), the purpose of the holding zone 'h2' symbol is to ensure orderly development by way of subdivision agreement with the Municipality which addresses financial and servicing impacts of new development prior to the removal of the holding symbol and is intended to be applicable to infill subdivision development primarily. The applicant shall connect the dwelling to municipal water and sewer services which can be accomplished by development agreement with the municipality and the applicant shall obtain Zoning By-law Amendment 'Removal of a holding symbol' approval for the severed lands as a condition of consent.
- 8. Based on the above review of Consent Application E53/23, we have no objection to the proposed consent with the following recommended conditions for Consent:
 - a) That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality.
 - b) 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.
 - c) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.

Municipality of Bayham – July 25, 2023

- d) That the owner provides a survey of the subject lands and includes in the drawing package the requirements from the Planning Act Section 51(17).
- e) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
- f) That the owner obtain Removal of a Holding Symbol approval for the severed lands;
- g) That the owner connects the dwelling to the municipal water service;
- h) That the owner connects the dwelling to the municipal sewer service;

Paul Riley

Arcadis
Paul Riley
Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 14, 2023 ELGIN COUNTY ROAD NO.: CR 19

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 53-23
APPLICANT: Randall and Deborah Pettigrew
PROPERTY: LOT NO. Part Lot 14 CONCESSION: Conc A Broken front
REG'D PLAN: 54 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.....

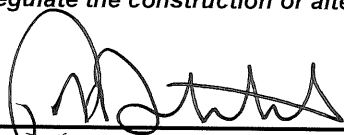
- 10) The County has no concerns.....

- 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: August 23, 2023
Application: E 53-23

Owner:
Randall and Deborah Pettigrew
6423 Plank Road, Vienna, ON N0J 1Z0

Agent:
Joseph Hentz
88 Dufferin Ave. London, ON N6A 1K4

Location: Part of Lot 14 on Registered Plan No. 54. Municipally known as 6423 Plank Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 36.8m (120 feet), a depth of 72m (236 feet) and an area of 2,800m² (0.7 acres) to create a new residential lot. The applicant is retaining a lot with an area of 53,700m² (13.27 acres) for future residential development.

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

**Local Municipality Official
Plan**
Residential

**Local Municipality Zoning
By-law**
Holding – Village Residential
(R1[h2])

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.

The applicant proposes to sever a parcel of approximately 2,800² to sever a parcel containing a house and one shed. The applicant is retaining a parcel with an area of approximately 53,700m² for future residential development.

Section 1.1.3

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets.

1.1.3.1

Settlement areas shall be the focus of growth and development.

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;*
and
- g) are freight-supportive.*

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 1 Settlement Area in the CEOP. Tier 1 Settlement Areas are the largest settlement areas in the County, and the CEOP directs that they should be the focus of growth and development. While this application is not proposing any new development at this time, the applicant has identified the intention to use the retained land for future residential development.

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 subject land currently has a holding provision in place. The purpose of holding provisions is to ensure orderly development by way of a subdivision agreement to address financial and servicing concerns. A subdivision agreement is not necessary for one severed lot, and so municipal staff are proposing a condition to remove the holding provision for the severed lot and maintain it for the retained parcel, pending future development via a plan of subdivision.

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 be provided to the County of Elgin by the local Municipality to the satisfaction of the County of Elgin.
4. Direct connection to a legal outlet 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.

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

1. Connection of the existing dwelling to the municipal water service.
2. Connection of the existing dwelling to the municipal sanitary service.
3. Owner obtain zoning approval to remove the Holding 'h2' symbol for the severed land.
4. Owner remove any and all structures from the retained lands to the satisfaction of the Municipality.
5. Engineered storm water management, drainage/grading plan for the severed parcel to show that the neighbouring lands will not be negatively impacted by surface runoff to the satisfaction of the Municipality.
6. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for a municipal 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.
7. Payment of Cash in Lieu of Parkland Dedication fee as required in municipal By-law No. 2020-053.
8. Provide a digital copy of the registered plan of survey of the subject land and includes in the drawing package the requirements from the Planning Act Section 51(17).
9. Payment of the Planning Report fee to the Municipality.
10. Purchase of a civic number sign for the severed lot from the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 54-23**

**LOT 1-6, BLOCK 17 PLAN 149; LOTS 3-7, BLOCK 15 PLAN 149; BLOCK 15 PLAN 149; PART OF LOT 12, CONCESSION A DUNWICH AS IN E129422, DT3293
MUNICIPALITY OF DUTTON DUNWICH
MUNICIPAL ADDRESS: 239 MILLER ROAD**

TAKE NOTICE that an application has been made by Courtney Sinclair, 85 Dufferin Avenue London, ON N6A 5R2, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 239 Miller Road.

The applicant proposes to sever a parcel with an area of 830m² (0.2 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 26,481.8225m² (6.5 acres) proposed to remain in use as a public school.

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:

**AUGUST 23, 2023 AT 9:35 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

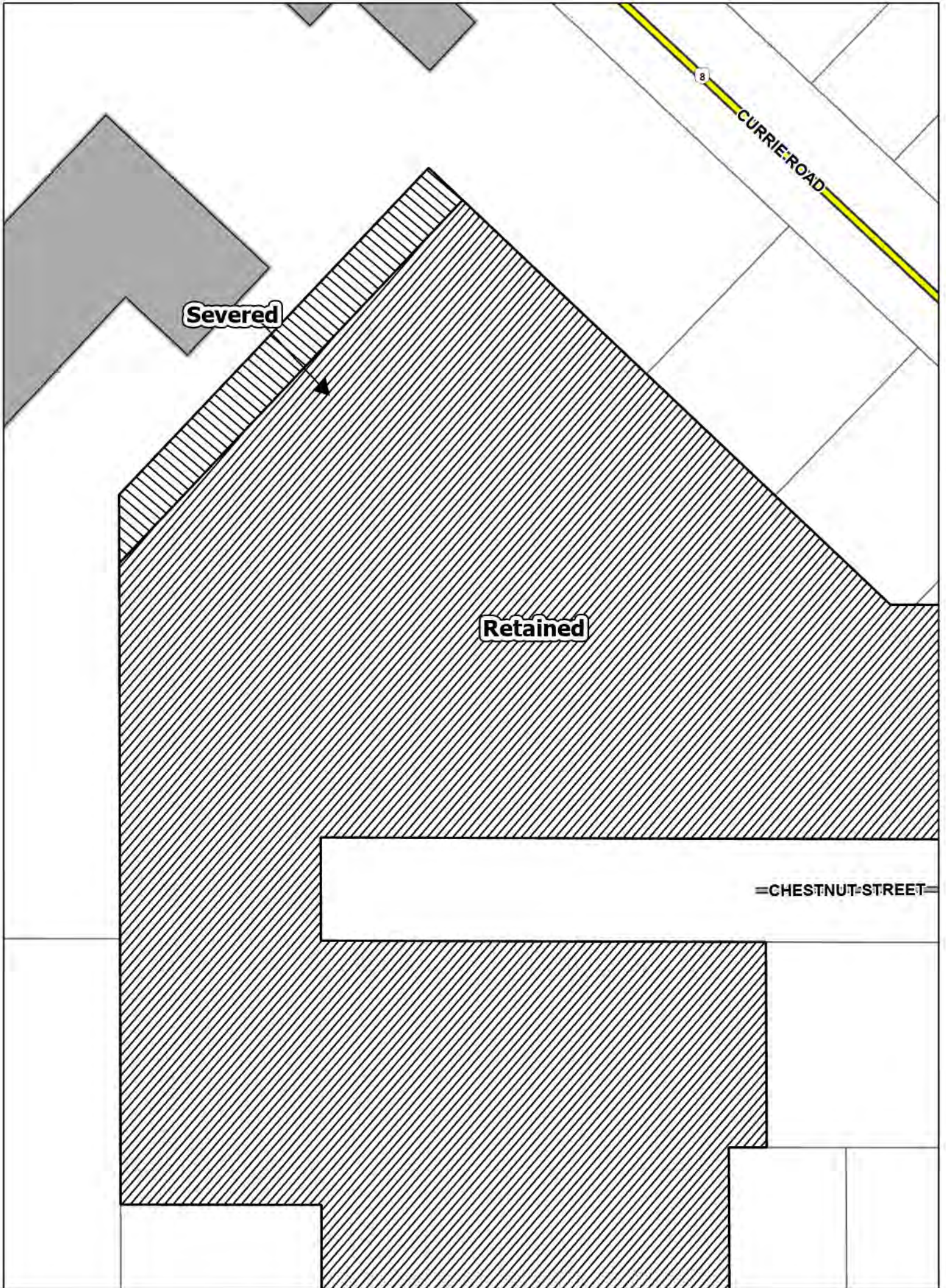
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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

Dated at the Municipality of Central Elgin this 17th day of July, 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





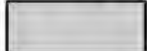


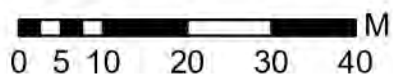
Location Map

Subject Site: 239 Miller Road
 File Number: E 54-23
 Owner: Thames Valley District School Board
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 06/26/2023
 Municipality of Dutton Dunwich



Legend

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







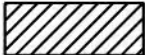


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

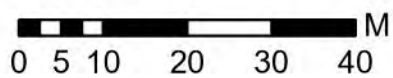
Location Map

Subject Site: 239 Miller Road
 File Number: E 54-23
 Owner: Thames Valley District School Board
 Planner: Unknown
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 06/26/2023
 Municipality of Dutton Dunwich



Legend

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



July 20, 2023

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

Attn: **Paul Clarke**

Re: **Consent Application E-54-23**
239 Miller Road
Community of Dutton
Municipality of Dutton Dunwich

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

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

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

Yours truly



Valerie Towsley
Watershed Resource Planner

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 E 54-23

Applicant Thames Valley District School Board (Owner)

Location 239 Miller Road

OFFICIAL PLAN

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

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

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

ZONING

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

Comments: As a condition of severance, the severed land will require a Zoning By-law Amendment (ZBA). The severed land will be changed to M4 Zone. The retained lands will remain I Zone.

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

OTHER

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

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

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

No Concerns. See STAFF MEMO attached (no council report required).

Revised 30/01/20



Municipality of
Dutton Dunwich

TO: County of Elgin Land Division Committee
FROM: Tracey Pillon-Abbs, MCIP, RPP, Planner
DATE: August 9, 2023
SUBJECT: Application for Severance (E 54/23), 239 Miller Road, Municipality of Dutton Dunwich – Thames Valley District School Board (Owner)

FOR INFORMATION:

Background

The subject parcel is legally described as PART OF LOT C, CONCESSION 8 AND LOTS 4 AND 5 ON REGISTERED PLAN No. 3, and locally known as 239 Miller Road, Municipality of Dutton Dunwich.

The subject parcel currently is used for institutional with a school and has access to full municipal services.

There is a drain that crosses the subject lands.

There are no woodlots located on the subject parcel.

Purpose of Application

The applicant proposes to sever a parcel with an area of 830m² (0.2 acres) to be conveyed as an addition to an adjacent lot.

The adjacent lot is locally known as 260 Currie Road and is used for commercial/industrial (Agris Co-operative Ltd.).

The applicant is retaining a lot with an area of 26,481.8225m² (6.5 acres) proposed to remain in use as a public school.

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:

| Departments | Comments received |
|--------------------|--|
| Drainage | Reapportionment of the Dunwich Dutton School Drain |
| Building | No concerns |
| Water | No concerns |
| Sewer | No comments |
| Public Works | No concerns |
| 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).

The subject property is within a settlement area.

Section 1.1.3.1 Settlement areas shall be the focus of growth and development.

Comments: The proposed severance application is consistent with the PPS.

County of Elgin Official Plan

The subject lands are designated Tier 1 Settlement Area on Schedule ‘A’ Land Use of the County of Elgin Official Plan (COP).

E1.2.3.2 sets out that consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

Comments: The proposed severed parcel will meet the above-noted criteria.

Municipality of Dutton Dunwich Official Plan

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

The subject lands to merge with are designated Residential, Industrial and Highway Commercial.

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

- a) The conveyance does not lead to the creation of an undersized, irregularly shaped lot unsuited to the purpose for which it is being used or proposed to be used, and contrary to the provisions of the Zoning By-law; and,

- b) The lands being conveyed will be registered in the same name and title as the lands to which they are being added.

Section 8.2 sets out that the boundaries of the land use designations shown on Schedules 'A', 'B', 'C', 'D' and 'E' are approximate except where they meet with roads, railway lines, rivers, transmission lines, lot lines or other clearly defined physical features and in these cases, are not open to interpretation. Where the general intent of the document is maintained, minor adjustments to boundaries will not require an amendment to this Plan.

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

No OP amendment is required.

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 zoned Institutional (I) Zone on Map 2, Schedule 'B'.

The subject lands to merge with are zoned Village Industrial (M4) and Village Local Commercial (VC2).

As a condition of severance, the severed land will require a Zoning By-law Amendment (ZBA).

The severed land will be changed to M4 Zone.

The retained lands will remain I Zone.

Comments: The proposed severance application shall comply with the intent of the ZBL.

All 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 a Zoning By-law Amendment is in force and effect for the severed parcel;
2. That municipal drain re-apportionments have been completed;
3. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
4. That taxes are to be paid in full;
5. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
6. That the lots merge on title; and

7. 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

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 14, 2023 ELGIN COUNTY ROAD NO.: CR 15

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 54-23

APPLICANT: Thames Valley District School Board

PROPERTY: _____

LT 1-6 BLK 17 PL 149 DUTTON; LT 3-7 BLK 15 PL 149 DUTTON; PT LT 2 BLK 15 PL 149 DUTTON; PT LT 12 CON A DUNWICH AS IN E129422, E105559 & DT3293; DUTTON/DUNWICH

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 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.....

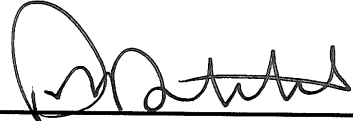
- 10) The County has no concerns.....

- 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: August 23, 2023
Application: E 54-23

Owner:
Thames Valley District School Board
951 Leathorne Street, London, ON N5Z 3M7

Agent:
Courtney Sinclair
88 Dufferin Ave. London, ON N6A 1K4

Location: Lot 1-6, Block 17 Plan 149; Lots 3-7, Block 15 Plan 149; Block 15 Plan 149; Part of Lot 12, Concession A Dunwich As In E129422, DT3293. Municipally known as 239 Miller Road.

PROPOSAL

The applicant proposes to sever a parcel with an area of 830m² (0.2 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 26,481.8225m² (6.5 acres) proposed to remain in use as a public school.

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

**Local Municipality Official
Plan**
Residential

**Local Municipality Zoning
By-law**
Institutional (I)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Lower Thames Valley Conservation Authority – No objections.

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 proposes to sever a parcel of approximately 830m² to be conveyed as a lot addition to an adjacent parcel. The parcel being added to is presently owned by Agris Co-operative Ltd., a supplier of seeds, farming technology and petroleum services for farmers.

Section 1.1.3

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets.

1.1.3.1

Settlement areas shall be the focus of growth and development.

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;*
and
- g) are freight-supportive.*

Agris Co-operative would be classified as an agriculture-related use which supports surrounding farming operations; however, it is located within an existing settlement area, maximizing the efficiency of land use by not comprising prime agricultural land while still supporting agricultural operations.

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 1 Settlement Area in the CEOP. The proposed lot addition is relatively minor and will not result in the creation of a new lot. While Settlement Areas permit a variety of land uses and densities, this application achieves multiple goals of the CEOP in that it is related to existing employment and the support of agricultural operations in the area.

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. The subject lands are currently zoned Institutional (I); however, the property that the severed area is being added to is zoned Village Industrial (M4). To address this, the Municipality is

requesting a condition to rezone the proposed parcel so it is consistent with the lot it is being added to. All other zone provisions will be complied with.

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.
3. Municipal addressing be provided to the County of Elgin by the local Municipality to the satisfaction of 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 a Zoning By-law Amendment is in force and effect for the severed parcel;
2. That municipal drain re-apportionments have been completed;
3. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
4. That taxes are to be paid in full;
5. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
6. That the lots merge on title; and
7. 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 55-23**

**LOT 43 ON REGISTERED PLAN No. 78
TOWNSHIP OF MALAHIDE
MUNICIPAL ADDRESS: 51189 BROADWAY STREET**

TAKE NOTICE that an application has been made by Amy Dale, 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 51189 Broadway Street.

The applicant proposes to sever a parcel with a frontage of 1.028m (3.37 feet), a depth of 40.131m (131.66 feet), and an area of 259m² (0.06 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 559.4m² (0.13 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:

**AUGUST 23, 2023 AT 9:45 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

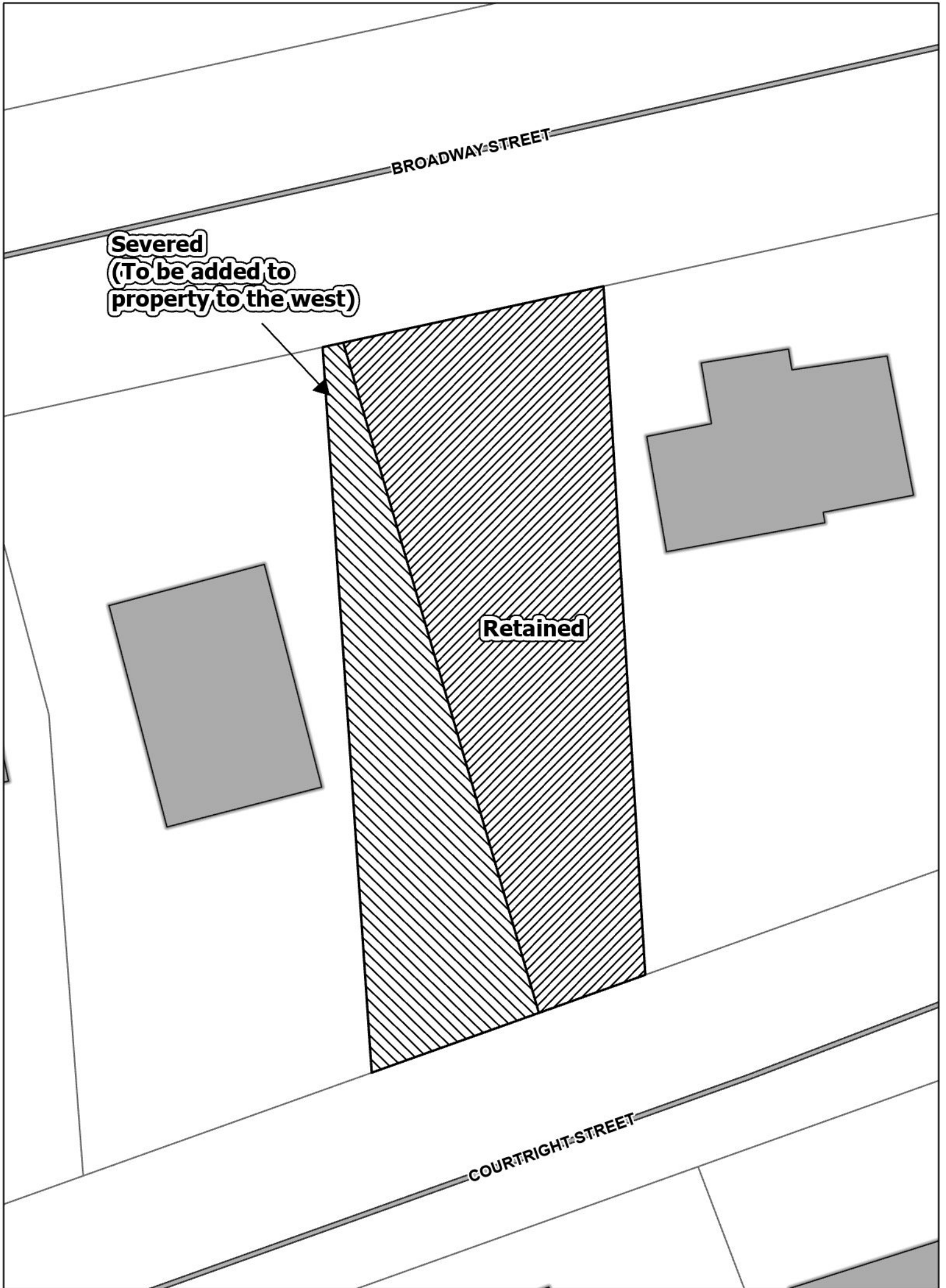
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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

Dated at the Municipality of Central Elgin this 17th day of July, 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
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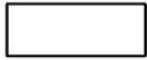

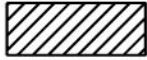




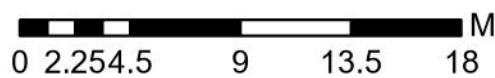
Location Map

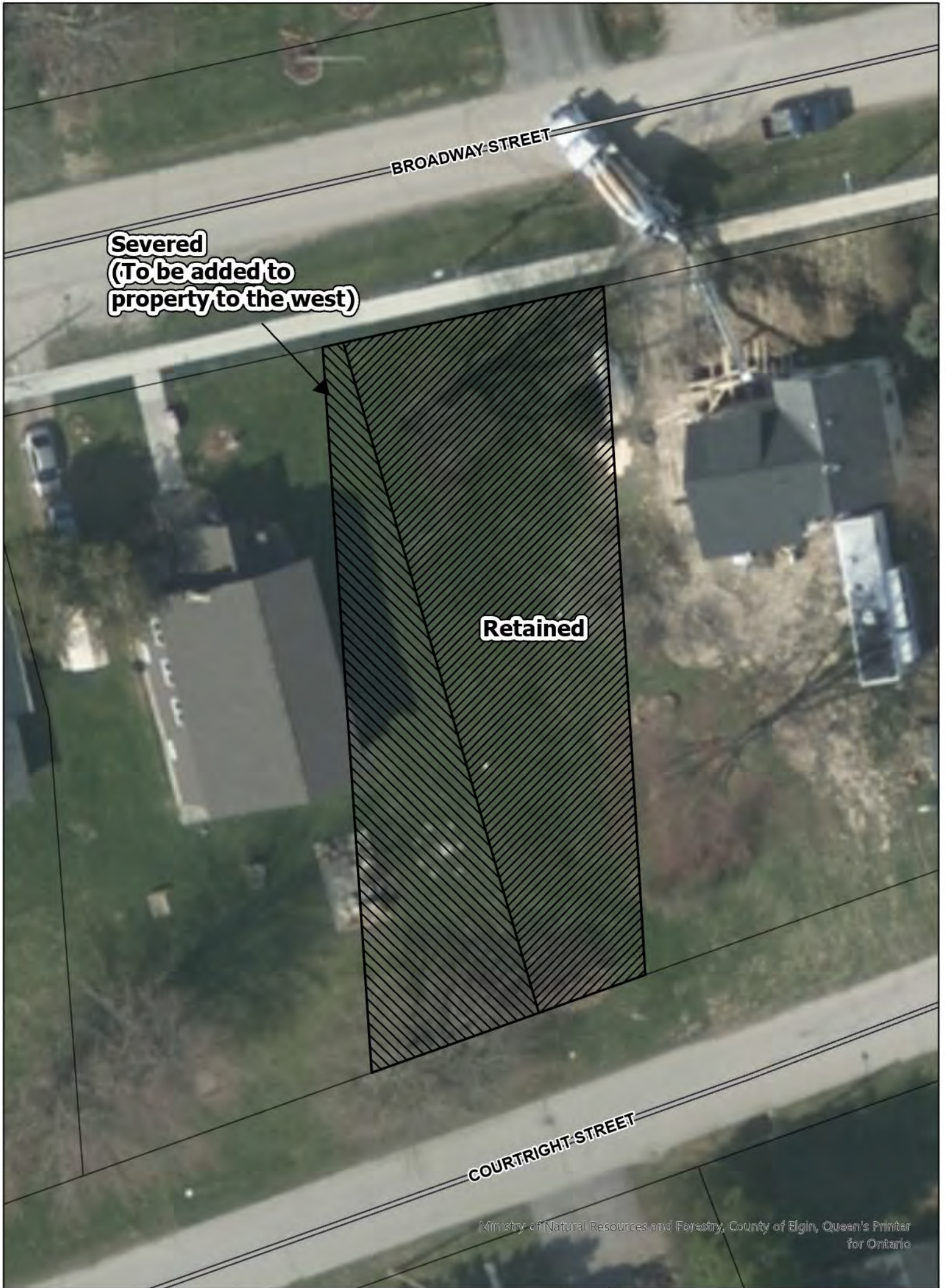
Subject Site: 51189 Broadway Street
 File Number: E 55-23
 Owner: Pauline Apolonia Krygsman
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 06/26/2023
 Township of Malahide



Legend

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







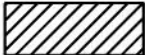


Mistry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario

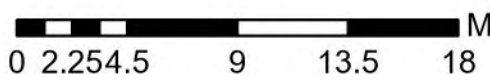
Location Map

Subject Site: 51189 Broadway Street
 File Number: E 55-23
 Owner: Pauline Apolonia Krygsman
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 06/26/2023
 Township of Malahide



Legend

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



Paul Clarke

From: Gerrit Kremers <planning@catfishcreek.ca>
Sent: July 28, 2023 11:38 AM
To: Paul Clarke; Land Division
Subject: RE: E 55-23 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.

Hello,

Catfish Creek Conservation Authority (CCCA) would like to note that portions of both the retained and severed parcels are within the delineated floodplain of the Simpson Drain. Thus, any future development on either parcel would be subject to CCCA policies and regulations at that time. CCCA would not be supportive of applications that propose to intensify land uses within the delineated floodplain.

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: July-20-23 8:25 AM
To: Amy Dale <amydale@gunn.on.ca>
Cc: Gerrit Kremers <planning@catfishcreek.ca>; Adam Betteridge <abetteridge@malahide.ca>; Allison Adams <aadams@malahide.ca>; Eric Steele <esteele@mbpc.ca>
Subject: E 55-23 Notice of Application

Good afternoon,

Please see the attached notice of application for consent E 55-23. This application will be heard at the August 23rd LDC meeting. If you wish to provide comments on this application please send them no later than the end of business day on **Tuesday, August 15th, 2023.**

Thanks,

Paul Clarke, CPT



August 8, 2023

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

Dear Committee Members:

**RE: Land Severance Application E55-23 - Pauline Krygsman (Amy Dale) - 51189
Broadway Street,**

The Malahide Township Council passed the following Resolutions on:

THAT the Malahide Township Council has no objection to the Land Severance No. E55-23 in the name of Pauline Krygsman c/o Amy Dale, relating to the property located in LOT 43, Registered PLAN 78; Township of Malahide, subject to the following conditions:

1. That the applicant provide confirmation that the sanitary sewer connection and the storm sewer connection for the existing dwelling located at 51181 Broadway are located entirely within the boundaries of the proposed enlarged lot to the satisfaction of the Township of Malahide, and that any relocation of these connections will be at the sole expense of the applicant.
2. 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.
3. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
4. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy
5. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
6. That the applicants initiate and assume all planning costs associated with the required Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
7. 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.

8. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality
10. That the lands being conveyed be merged in the same name and title as the lands to which they are being added to.

We enclose Municipal Appraisal together with Municipal Report 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
Pauline Krygsman
Amy Dale

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 E55-23

Applicant Pauline Krygsman (Amy Dale)

Location 51189 Broadway Street

PART 1 - OFFICIAL PLAN

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

Land Use Designation: "Residential, Hazard Lands, Floodfringe (250 year)" on Schedule 'B' (Springfield).

Policies: The policies of Section 5.1, 5.3, 8.7.1.7 of the Malahide Official Plan

PART 2 - ZONING

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

Comments: The requirement for a minor variance application is included as a recommended condition to address a proposed reduced lot area of 599.4 m², whereas the By-law requires a minimum lot area of 800 m², and a reduced lot frontage of 19.3 metres, whereas the By-law requires a minimum lot frontage of 20 metres.

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

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

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

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

Information was provided to staff raising concerns after the submission of the staff report that the location of the sanitary and storm sewer connection for the existing dwelling located at 51181 Broadway Street is unknown and may be located over the proposed retained parcel. The municipality is recommending that these concerns be addressed through Condition 1 found in the Letter of Recommended Conditions, which would require confirmation of the connection's location be provided to the satisfaction of the Township and any required relocation of these infrastructure connections be at the sole expense of the applicant.



Report to Council

REPORT NO.: DS-23-22

DATE: August 3, 2023

ATTACHMENT: Application, Conditions, Report Map

SUBJECT: **Application for Consent to Sever of Pauline Krygsman, Application D10-E55-23**

LOCATION: LOT 43, Registered PLAN 78; Township of Malahide, County of Elgin

Recommendation:

THAT Report No. REPORT NO.: DS-23-22 entitled "Application for Consent to Sever of Pauline Krygsman" be received;

AND THAT the Application for Consent to Sever of Pauline Krygsman (D10-E55-23), relating to the property located in LOT 43, Registered PLAN 78; Township of Malahide, County of Elgin be supported for the reasons set out in this Report;

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

Background:

The subject application for Consent to Sever (the "Application") has been submitted by Amy Dale, on behalf of Pauline Krygsman, to permit the conveyance of land to facilitate a lot boundary adjustment to resolve an encroachment onto the subject lands.

The Application relates to the property located in LOT 43, Registered PLAN 78; Township of Malahide, County of Elgin.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on August 23, 2023.

Comments/Analysis:

The subject lands are approximately 818.4 m² in area and have approximately 20.3 metres of frontage along Broadway Street. The subject lands consist of a through lot that is currently vacant and are bounded by Broadway Street to the north, existing residential uses to the east and west, and Courtwright Street to the south.

Based on information provided by the applicant, it was discovered that a single detached dwelling located at 51181 Broadway Street encroaches onto 51189 Broadway Street. This boundary adjustment is proposed to correct this encroachment.

The lands proposed to be conveyed comprise an area of approximately 259.0 square meters (0.06 acres) with a depth of approximately 40.1 metres and frontage of approximately 1.0 meters on Broadway Street. The severed lands contain a portion of the existing dwelling on the adjacent property to the west. It is proposed that these lands be conveyed and added (merged in name and title) with the proposed enlarged parcel.

The proposed retained parcel comprises an area of approximately 559.4 square meters with a depth of approximately 43.1 metres and approximately 19.3 metres of frontage on Broadway Street. The retained parcel is a small vacant lot is intended to be used for future residential development.

The parcel to be enlarged is a residential parcel that contains an existing single detached dwelling. If the application is approved, the enlarged parcel would have an area of approximately 1,292.8 square meters (0.32 acres) and frontage of approximately 21.3 metres.

County of Elgin Official Plan

The subject property is designated in a 'Tier 2 Settlement (Springfield)' on Schedule 'A', Land Use Plan. Boundary adjustments are permitted in accordance with Section E1.2.3.2 of the Plan, provided that the proposed lot addition would not result in the creation of a new parcel and would not impact the viability of the use of the properties affected. While the proposed lot addition would result in the retained lands being an undersized residential lot, a building envelope has been identified on the submitted site plan demonstrating that a dwelling can be located on the proposed retained parcel. The proposed application would not result in the creation of a new lot.

Malahide Official Plan

The subject property is designated 'Residential', 'Hazard Lands', and 'Floodfringe (250 yr.)' on Schedule 'B' Springfield: Land Use and Constraints. Lot adjustments, lot additions and minor boundary changes are permitted in any land use designation in accordance with Section 8.7.1.7, provided they comply with the applicable requirements of the Official Plan and the Zoning By-law.

The proposed lot boundary adjustment is for the purposes of conveying land that has been historically used by the adjacent property owner. No new lot is proposed to be

created. It is noted that future development on the vacant retained parcel may require approval from the conservation authority.

Malahide Zoning By-law No. 18-22

The subject property is zoned 'Village Residential One (VR1)' on Schedule 'D', Map No. D1 to the Township of Malahide Zoning By-law No. 18-22. The VR1 zone permits a range of residential uses. The VR1 zone requires lots to have a minimum lot area of 800 m² and a minimum lot frontage of 20 metres. The retained parcel is proposed to have a lot area of 599.4 m² and a lot frontage of 19.3 metres. As a result a minor variance application would be required as a condition of consent approval.

General Comments

Development Services Staff has considered the merits of the subject application against applicable Provincial and Official Plan policies and recommends that Council support the Application. Development Services Staff has also considered comments provided (if any) by other internal departments.

- Water/Wastewater – Future Development of retained lands will require connection to the municipal sanitary sewer.
- Drainage Superintendent - Future development of the retained lands will require connection to a municipal drain.

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 Community" Strategic Pillar is "Promote Community Development". The proposed lot addition would address an existing encroachment while ensuring that development can proceed on the retained lands in an appropriate manner.

| | | |
|--|--|--|
| Submitted by: | Reviewed by: | Approved for Council by: |
| Eric Steele, BES Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u> | Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants Vice President & Principal Planner | Adam Boylan Interim Chief Administrative Officer |

APPLICATION FOR A CONSENT TO SEVER

Owners: Pauline Krygsman

(Authorized Agent: Gunn & Associates c/o Amy Dale)

51189 Broadway

PLAN 78 LOT 43

Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Residential

ZONING
Village Residential 1 (VR1)



Retained



Severed



Lands to which the severed lands will be conveyed

SKETCH

ILLUSTRATING BUILDING ENVELOPE
FOR: DONALD AND JENNIFER HEWSON

SCALE - 1: 250



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

KIM HUSTED SURVEYING LTD.

CAUTION

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

DO NOT CONVEY FROM THIS PLAN

NOTES

(1) - PROPERTY DIMENSIONS ARE AS SHOWN ON SKETCH PREPARED BY KIM HUSTED
SURVEYING LTD. AND HAVE NOT BEEN VERIFIED BY SURVEY

(2) - LOT AREA = 529.3 SQ. METRES
1800 SQ. METRES (M²)

PROPERTY DESCRIPTION:
LOT 43, REGISTERED PLAN No. 78
TOWNSHIP OF MALAHIDE
COUNTY OF ELGIN

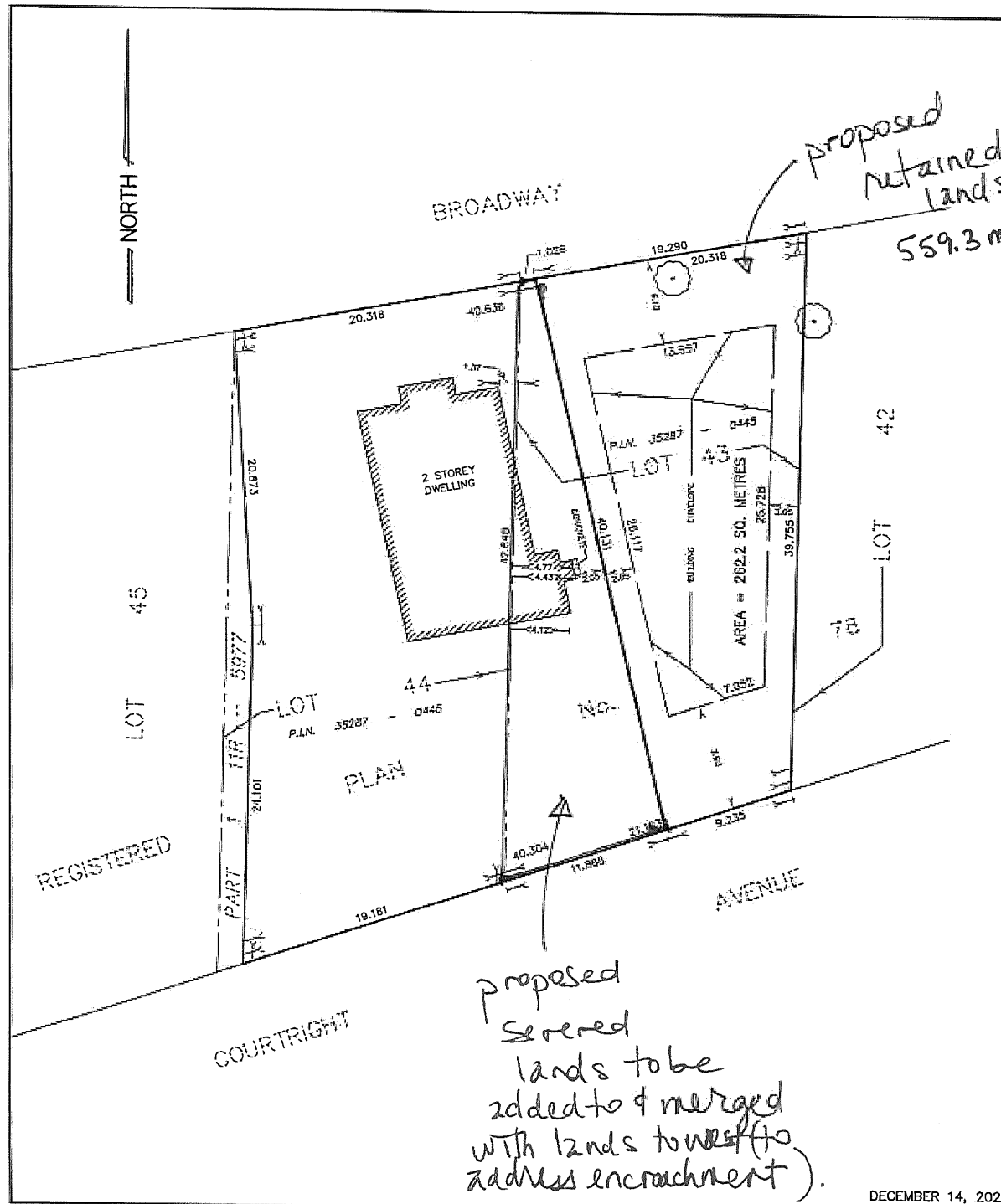


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KIM HUSTED SURVEYING LTD.
ONTARIO LAND SURVEYOR
30 HARVEY STREET, TILSONBURG, ONTARIO, N4G 3J8
PHONE: 519-842-3638 FAX: 519-842-3639

DECEMBER 14, 2021

PROJECT: 21-17461SKETCH REFERENCE: FILE DISK No.



COUNTY OF ELGIN ROAD SYSTEM

DATE: August 14, 2023 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 55-23
APPLICANT: Pauline Apolonia Krygsman
PROPERTY: LOT NO. Lot 43 CONCESSION: _____
REG'D PLAN: 78 MUNICIPALITY: Malahide

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of 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: August 23, 2023
Application: E 55-23

Owner: Pauline Apolonia Krygsman
34-36 Talbot Street East, Aylmer, ON N5H 1H4

Agent: Amy Dale
108 Centre Street, St. Thomas, ON N5R 2Z7

Location: Lot 43 on Registered Plan No. 78. Municipally known as 51189 Broadway Street.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 1.028m (3.37 feet), a depth of 40.131m (131.66 feet), and an area of 259m² (0.06 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 559.4m² (0.13 acres) proposed to remain in residential use.

County of Elgin Official Plan

Tier 1 Settlement Area

Local Municipality Official Plan

Residential / Hazard Limites / Floodfringe (250 year)

Local Municipality Zoning By-law

Village Residential One (VR1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

County Engineering – No concerns.

Catfish Creek Conservation Authority – Within floodplain, no objections to the current application; future development will be subject to CCA policies and regulations.

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 proposes to sever a parcel of approximately 260m² to be conveyed as a lot addition to an adjacent parcel. The purposes of the proposed lot addition to is to address the

current encroachment of a 2-storey dwelling over the present property lines. This lot addition will allow the dwelling to remain in its current location and be entirely confined on its own property and provide the required side yard setback established in the Zoning By-law.

Section 1.1.3

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets.

1.1.3.1

Settlement areas shall be the focus of growth and development.

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;*
and
- g) are freight-supportive.*

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 2 Settlement Area in the CEOP. The proposed lot addition is relatively minor and will not result in the creation of a new lot and will address an existing deficiency in the Zoning By-law and encroachment over a property line.

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 Village Residential One (VR1) zone specifies a minimum lot area of 800m², however, the retained parcel after the lot addition will only have an area of 599.4m². To address this, Township staff are proposing the applicants apply for a minor variance.

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.
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

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

1. That the applicant provide confirmation that the sanitary sewer connection and the storm sewer connection for the existing dwelling located at 51181 Broadway are located entirely within the boundaries of the proposed enlarged lot to the satisfaction of the Township of Malahide, and that any relocation of these connections will be at the sole expense of the applicant.
2. 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.
3. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
4. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy
5. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
6. That the applicants initiate and assume all planning costs associated with the required Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
7. 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.
8. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality



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

10. That the lands being conveyed be merged in the same name and title as the lands to which they are being added to.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 56-23 and E 57-23**

**LOTS 1, 2, AND 3, CONCESSION 3
MUNICIPALITY OF BAYHAM**

TAKE NOTICE that an application has been made by Del Walcarius, 52892 Vienna Line, Port Burwell, ON N0J 1T0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands legally described as Lots 1, 2, and 3, Concession 3, Municipality of Bayham.

The applicant proposes to sever two (2) parcels, both with a frontage of 45m (147 feet), a depth of 62m (203 feet), and an area of 2,790m² (0.69 acres), to create two (2) new residential lots. The applicant is retaining a lot with an area of 860,143m² (212.5 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:

**AUGUST 23, 2023 AT 9:55 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

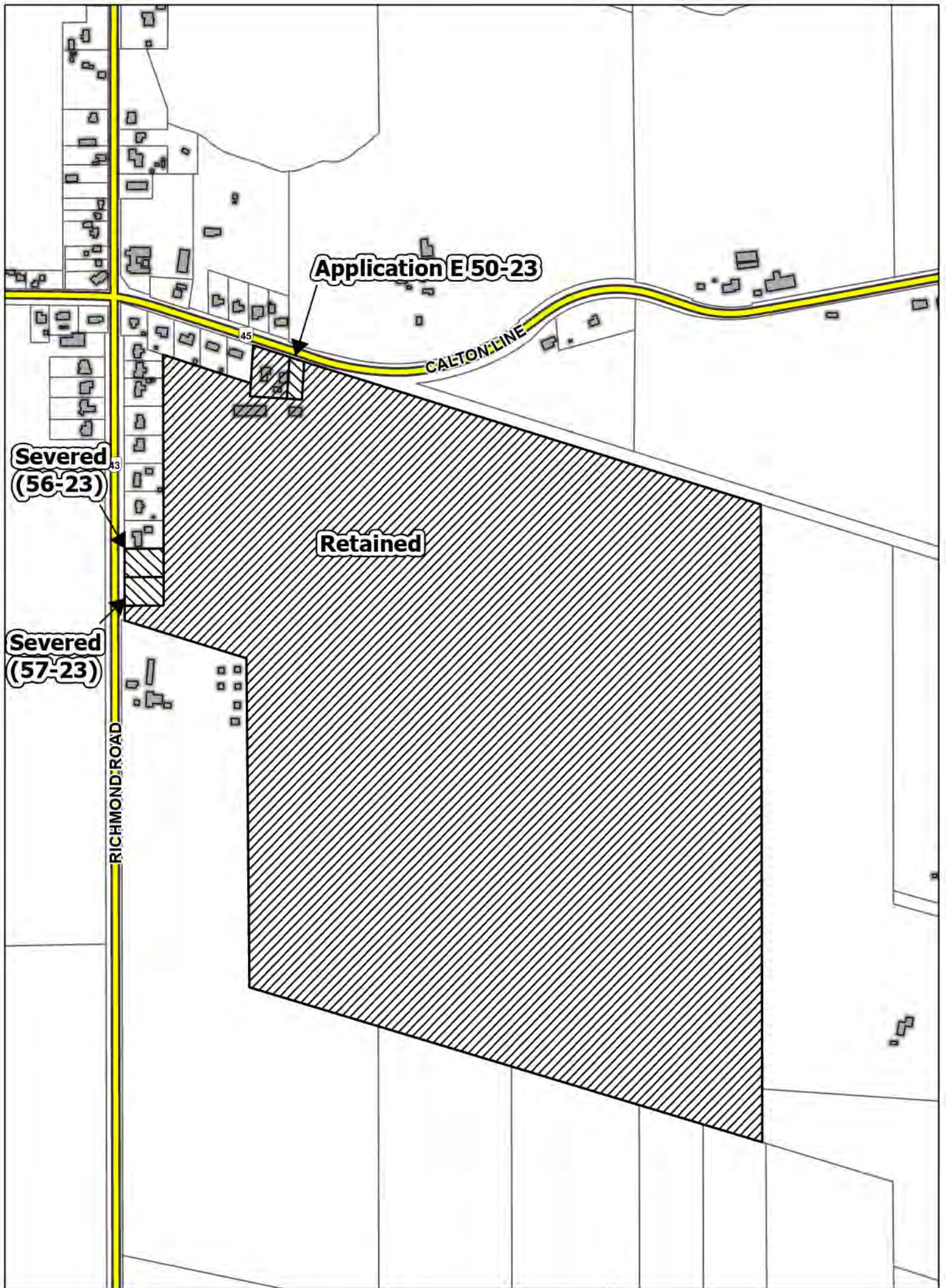
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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

Dated at the Municipality of Central Elgin this 17th day of July, 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





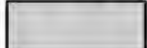


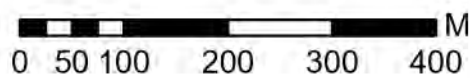
Location Map

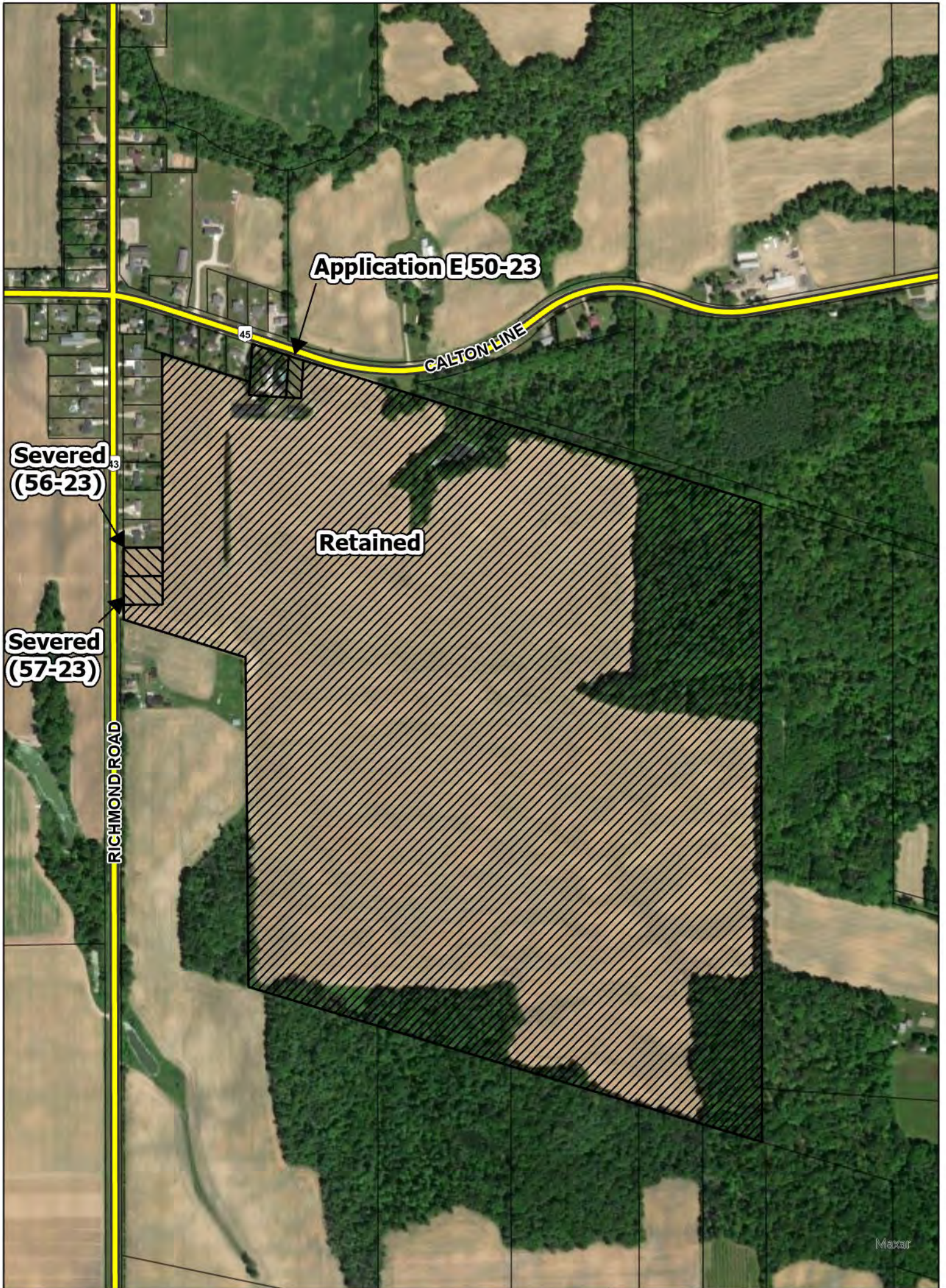
Subject Site: Lots 1, 2 and 3, Concession 3
 File Number: E 56-23 & E 57-23
 Owner: Algar Farms Ltd.
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 06/26/2023
 Municipality of Bayham



Legend

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

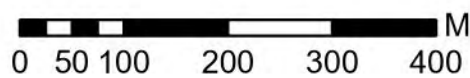






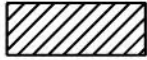

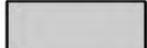
Location Map

Subject Site: Lots 1, 2 and 3, Concession 3
 File Number: E 56-23 & E 57-23
 Owner: Algar Farms Ltd.
 Planner: Unknown
 CA: Long Point Region Conservation
 Created By: PC
 Date: 06/26/2023
 Municipality of Bayham

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



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

W: www.bayham.on.ca



July 21, 2023

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

EMAIL ONLY

Dear Mr. Clarke

Re: Applications for Consent No. E56-23 and E57-23 Algar Farms Limited

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the July 20, 2023 meeting:

THAT Report DS-45/23 regarding the Consent Applications E56-23 and E57-23 Algar Farms Limited be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E56-23 and E57-23 be granted subject to the following conditions and considerations:

1. That the owner provide storm water management, drainage and grading plans for the severed lots to the satisfaction of the Municipality
2. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the County Rd 43 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.
3. That the owner pay fees as required in Municipal By-law No. 2020-053 Cash-in-lieu of Parkland
4. That the owner provides a survey of the subject lands and includes in the drawing package the requirements from the Planning Act Section 51(17)
5. That the owner provides a Planning Report fee payable to the Municipality
6. That the owner install an individual private well on the severed lots providing the municipality 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
7. That the owner obtain a Municipal Lot Assessments through the municipality for determination of soils for a private septic system on the severed lots
8. That the owner provide written confirmation of County road access approval for the severed lots from the County of Elgin
9. That the owner purchase a civic number sign for the severed lots from the Municipality

Municipal Appraisal Sheet and Staff Report DS-45/23 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', written in a cursive style.

Margaret Underhill,
Planning Coordinator|Deputy Clerk

D09.ALGA

cc: K. Mulder (email)
D. Walcarius (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 E56-23 and E57-23

Applicant Algar Farms Limited

Location Bayham – Con 3 N Pt Lots 1,2,3

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, Agriculture, Natural Gas Reservoir, Hazard Lands
Policies: 4.2.4 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: Institutional and Hamlet Residential on the two proposed lots

Rezoning not required – Hamlet Residential (HR) zoning in place

- 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-45/23 considered at Council meeting held July 20, 2023.



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 m²
- Public water supply, but no sanitary sewage disposal service: 1,100 m²
- Public sanitary sewage disposal service, but no public water supply: 900 m²

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 m² 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

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



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: July 20, 2023
REPORT: DS-45/23 **FILE NO. C-07 / D09.23ALGAR**
Roll # 3401-000-008-06300

SUBJECT: Consent Application E45-23 Algar Farms Limited
Concession 3 Lots 1, 2, and 3

BACKGROUND

Two consent applications E56-23 and E57-23 were received from the Elgin County Land Division Committee, submitted by Kimberly Mulder on behalf of owner Algar Farms Limited, proposing to sever two lots, each with proposed lot area of 2, 790 m² (0.69 acres) and to retain 86 ha (212.5 acres) of land. The property is not municipally numbered but is legally described as Concession 3 N Pt Lots 1, 2, 3.

Portions of the subject lands are designated 'Hamlets', 'Agriculture' and 'Natural Gas Reservoir' on Schedule 'A1' and 'Hazard Lands' on Schedule 'A2' of the Municipality of Bayham Official Plan and are zoned Hamlet Residential (HR) on Schedule 'G' and site-specific Special Agriculture (A2-18) on Schedule 'A' Map No. 10 of Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on August 23, 2023.

DISCUSSION

The planner's memorandum, dated July 5, 2023, analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

The created lots are within the hamlet boundary of Calton and considered to be infilling in an existing developed area where private water and sewer services are necessary and adequate lot area needed to provide these private services. Conditions do include a drain reassessment as the lands are within a municipal drain watershed – County Road 43 Drain. A deposit is recommended to be collected to cover the cost of the engineer's reassessment report.

Staff and municipal planner recommend the support of the consent applications for the creation

of two building lots in the hamlet of Calton with the recommended conditions.

ATTACHMENTS

1. Consent Application E56-23 and E57-23
2. Aerial Map – Algar Farms Con 3 N Pt Lots 1,2,3
3. Arcadis Memorandum, dated July 5, 2023

RECOMMENDATION

THAT Report DS-45/23 regarding the Consent Applications E56-23 and E57-23 Algar Farms Limited be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E56-23 and E57-23 be granted subject to the following conditions and considerations:

1. That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality
2. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the County Rd 43 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.
3. That the owner pay fees as required in Municipal By-law No. 2020-053 Cash-in-lieu of Parkland
4. That the owner provides a survey of the subject lands and includes in the drawing package the requirements from the Planning Act Section 51(17)
5. That the owner provides a Planning Report fee payable to the Municipality
6. That the owner install an individual private well on the severed lot providing the municipality 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
7. That the owner obtain a Municipal Lot Assessment through the municipality for determination of soils for a private septic system on the severed lot
8. That the owner provide written confirmation of County road access approval for the severed lot from the County of Elgin
9. That the owner purchase a civic number sign for the severed lot from the Municipality

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

Chief Administrative Officer

Memorandum

| | | | |
|---------------------|---|-------------------|--------------|
| To/Attention | Municipality of Bayham | Date | July 5, 2023 |
| From | Paul Riley, CPT | Project No | 3404-909 |
| cc | William Pol, MCIP, RPP | | |
| Subject | Algar Farms Limited - CON 3 N PT LOTS 1,2,3 - Application for Consent E56/23 and E57/23 | | |

1. We have completed our review of Consent Application E56/23 and E57/23 submitted by Algar Farms Limited for lands located at CON 3 N PT LOTS 1, 2, 3, Calton Line, south side of Calton Line and west side of Richmond Road. The applicant is requesting Consent to sever two lots from the subject lands, each with proposed lot area of 2,790 m² (0.69 acres) and to retain 86 ha (212.5 acres) of land. Portions of the subject lands are designated 'Hamlets', 'Agriculture' and 'Natural Gas Reservoir' on Schedule 'A1' and 'Hazard Lands' on Schedule 'A2' of the Municipality of Bayham Official Plan and are zoned Hamlet Residential (HR) on Schedule 'G' and site-specific Special Agriculture (A2-18) on Schedule 'A' Map No. 10 of Zoning By-law Z456-2003.
2. The proposed severed lots are vacant and each would have lot frontage of 45.0 m (147.6 ft) and lot depth of 62.0 m (203.4 ft). The severed lots have lot frontage on Richmond Road. The proposed retained lands have lot frontage of 130 m (426.5 ft) and irregular lot depth and comprise two agricultural buildings which are proposed to be removed; and have lot frontage on Calton Line. Surrounding uses include residential to the north and agriculture to the west, south and east.
3. The Municipality of Bayham Official Plan (Bayham OP) Section 4.2 general residential policies in settlement areas, indicates that residential development in settlement areas is permitted on the basis of infilling in areas directly adjacent to existing built-up areas through consents and small plans of subdivision. The Municipality encourages intensification and redevelopment within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land. The Consent process is appropriate.
4. Bayham OP Section 4.2.4 Intensification and Redevelopment indicates that the proposed consent would be permitted on the basis of water and wastewater servicing in the specific settlement area; in the form of street infilling; maintaining the minimum lot areas of the Zoning By-law to provide for adequate private water and sewer. The proposed lots would be considered street infilling in the hamlet of Calton where private water and sewer services would be necessary and have adequate lot area to provide for private water and sewer services.

Municipality of Bayham – July 5, 2023

5. Bayham OP Section 4.4.2.2 provides criteria for proposals for consent for residential purposes in a hamlet designation, including:
- a) Services: no extension of municipal services is required and private water and sewer services will be provided to the satisfaction of the approval authority. Private service installation for the proposed lots shall be installed to the satisfaction of the approval authority as a condition of the consent.
 - b) Public Road Access: Richmond Road is a public road suitable for residential access in a settlement area.
 - c) Infilling: the proposal is to infill in an existing developed area.
 - d) Lot Size: the proposed lot area exceeds the minimum requirement in the HR zone for privately serviced lots and appears to be slightly oversized but consistent to the residential lots to the immediate north.
 - e) Road Access: direct access to Richmond Road would be consistent to the other residential lots in Calton.
 - f) Road Safety: based on aerial photos Richmond Road at the frontage does not create a traffic hazard and considering that there are other private residential driveways to the immediate north.
 - g) Subsequent access to interior lands: the creation of the lot does not appear to interfere with subsequent access to the interior lands to the south as there is approximately 24 metres retained with the farm parcel which is adequate for future road development.
 - h) N/A.

The proposed consent is consistent to the Official Plan subsequent to the clearing of Conditions of Consent.

6. The proposed lots are in conformity to the minimum lot area, minimum lot frontage and can accommodate required setbacks in the HR zone. The retained lands are in conformity to the minimum requirements for the A2-18 zone. The '-18' indicates a 40.0 ha minimum lot area for the subject lands and the proposed lot area is 86 ha. The proposed Consents are in conformity to the Official Plan.
7. Based on the above review of Consent Application E56/23 and E57/23, we have no objection to the proposed consents with the following recommended conditions for Consent:
- a) That the owner provide storm water management, drainage and grading plans for the severed lot to the satisfaction of the Municipality.
 - b) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in

Municipality of Bayham – July 5, 2023

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.

- c) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
- d) That the owner provides a survey of the subject lands and include in the drawing package the requirements from the Planning Act Section 51(17).
- e) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
- f) That the owner install a private water system on the severed lots for residential use that meets provincial standards;
- g) That the owner be required to obtain a municipal lot assessment through the municipality for determination of soils for a private septic system.

Paul Riley

Arcadis
Paul Riley
Consulting Planner to the
Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 14, 2023 ELGIN COUNTY ROAD NO.: CR 45

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 56-23 and E57-23

APPLICANT: Algar Farms Limited

PROPERTY: LOT NO. Lot 1, 2, 3 CONCESSION: 3

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: August 23, 2023
Application: E 56-23 to E 57-23

Owner:
Algar Family Ltd.
52892 Vienna Line, Port Burwell, ON N0J 1T0
Location: Lots 1, 2, and 3, Concession 3.

Agent:
Kim Mulder
1 Park Place, Tillsonburg, ON N5G 0B8

PROPOSAL

The applicant proposes to sever two (2) parcels, both with a frontage of 45m (147 feet), a depth of 62m (203 feet), and an area of 2,790m² (0.69 acres), to create two (2) new residential lots. The applicant is retaining a lot with an area of 860,143m² (212.5 acres) proposed to remain in agricultural use.

**County of Elgin Official
Plan**

Tier 3 Settlement Area /
Agricultural Area

**Local Municipality Official
Plan**

Hamlet, Agricultural, Natural
Gas Reservoir, Hazard
Lands

**Local Municipality Zoning
By-law**

Hamlet Residential (HR)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – Requests conditions.

Long Point Region Conservation Authority – No comments.

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

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 proposes to sever two parcels, both approximately 2,790m² in area roughly following the existing depth and frontage of adjacent properties to the north. The proposed

severed lots will be located entirely within the settlement area of Richmond, while the retained are, which is prime agricultural land, will remain in agricultural production.

Section 1.1.3

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets.

1.1.3.1

Settlement areas shall be the focus of growth and development.

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;*
and
- g) are freight-supportive.*

The two proposed severed lots are within an existing settlement area and adjacent to existing single detached dwellings. The frontage and depth of the proposed severed lots are consistent with what currently exists in the surrounding area and represent a logical extension of residential development along Richmond Road. The retained farmland will remain in agricultural use.

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 3 Settlement Area in the CEOP. Tier 3 Settlement Areas are the smallest in the County and generally are serviced by private on-site services, the proposed severed lots will require the installation of a well & septic system at a future date. Staff have reviewed this proposal against the general consent criteria and found no deficiencies.

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 lots are within the Hamlet designation in the Bayham Official Plan and are presently zoned Hamlet Residential (HR), thus no rezoning are required as a result of this application.

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 for applications E 56-23 and E 57-23:

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 be provided to the County of Elgin by the local Municipality to the satisfaction of the County of Elgin.
4. Direct connection to a legal outlet for the severed lots is required – if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
5. Lot grading plan is required for the severed lots.

Additionally, it is recommended that the following conditions from the Municipality of Bayham be included as conditions for consent for applications E 56-23 and E 57-23:

1. That the owner provide storm water management, drainage and grading plans for the severed lots to the satisfaction of the Municipality.
2. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the County Rd. 43 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.
3. That the owner pay fees as required in Municipal By-law No. 2020-053 Cash-in-Lieu of Parkland.
4. That the owner provides a survey of the subject lands and includes in the drawing package the requirements from the Planning Act Section 51(17).
5. That the owner provides a Planning Report fee payable to the Municipality.
6. That the owner install an individual private well on the severed lots providing the municipality 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.
7. That the owner obtain a Municipal Lot Assessment through the municipality for determination of soils for a private septic system on the severed lots.
8. That the owner provide written confirmation of County road access approval for the severed lots from the County of Elgin.
9. That the owner purchase a civic number sign for the severed lots from the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 58-23**

**PART OF LOT 4 AND 5, BLOCK 1 ON PLAN 74
TOWN OF AYLMER
MUNICIPAL ADDRESS: 76 KING STREET**

TAKE NOTICE that an application has been made by Mike Klassen, 76 King Street, Aylmer, ON N5H 2A3, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 76 King Street.

The applicant proposes to sever a parcel with a frontage of 12m (39.37 feet), a depth of 35.10m (115 feet), and an area of 421.2m² (0.1 acres) to create a new residential lot. The applicant is retaining a lot with an area of 570m² (0.14 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:

**AUGUST 23, 2023 AT 10:05 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 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.

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 14th day of July, 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

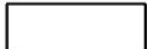






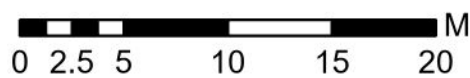
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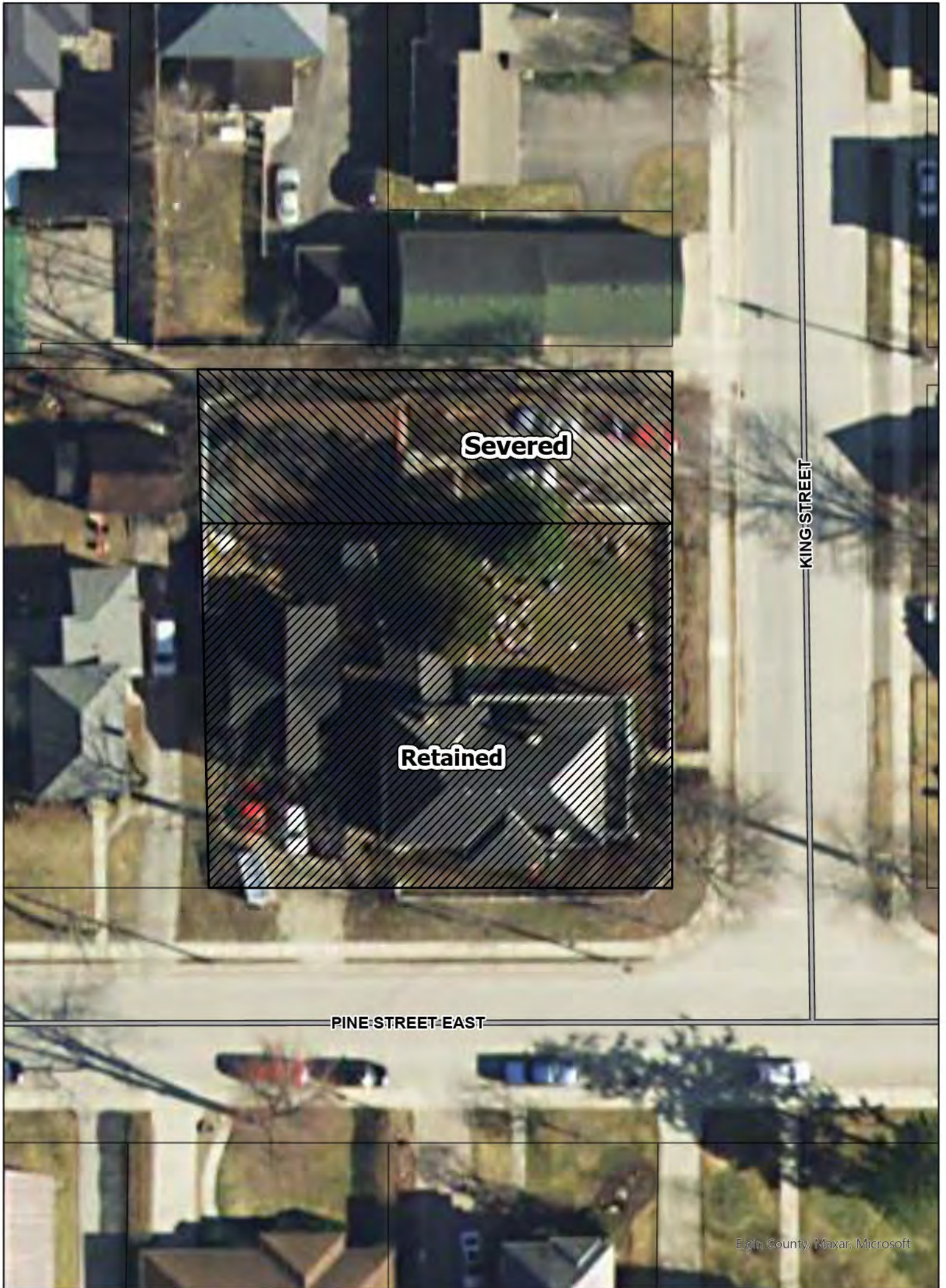
Subject Site: 76 King Street
 File Number: E 58-23
 Owner: Mike and Andrea Klassen
 Planner: Unknown
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 07/11/2023
 Town of Aylmer



Legend

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










Elgin County, Maxar, Microsoft

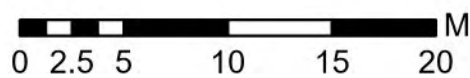
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 Town of Aylmer



Legend

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



Paul Clarke

From: Gerrit Kremers <planning@catfishcreek.ca>
Sent: July 20, 2023 9:21 AM
To: Paul Clarke; Land Division
Subject: RE: E 58-23 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.

Hello,

CCCA has no comments or objections to the above application.

Thanks,



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: July-20-23 8:25 AM
To: mike@cornerstonerenos.com
Cc: Gerrit Kremers <planning@catfishcreek.ca>; Andy Grozelle <agrozelle@town.aylmer.on.ca>; Heather James <hjames@town.aylmer.on.ca>; Josh Brick <jbrick@town.aylmer.on.ca>
Subject: E 58-23 Notice of Application

Good afternoon,

Please see the attached notice of application for consent E 58-23. This application will be heard at the August 23rd LDC meeting. If you wish to provide comments on this application please send them no later than the end of business day on **Tuesday, August 15th, 2023.**

Thanks,

Paul Clarke, CPT

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 E58-23

Agent Mike and Andrea Klassen

Location 74 and 76 King Street

PART 1 - OFFICIAL PLAN

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

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

Land Use Designation: Low Density Residential

Policies: Land Severances: 5.1.2

PART 2 - ZONING

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

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

Comments:

A minor variance is required to permit reduced lot frontage for the severed parcel.

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

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

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

7. If so, is the Municipality prepared to provide those services?
At the expense of the owners Yes (X) No ()

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

1. That the Owner meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That a minor variance be in force and effect for the proposed severed parcel.
3. That the Owner make payment of cash-in-lieu for parkland purposes in accordance with Town of Aylmer By-law No. 01-22, to the satisfaction of the Town of Aylmer.
4. That the Owners provide confirmation of the location of any existing overhead or underground services installed to the proposed severed and retained parcels. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the owners, to the satisfaction of the Town of Aylmer.
5. That the proposed severed parcel be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the owners, to the satisfaction of the Town of Aylmer.

6. That the Owners have a lot grading plan for the proposed severed parcel, prepared by a professional engineer, which includes connection to a legal and adequate outlet, to the satisfaction of the Town of Aylmer.
7. That a draft reference plan, illustrating the proposed severed parcel be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E58-23, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
8. That municipal addressing be assigned to the proposed severed parcel by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
10. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

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

10. Does the municipality have other concerns that should be considered by the Committee?
 None.

Council Resolution

At their Regular Meeting of Council on August 9, 2023, the Council of the Town of Aylmer passed the below resolution:

That Council of the Town of Aylmer receive Report PLAN24-23 regarding Planning Evaluation Report: Application for Consent to Sever No. E58-23;

That the Application for Consent to Sever No. E58-23 relating to the property legally described as Part of Lot 4 and Lot 5 N/S Pine W/S King Block 1 Plan 74, and known municipally as 74 and 76 King Street, be supported in principle with the recommended conditions for reasons set out in this report, and;

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



Alternative formats and communication support available upon request. Please contact clerks@town.aylmer.on.ca or 519-773-3164 for assistance.

| | |
|--------------|---|
| Date | August 1, 2023 |
| To | Council – August 9, 2023 |
| From | Heather James, Manager of Planning and Development |
| Report No. | PLAN 24-23 |
| Report Title | Planning Evaluation Report: Application for Consent to Sever No. E58-23 |

Recommendation

That Council of the Town of Aylmer receive Report PLAN 24-23 regarding Planning Evaluation Report: Application for Consent to Sever No. E58-23;

That the Application for Consent to Sever No. E58-23 relating to the property legally described as Part of Lot 4 and Lot 5 N/S Pine W/S King Block 1, Plan 74, and known municipally as 74 and 76 King Street, be supported in principle with the recommended conditions for reasons set out in this report, and;

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

Purpose

The purpose of this Application for Consent is to sever the subject lands into two residential parcels for low density residential use.

Background

| | |
|--------------------------------|--------|
| Application | E58-23 |
| Associated Applications | None |

| | |
|--------------------------|---|
| Owners | Michael and Andrea Klassen |
| Applicant | Michael Klassen |
| Legal Description | Part of Lot 4 and Lot 5 N/S Pine W/S King Block 1, Plan 74 |

| | |
|---|--|
| Frontage: Proposed Severed Parcel | 11.89 metres (39.0 feet) |
| Frontage: Proposed Retained Parcel | 16.36 metres (53.68 feet) |
| Depth: Proposed Severed Parcel | 35.10 metres (115.16 feet) |
| Depth: Proposed Retained Parcel | 35.10 metres (115.16 feet) |
| Area: Proposed Severed Parcel | 417.34.3 square metres (4,492.2 square feet) |
| Area: Proposed Retained Parcel | 574.24 square metres (6,181.03 square feet) |

Buildings and/or structures: Proposed Severed Parcel Duplex dwelling to be removed; proposed single detached dwelling

Buildings and/or structures: Proposed Retained Parcel Single detached dwelling with attached garage

Services: Proposed Severed Parcel Full municipal services

Services: Proposed Retained Parcel Full municipal services

Surrounding Land Uses: Proposed Severed Parcel Municipally owned alleyway and low density residential

Surrounding Land Uses: Proposed Retained Parcel Low density residential

Figure One below depicts aerial photo the subject lands taken in 2020.



Planning Evaluation and Analysis

Provincial Policy Statement, 2020 (PPS, 2020)

The PPS, 2020 includes direction on housing and stipulates in Section 1.4.3 that planning authorities shall provide for an appropriate range and mix of housing options and densities by permitting and facilitating the development of all types of housing options and residential intensification where appropriate.

The PPS, 2020 directs that healthy, liveable and safe communities are sustained by accommodating an appropriate affordable and market-based range of residential types, specifically noting additional residential units and multi-unit housing as desirable forms.

The proposal is for residential lot creation which provides for residential intensification.

The proposed Application for Consent to Sever is consistent with the PPS.

County of Elgin Official Plan

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

New lot creation policies of the County of Elgin Official Plan contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal, as it will be fully serviced, will not affect drainage patterns in the area, and there is an existing entrance to the proposed severed parcel through King Street, which is a municipal street.

The proposed Application for Consent to Sever conforms to the County of Elgin Official Plan.

Town of Aylmer Official Plan

The subject lands are designated Low Density Residential in the Town's Official Plan. The Low-Density Residential designation supports the development of single detached, semi-detached, duplex, converted dwelling types.

Section 4.2.2(3) states an objective of this Plan is to promote intensification and redevelopment of vacant and underutilized lands in existing residential areas. Redevelopment proposals will, to the satisfaction of Council, ensure that the

residential character of the area will be maintained or enhanced and not present a burden to existing facilities and services.

This proposed consent to sever is appropriate for the lands as the property has a long-standing low density residential use. The proposed severed parcel is located within an area of solely low-density residential uses. The residential character of the area will be maintained. The balance of the lands will continue to be used for low-density residential use.

Section 5.1.2 of the Town's Official Plan provides policy direction for land severances and includes evaluation criteria; the proposed Application for Consent to Sever meets the criteria.

Therefore, the proposed Application for Consent to Sever conforms to the Town of Aylmer Official Plan.

Town of Aylmer Zoning By-Law No. 57-99

The subject lands are zoned Residential Type 2 (R2) within the Town's Zoning By-law. The R2 Zone permits low density residential use such as single detached dwelling, semi-detached dwelling, duplex dwelling and additional residential units (up to a total of three units).

In the R2 Zone, the minimum lot frontage for a single detached dwelling is 12.0 metres (39.37 feet). The lot frontage for the proposed severed parcel will be 11.89 metres (39.0 feet). A minor variance is required to permit a reduced lot frontage for the proposed severed parcel and has been added as a condition of severance. The proposed severed and retained parcels meet all other R2 Zone regulations.

Therefore, the proposed Application for Consent to Sever will comply with the Town of Aylmer Zoning Bylaw No. 57-99 subject to an approved minor variance from the Committee of Adjustment.

Other Issues/Matters

None.

Consultation

The application was circulated internally to Town staff. The following comments were submitted:

Director of Operations

'Lot grading to a legal and adequate outlet is required for the proposed severed parcel.'

Comment: The comment submitted by the Director of Operations has been provided to the owners and are included as conditions of severance.

Associate Director of Infrastructure and Operations

'The owners are required to connect the proposed lot to municipal services. No cross connections are allowed between two properties. There is an existing 150mm cast iron watermain on the east side of King St. A lot grading plan is required for the proposed lot. Connection to a legal and adequate outlet for stormwater management is required for the proposed lot.'

Comment: The comments submitted by the Associate Director of Infrastructure and Operations have been provided to the owners and are included as conditions of severance.

All other comments received by Town staff indicated they had no concerns with the proposed severance.

Financial Impact

Not applicable.

Strategic Priorities

This report supports the goals and objectives set out in [Council's Strategic Pillars](#). The goal(s) it supports includes: Pillar One – Dynamic, Inclusive Community and Pillar Two – Planning for the Future.

Conclusion

Planning staff have reviewed the application against the PPS 2020 and applicable County of Elgin and Town of Aylmer Official Plan policies and the Town's Zoning By-law. Based on this review, it is recommended that Council offer support in principle for the application to the Land Division Committee, subject to the Committee's standard conditions, in addition to the following recommended conditions of approval:

1. That the Owners meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That a minor variance be in force and effect for the proposed severed parcel.
3. That the Owners make payment of cash-in-lieu for parkland purposes in accordance with Town of Aylmer By-law No. 01-22, to the satisfaction of the Town of Aylmer.

4. That the Owners provide confirmation of the location of any existing overhead or underground services installed to the proposed severed and retained parcels. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the owners, to the satisfaction of the Town of Aylmer.
5. That the proposed severed parcel be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the Owners, to the satisfaction of the Town of Aylmer.
6. That the Owners have a lot grading plan for the proposed severed parcel, prepared by a professional engineer, which includes connection to a legal and adequate outlet, to the satisfaction of the Town of Aylmer.
7. That a draft reference plan, illustrating the proposed severed parcel be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E58-23, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
8. That municipal addressing be assigned to the proposed severed parcel by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
10. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

Respectfully submitted,

Heather James
Manager of Planning and Development

Reviewed by Josh Brick, Director of Corporate/Legislative Services/Clerk
Reviewed by Andy Grozelle, Chief Administrative Officer

Appendix

Attachments

None.

Follow Up

In adopting this report, what follow up action is required?

By-law

Agreement(s)/document(s) to be signed by Mayor and/or Clerk

Social media/Website update or communication

Other communication – Specify:

Applicable severance documents to be forwarded to the Secretary-Treasurer for the County of Elgin Land Division Committee prior to the public meeting.

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 14, 2023 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 58-23

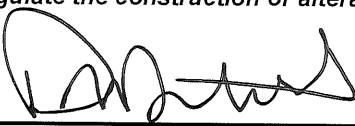
APPLICANT: Mike & Andrea Klassen

| | | | |
|-----------|--|---------------|-----------------|
| PROPERTY: | LOT NO. <u>Lot 76</u> | CONCESSION: | _____ |
| | REG'D PLAN: <u>Plan 74 BLK 1 Lot 5, Pt Lot 4 W/S King N/S Pine</u> | MUNICIPALITY: | <u>Malahide</u> |

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained 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: August 23, 2023
Application: E 58-23

Owner:
Mike and Andrea Klassen
76 King Street, Aylmer, ON N5H 2A3
Location: Part of Lot 4 and 5, Block 1 on Plan 74

Agent:
Mike Klassen
76 King Street, Aylmer, ON N5H 2A3

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 12m (39.37 feet), a depth of 35.10m (115 feet), and an area of 421.2m² (0.1 acres) to create a new residential lot. The applicant is retaining a lot with an area of 570m² (0.14 acres) proposed to remain in residential use.

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

**Local Municipality Official
Plan**
Low Density Residential

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

REVIEW & ANALYSIS:

Public and Agency Comments

Town of Aylmer – Recommends approval, 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 proposes to sever a parcel with an area of approximately 420m² to create a new residential parcel. The subject land is significantly larger than the surrounding parcels, being about double the frontage of the residential lots in the immediate vicinity. This

application is considered infill development in an existing settlement area and is encouraged by the PPS.

Section 1.1.1

Healthy, liveable and safe communities are sustained by:

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

Section 1.1.3

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets.

1.1.3.1

Settlement areas shall be the focus of growth and development.

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;
and

g) are freight-supportive.

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 1 Settlement Area in the CEOP. Tier 3 Settlement Areas are the largest in the County and have access to full municipal services. Staff have reviewed this proposal against the general consent criteria and found no deficiencies.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Town of Aylmer Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The proposal conforms to the Town of Aylmer Official Plan criteria and staff have reviewed the proposed lot dimensions against the zone provisions of the Residential Type 2 (R2). The report from

the Town of Aylmer identifies the need for a minor variance for the proposed severed lot, as it had originally been proposed to have a frontage of 11.89m. This minor variance is not required as the applicant has amended the application to provide a frontage of 12m, therefore meeting the provisions of the R2 zone.

RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Town of Aylmer 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 be provided to the County of Elgin by the local Municipality to the satisfaction of the County of Elgin.

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

1. That the Owners meet all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That, if necessary, a minor variance be in force and effect for the proposed severed parcel.
3. That the Owners make payment of cash-in-lieu for parkland purposes in accordance with Town of Aylmer By-law No. 01-22, to the satisfaction of the Town of Aylmer.
4. That the Owners provide confirmation of the location of any existing overhead or underground services installed to the proposed severed and retained parcels. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the owners, to the satisfaction of the Town of Aylmer.
5. That the proposed severed parcel be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the Owners, to the satisfaction of the Town of Aylmer.
6. That the Owners have a lot grading plan for the proposed severed parcel, prepared by a professional engineer, which includes connection to a legal and adequate outlet, to the satisfaction of the Town of Aylmer.
7. That a draft reference plan, illustrating the proposed severed parcel be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E58-23, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
8. That municipal addressing be assigned to the proposed severed parcel by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County.
9. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
10. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 59-23**

**LOTS 8 AND 9 ON REGISTERED PLAN No. 158
MUNICIPALITY OF CENTRAL ELGIN
MUNICIPAL ADDRESS: 223 PROSPECT STREET**

TAKE NOTICE that an application has been made by Ted Halwa, 242 Edward Street, Port Stanley, ON N5L 1A4, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 223 Prospect Street.

The applicant proposes to sever a parcel with a frontage of 23.7m (77.75 feet), a depth of 41.2m (135 feet), and an area of 828.4m² (0.2 acres) to create a new residential lot. The applicant is retaining a lot with an area of 3,400.5m² (0.84 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:

**AUGUST 23, 2023 AT 10:15 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

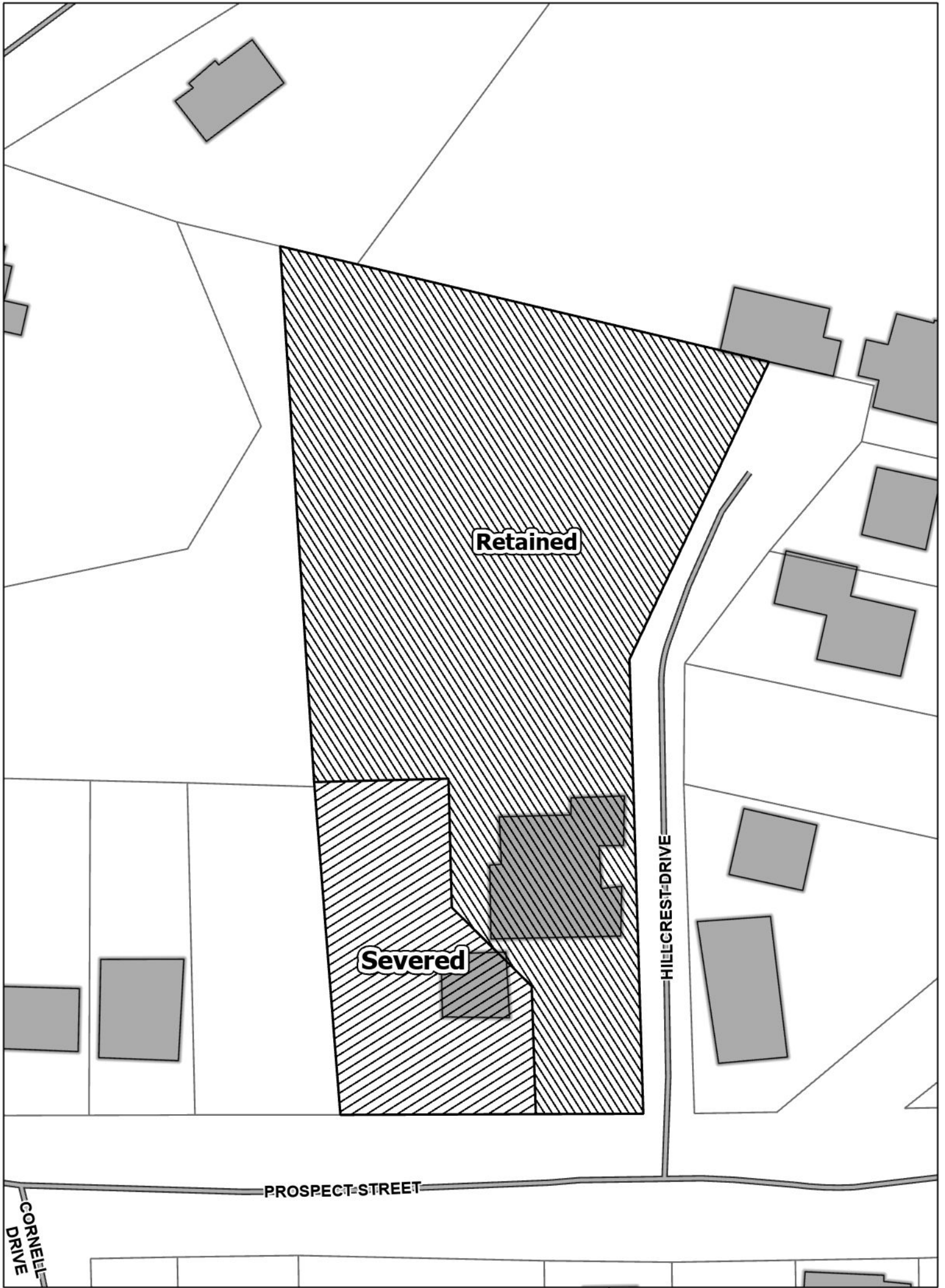
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 14th day of July, 2023.

Paul Clarke
Secretary-Treasurer
Land Division Committee

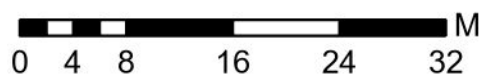
**County of Elgin
Planning Department**
450 Sunset Drive
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N5R 5V1 Canada
Phone: 519-631-1460
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www.progressivebynature.com





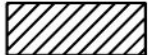


Location Map

Subject Site: 223 Prospect
 File Number: E 59-23
 Owner: David Russell
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 07/11/2023
 Municipality of Central Elgin

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



Legend

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



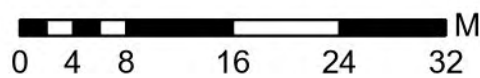
Elgin County, Maxar, Microsoft

Location Map



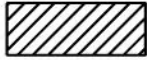

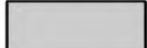


Subject Site: 223 Prospect
 File Number: E 59-23
 Owner: David Russell
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 07/11/2023
 Municipality of Central Elgin

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



Legend

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

Paul Clarke

From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: July 24, 2023 3:22 PM
To: Paul Clarke
Subject: RE: E 59-23 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.

Good afternoon Paul

Please accept this email as confirmation that staff of KCCA has reviewed the notice for consent E59-23 affecting 223 Prospect Street, Port Stanley and that based on our primary programs and services, we have no objection to its approval.

I can also confirm that the proposed severed lot is not affected by natural hazard regulations of the *Conservation Authorities Act*.

Thank you for the opportunity to comment.

Thank you,

Joe Gordon

Manager of Planning and Development
Kettle Creek Conservation Authority

From: Paul Clarke <pclarke@ELGIN.ca>
Sent: Thursday, July 20, 2023 8:25 AM
To: Ted Halwa <thalwa@bell.net>
Cc: Joe Gordon <joe@kettlecreekconservation.on.ca>; Delany Leitch <dleitch@centralelgin.org>; Steve Craig <scraig@stthomas.ca>; Susie Cardoso <scardoso@centralelgin.org>
Subject: E 59-23 Notice of Application

Good afternoon,

Please see the attached notice of application for consent E 59-23. This application will be heard at the August 23rd LDC meeting. If you wish to provide comments on this application please send them no later than the end of business day on **Tuesday, August 15th, 2023**.

Thanks,

Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land
Division Committee



July 18, 2023

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

**RE: CE Conditions for Consent Application E 59/23
223 Prospect Street – David Russell**

Dear Mr. Clarke:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Monday, July 17, 2023 and the following resolution was passed:

THAT Report CEP.39.23 be received for information;

AND THAT Council has no objections to consent application E59/23, 223 Prospect Street, David Russell, subject to the following recommended conditions:

- the applicant shall obtain a minor variance for any zoning deficiencies, relative to the severed lot and retained lot;
- the applicant shall remove the existing "OPEN LEAN-TO" on the severed lot, identified on the SKETCH (PROJECT: 20-16484SKETCH), prepared by Kim Husted Surveying LTD. and any other encroachments crossing the proposed common lot line of severed and retained lots, to the satisfaction of the Municipality of Central Elgin;
- the applicant shall remove the existing parking area on the Franklin Drive municipal right-of-way and construct off-street parking within the limits of the retained lot, to the Satisfaction of the Municipality of Central Elgin;
- the applicant shall demonstrate that the severed lot and retained lot have separate municipal services, which do not cross lot lines, to the satisfaction of the Municipality of Central Elgin;
- the applicant shall enter into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
- the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and;
- the Municipality of Central Elgin be provided with a copy of the Reference Plan.
- A drainage reassessment be done, if necessary, at the owner's expense

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

Please feel free to contact municipal staff should you require additional information.

Kind Regards,

Susie Cardoso
Legislative Services Coordinator
scardoso@centralelgin.org
519-631-4860 ext. 296

c.c. David Russell, Owner
Ted Halwa, Agent
Steve Craig, CEPO, Sr. Planning Technician

REPORT

Background: Consent Application E59/23 is a resubmission from 2021, Consent Application E84/21 was deferred by the Elgin County Land Division Committee subject to the applicant providing additional supporting documents in support of the proposed severance, however the application has since lapsed.

Location:

The subject lands are located on the northeast corner of Prospect Street and Franklin Drive. The lands are legally described as, Plan 158, Lot 8-9, Municipality of Central Elgin.

Proposal:

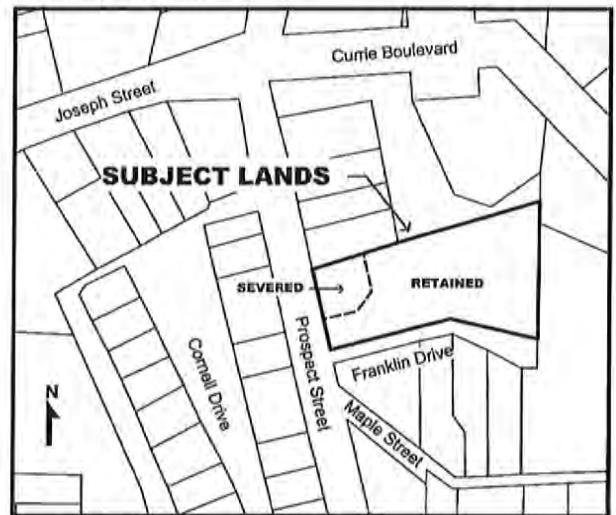
The applicant is proposing to sever one lot with frontage of 23.7m on Prospect Street, a depth of 41.2m and an area of 828.4m², containing one detached accessory building (garage). The severed lot will be used for residential purposes. The applicant is proposing to retain one lot with frontage of 14m on Prospect Street, a depth of 80.9m and an area of 3,400.5m², containing one single detached dwelling. The retained lot will continue to be used for residential purposes.

Staff Report

1. Official Plan

- The subject lands are located within the Urban Settlement Area designation in accordance with Schedule "A" – Land Use Plan, and further designated Residential, Natural Heritage and Natural Hazard, in accordance with Schedule "G" – Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- The Residential designation permits a range of residential dwelling types and densities, including single detached dwellings (4.3.1(a)).
- In accordance with the Natural Heritage (3.1) policies of the Official Plan, an Issues Scoping Report (ISR) was prepared by MTE Consultants, dated February 18, 2022 (MTE File No.: 50233-100), according to the report MTE evaluated the proposed severance and determined that the significant woodland within the subject lands and adjacent lands may support significant wildlife habitat and provide habitat for species at risk, however, this feature and its functions will not be impacted by the proposed lot severance. As the potential impacts are considered minor or negligible, it is MTE's opinion that an environmental impact study is not required to proceed.
- In accordance with the Natural Hazard (3.2) policies of the Official Plan, a Slope Review was prepared by LDS Consultants Inc., dated February 16, 2022 (GE-00614), according to the report from a geotechnical standpoint, the overall slope condition is considered stable, and the existing structures remain outside of the identified erosion hazard limit. LDS Consultants Inc. further indicated that the report did not consider any changes or additions to the existing structures onsite, in the event that there are future considerations for either parcel to have new construction, such as the addition of new structures (such as decks, building additions, sheds),

Location Plan:



or if demolition and reconstruction of the existing buildings is proposed, consultation with the Municipality of Central Elgin and Kettle Creek Conservation Authority should be anticipated to identify if site specific geotechnical studies or additional slope stability analysis is required.

- Lots created by consent will comply with the provisions of the Zoning By-law. Where it is not possible to meet the standards of the Zoning By-law, Central Elgin may amend the standards in the By-law, or a Minor Variance may be granted as a condition of approval where it is considered appropriate (5.3.9.1(c)(6)).

2. Zoning By-Law

- The subject lands are located within the Residential Zone 1 (R1) and Open Space Zone 3 (OS3) of the Village of Port Stanley Zoning By-law No. 1507, as amended.
- The severed lot (Parcel "A") is within the R1 zone, and the retained lot is within the R1 zone and OS3 Zone.
- Permitted uses of the R1 zone include residential uses (9.2.1.1(a)), the minimum lot area required for a single detached dwelling is 371.61m² (9.2.1.3), the minimum lot frontage required is 12.19m (9.2.1.5) and the minimum lot depth required is 30.48m (9.2.1.5).
- The OS3 zone permitted uses include summer cottages (8.4.1.1(c)) and residential uses which lawfully exist on the day of the passing of the Zoning By-law (8.4.1.1(d)).

3. County of Elgin Official Plan:

- The subject lands are designated as a "Settlement Area" within the County of Elgin Official Plan, Port Stanley is categorized as a Tier 1 Settlement Area and is intended to be the focus of growth (B1).
- In residential areas it is the objective of the Plan to promote the efficient use of existing and planned infrastructure by supporting opportunities for various forms of residential intensification, where appropriate (C1.1.1 c)).


4. Comments

- Consent Application E59/23 is a resubmission from 2021, Consent Application E84/21 was deferred subject to the applicant submitting the appropriate supporting documents, which have since been submitted for review by Municipal staff.

Respectfully submitted:




Steve Craig
Sr. Planning Technician

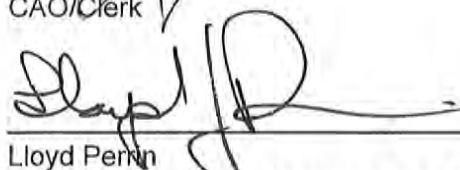


Jim McCoomb, MCIP, RPP
Manager of Planning Services

Approved for submission:



Wendell Graves
CAO/Clerk



Lloyd Perrin
Director of Asset Management and Development

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 14, 2023 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 59-23

APPLICANT: David Russell

PROPERTY: LOT NO. Lots 8 and 9 CONCESSION: _____
REG'D PLAN: 158 MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 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.....

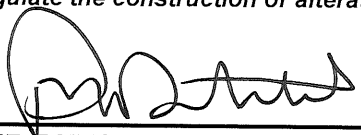
- 10) The County has no concerns.....

- 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: August 23, 2023
Application: E 59-23

Owner:
David Russell

382 Queens Avenue, London, ON N6B 1X6

Agent:
Ted Halwa

242 Edward Street, Port Stanley, ON
N6A 1A1

Location: Lots 8 and 9 on Registered Plan No. 158. Municipally known as 223 Prospect Street

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 23.7m (77.75 feet), a depth of 41.2m (135 feet), and an area of 828.4m² (0.2 acres) to create a new residential lot. The applicant is retaining a lot with an area of 3,400.5m² (0.84 acres) proposed to remain in residential use.

This application is a resubmission of a previous application which lapsed (E 84-21).

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

**Local Municipality Official
Plan**
Urban Settlement Area

**Local Municipality Zoning
By-law**
Residential Zone 1 (R1) /
Open Space Zone 3 (OS3)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – No concerns.

Kettle 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 proposes to sever a parcel with an area of approximately 830m² to create a new residential lot and eventually build a single detached dwelling. The subject land is located within the settlement area of Port Stanley, and adjacent to a significant woodland.

Section 1.1.1

Healthy, liveable and safe communities are sustained by:

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

Section 1.1.3

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets.

1.1.3.1

Settlement areas shall be the focus of growth and development.

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;
and*

g) are freight-supportive.

While the PPS does not prohibit development adjacent to significant woodlands, it does encourage the protection of natural heritage systems, and the County of Elgin Official Plan contains policies addressing the protection of significant woodlands.

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 1 Settlement Area in the CEOP. Tier 3 Settlement Areas are the largest in the County and have access to full municipal services. The subject land contains a portion of a significant woodland.

Section D1.2.6(b)

No development or site alteration shall be permitted on these adjacent lands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated, through an Environmental Impact Study (EIS), that there will be no negative impact on the natural features or their ecological functions.

The CEOP defines adjacent lands as being those areas within 120m of the significant woodland, as the proposed severed lot is within 120m of a woodland, the applicant has submitted an Issues Scoping Report (ISR) indicating that there is no anticipated negative impact on the natural heritage feature. Therefore, this application conforms to the Official Plan policies.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Central Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The subject land is designated as Residential, Natural Heritage and Natural Hazard in the Central Elgin Official Plan Schedule "G". The Residential designation permits a variety of dwelling types and densities. As mentioned previously, the applicant has prepared an ISR which found no negative impacts on the adjacent natural heritage feature. Furthermore, the applicant previously submitted a slope review indicating the slope is stable and the existing structures remain outside of the identified erosion hazard limit.

RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of Central 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 be provided to the County of Elgin by the local Municipality to the satisfaction of the County of Elgin.

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

1. The applicant shall obtain a minor variance for any zoning deficiencies, relative to the severed lot and retained lot;
2. The applicant shall remove the existing "OPEN LEAN-TO" on the severed lot, identified on the SKETCH (PROJECT: 20-16484SKETCH), prepared by Kim Husted Surveying LTD. and any other encroachments crossing the proposed common lot line of severed and retained lots, to the satisfaction of the Municipality of Central Elgin;



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

3. The applicant shall remove the existing parking area on the Franklin Drive municipal right-of-way and construct off-street parking within the limits of the retained lot, to the Satisfaction of the Municipality of Central Elgin;
4. The applicant shall demonstrate that the severed lot and retained lot have separate municipal services, which do not cross lot lines, to the satisfaction of the Municipality of Central Elgin;
5. The applicant shall enter into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
6. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and;
7. The Municipality of Central Elgin be provided with a copy of the Reference Plan.
8. A drainage reassessment be done, if necessary, at the owner's expense



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 60-23**

**BLOCK F & I AND PART OF BLOCK K, PLAN 39
TOWNSHIP OF SOUTHWOLD
MUNICIPAL ADDRESS: 37360 LAKE LINE**

TAKE NOTICE that an application has been made by Jamie Robertson (SBM Ltd.), 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 37360 Lake Line.

The applicant proposes to sever a parcel with an area of 4,268.3m² (1.05 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 11.7ha (28.9 acres) proposed to remain in agricultural use. The applicant is also proposing the creation of an easement for shared access with a frontage of 9.15m (30 feet).

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:

**AUGUST 23, 2023 AT 10:25 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 AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

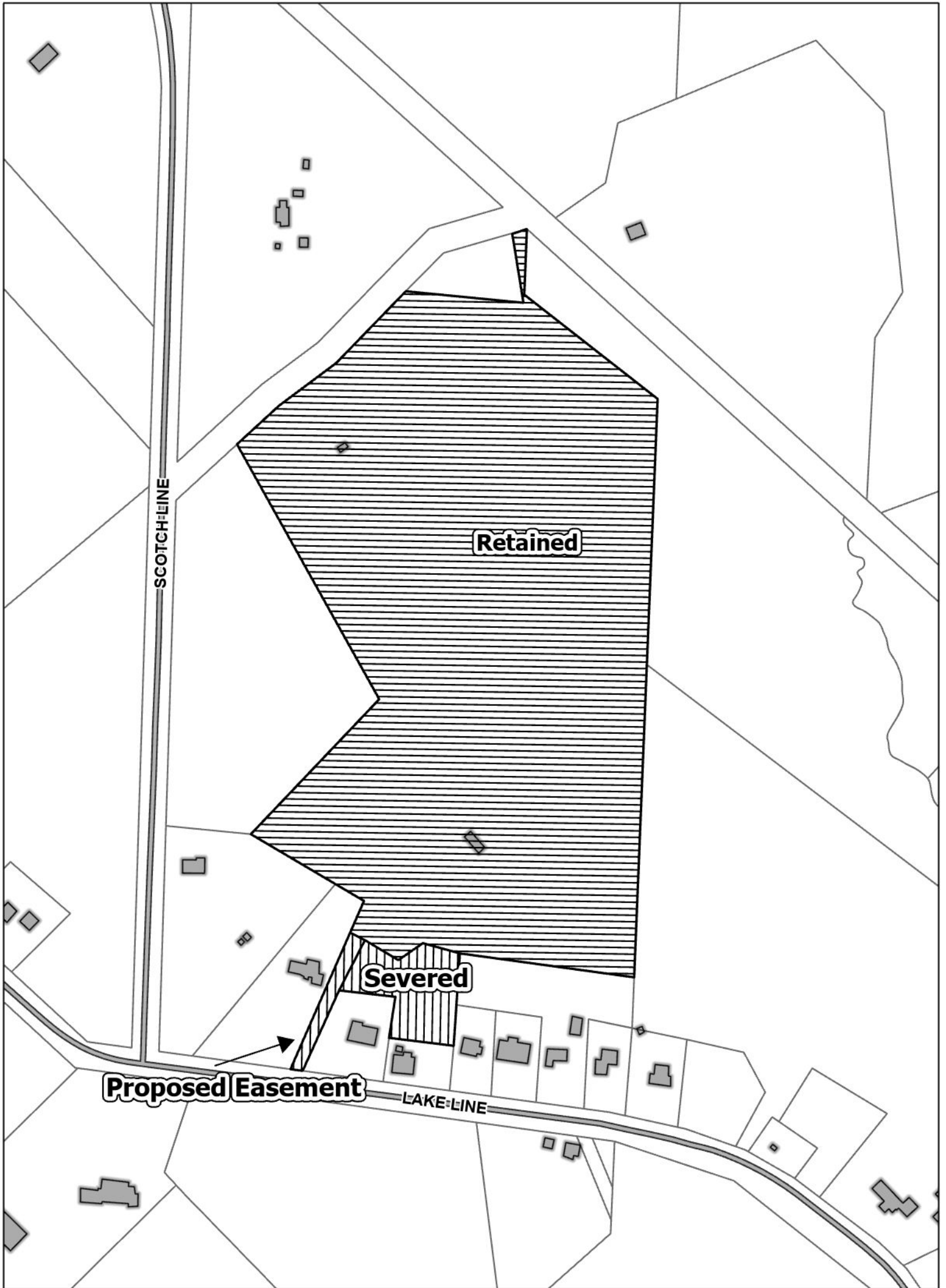
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 18th day of July, 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

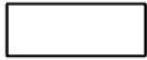

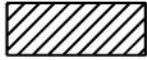




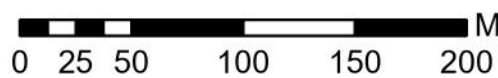
Location Map

Subject Site: 37360 Lake Line
 File Number: E 60-23
 Owner: Ken Gifford, Dan & Johanna Dale
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 07/11/2023
 Township of Southwold



Legend

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



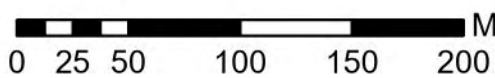


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario, Elgin County, Maxar, Microsoft



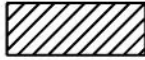

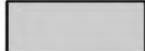
Location Map

Subject Site: 37360 Lake Line
 File Number: E 60-23
 Owner: Ken Gifford, Dan & Johanna Dale
 Planner: Unknown
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 07/11/2023
 Township of Southwold

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



Legend

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



VIA EMAIL ONLY

August 17, 2023

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

Mr. Clarke:

RE: Township of Southwold Consent Application - Comments to the County of Elgin
County File Number: E60-23
Legal Description: Plan 39 BLK F & I and PT BLK K R Plan 11R849 Part 1
Civic Address: 37360 and 37362 Lake Line

Please be advised that the Township of Southwold have reviewed the above noted application, at the August 14, 2023, Council Meeting and passed the following resolution:

2023-249 Consent Application E60-23 Gifford/Dale 37360 and 37362 Lake Line

THAT Council recommends approval to the Land Division Committee of the County of Elgin for consent application, E60-23 subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2023-26.

CARRIED

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

1. Planning Staff Report PLA 2023-26: Consent Application E60-23 Comments to County of Elgin, dated August 14, 2023; and

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,

June McLarty

Per Josh Mueller, Planner
Township of Southwold
35663 Fingal Line
Fingal, Ontario N0L 1K0
Office: 519-769-2010
Cell: 519-280-1028
Email: planning@southwold.ca

ATTC.

Cc: Agent: Strik Baldinelli Moniz Ltd. (SBM) C/O Jamie Robertson (Email: jrobertson@sbmltd.ca)



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: August 14, 2023

PREPARED BY: Josh Mueller MCIP, Planner

REPORT NO: PLA 2023-26

SUBJECT MATTER: Consent Application E60-23- 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, E60-23 subject to the Lower-Tier Municipal conditions in Appendix Two of Report PLA 2023-26.

Purpose:

The proposal is a lot addition from the farmlands at 37360 Lake Line (Gifford Lands), to the residential lot within North Port Stanley, located at 37362 Lake Line (Ken Gifford Lands). Also, the intent is to formalize an easement for access for the 2 above-noted properties, as well as the property to the west, being 37358 Lake Line.

This application for severance was originally submitted as Consent Application E87-21. The original application was approved by the Council of the Township of Southwold on November 8, 2021. The application was approved by the Land Division Committee of the County of Elgin on December 15, 2021. One of the Township Conditions was the successful rezoning of the property. The Council of the Township of Southwold passed Bylaw 2022-13 on February 28, 2022. This consent lapsed on December 15, 2022, without the applicant fulfilling all of the required conditions. This is a resubmission in order for the applicant to clear the remaining conditions.

Background:

Below is a background information, in a summary chart:

| | |
|--------------------------|--|
| Application | E 60-23 (resubmission of E87-21) |
| Owner | Estate of A. May Gifford c/o Ken Gifford |
| Applicant | SBM |
| Legal Description | Block F and I and Part Block K, Plan 39 |
| Civic Address | 37360 Lake Line |
| Entrance Access | Lake Line |
| Water Supply | Municipal Water |

| | |
|---------------------------|---|
| Sewage Supply | Privately owned and operated individual septic system |
| Existing Land Area | 12.2 ha (30.2 ac) |

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

Severed Parcel

| Frontage | Depth | Area |
|-----------------|--------------|------------------|
| 0m | Irregular | .46 Ha (1.14 Ac) |

Retained Parcel

| Frontage | Depth | Area |
|-----------------|--------------|--------------------|
| 9.15m (30.0 ft) | Irregular | 11.74 ha (28.9 ac) |

Figure One below, depicts the subject parcel at 37362 Lake Line.



The consent sketch, showing E60-23 is attached to this report as Appendix One for reference purposes.

Planning Policy Review:

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

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

The subject lands are Split Designated as Agricultural Area and Tier 2 Settlement Area in the CEOP. The subject lands are split designated Agricultural on Schedule 'A' Land Use and Residential on Schedule 'A-4' North Port Stanley in the OP. The Subject Lands are Zoned Residential 1 Special Provision (R1-31) Zone and Agricultural 1 Special Provision 63 (A1-63) Zone on Maps 9 and 10. The planning analysis is summed up in the chart below.

| Legislation | Section(s) | Relevance To Application | In Compliance |
|--|--------------------------|--|---|
| <u>Provincial Policy Statement</u> | 1.1.3 2.3 | No new lots proposed. Agricultural lands and Settlement Area Lands would be separated. | Yes. Lot line adjustment. No new lot will be created. |
| <u>County of Elgin Official Plan</u> | E1.2.2.3.2 | No new lot will be created. The lot addition would follow designation boundary. | Yes. Lot line adjustment is permitted. Will not affect the viability of the use of the affected properties. |
| <u>Township of Southwold Official Plan</u> | 4.1 4.3.1 6.8.2(d) | No new lots will be created. Conforms to Consent Guidelines. | Yes. Lot line adjustments are permitted no new development. |

| | | | |
|--|---|--|---|
| <p style="text-align: center;"><u>Township of</u> <u>Southwold Zoning</u> <u>Bylaw</u></p> | <p style="text-align: center;">8.2 5.2</p> | <p style="text-align: center;">In accordance with Section 8.2 and 5.2 the Regulations of the Residential 1 (R1) Zone and Agricultural 1 (A1) zone apply.</p> | <p style="text-align: center;">Yes. Property was rezoned as per Bylaw 2022-13. This brings the lands into compliance.</p> |
|--|---|--|---|

Circulation of the Application:

Township Department Comments

Drainage Department Comments

The drainage reapportionment will need to be updated to reflect the new severance application.

Additional Comments:

The recommended Township conditions for consent application E60-23 are attached to this report as Appendix Two for reference purposes.

Financial Implications:

None. Application fees were collected in accordance with the Township’s Tariff of Fees By-law, as amended from 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 consent, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL 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.

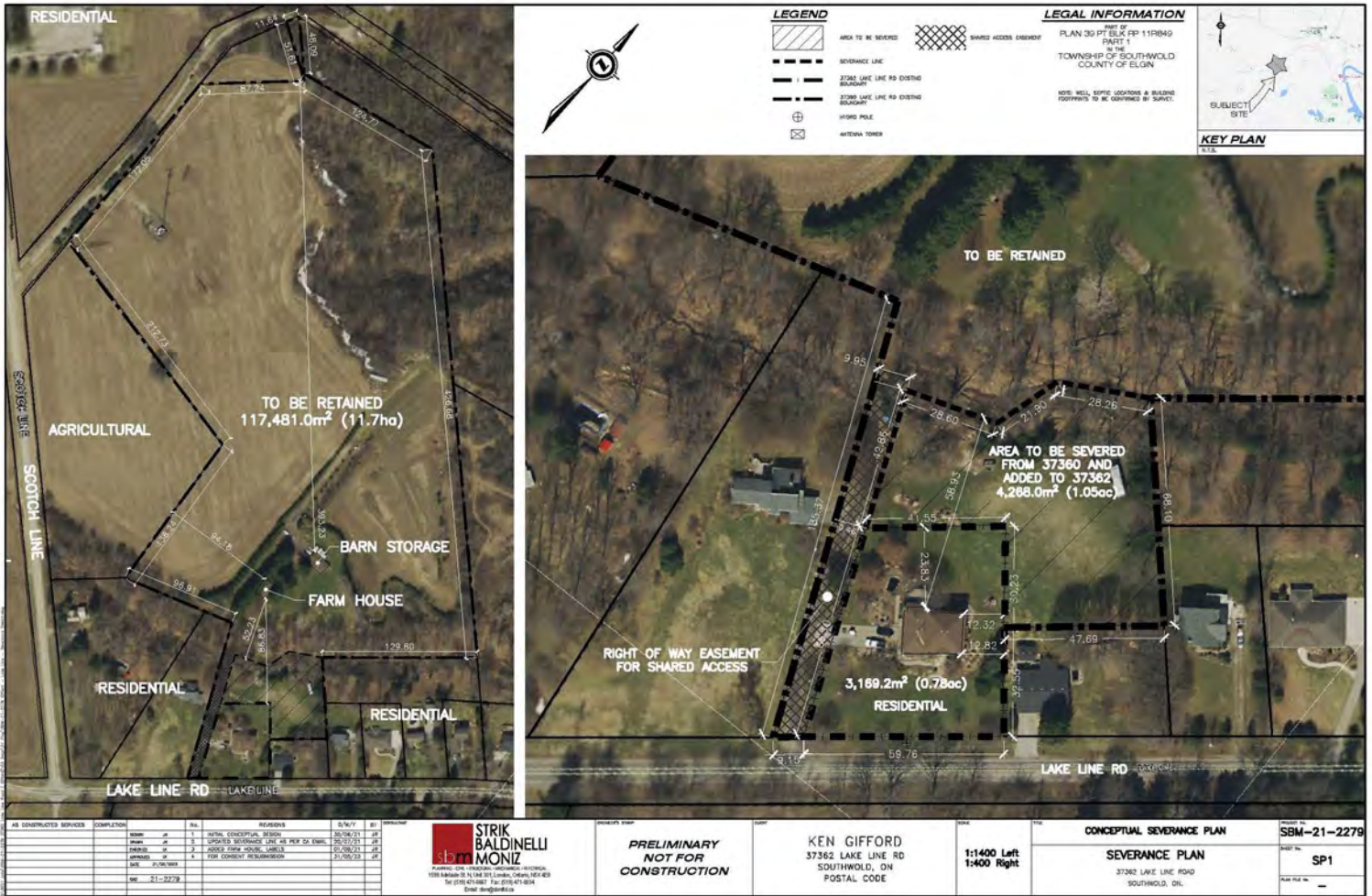
Respectfully submitted by:
Josh Mueller, MCIP,
Planner
"Submitted Electronically"

Approved for submission by:
Lisa Higgs
CAO/Clerk
"Approved Electronically"

Appendices:

1. Appendix One: Consents Sketch E60-23
2. Appendix Two: Consent Conditions

E60-23 Appendix One: Severance Sketch



| NO. | DATE | REVISIONS | BY | CHKD |
|-----|----------|---------------------------------------|-----|------|
| 1 | 06/10/21 | INITIAL CONCEPT PLAN | SBM | SBM |
| 2 | 06/17/21 | UPDATED SEVERANCE LINE AS PER ZA EMBL | SBM | SBM |
| 3 | 07/09/21 | ADDED FENCE POSTS, LINES | SBM | SBM |
| 4 | 07/09/21 | FOR COMMENT RETURN | SBM | SBM |

STRIK BALDINELLI MONIZ
s.b.m.
ARCHITECTS, ENGINEERS, PLANNERS
1500 Lakeside Dr. Suite 201, Southwold, Ontario, Canada
Tel: (519) 471-8882 Fax: (519) 471-8824
info@sbm.ca

**PRELIMINARY
NOT FOR
CONSTRUCTION**

KEN GIFFORD
37362 LAKE LINE RD
SOUTHWOLD, ON
POSTAL CODE

**1:1400 Left
1:400 Right**

CONCEPTUAL SEVERANCE PLAN
SEVERANCE PLAN
37362 LAKE LINE ROAD
SOUTHWOLD, ON

Project No. **SBM-21-2279**
Sheet No. **SP1**
Date: _____

Appendix Two: Severance Applications E60-23

Consent Application E60-23 Conditions:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Township.
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 Township.
3. That the Applicant's Solicitor ensures that the severed parcel be deeded as a lot addition only, to adjacent lands to the south, in accordance with Section 50 (3 or 5) of the Planning Act, R.S.O. 1990.
4. That the Applicant's Solicitor ensures that any mortgage on the property be discharged from any land being severed and for any lands to be added to a lot with a mortgage, that any mortgage shall be extended onto the additional lands, to the satisfaction and clearance of the Township.
5. That the Applicant's Solicitor provides an undertaking to the Township, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Township.
6. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered property identification number consolidation once the consolidation has occurred to the Township.
7. That the Applicant successfully apply to the Township for a Zoning By-law Amendment to rezone the retained and severed parcel and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Township.
8. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Township.
9. That the Applicant's Solicitor prepare an Easement Agreement between the severed parcel, retained parcel and owner of 37358 Lake Line (adjacent lands to the west) for the existing driveway and other services, to be registered on title at the Owner's sole cost and expense, to the satisfaction and clearance of the Township.
10. That prior the final approval of the County, the County is advised in writing by the Township how the above-noted conditions have been satisfied.

COUNTY OF ELGIN ROAD SYSTEM

DATE: August 14, 2023 ELGIN COUNTY ROAD NO.: _____

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 60-23
APPLICANT: Ken Gifford, Dan & Joanna Dale
PROPERTY: LOT NO. _____ CONCESSION: Plan 39 BLK F & I and PT BLK K
REG'D PLAN: 11R849 Part 1 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.....

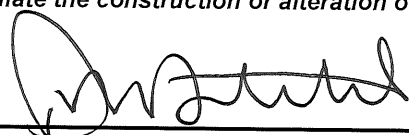
- 10) The County has no concerns.....

- 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: August 23, 2023
Application: E 60-23

Owner:
Ken Gifford, Dan & Joanna Dale
37360 & 37362 Lake Line, Port Stanley, ON

Agent:
Jamie Robertson (SBM Ltd.)
301-1599 Adelaide Street North,
London, ON N5X 4E8

Location: Block F & I and Part of Block K, Plan 39. Municipally known as 37360 Lake Line.

PROPOSAL

The applicant proposes to sever a parcel with an area of 4,268.3m² (1.05 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 11.7ha (28.9 acres) proposed to remain in agricultural use. The applicant is also proposing the creation of an easement for shared access with a frontage of 9.15m (30 feet).

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

**Local Municipality Official
Plan**
Agricultural / Residential

**Local Municipality Zoning
By-law**
Residential 1 Special
Provision (R1-31) /
Agricultural 1 Special
Provision (A1-63)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Recommends approval, subject to conditions.

County Engineering – No concerns.

Kettle 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 proposes to sever a portion of the existing lot with an area of approximately 4,270m² to be conveyed as an addition to an adjacent parcel, the applicant is also requesting consent for the creation of a mutual access easement along the existing shared driveway. The PPS permits minor lot boundary adjustments, including the creation of easements and lot additions where no new lots are to be created in all land use designations. While the lands which are proposed to be severed are located within a settlement area, the retained lands are agricultural and will continue their existing use. The proposed severance is not anticipated to have a negative effect on the agricultural use of the surrounding parcel.

County of Elgin Official Plan

The application has been reviewed by County Staff according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 2 Settlement Area and Agricultural Area in the CEOP. This consent application is proposing a minor lot boundary adjustment and the creation of an easement along an existing shared driveway to ensure continued access to the retained lands. Lot boundary adjustments are permitted by the CEOP in all land use designations provided no new lots are being created.

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 subject land is designated as Agricultural and Residential in the Township of Southwold Official Plan.

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 apply to any subsequent conveyance or transaction involving the subject lands

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 Township.
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 Township.

3. That the Applicant's Solicitor ensures that the severed parcel be deeded as a lot addition only, to adjacent lands to the south, in accordance with Section 50 (3 or 5) of the Planning Act, R.S.O. 1990.
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5. That the Applicant's Solicitor provides an undertaking to the Township, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Township.
6. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered property identification number consolidation once the consolidation has occurred to the Township.
7. That the Applicant successfully apply to the Township for a Zoning By-law Amendment to rezone the retained and severed parcel and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Township.
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10. That prior the final approval of the County, the County is advised in writing by the Township how the above- noted conditions have been satisfied.