



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

**AGENDA**

**For Wednesday, December 13, 2023, 9:00 A.M**

---

- 1<sup>st</sup> Call to Order
- 2<sup>nd</sup> Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3<sup>rd</sup> Adoption of Minutes
- 4<sup>th</sup> Business Arising Out of Minutes
- 5<sup>th</sup> Disclosure of Pecuniary Interest or the General Nature Thereof
- 6<sup>th</sup> Correspondence – Items for Information  
  
Schedule of 2024 Land Division Committee Meeting Dates
- 7<sup>th</sup> Business Arising from Correspondence
- 8<sup>th</sup> New Business
- 9<sup>th</sup> Consent Applications
  - 9:05 am E 79-23 David & Katlyn Graham – 210 Caverly Road, Town of Aylmer
  - 9:15 am E 80-23 Adam Wissink (Port Stanley Cottages Inc.) – 162 William Street, Municipality of Central Elgin
  - 9:25 am E 81-23 Amy Dale – 24983 Pioneer Line, Municipality of West Elgin
  - 9:35 am E 82-23 Connor Wilks – 8068 Union Road, Township of Southwold
  - E 83-23
  - E 84-23
  - E 85-23
  - 9:45 am E 86-23 Cory Pietrzak – 3121 Old Dexter Line, Municipality of Central Elgin
  - 9:55 am E 87-23 Tracy Tucker – 42483 Southdale Line, Municipality of Central Elgin
  - 10:05 am E 88-23 Tracy Tucker – 42399 Southdale Line, Municipality of Central Elgin
  - E 89-23



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

11<sup>th</sup> Adjournment

Please click the link below to watch the Committee Meeting:

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

**Accessible formats are available upon request.**

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

**Minutes**

**November 22, 2023**

County of Elgin Land Division Committee met this 22<sup>nd</sup> day of November, 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  
Dugald Aldred

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

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

**1. CALL TO ORDER**

The meeting convened at 8:59 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

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

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

RESOLVED THAT the minutes of the meeting held on October 25<sup>th</sup>, 2023 be adopted.

- Motion Carried.

**4. BUSINESS ARISING OUT OF MINUTES**

None.

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

None.

**6. CORRESPONDENCE – ITEMS FOR INFORMATION**

None.

**7. BUSINESS ARISING FROM CORRESPONDENCE**

None.

**8. NEW BUSINESS**

None.

**9. APPLICATIONS FOR CONSENT:**

**Application E 75-23 – 9:05 am**  
**Neil Giesbrecht – 11306 Ridge Line**

The applicant proposes to sever a parcel with a frontage of 80.63m (264.5 feet), a depth of 62.8m (206 feet), and an area of 0.51ha (1.26 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of approximately 75ha (185 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: Neil Giesbrecht  
Agent: None present

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

Submission		Comments
1	Municipality of Bayham	Recommends deferral
2	Long Point Region	No Comments.
3	Elgin County Engineering Services	Requests conditions.
4	Elgin County Planning Services	Recommends deferral

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

Moved by: John Seldon  
Seconded by: Tom Marks

RESOLVED THAT severance application E 75-23 be deferred.

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

- Motion Carried.

**Application E 76-23 – 9:20 am**  
**Mark Stone – 52773 Chalet Line**

The applicant proposes to sever a parcel with an area of 35.9ha (88 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining a lot with an area of 7.4ha (18 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: Present  
Agent: Mark Stone attended virtually

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

Submission		Comments
1	Township of Malahide	Township staff recommends the application be denied, Council recommends approval
2	Catfish Creek	No concerns.
3	Elgin County Engineering Services	Requests conditions.
4	Elgin County Planning Services	Recommends the application be denied.

(\*) 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 76-23 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
1. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
2. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
4. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
5. That an electronic version of the reference plan be submitted to the satisfaction

of the Municipality.

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

- Motion Carried.

**Application E 77-23 – 9:37 a.m.**

**Andrea Zietsma – 6888 Sunset Road**

The applicant proposes to sever a parcel with an area of 447m<sup>2</sup> (0.1 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining a lot with an area of 1,307m<sup>2</sup> ha (0.32 acres) proposed to remain as vacant land. The lands affected by this application are also the subject of consent application E 78-23.

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

Owner: None present

Agent: None present

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of Central Elgin	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	No Comments
3	Elgin County Engineering Services	No concerns.
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Bill Ungar

Seconded by: Dave Jenkins

RESOLVED THAT severance application E 77-23 and E 78-23 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

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

1. The applicants demonstrate that 42638 Fruit Ridge Line has a minimum frontage of 30.48m on Sunset Road and the existing dwelling is setback a minimum of 6.0 m from the rear lot line, or alternatively the applicants obtain a minor variance to recognize any zoning deficiencies;
2. Confirmation that private on-site services (Septic Systems and Wells) for 6892 Sunset Road and 42638 Fruit Ridge Line are to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
3. The severed land be merged with the abutting lot 6892 Sunset Road;
4. 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;
5. The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
6. The Municipality of Central Elgin be provided with a copy of the Reference Plan.

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

- Motion Carried.



**Application E 78-23 – 9:41 a.m.**  
**Richard John York – 6892 Sunset Road**

The applicant proposes to sever a parcel with an area of 660m<sup>2</sup> (0.16 acres) to be conveyed as a lot addition to an adjacent parcel. The applicant is retaining a lot with an area of 2,622m<sup>2</sup> ha (0.65 acres) proposed to remain in residential use. The lands affected by this application are also the subject of consent application E 77-23.

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:

<b>Submission</b>		<b>Comments</b>
1	Municipality of Central Elgin	Recommends approval subject to conditions
2	Lower Thames Valley	No comments.
3	Elgin County Engineering Services	Requests conditions.
4	Elgin County Planning Services	Recommends approval.

*(\*) 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 78-23 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

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

1. The applicants demonstrate that 42638 Fruit Ridge Line has a minimum frontage of 30.48m on Sunset Road and the existing dwelling is setback a minimum of 30.48m from the rear lot line, or alternatively the applicants obtain a minor variance to recognize any zoning deficiencies;
2. Confirmation that private on-site services (Septic Systems and Wells) for 6892 Sunset Road and 42638 Fruit Ridge Line are to the satisfaction of the Chief Building Official, Municipality of Central Elgin;
3. The severed land be merged with Part 2, on the Draft 11R-Plan and 42638 Fruit Ridge Line;
4. 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;
5. The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
6. The Municipality of Central Elgin be provided with a copy of the Reference Plan.

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

- Motion Carried.

## ADJOURNMENT

Moved by: Dave Jenkins  
Seconded by: Tom Marks

RESOLVED THAT the Committee adjourn at 9:49 am on November 22, 2023 to meet again at 9:00 am on December 13, 2023.

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

---

Dutton Dunwich	Ian Fleck	x		
<b>TOTAL</b>		7	0	

- Motion Carried.

---

Paul Clarke  
Secretary-Treasurer

---

John "Ian" Fleck  
Chair



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 79-23**

**LOT 13, PLAN 210  
TOWN OF AYLMER  
210 CAVERLY ROAD**

**TAKE NOTICE** that an application has been made by David & Katlyn Graham, 8779 Caverly Road, Malahide, ON N5H 2V3, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 210 Caverly Road.

The applicant proposes to sever a parcel with a frontage of 13.716m (45 feet), a depth of 33.58m (110 feet) and an area of 460.58m<sup>2</sup> (0.11 acres) to create a new residential lot. The applicant is retaining a lot with an area of 460.58m<sup>2</sup> ha (0.11 acres) proposed to remain in residential use.

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

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

**DECEMBER 13, 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

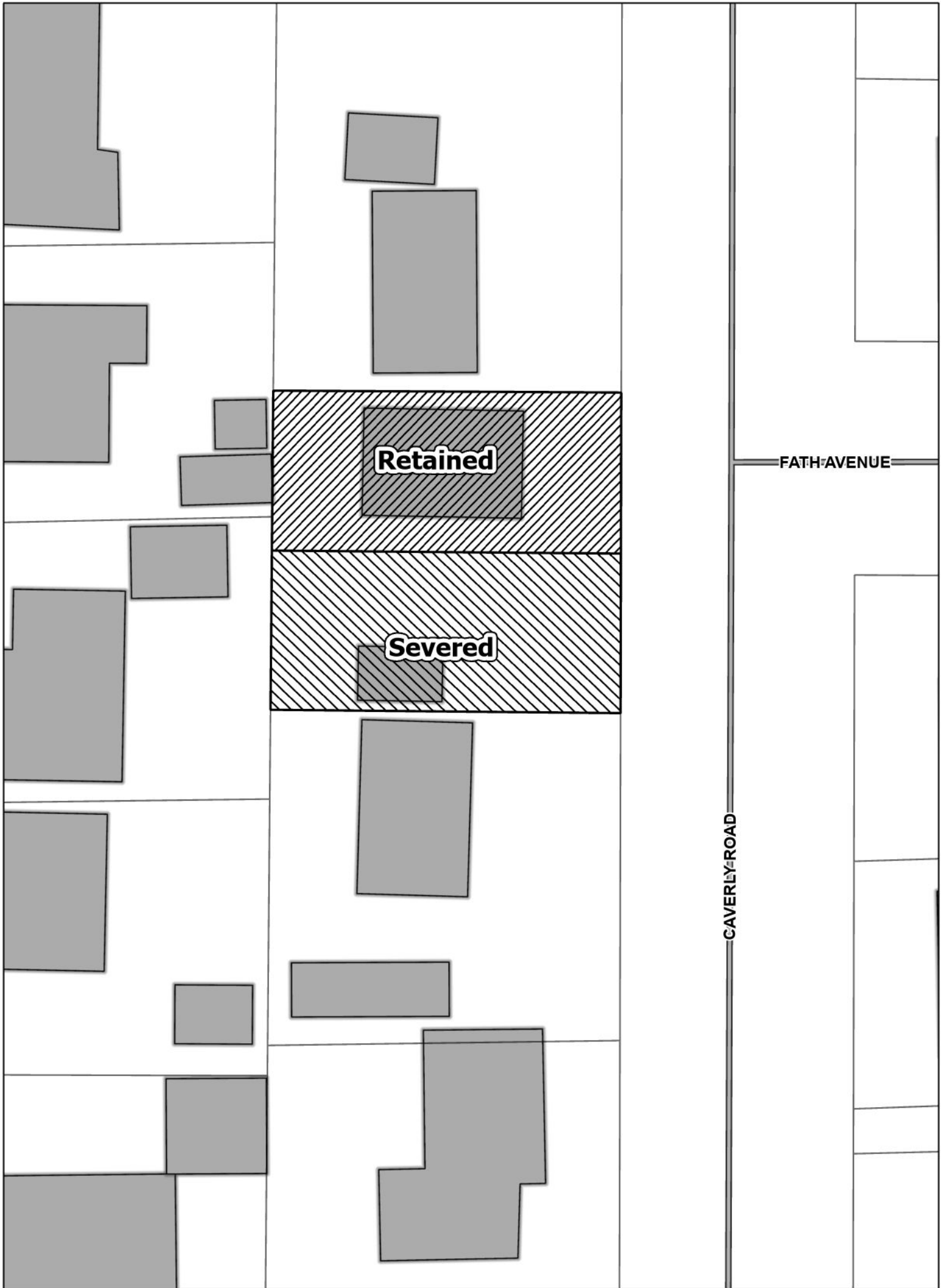
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 27<sup>th</sup> day of October, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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

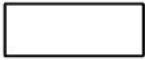

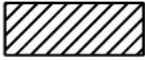




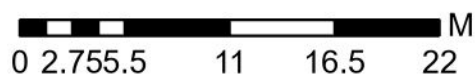
## Location Map

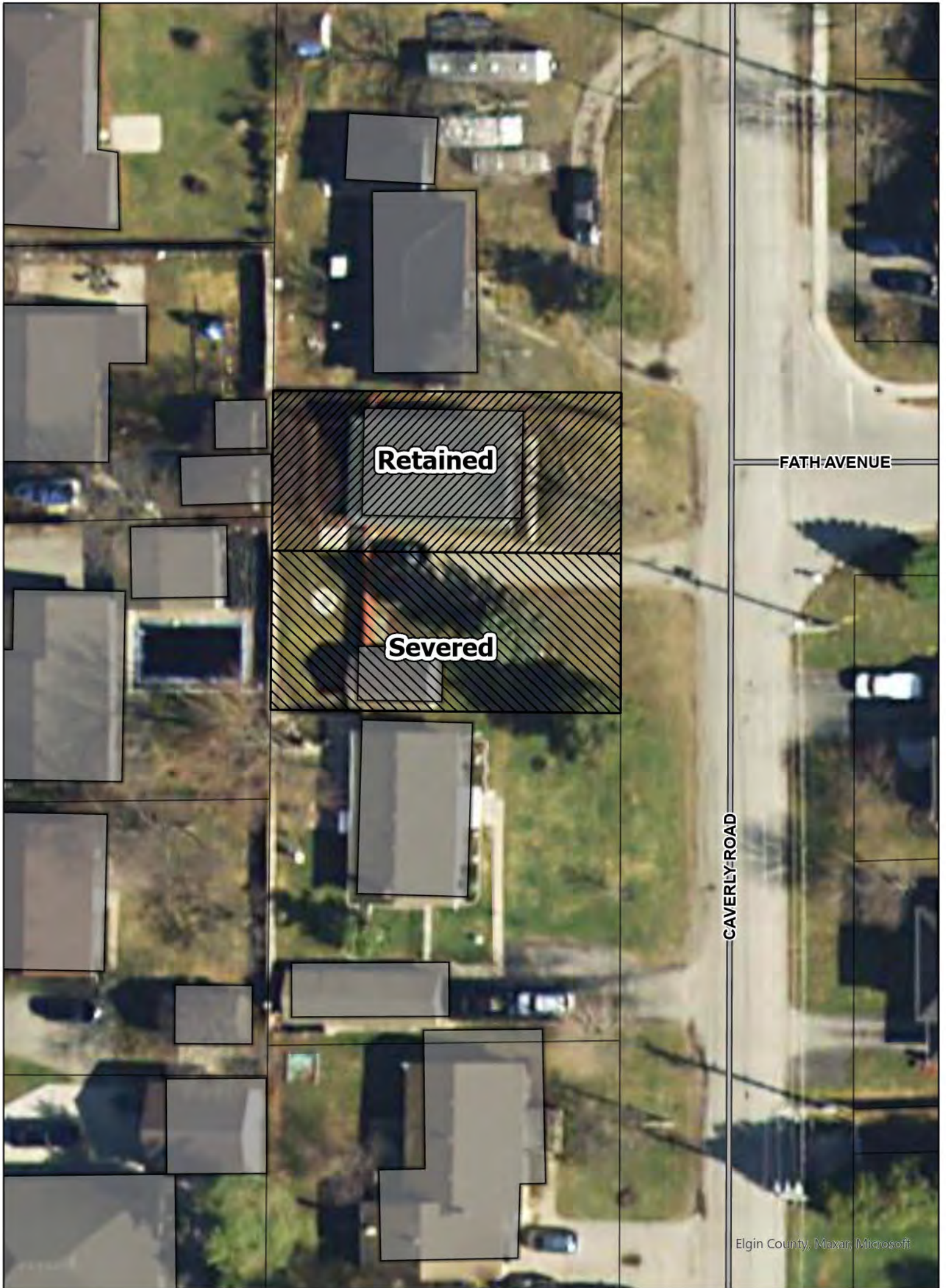
Subject Site: 210 Caverly Road  
 File Number: E 79-23  
 Owner: David & Katlyn Graham  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 10/24/2023  
 Town of Aylmer



### Legend

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



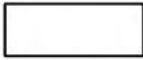

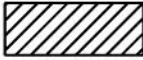

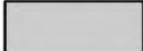


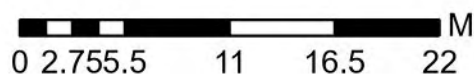
## Location Map

Subject Site: 210 Caverly Road  
 File Number: E 79-23  
 Owner: David & Katlyn Graham  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 10/24/2023  
 Town of Aylmer



### Legend

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





Alternative formats and communication support available upon request.

Please contact [clerks@town.aylmer.on.ca](mailto:clerks@town.aylmer.on.ca) or 519-773-3164 for assistance.

---

Date	November 7, 2023
To	Council – November 15, 2023
From	Heather James, Manager of Planning and Development
Report No.	PLAN 32-23
Report Title	Planning Evaluation Report: Application for Consent to Sever No. E79-23

---

## Recommendation

**That Council of the Town of Aylmer receive Report PLAN 32-23 regarding Planning Evaluation Report: Application for Consent to Sever No. E79-23; and**

**That the Application for Consent to Sever No. E79-23 relating to the property legally described as Lot 13 Plan 290, and known municipally as 210 Caverly Road, 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

<b>Application</b>	E79-23
<b>Associated Applications</b>	None

<b>Owners</b>	David and Katlyn Graham
<b>Agent</b>	Not Applicable
<b>Legal Description</b>	Lot 13 Plan 290
<b>Frontage: Proposed Severed Parcel</b>	13.716 m (45.0 ft.)
<b>Frontage: Proposed Retained Parcel</b>	13.716 m (45.0 ft.)
<b>Depth: Proposed Severed Parcel</b>	33.58 m (110.17 ft.)
<b>Depth: Proposed Retained Parcel</b>	33.58 m (110.17 ft.)
<b>Area: Proposed Severed Parcel</b>	460.58 m <sup>2</sup> (4,957.64 ft. <sup>2</sup> )
<b>Area: Proposed Retained Parcel</b>	460.58 m <sup>2</sup> (4,957.64 ft. <sup>2</sup> )
<b>Buildings and/or structures: Proposed Severed Parcel</b>	Detached garage (to be removed); proposed detached dwelling
<b>Buildings and/or structures: Proposed Retained Parcel</b>	Single detached garage
<b>Services: Proposed Severed Parcel</b>	Full municipal services
<b>Services: Proposed Retained Parcel</b>	Full Municipal services
<b>Surrounding Land Uses: Proposed Severed Parcel</b>	Low density residential
<b>Surrounding Land Uses: Proposed Retained Parcel</b>	Low density residential

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



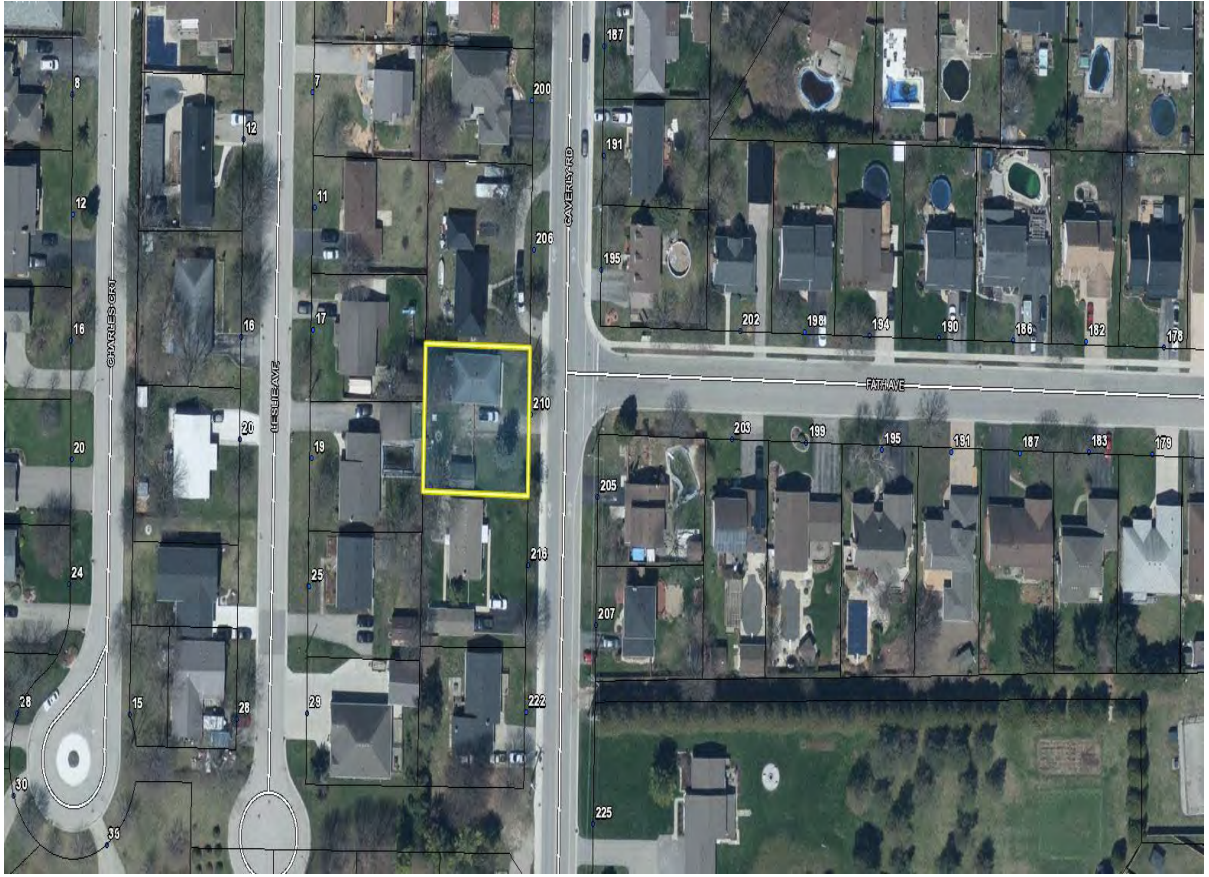
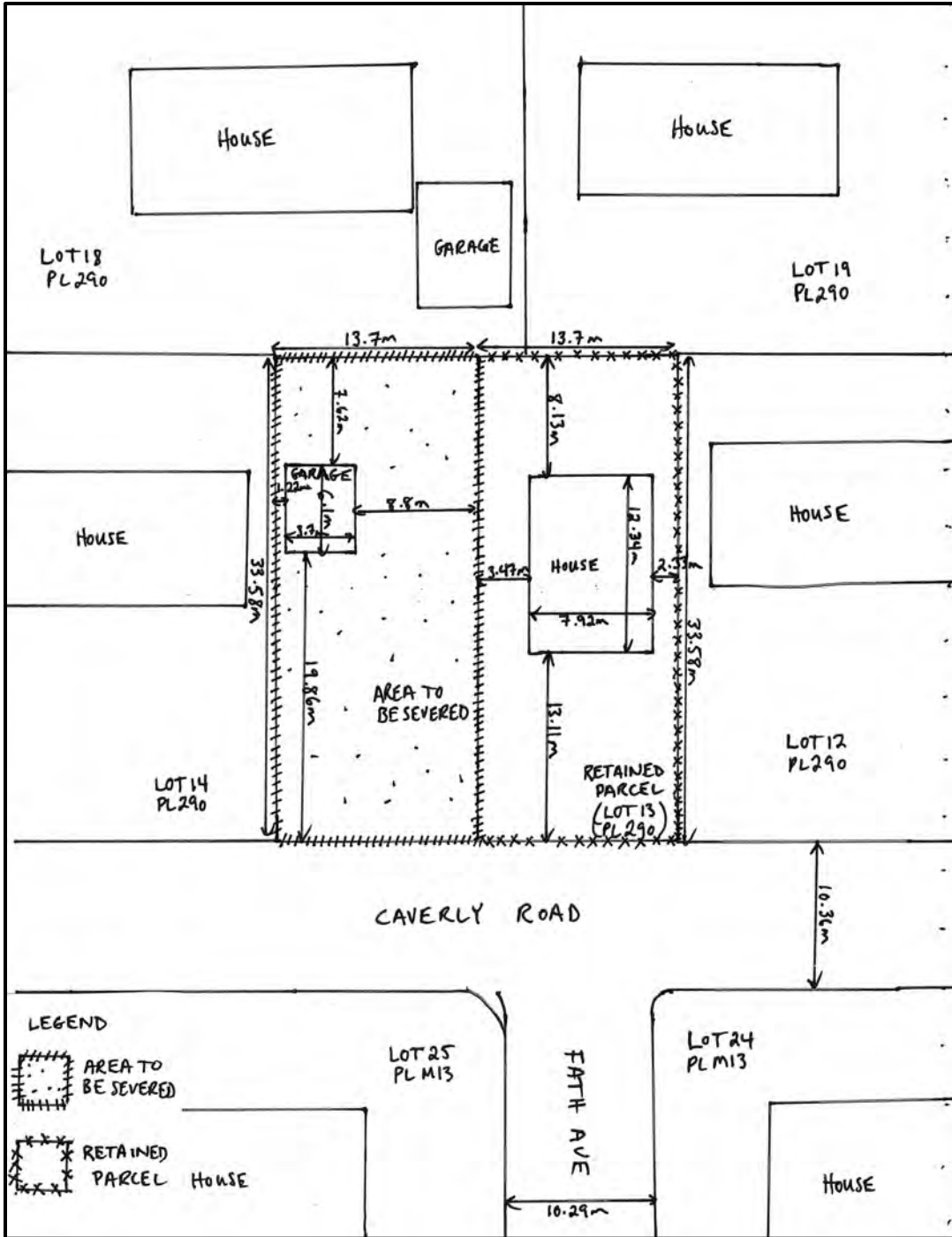


Figure Two below depicts the proposed severance.



## 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 1B (R1B) within the Town's Zoning By-law. The R1B Zone permits low density residential use such as single detached dwelling and existing duplex, converted or semi-detached dwelling and additional residential units (up to a total of three units).

In the R1B Zone, the minimum lot area is 500 m<sup>2</sup> (5,381.96 ft.<sup>2</sup>) and the minimum lot frontage is 18.0 m (59.06 ft.). The lot area for the proposed severed and retained parcels will be 460.58 m<sup>2</sup> (4,957.64 ft.<sup>2</sup>) each and the lot frontage for the proposed severed and retained parcels will be 13.716 m (45.0 ft.). Planning staff are recommending a zoning by-law amendment to rezone the proposed severed and retained parcels to Residential Type 2 (R2) Zone. The proposed severed and retained parcels will meet all 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 a zoning by-law amendment.

### **Other Issues/Matters**

None.

### **Consultation**

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

#### Director of Operations

*'Connection to the water and sewer, along with a lot grading plan c/w a legal and adequate outlet, and an entrance permit are required.'*

**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

*'There is a 900mm Diameter Concrete STM, 300mm Diameter PVC Sanitary, and 200mm Diameter Ductile Iron Watermain, in the Caverly Right-Of-Way. The proposed severance shall provide private service connections, water, sanitary, and storm, to the municipal services in the right-of-way (ROW). A Road Occupancy Permit will be required for servicing works in the ROW and any driveway cuts required. Future driveway shall be a minimum of 8.0m from nearest edge of intersection street. Severed parcel will require a Site Alteration Permit and lot grading plan for future development.'*

**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.

No other comments were received by Town staff.

## **Financial Impact**

Not applicable.

## **Strategic Priorities**

This report supports the goals and objectives set out in [Council's Strategic Pillars](#). The goals it supports include: 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 zoning by-law amendment be in force and effect for the proposed severed and retained parcels.
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 the Owners have applied for and been issued a road occupancy permit from the Town of Aylmer for a new entrance for the proposed severed parcel and for servicing works in the Town's right-of-way and that all works associated with the road occupancy permit have been completed, to the satisfaction of the Town of Aylmer.
  8. 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 E79-23, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
  9. 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.
  10. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
  11. 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

1. Attachment A: 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.

## Paul Clarke

---

**From:** Gerrit Kremers <planning@catfishcreek.ca>  
**Sent:** November 22, 2023 11:22 AM  
**To:** Paul Clarke  
**Subject:** RE: E 79-23 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 Morning,

Catfish Creek Conservation Authority has no comments or concerns with the above noted application at this time.

Thank You,



**Gerrit Kremers**  
Resource Planning Coordinator  
planning@catfishcreek.ca  
519-773-9037 ext. 18  
Catfish Creek Conservation Authority

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** October-31-23 10:28 AM  
**To:** Dave Graham <davefgraham@gmail.com>  
**Cc:** Gerrit Kremers <planning@catfishcreek.ca>; Susie Bury <sbury@ELGIN.ca>; Andy Grozelle <agrozelle@town.aylmer.on.ca>; Heather James <hjames@town.aylmer.on.ca>; Josh Brick <jbrick@town.aylmer.on.ca>  
**Subject:** E 79-23 Notice of Application

Good morning,

Please see the attached notice of application for consent E 79-23. If you wish to provide comments on this application, please do so by **December 5<sup>th</sup>, 2023**.

Thanks,

**Paul Clarke, CPT**

Planning Technician / Secretary-Treasurer of the Land  
Division Committee



(519) 631-1460 x170



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 3, 2023 ELGIN COUNTY ROAD NO.: Road CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE: \_\_\_\_\_

APPLICATION NO.: E 79-23

APPLICANT: David and Katlyn Graham

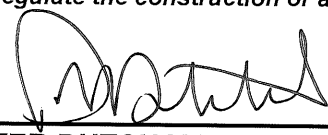
PROPERTY: LOT NO. Lot 13 CONCESSION: \_\_\_\_\_

REG'D PLAN: 290 MUNICIPALITY: Aylmer

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

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



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.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:** December 13, 2023  
**Application:** E 79-23

---

**Owner:** David & Katlyn Graham  
8779 Caverly Road, Malahide, ON N5H 2V3  
**Agent:** None.  
**Location:** Lot 13, Plan 210. Municipally known as 210 Caverly Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 13.716m (45 feet), a depth of 33.58m (110 feet) and an area of 460.58m<sup>2</sup> (0.11 acres) to create a new residential lot. The applicant is retaining a lot with an area of 460.58m<sup>2</sup> ha (0.11 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 1 (R1B)

REVIEW & ANALYSIS:

Public and Agency Comments

Town of Aylmer– Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Catfish Creek 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 Planning Act and Provincial Policy Statement (PPS) sections. 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 460m<sup>2</sup> to create a new residential parcel in an existing settlement area. The surrounding land uses are primarily residential, composed of single-detached dwellings.

Section 1.1.3 of the PPS permits a variety of land uses and densities in settlement areas.

*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

County Staff has reviewed the application 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 CEOP permits a variety of land uses, including the creation of new lots for residential purposes in settlement areas. Tier 1 Settlement areas are the largest in the County and have access to full municipal services, making them excellent candidates for intensification and infill development. Staff have reviewed this application against the general consent criteria in the CEOP and found this application conforms to those policies.

#### 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 minimum lot area of the R1B Zone is 500 m<sup>2</sup> (5,381.96 ft.<sup>2</sup>) and the minimum lot frontage is 18.0 m (59.06 ft.). The lot area for the proposed severed and retained parcels will be 460.58 m<sup>2</sup> (4,957.64 ft.<sup>2</sup>) each and the lot frontage for the proposed severed and retained parcels will be 13.716 m (45.0 ft.). To address this, municipal staff are recommending a Zoning By-law Amendment as a condition of consent to address these deficiencies.

#### 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. That municipal addressing be provided to the County of Elgin by the local municipality, to the satisfaction of Elgin County.

Additionally, it is recommended that the following conditions from the Town of Aylmer 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 a zoning by-law amendment be in force and effect for the proposed severed and retained parcels.
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 the Owners have applied for and been issued a road occupancy permit from the Town of Aylmer for a new entrance for the proposed severed parcel and for servicing works in the Town's right-of-way and that all works associated with the road occupancy permit have been completed, to the satisfaction of the Town of Aylmer.
8. 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 E79-23, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
9. 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.
10. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
11. 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 80-23**

**PART OF LOT 6, REGISTERED PLAN 117 S/S ERIE  
MUNICIPALITY OF CENTRAL ELGIN  
162 WILLIAM STREET**

**TAKE NOTICE** that an application has been made by Adam Wissink, 4 Rossmore Place, London, ON N6C 5H8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 162 William Street.

The applicant proposes to sever a parcel with a frontage of 24.6m (80 feet), a depth of 17.1m (56 feet) and an area of 420.66m<sup>2</sup> (0.10 acres) to sever a parcel which merged on title with an adjacent lot. The applicant is retaining a lot with an area of 179.55m<sup>2</sup> (0.04 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:

**DECEMBER 13, 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

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 27<sup>th</sup> day of October, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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

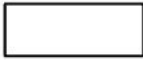

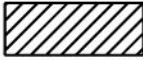

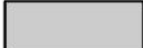


## Location Map

Subject Site: 162 William Street  
 File Number: E 80-23  
 Owner: Port Stanley Cottages Inc.  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 10/24/2023  
 Municipality of Central Elgin



### Legend

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



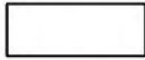

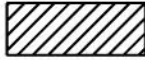


Ministry of Natural Resources and Forestry, County of Elgin, Queen's Printer for Ontario, Elgin County, Maxar, Microsoft

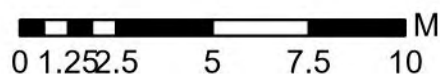
## Location Map

Subject Site: 162 William Street  
 File Number: E 80-23  
 Owner: Port Stanley Cottages Inc.  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 10/24/2023  
 Municipality of Central Elgin



### Legend

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





THE MUNICIPALITY OF CENTRAL ELGIN

**REPORT TO COUNCIL**

**REPORT NO.** CEP.52.23  
**CEPO FILE NO.** E80/23  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 162 and 166 William Street  
Applicant – Port Stanley Cottages Inc.  
**DATE** November 27, 2023

**RECOMMENDATION**

**THAT** Report CEP.52.23 be received for information;

**AND THAT** Should Council pass a resolution in support of Consent Application E80/23 to the Land Division Committee, staff recommends the following conditions:

1. The Municipality of Central Elgin be provided with a copy of the Reference Plan.

**REPORT**

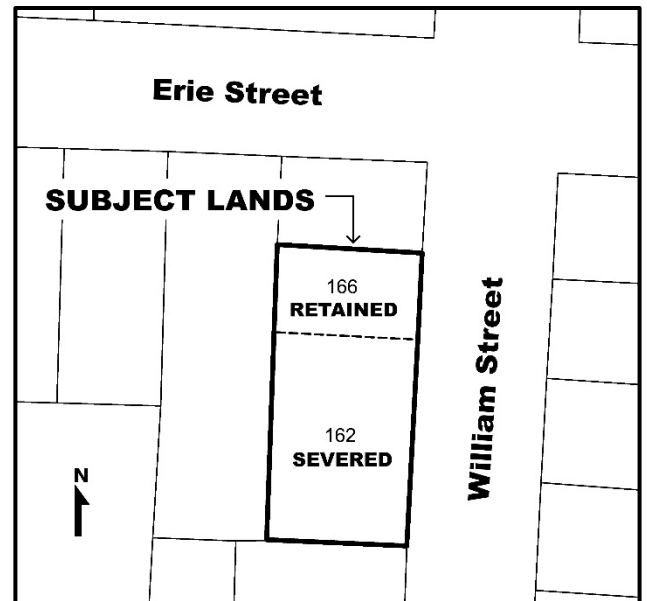
**Background:**

Consent Application E80/23 has been filed for the purpose of subdividing 162 William Street and 166 William Street, as the lots inadvertently merged in title.

**Location:**

The subject lands are on the west side of William Street, south of Erie Street. The lands are legally described as, Plan 117, Part Lot 6, S/S Erie, RP 11R-5697, Part1, Municipality of Central Elgin.

**Location Plan:**





## **Proposal:**

The applicant is proposing to sever a lot with frontage of 24.6m on William Street and an area of 420.66sqm, containing one mixed use building (Commercial/Residential). No changes are proposed to the existing use of the severed lot. The applicant is proposing to retain a lot with frontage of 10.5m and an area of 179.55sqm, containing one single detached dwelling. No changes are proposed to the existing use of the retained lot.

## **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 “Commercial” in accordance with Schedule “G” - Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- Where land is designated Commercial on the Land Use Schedules to the Plan, the permitted uses shall be commercial uses such as retail stores, personal and business services, offices, restaurants and other eating establishments, hotels, motels, places of entertainment and general assembly (4.3.2(a)).
- A lawful non-conforming use is a legal use of a parcel of land, building or structure that was established before the date that the Zoning By-law was approved, but which does not conform to the regulations in the Zoning By-law (5.3.10).
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way is permitted, the lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).

### 2. Zoning By-Law

- The severed lot is within the Business Zone 1 (B1) of The Village of Port Stanley Zoning By-Law 1507, as shown on Zoning Map 1.
- The B1 zone permitted uses include a retail store, restaurant, business office, personal service shop, dwelling units above the main or first storey and accessory uses (10.2.1.1). The B1 zone requires a minimum lot frontage of 9m (10.2.1.3) and no minimum lot area requirement.
- The retained lot is within the Residential Zone 1 (R1), of The Village of Port Stanley Zoning By-Law 1507, as shown on Zoning Map 1.
- The R1 permitted uses include residential uses (9.2.1.1(a)), the minimum lot area required for a single detached dwelling is 371.61m<sup>2</sup> (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).

### 3. County of Elgin Official Plan:

- The subject lands are located within the “Tier 1 Settlement Area” designation in accordance with Schedule “A” - Land Use, to the County of Elgin Official Plan.
- Consents may be granted for the purpose of creating an easement or right-of-way, where such severance does not result in the creation of a new lot except where the creation of new lots is to correct a situation where two or more lots have merged on title. Such new lots may be permitted anywhere in the County except on lands within the Agricultural Area designation, provided the approval authority is satisfied that (E1.2.3.3 - Technical Severances):

- a) the merging of the lots was unintentional and was not merged as a requirement of a previous planning approval;
- b) the new lot is generally of the same shape and size as the lot which once existed as a separate conveyable lot;
- c) the new lot can be serviced with an appropriate water supply and means of sewage disposal provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;
- d) the new lot fronts on and will be directly accessed by a public road that is maintained year-round by a public authority;
- e) there is no public interest served by maintaining the property as a single conveyable parcel; and,
- f) the new lot will conform to the access policies of the relevant road authority.

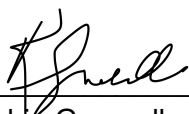
4. Comments:

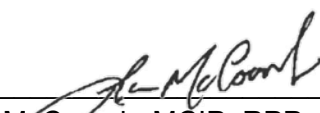
- Accompanying the application is a formal written legal opinion from Carson Law Office Professional Corporation, dated October 10, 2023. According to the letter:
  1. Their client purchased 162 William Street on March 24th, 2020, and later purchased 166 William Street on October 28th, 2020.
  2. The Planning Act, R.S.O. 1990, c. P.13 stipulates that if an individual or company takes title to a parcel immediately abutting another parcel they already own and both parcels are a part of a lot, then the ownership says to "Merge on Title. Accordingly, the Properties legally merged upon the completion of the purchase of 166 William Street on October 28th, 2020.
  3. It is our client's intent to list 162 for sale and accordingly, are seeking a legal severance of the properties back to their initial intended state as separate and self-contained properties.
  4. Currently, both 162 and 166 remain in the Land Registry system as separate parcels of land under PINs 35241-0361 and 35251-0360.
  5. In our firm's legal opinion, nothing has affected the legal non-conforming status of the lots, buildings or structures and no variant (minor variance) is required.

Respectfully submitted:

Approved for submission:

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

  
\_\_\_\_\_  
Robin Greenall  
CAO/Clerk

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

## Paul Clarke

---

**From:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Sent:** November 6, 2023 3:48 PM  
**To:** Paul Clarke  
**Subject:** RE: E 80-23 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.

Hi Paul

Please accept this email as confirmation that staff of KCCA has reviewed the consent application notice for E80-23 affecting 162 William Street, Port Stanley and that based on our mandatory programs and services, we have no objection to its approval.

I can confirm that the subject property is located within the Lake Erie Flood Uprush Area and affected by natural hazard regulations enacted under the *Conservation Authorities Act*.

However, it is our understanding that the consent application proposes to sever a parcel which was merged on title with an adjacent lot and that no further development is proposed upon the properties as part of the consent application being considered.

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:** Tuesday, October 31, 2023 10:29 AM

**Subject:** E 80-23 Notice of Application

Good morning,

Please see the attached notice of application for consent E 80-23. If you wish to provide comments on this application, please do so by **December 5<sup>th</sup>, 2023**.

Thanks,

**Paul Clarke, CPT**

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 3, 2023 ELGIN COUNTY ROAD NO.: Road CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 80-23

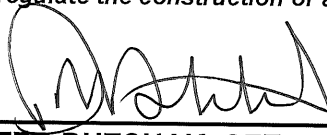
APPLICANT: Adam Wissink

PROPERTY: LOT NO. \_\_\_\_\_ CONCESSION: \_\_\_\_\_  
REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Central Elgin

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

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



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.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:** December 13, 2023  
**Application:** E 80-23

**Owner:**

**Port Stanley Cottages Inc.**

4 Rossmore Place, London, ON N6C 5H8

**Location:** Part of Lot 6, Registered Plan 117 S/S Erie. Municipally known as 162 William Street.

**Agent:**

**Adam Wissink**

4 Rossmore Place, London, ON N6C 5H8

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 24.6m (80 feet), a depth of 17.1m (56 feet) and an area of 420.66m<sup>2</sup> (0.10 acres) to sever a parcel which merged on title with an adjacent lot. The applicant is retaining a lot with an area of 179.55m<sup>2</sup> (0.04 acres) proposed to remain in residential use.

**County of Elgin Official  
Plan**

Tier 1 Settlement Area

**Local Municipality Official  
Plan**

Urban Settlement Area

**Local Municipality Zoning  
By-law**

Business Zone 1 (B1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

*County Engineering* – No concerns.

*Catfish Creek 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 Planning Act and Provincial Policy Statement (PPS) sections. 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 420m<sup>2</sup> to sever a parcel which accidentally merged with an adjacent lot. No new structures of change in land use is proposed.

Section 1.1.3 of the PPS permits a variety of land uses and densities in settlement areas. This severance application is a technical severance to reverse a merge-on-title which resulted from the purchase of an adjacent lot, with both lots being held in identical title.

*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

County Staff has reviewed the application 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. Section E1.2.3.3 of the CEOP permits technical severances where the merging of the parcels was unintentional and not a requirement of prior planning approvals. No change in land use, or additional structures are proposed and the existing uses on the severed and retained lots will continue.

#### 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 existing lots enjoy legal non-conforming status for their existing use, no zoning By-law amendments are required as a result of this consent.

#### 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.



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

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

1. The Municipality of Central Elgin be provided with a copy of the Reference Plan.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 81-23**

**PART OF LOT 35, PART OF LOT 17 ON REGISTERED PLAN No. 117  
MUNICIPALITY OF WEST ELGIN  
24953 PIONEER LINE**

**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 24953 Pioneer Line.

The applicant proposes to sever a parcel with a frontage of 44.513m (146 feet), a depth of 104.117m (341 feet) and an area of 0.4606ha (1.14 acres) to create a new residential lot. The applicant is retaining a lot with an area of 1ha (2.47 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:

**DECEMBER 13, 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

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.

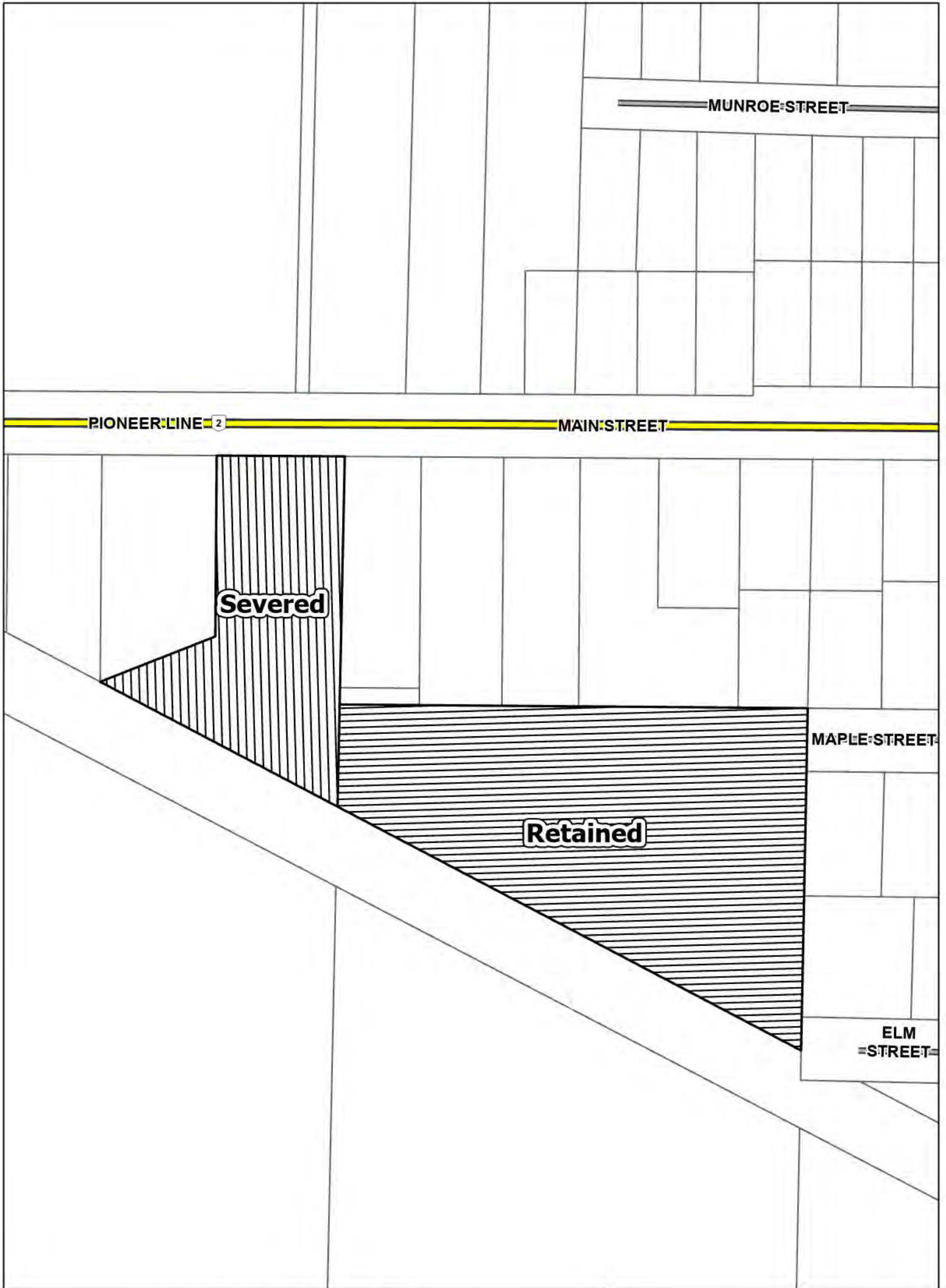
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

Dated at the Municipality of Central Elgin this 27<sup>th</sup> day of October, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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







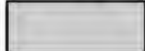


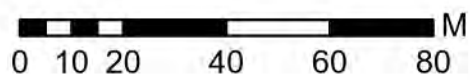
## Location Map

Subject Site: 24953 Pioneer Line  
 File Number: E 81-23  
 Owner: Helen Okolisan  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 10/24/2023  
 Municipality of West Elgin



### Legend

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





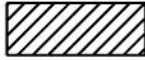

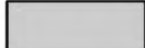


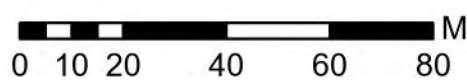
## Location Map

Subject Site: 24953 Pioneer Line  
 File Number: E 81-23  
 Owner: Helen Okolisan  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 10/24/2023  
 Municipality of West Elgin



### Legend

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



## **Planning Report 2023-51: Appendix One**

### **Consent Application E81-23 – West Elgin Conditions**

Consent Application E81-23 Conditions:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
5. That the applicant make application for and receive approval of a minor variance to address the existing reduced easterly side yard setback of the outbuilding on the severed parcel to the satisfaction of the Municipality;
6. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
7. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



## Staff Report

---

**Report To:** Council Meeting  
**From:** Robert Brown, Planner  
**Date:** 2023-11-15  
**Subject:** Severance Application E81-23 – Comments to Elgin County – Recommendation Report (Planning Report 2023-51)

---

### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application File E81-23 – Comments to the County of Elgin (Planning Report 2023-51);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application E81-23, subject to the Lower-Tier Municipal conditions in Appendix One of this report;

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

### **Purpose:**

The purpose of this report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Application E81-23, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate the re-establishment of a lot on the south side of Pioneer Line, between Wellington St. and Catherine Road as shown in Figure One. The lands were originally two separate holdings, however have merged over time as a result of being under the same ownership.

### **Background:**

Below is background information, in a summary chart:

<b>Application</b>	E81-23
<b>Owner/Applicant</b>	Helen Okolisan
<b>Legal Description</b>	Pt. Lot 17, Concession 9, Pt. 35, Plan 119, Part Pt. 2, Pts. 4, 5 & 7, RP 11R 2721 & Pt. 3, RP 11R2900
<b>Civic Address</b>	24953 Pioneer Line
<b>Entrance Access</b>	Severed – Pioneer / Retained – Maple St.
<b>Water Supply</b>	Municipal water service

<b>Sanitary Service</b>	Private on-site individual septic system
<b>Existing Land Area</b>	1.53 ha (3.78 ac.)

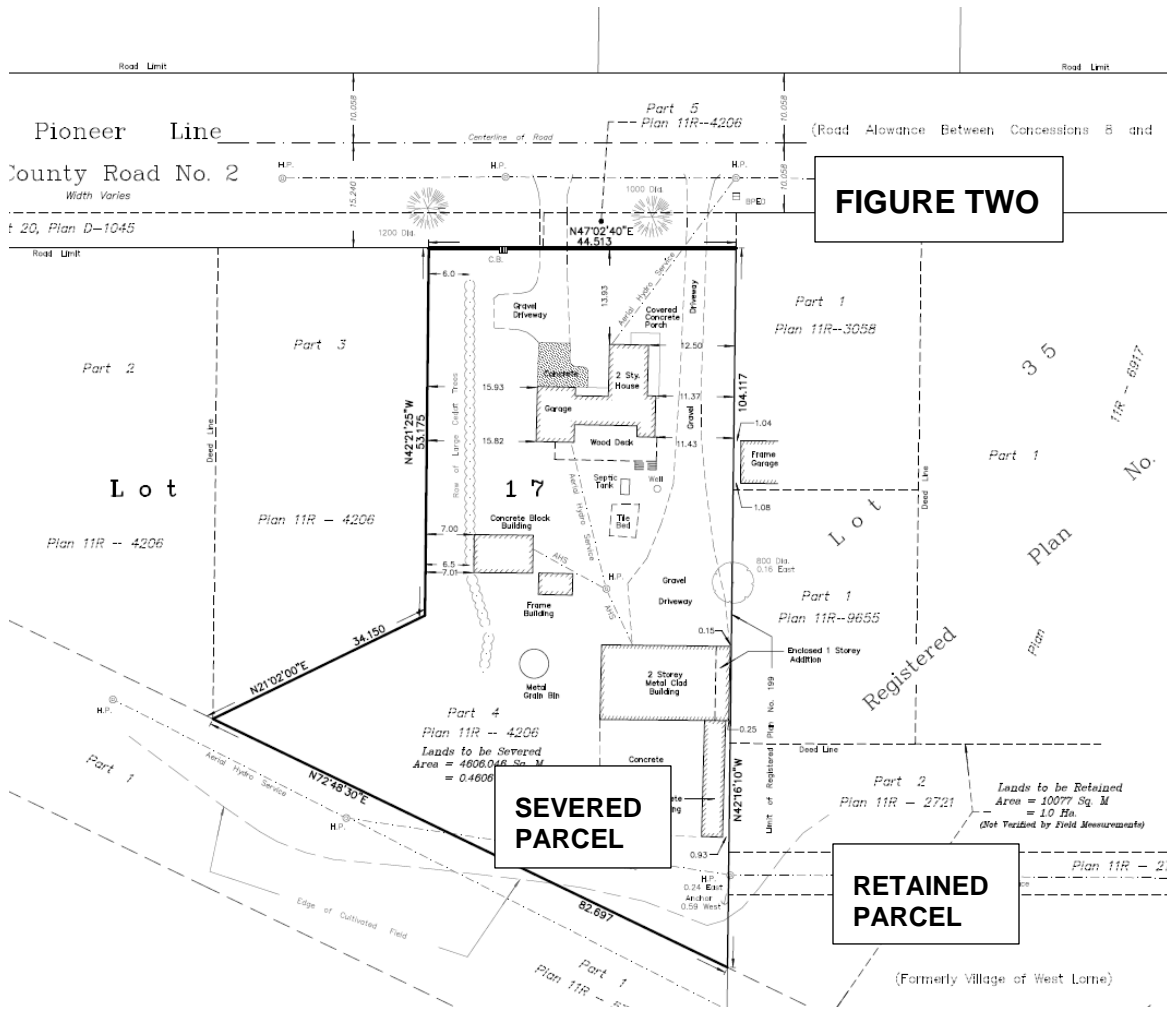
Figure One below depicts the existing parcel and the proposed lot creation. The red outline is the proposed new lot fronting on Pioneer Line. The blue outline is the retained parcel with access and frontage from the end of Maple St.



The Public Hearing is scheduled for December 13, 2023, at the Elgin County Land Division Committee Meeting.

Figure Two and the below chart show the details from the survey sketch prepared as part of the application for severance.

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E81-23</b>	44.513 m (146 ft)	114.12 m (341.6 ft)	0.46 ha (1.14 ac.)	16.46 m (54 ft)	irregular	1.0 ha +/- 2.0 (2.47 ac.)



**Financial Implications:**

Application fees were collected in accordance with the Municipality’s Fees and Charges By-law, as amended from time to time. The proposed lot creation will have a minimal impact on assessment value.

**Policies/Legislation:**

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

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

**PPS:**

The proposed lot creation is within the West Lorne settlement area and raises no issues of Provincial significance. The proposal is consistent with PPS.

**CEOP:**

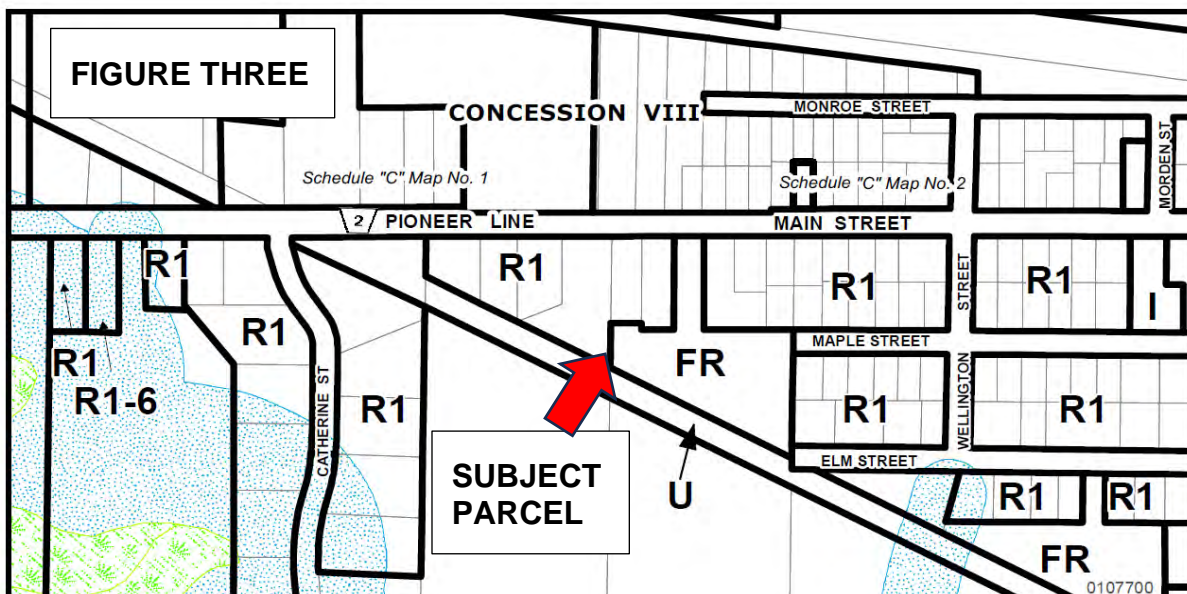
The subject lands are within the Tier One Settlement Area of West Lorne on Schedule 'A' Land Use in the CEOP. New lot creation is subject to Section E.1.2.3.1. The proposed lot creation has been reviewed in the context of items a) through m) of the applicable section. The proposed lot creation raises no issues of concern and as such is in conformity with the CEOP.

**OP:**

The subject lands are designated as Residential Area, as shown on the Land Use & Transportation Plan Schedule 'D' of the OP. The proposed lot creation is via consent and as such subject to Section 10.4. The proposed lot is generally in conformity with the provisions of this section however an existing outbuilding along the east lot line will require a minor variance to recognize the existing side yard setback. The retained lands do have frontage at the end of Maple St. however are within the Future Residential zone which has no regulations applicable to the lot creation. Therefore, this proposal conforms to the OP subject to addressing the zoning deficiency on the severed parcel.

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

The subject lands are zoned Residential First Density (R1), while the retained lands are zoned Future Residential (FR), both on Schedule C, Map 5 of the ZBL as depicted in Figure Three. The severed parcel contains an existing outbuilding that is located along the east lot line that will not comply with the side yard setback for a detached accessory structure as such a minor variance will be required to recognize the exiting setback. All other regulations for the severed parcel will be in compliance with the R1 zone. As there are no regulations applicable to the FR zone on the retained lands there are no zoning issues. As such, subject to approval of the necessary minor variance on the severed parcel, the proposed lots will conform with the West Elgin Zoning By-law.



**Interdepartmental Comments:**

The severance application was circulated to municipal staff for comment. It was noted that a septic inspection is necessary for the severed parcel. This has been completed and approved. Access to the retained parcel was also reviewed as there is an existing easement over the retained parcel at the end of Maple St to afford access to a lot that was created many years earlier. The title records were reviewed and there continues to be enough width at the end of Maple St. for it to be extended in the event that the remnant lands develop in the future. As such municipal staff agreed with the severance moving forward as proposed. At the time of submission of this report, no other comments or concerns were received from Administration.

**Summary:**

It is the Planner's opinion that the proposed lot creation consent, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL; and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

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

Prepared by:



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



**Report Approval Details**

Document Title:	Severance Application E81-23 - Comments to Elgin County - Recommendation Report - 2023-51-Planning.docx
Attachments:	- Planning Report 2023-51 - Appendix One - West Elgin Conditions E81-23.pdf
Final Approval Date:	Nov 20, 2023

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

Terri Towstiuć

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 3, 2023 ELGIN COUNTY ROAD NO.: Pioneer Line CR 2

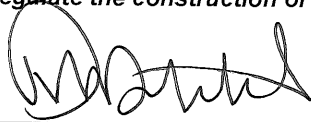
TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:

APPLICATION NO.: E 81-23  
APPLICANT: Helen Okolisan  
PROPERTY: LOT NO. Pt Lot 35 Pt Lt 17 CONCESSION: 9  
REG'D PLAN: 119 MUNICIPALITY: West Elgin

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

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



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.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:** December 13, 2023  
**Application:** E 81-23

**Owner:**

**Helen Okolisan**

24953 Pioneer Line, West Lorne, ON N0L  
2P0

**Agent:**

**Amy Dale (Gunn & Associates)**

108 Centre Street, St. Thomas, ON N5R  
2Z7

**Location:** Part of Lot 35, Concession 17 on Registered Plan No. 117. Municipally known as 24953 Pioneer Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 44.513m (146 feet), a depth of 104.117m (341 feet) and an area of 0.4606ha (1.14 acres) to create a new residential lot. The applicant is retaining a lot with an area of 1ha (2.47 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**

Tier 1 Settlement Area

**Local Municipality Official  
Plan**

Residential

**Local Municipality Zoning  
By-law**

Residential First Density  
(R1) / Future Residential  
(FR)

REVIEW & ANALYSIS:

Public and Agency Comments

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

*County Engineering* – No concerns.

*Lower Thames Valley Conservation Authority* – No 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 Planning Act and Provincial Policy Statement (PPS) sections. 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 0.46ha to sever a parcel within an existing settlement area.

Section 1.1.3 of the PPS permits a variety of land uses and densities in settlement areas.

*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

County Staff has reviewed the application 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. A variety of land uses and densities are permitted in Tier 1 Settlement areas, including the severance of land for new residential development. Staff have reviewed this application 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 West Elgin Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. A minor variance will be required the side yard setback of the existing outbuilding along the east lot line.

#### RECOMMENDATION:

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

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

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

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
5. That the applicant make application for and receive approval of a minor variance to address the existing reduced easterly side yard setback of the outbuilding on the severed parcel to the satisfaction of the Municipality;
6. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
7. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 82-23**

**LOT 19, CON NTR; PART OF LOTS 61 AND 62, PLAN 14  
TOWNSHIP OF SOUTHWOLD  
8068 UNION ROAD**

**TAKE NOTICE** that an application has been made by Connor Wilks (Dillion Consulting Ltd.), 130 Dufferin Ave. Suite 1400, London, ON N6A 5R2, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8068 Union Road.

The applicant proposes to sever a parcel with a frontage of 14.35m (47 feet), a depth of 42.67m (140 feet) and an area of 615.26m<sup>2</sup> (0.15 acres) to create a new residential lot. The applicant is retaining a lot with an area of 17,799m<sup>2</sup> (4.40 acres) for future residential development. The subject land is also the subject of severance applications E 83-23, E 84-23 & E 85-23.

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:

**DECEMBER 13, 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

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 27<sup>th</sup> day of October, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 83-23**

**LOT 19, CON NTR; PART OF LOTS 61 AND 62, PLAN 14  
TOWNSHIP OF SOUTHWOLD  
8068 UNION ROAD**

**TAKE NOTICE** that an application has been made by Connor Wilks (Dillion Consulting Ltd.), 130 Dufferin Ave. Suite 1400, London, ON N6A 5R2, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8068 Union Road.

The applicant proposes to sever a parcel with a frontage of 14.35m (47 feet), a depth of 42.67m (140 feet) and an area of 615.26m<sup>2</sup> (0.15 acres) to create a new residential lot. The applicant is retaining a lot with an area of 17,799m<sup>2</sup> (4.40 acres) for future residential development. The subject land is also the subject of severance applications E 82-23, E 84-23 & E 85-23.

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:

**DECEMBER 13, 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

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 27<sup>th</sup> day of October, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 84-23**

**LOT 19, CON NTR; PART OF LOTS 61 AND 62, PLAN 14  
TOWNSHIP OF SOUTHWOLD  
8068 UNION ROAD**

**TAKE NOTICE** that an application has been made by Connor Wilks (Dillion Consulting Ltd.), 130 Dufferin Ave. Suite 1400, London, ON N6A 5R2, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8068 Union Road.

The applicant proposes to sever a parcel with a frontage of 14.35m (47 feet), a depth of 42.67m (140 feet) and an area of 615.26m<sup>2</sup> (0.15 acres) to create a new residential lot. The applicant is retaining a lot with an area of 17,799m<sup>2</sup> (4.40 acres) for future residential development. The subject land is also the subject of severance applications E 82-23, E 83-23 & E 85-23.

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:

**DECEMBER 13, 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

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 27<sup>th</sup> day of October, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 85-23**

**LOT 19, CON NTR; PART OF LOTS 61 AND 62, PLAN 14  
TOWNSHIP OF SOUTHWOLD  
8068 UNION ROAD**

**TAKE NOTICE** that an application has been made by Connor Wilks (Dillion Consulting Ltd.), 130 Dufferin Ave. Suite 1400, London, ON N6A 5R2, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8068 Union Road.

The applicant proposes to sever a parcel with a frontage of 14.35m (47 feet), a depth of 42.67m (140 feet) and an area of 509.56m<sup>2</sup> (0.12 acres) to create a new residential lot. The applicant is retaining a lot with an area of 17,799m<sup>2</sup> (4.40 acres) for future residential development. The subject land is also the subject of severance applications E 82-23, E 83-23 & E 84-23.

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:

**DECEMBER 13, 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

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 27<sup>th</sup> day of October, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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





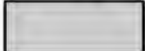


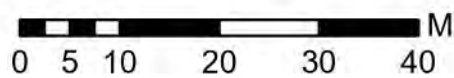
## Location Map



Subject Site: 8068 Union Road  
 File Number: E 82-23 to E 85-23  
 Owner: New Wave Home Design Inc.  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 10/24/2023  
 Township of Southwold

### Legend

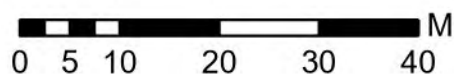
-  Subject Site
-  Severed
-  Retained
-  Elgin Road Network
-  Buildings





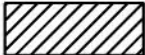




## Location Map

Subject Site: 8068 Union Road  
 File Number: E 82-23 to E 85-23  
 Owner: New Wave Home Design Inc.  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 10/24/2023  
 Township of Southwold



### Legend

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

**Appendix 2.0****Consent Applications E82-23 to E85-23****Township Conditions:**

1. That the Applicant meet all the requirements, **financial** and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a **description** of the lands to be severed lands (4) 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 deeds for the severed parcels once the transaction has occurred to the Municipality.
4. That a digital copy of the draft and final deposited **Reference Plan** be provided to the Township of Southwold.
5. That the Applicant pays the Cash-in-Lieu of **Parkland Fee** for the creation of 4 new residential lot to the Municipality.
6. That the Applicant successfully apply to the Township and obtain a **Zoning By-law Amendment** to rezone the retained and severed parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Township.
7. That the Applicant submit a written request and fee for the necessary **Drainage Reapportionment** to be completed pursuant to the Drainage Act, to the satisfaction and clearance of the Township.
8. That the Applicant submit a written request and fee for the preparation of a **Mutual Drain Agreement** pursuant to the Drainage Act, between the severed and retained lands, to be registered on title of the severed lands at the entire expense of the Applicant, to the satisfaction and clearance of the Municipality.
9. That the Applicant has an engineered **Lot Grading Plan** prepared for the severed and retained parcels and all necessary **works installed**, to the satisfaction of the Municipality of Southwold.
10. That the Applicant obtain the necessary permits and complete the works necessary for the **removal of the existing septic system** and **capping of the existing municipal water service**, to the satisfaction and clearance of the Municipality.

11. That the Applicant shall enter into a **Severance Agreement** with the Municipality for the proposed severed parcels, addressing all municipal interests and associated fees and charges, including and not limited to installation of individual **water services**, dedication of pumping station lands (via a registered R PLAN and transfer to the municipality, notice regarding **septic system design and maintenance, drainage**, cash-in-lieu of parkland, development charges, **road permits and restoration**, amongst other matters, to the satisfaction of the Township of Southwold.
12. That the Applicant **register the Severance Agreement** against the severed and retained (if required) lands, to the satisfaction of the Township and at the entire expense of the Applicant.
13. That the Applicant obtain the necessary permits for the **demolition of the existing single detached dwelling and all outbuildings**, including the removal of all materials from the subject lands, final grading and seeding, to the satisfaction and clearance of the Municipality.
14. That the Applicant's Solicitor provide a **request for clearance** of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Municipality and that the Municipality advise the County writing that the above-noted conditions have been satisfied.
15. 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.

November 30, 2023

Elgin County Land Division Committee  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [landdivision@elgin.ca](mailto:landdivision@elgin.ca)

VIA EMAIL ONLY

**RE: Township of Southwold Comments to Land Division Committee**

**County File Numbers: E82-23 to E85-23**

Please be advised that the Council for the Township of Southwold reviewed the above-noted application at the November 27, 2023 Council Meeting and passed the following resolution:

**2023-261**

**THAT** Council recommend approval to the Land Division Committee of Elgin County for Consent Applications E82-23 to E85-23 for the creation of 4 residential lots fronting on Union Road subject to the recommended conditions provided in Appendix Two of Report PLA 2023-32.

**CARRIED**

The Township requests that the County advise of any revisions to the recommended conditions from the Township and that the Township be provided with a copy of the Notice of Decision rendered by the Elgin County Land Division Committee for the above-noted file.

Should you have any questions or concerns, please do not hesitate to contact undersigned.

Regards,

Danielle Truax, Planner  
Email: [planning@southwold.ca](mailto:planning@southwold.ca)

Attach: Planning Report PLA 2023-32  
Municipal Appraisal Sheet E82-23, E83-23, E84-23, E85-23



## TOWNSHIP OF SOUTHWOLD

### Report to Council

**MEETING DATE:** November 27, 2023  
**PREPARED BY:** Danielle Truax, Planner  
**REPORT NO:** PLA 2023-32  
**SUBJECT MATTER:** **Consent Applications E82-23 to E85-23**  
**8068 Union Road (New Wave Home Designs Inc.)**  
**Township Comments to Elgin County**

---

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

THAT Council recommend approval to the Land Division Committee of Elgin County for Consent Applications E82-23 to E85-23 for the creation of 4 residential lots fronting on Union Road subject to the recommended conditions provided in Appendix Two of Report PLA 2023-32.

#### **Purpose:**

Consent Applications E82-23 to E85-23 have been submitted to Elgin County for lands located within the Township of Southwold. The subject land is located at 8068 Union Road, Fingal and is legally described as Part of Lot 19, Concession North of Talbot Road Part Lots 61 and 62, Plan 14, including Part 7, RP 11R-2735. The subject property is highlighted on Figure 1.0 Key Map of Subject Property below.

The applications seek to create four (4) new residential lots fronting Union Road from the balance of the subject lands. A copy of the proposed severance sketch has been attached to this report as Appendix One.

**Figure 1.0 Key Map of Subject Property**



**Background:**

The subject lands are located in an established residential area consisting mainly of single detached dwellings fronting directly onto Union Road.

**Figure 2.0 Property Information**

<b>Application No.</b>	<b>E82-23, E83-23, E84-23, E85-23</b>
Owner:	New Wave Home Designs Inc.
Address:	8068 Union Road
Water Supply:	Municipal Water
Sewage Supply:	Private On-site Sanitary System (Septic)
Buildings/Structures	Single Detached Dwelling, 2 Accessory Buildings
Elgin County Official Plan	Tier Two Settlement Area
Settlement Area:	Fingal Settlement Area
Official Plan Designation	Residential
Zoning By-law 2011-14	Residential 1 (R1) Zone

**Proposed Lot Creation**

The applications seek to create four residential lots fronting on Union Road resulting in a retained parcel for future development. The proposed lots have been sized to reflect the required lot area for lands serviced by full municipal services, including municipal water and sanitary sewer services.

**Municipal Servicing (water and sanitary)**

Municipal sanitary is not currently available in this area however, Fingal has been identified as an area to be serviced based on the Shedden and Fingal Wastewater Strategy Environmental Assessment (EA) prepared by Dillon Consulting and dated February 2021. The EA has been completed and supported by Council. Currently, design and ultimate construction are pending future Council consideration.

The applicant has submitted an opinion letter from BOS Engineering and Environmental Services stating traditional septic systems can be accommodated on the proposed lots (3) and that specified systems will be required for the proposed lots.

- Level IV treatment systems with smaller Type A beds as allowed under Part 8 of the Ontario Building Code.
- Norweco Model 2270 pre-treatment units are identified but equivalent systems that are certified to meet the Level IV standards of the OBC for 2000 L/day will also be satisfactory.



In order to ensure that development of the proposed 4 lots can accommodate appropriate sanitary services in the interim of municipal sanitary services being available, it is recommended that the applicant be required to enter into a "Severance Agreement" in accordance with the policies of Section 7.23.2. The Severance Agreement will be registered on the title of each lot requiring the required on-site sanitary services be designed to the satisfaction of the Chief Building Official (CBO) and that, if necessary, property owners will be required to provide the Township with proof of continual maintenance. The agreement shall also contain a provision noting that the owner will be required to connect to future municipal sanitary services, dispose of the existing on-site sanitary system to the satisfaction of the CBO and all at the entire expense of the owner.

The municipality has identified a site on the proposed retained lands as a preferred location for a municipal pumping station to service sanitary growth in Fingal and Shedden. Given that the permission to create undersized lots is reliant on municipally provided water and sanitary services, the applicant has agreed to dedicate a portion of the retained lands to the municipality for a future pumping station. The municipality will need the severance agreement to include provisions requiring the dedication of the lands (via a registered R PLAN and transfer to the municipality, of which the surveying and legal costs will be at Southwold's expense) for the pumping station to be completed prior to the completion of the severance.

The Severance Agreement can also be used to ensure that any necessary road repair due to the installation of individual water connections is addressed to the satisfaction of the Township. The Severance Agreement shall be registered on title of the proposed severed and retained (if necessary) lands to ensure enforcement prior to the stamping of the deeds and on an on-going basis with future owners.

### **Zoning**

The proposed lots do not comply with the R1 zone provisions for lots not serviced by full municipal services (water and sanitary). The proposed lots do comply with the required lot area for a lot on municipal sanitary services, however each has an undersized lot frontage. The minimum lot frontage requirement for a lot in the R1 zone on municipal services is 15m (49.2 ft), the applicant has proposed 14.35m (47.1 ft).

It is recommended that the proposed lots be zoned to a site specific R1 zone to recognize the proposed lot area and lot frontages. The site-specific zone would also establish an increased side yard setback for the southern boundary of Lot 4 which will be an exterior side yard pending future development.

It is further recommended that the retained lands be rezoned to R1 Holding Zone to ensure no building permits are available until an approved development has been completed.

**Figure 3.0 Proposed Lot Creation**

<b>Parcel</b>	<b>Lot Area</b>	<b>Compliance</b>	<b>Lot Frontage</b>	<b>Compliance</b>
Original Lot	1.78ha (4.40ac)	Yes	77.4m	Yes
Severed Lot 1	615.26m <sup>2</sup>	No	14.35m	No
Severed Lot 2	615.26m <sup>2</sup>	No	14.35m	No
Severed Lot 3	615.26m <sup>2</sup>	No	14.35m	No
Severed Lot 4	509.56m <sup>2</sup>	No	14.35m	No
Retained Lands	1.54ha (3.8ac)	Yes	20.0m	Yes

**Circulation of the Application:**

Egin County provided notification of the receipt of the applications and the scheduled Public Meeting to be held on December 13<sup>th</sup>, 2023, in accordance with the provisions of The Planning Act. The application and related information were circulated to internal Township departments to provide comments and recommendations.

**Township Department Comments**

In addition to the standard conditions regarding the provision of a registered reference plan and the acceptable deeds containing the legal descriptions of the proposed lot, and the payment of any financial requirements, the following additional conditions are recommended based on comments received from internal departments:

1. Drainage:
  - a. Drainage apportionment;
  - b. Lot grading plans and Installation of required works;
2. Building
  - a. Removal of existing dwelling and outbuildings, including decommissioning of any existing on-site private septic systems and existing water connection;
  - b. Severance Agreement stipulating septic design requirements and future sanitary connections;
3. Planning
  - a. Park fees per lot;
  - b. Submit and obtain Zoning By-law Amendment for severed and retained lands;
  - c. Severance agreement and fee; including registration;

4. Water
  - a. No Comment
  - b. Service and as built drawings for 4 new water service connections;
  - c. Submit applications and fees and obtain permits for 4 new water service connections;
  - d. Installation of 4 new water service connections;
  - e. Severance agreement to ensure road repair as a result of water service installation if necessary;

**Planning Policy Review:**

Consent Applications E82-23 to E85-23 were submitted to and declared complete by Elgin County. The applications were circulated to the public and prescribed bodies under the provisions of the Planning Act on October 27, 2023. The Land Division Committee for Elgin County is the Approval Authority for lot creation under Section 53 of the Planning. The Township of Southwold provides the comments to the Land Division Committee for consideration in making a decision and assigning conditions to any provisional approval given.

Relevant planning documents were reviewed by staff with regards to the proposed lot creation applications to ensure consistency with the Provincial Policy Statement (PPS), Elgin County Official Plan (ECOP), Township of Southwold Official Plan (OP), and the Township of Southwold Zoning Bylaw 2011-14 (ZB). A summary of the relevant policy and impact on the proposed applications is provided below.

<b>Legislation</b>	<b>Section(s)</b>	<b>Relevance To Application</b>	<b>Impact on Development</b>
<b><u>Provincial Policy Statement</u></b>	<b>PPS 1.1.3 Settlement Areas</b>	<ul style="list-style-type: none"> <li>• Settlement Areas shall be focus of growth and development;</li> <li>• appropriate for the level of services;</li> </ul>	Development permitted
<b><u>Elgin County Official Plan</u></b>	<b>A6.1.1. Settlement Areas C1.1.1 Residential C1.3 Housing E1. 2.3. Consents</b>	<ul style="list-style-type: none"> <li>• Tier Two Settlement Area</li> <li>• Maintain residential character of area</li> <li>• Efficient use of planned infrastructure</li> <li>• Encouraging development of lands within settlement areas to maximize the use of infrastructure</li> </ul>	Development permitted

		<ul style="list-style-type: none"> <li>Will not restrict the development of the retained lands</li> </ul>	
<p><b><u>Township of Southwold Official Plan</u></b></p>	<p><b>5.2 Settlement Area Land Use 7.2.3 Consents</b></p>	<ul style="list-style-type: none"> <li>Lands are intended for Residential development;</li> <li>Consent applications can be considered subject to conditions;</li> </ul>	<p>Development permitted</p> <ul style="list-style-type: none"> <li>Severance Agreement</li> <li>Township Conditions – Appendix Two</li> </ul>
<p><b><u>Township of Southwold Zoning Bylaw</u></b></p>	<p><b>8.0 Residential 1 (R1) Zone</b></p>	<ul style="list-style-type: none"> <li>Zoning By-law Amendment required to site specifically permit the undersized lot frontage and area for each severed lot.</li> <li>Retained lands to be placed in a Holding (H) to ensure no development until a future plan of subdivision is approved.</li> </ul>	<ul style="list-style-type: none"> <li>ZBA required</li> <li>No building permits available until all conditions of consent are completed to the satisfaction of the Township.</li> </ul>

**Financial Implications:**

Township application fees were collected in accordance with the Township’s Tariff of Fees By-law, as amended from time to time.

Additional fees will be due at the time of building permit application, including but not limited to driveway entrance, 911 sign and development charges.

Approval of the applications will have no significant financial impact on the Township.

**Summary/Conclusion:**

Based on the review of relevant planning policy documents and internal department recommendations, it is Planning Staff’s opinion that the proposed applications for the creation of 4 new residential lots are consistent with the PPS, conform to the land division and land use policies of the ECOP and Southwold OP, and comply with the general intent of the ZB.

The Township of Southwold Council recommends to the Land Division Committee of the Elgin County that the consents be approved, subject to the lower-tier municipal conditions listed in this report.

**Respectfully submitted by:  
Danielle Truax, Planner  
"Submitted Electronically"**

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

**Appendices:**

1. Appendix One: Consent Sketch E82-23 to E85-23
2. Appendix Two: Consent Application Township Conditions E82-23 to E85-23

Appendix 1.0 Severance Sketch



**Appendix 2.0****Consent Applications E82-23 to E85-23****Township Conditions:**

1. That the Applicant meet all the requirements, **financial** and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a **description** of the lands to be severed lands (4) 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 deeds for the severed parcels once the transaction has occurred to the Municipality.
4. That a digital copy of the draft and final deposited **Reference Plan** be provided to the Township of Southwold.
5. That the Applicant pays the Cash-in-Lieu of **Parkland Fee** for the creation of 4 new residential lot to the Municipality.
6. That the Applicant successfully apply to the Township and obtain a **Zoning By-law Amendment** to rezone the retained and severed parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Township.
7. That the Applicant submit a written request and fee for the necessary **Drainage Reapportionment** to be completed pursuant to the Drainage Act, to the satisfaction and clearance of the Township.
8. That the Applicant submit a written request and fee for the preparation of a **Mutual Drain Agreement** pursuant to the Drainage Act, between the severed and retained lands, to be registered on title of the severed lands at the entire expense of the Applicant, to the satisfaction and clearance of the Municipality.
9. That the Applicant has an engineered **Lot Grading Plan** prepared for the severed and retained parcels and all necessary **works installed**, to the satisfaction of the Municipality of Southwold.
10. That the Applicant obtain the necessary permits and complete the works necessary for the **removal of the existing septic system** and **capping of the existing municipal water service**, to the satisfaction and clearance of the Municipality.

11. That the Applicant shall enter into a **Severance Agreement** with the Municipality for the proposed severed parcels, addressing all municipal interests and associated fees and charges, including and not limited to installation of individual **water services**, dedication of pumping station lands (via a registered R PLAN and transfer to the municipality, notice regarding **septic system design and maintenance, drainage**, cash-in-lieu of parkland, development charges, **road permits and restoration**, amongst other matters, to the satisfaction of the Township of Southwold.
12. That the Applicant **register the Severance Agreement** against the severed and retained (if required) lands, to the satisfaction of the Township and at the entire expense of the Applicant.
13. That the Applicant obtain the necessary permits for the **demolition of the existing single detached dwelling and all outbuildings**, including the removal of all materials from the subject lands, final grading and seeding, to the satisfaction and clearance of the Municipality.
14. That the Applicant's Solicitor provide a **request for clearance** of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Municipality and that the Municipality advise the County writing that the above-noted conditions have been satisfied.
15. That all conditions noted above shall be fulfilled within **two years** of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



## MUNICIPAL APPRAISAL SHEET – 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:** Consent Applications E82-23, E83-23, E84-23, E85-23  
**Applicant:** New Wave Home Design Inc. c/o Shaun Liang  
**Location:** 8068 Union Road

### PART 1 - OFFICIAL PLAN – Township of Southwold 2021

- |    |  |           |        |
|----|--|-----------|--------|
| 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, Schedule 4C (Fingal Land Use Plan)  
Policies: **Section 5.2 Settlement Areas Land Use; Section 7.2.3 Consents**

### PART 2 – ZONING BY-LAW – Zoning By-law 2011-14

- |    |  |           |          |
|----|--|-----------|----------|
| 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:

- i) Proposed lots do not comply with minimum lot area and frontage requirements, as proposed; site specific zoning will be required;
- ii) Establishment of an increased interior minimum side yard (south) for Lot 4 to address future local interior road;
- iii) Retained lands to be placed in Holding (H) Zone until development by approved Plan of Subdivision.

- |    |   |           |        |
|----|---|-----------|--------|
| 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 attach 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 ( ) |
|     | <ul style="list-style-type: none"><li>• See Appendix 2 attached to Planning Report PLA 2023-32 for full list of Township Conditions</li></ul>  |           |        |
| 9.  | Does Council recommend the application?  | Yes ( x ) | No ( ) |
| 10. | Does the municipality have other concerns that should be considered by the Committee?  |           |        |
|     | <ul style="list-style-type: none"><li>• Township interests are addressed in the recommended conditions to be imposed as approved by Council and attached as Appendix 2 to Planning Report PLA 2023-32.</li></ul> |           |        |

Revised 01/09/20

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 3, 2023 ELGIN COUNTY ROAD NO.: Union Road CR 20

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:

APPLICATION NO.: E 82-23, E 83-23, E 84-23, E85-23

APPLICANT: New Wave Home Design Inc. c/o  
Shaun Laing

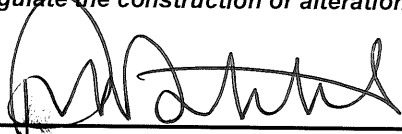
PROPERTY: LOT NO. Lots 61-62 CONCESSION: \_\_\_\_\_  
REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Southwold

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

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

*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Union Road County Road (20) 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  
 Director of Engineering Services



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.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:** December 13, 2023  
**Application:** E 82-23 to E 85-23

---

**Owner:**  
**New Wave Home Design Inc.**  
1053 Iona Road, Fingal, ON N0L 1K0

**Agent:**  
**Dillion Consulting Ltd. (Connor Wilks)**  
1400-130 Dufferin Ave., London, ON  
N6A 5R2

**Location:** Lot 19, Concession North of Talbot Road; Part of Lots 61 and 62, Plan 14.  
Municipally known as 8068 Union Road.

**PROPOSAL**

**E 82-23:**

The applicant proposes to sever a parcel with a frontage of 14.35m (47 feet), a depth of 42.67m (140 feet) and an area of 615.26m<sup>2</sup> (0.15 acres) to create a new residential lot. The applicant is retaining a lot with an area of 17,799m<sup>2</sup> (4.40 acres) for future residential development.

**E 83-23:**

The applicant proposes to sever a parcel with a frontage of 14.35m (47 feet), a depth of 42.67m (140 feet) and an area of 615.26m<sup>2</sup> (0.15 acres) to create a new residential lot. The applicant is retaining a lot with an area of 17,799m<sup>2</sup> (4.40 acres) for future residential development.

**E 84-23:**

The applicant proposes to sever a parcel with a frontage of 14.35m (47 feet), a depth of 42.67m (140 feet) and an area of 615.26m<sup>2</sup> (0.15 acres) to create a new residential lot. The applicant is retaining a lot with an area of 17,799m<sup>2</sup> (4.40 acres) for future residential development.

**E 85-23:**

The applicant proposes to sever a parcel with a frontage of 14.35m (47 feet), a depth of 42.67m (140 feet) and an area of 509.56m<sup>2</sup> (0.12 acres) to create a new residential lot. The applicant is retaining a lot with an area of 17,799m<sup>2</sup> (4.40 acres) for future residential development.



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

**County of Elgin Official Plan**

Tier 2 Settlement Area

**Local Municipality Official Plan**

Settlement Area

**Local Municipality Zoning By-law**

Residential 1 (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold– Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Lower Thames Valley 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 Planning Act and Provincial Policy Statement (PPS) sections. 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 four (4) parcels for future residential development. The retained land is proposed to also be used for a future plan of subdivision. The subject land is within a settlement area, and the PPS promotes a variety of land uses and densities within settlement areas.

*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 CEOP permits lot creation for residential purposes within settlement areas. Staff

have reviewed this application against the general consent criteria of the CEOP and found no deficiencies.

#### 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 lands are identified for residential development within the Southwold Official Plan. A Zoning By-law Amendment will be required to permit an undersized lot frontage for each new lot. The retained lands will be placed in a holding zone, pending a future draft plan of subdivision application.

#### 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 municipal addressing be provided to the County of Elgin by the local municipality to the satisfaction of Elgin County.
4. That the owners dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centerline of construction of Union Road (County Road 20) 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 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.
7. Lot grading plan is required for the severed lots.

Additionally, it is recommended that the following conditions from the Township of Southwold 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 lands (4) 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 deeds for the severed parcels once the transaction has occurred to the Municipality.
4. That a digital copy of the draft and final deposited Reference Plan be provided to the Township of Southwold.
5. That the Applicant pays the Cash-in-Lieu of Parkland Fee for the creation of 4 new residential lots to the Municipality.
6. That the Applicant successfully apply to the Township and obtain a Zoning By-law Amendment to rezone the retained and severed parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Township.
7. That the Applicant submit a written request and fee for the necessary Drainage Reapportionment to be completed pursuant to the Drainage Act, to the satisfaction and clearance of the Township.
8. That the Applicant submit a written request and fee for the preparation of a Mutual Drain Agreement pursuant to the Drainage Act, between the severed and retained lands, to be registered on title of the severed lands at the entire expense of the Applicant, to the satisfaction and clearance of the Municipality.
9. That the Applicant has an engineered Lot Grading Plan prepared for the severed and retained parcels and all necessary works installed, to the satisfaction of the Municipality of Southwold.
10. That the Applicant obtain the necessary permits and complete the works necessary for the removal of the existing septic system and capping of the existing municipal water service, to the satisfaction and clearance of the Municipality.
11. That the Applicant shall enter into a Severance Agreement with the Municipality for the proposed severed parcels, addressing all municipal interests and associated fees and charges, including and not limited to installation of individual water services, dedication of pumping station lands (via a registered R PLAN and transfer to the municipality, notice regarding septic system design and maintenance, drainage, cash-in-lieu of parkland, development charges, road permits and restoration, amongst other matters, to the satisfaction of the Township of Southwold.
12. That the Applicant register the Severance Agreement against the severed and retained (if required) lands, to the satisfaction of the Township and at the entire expense of the Applicant.
13. That the Applicant obtain the necessary permits for the demolition of the existing single detached dwelling and all outbuildings, including the removal of all materials from the subject lands, final grading and seeding, to the satisfaction and clearance of the Municipality.
14. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Municipality and that the Municipality advise the County writing that the above-noted conditions have been satisfied.
15. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 86-23**

**PART OF LOTA 22 AND 23, CONCESSION 1 YARMOUTH  
MUNICIPALITY OF CENTRAL ELGIN  
3121 OLD DEXTER LINE**

**TAKE NOTICE** that an application has been made by Cory Pietrzak, 3121 Old Dexter Line, Sparta, ON N0L 2H0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 3121 Old Dexter Line.

The applicant proposes to sever a parcel with an area of 6.94ha (17 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 0.4ha (0.98 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:

**DECEMBER 13, 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

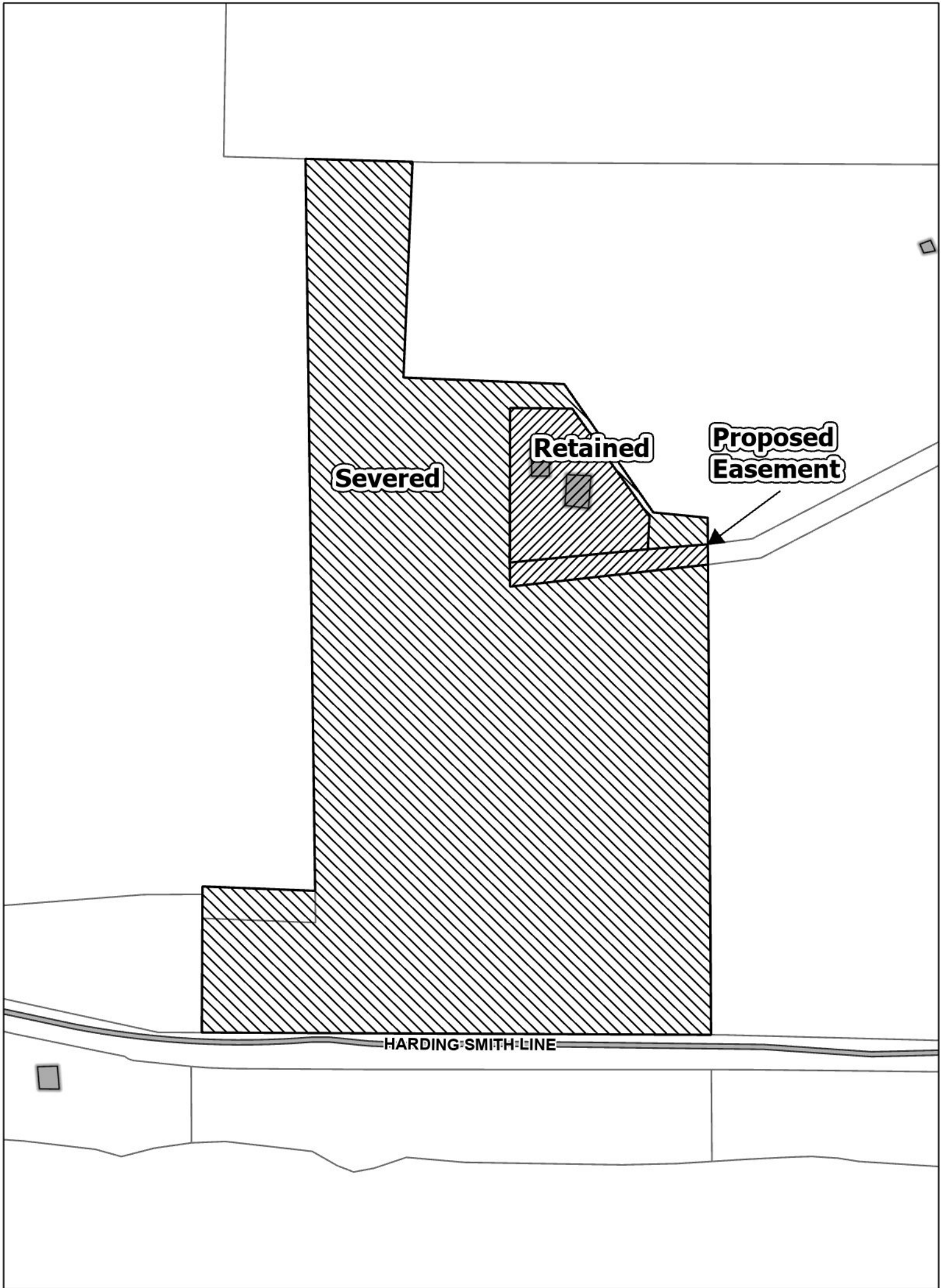
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 27<sup>th</sup> day of October, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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

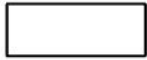

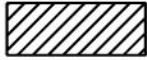




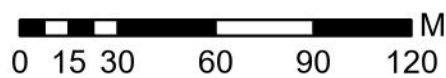
## Location Map

Subject Site: 3121 Old Dexter Line  
 File Number: E 86-23  
 Owner: Ed Pietrzak  
 CA: Kettle Creek / Catfish Creek Conservation  
 Created By: PC  
 Date: 10/30/2023  
 Municipality of Central Elgin



### Legend

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







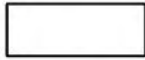

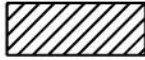

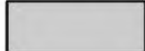
Elgin County, Maxar, Microsoft

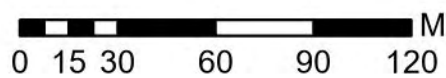
## Location Map

Subject Site: 3121 Old Dexter Line  
 File Number: E 86-23  
 Owner: Ed Pietrzak  
 CA: Kettle Creek / Catfish Creek Conservation  
 Created By: PC  
 Date: 10/30/2023  
 Municipality of Central Elgin



### Legend

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





THE MUNICIPALITY OF CENTRAL ELGIN

**REPORT TO COUNCIL**

**REPORT NO.** CEP.53.23  
**CEPO FILE NO.** E86/23  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 3121 Old Dexter Line  
Applicant – Ed Pietrzak  
**DATE** November 27, 2023

---

**RECOMMENDATION**

**THAT** Report CEP.53.23 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E86/23 to the Land Division Committee, staff recommends the following conditions:

- 1) approval of a minor variance application to recognize that the proposed limits of 3121 does not have lot frontage on Old Dexter Line;
  - 2) the severed lot be merged in title with 3109 Old Dexter Line;
  - 3) that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
  - 4) the Solicitor for the applicant is to provide an undertaking, whereby he/she informs the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
  - 5) the Municipality of Central Elgin be provided with a copy of the Reference Plan.
- 

**REPORT**

**Background:**

Consent application E86/23 has been filed for the purpose of an addition to a lot, the applicant is proposing to convey 6.94ha of vacant land to the abutting lot to the east, municipally known as 3109 Old Dexter Line. The applicant is also requesting the extension of an existing hydro easement and access right-of-way in favour of the proposed limits 46918 Old Dexter Line.

### Location:

The subject lands are on the west side of Old Dexter Line and are described as Concession 1, Part of Lot 23, Registered Plan 11R-10086, Part 2 and Part 4, Municipality of Central Elgin.

### Proposal:

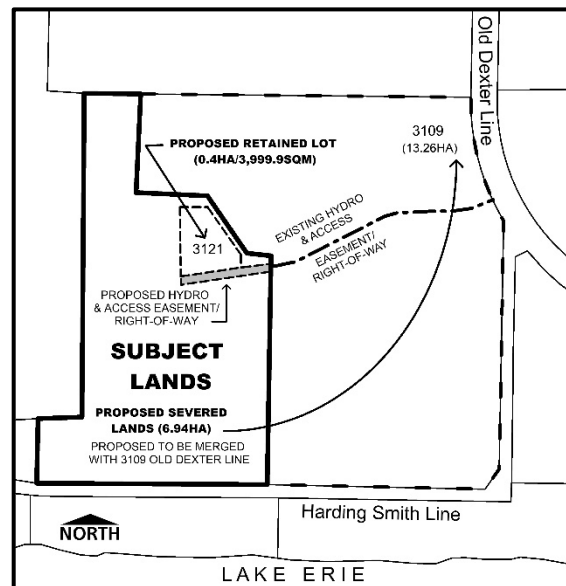
The applicant is proposing to sever a vacant parcel of land with an area of 6.94ha. It is proposed that the lands will be merged with 3109 Old Dexter Line and continue to be used for agricultural purposes. The applicant is proposing to retain a lot with an area of 0.4ha (3,999.9sqm), containing one single detached dwelling and one accessory building. It is proposed that the lands will be used for rural residential purposes. The applicant is also proposing to extend an existing hydro easement and access right-of-way in favour of the proposed limits of 46918 Old Dexter Line.

### Staff Report

#### 1. Official Plan

- The subject lands are within the Agricultural and Natural Heritage designation in accordance with Schedule "A" – Land Use Plan to the Municipality of Central Elgin Official Plan.
- Consents for the conveyance of land will only be permitted in accordance with 4.1.2. Where a parcel of land has an area of less than 40 hectares, a consent for the purposes of transferring parts of such parcel to an abutting farm operation is permitted provided the following criteria are met (4.1.2(b)):
  - 1) The parcel being conveyed is registered in the same interest as the abutting parcel to which it is to be joined and the consent decision shall stipulate that Subsection 3 of Section 50 of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance of the severed parcel;
  - 2) The retained parcel should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 to this Plan. Exceptions may be considered based on individual site circumstances; however, in all circumstances, the loss of any additional productive farmland will be avoided;
  - 3) The retained parcel complies with the applicable regulations of the zoning by-law.
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way is permitted. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).
- Permitted uses within the Natural Heritage designation include passive open space, walking/biking trails, forest and resource management uses, conservation uses, erosion and flood control, low-intensity public and private recreation uses, existing agricultural uses, and accessory buildings and structures thereto (3.1.1(a)).

### Location Plan:



- The subject lands are also partly within the Bluff Hazard Limit in accordance with Schedule “A” – Land Use Plan to the Municipality of Central Elgin Official Plan. The shoreline of Lake Erie presents potential hazards that are unique to the lake/land interface (3.2.4).
- The proposed lot addition and easement/right-of-way are not considered development under the Provincial Policy Statement (PPS), as the application does not contemplate the creation of a new lot, a change in land use, the construction of buildings and structures requiring approval under the Planning Act and further is not considered site alteration as the application does not contemplate activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

## 2. Zoning By-Law

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

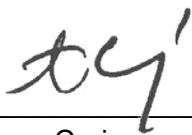
## 3. County of Elgin Official Plan:

- The subject lands are within the Agricultural designation in accordance with Schedule “A” - Land Use, to the County of Elgin Official Plan.
- Consents may also be granted for legal or technical reasons, such as for easements, correction of deeds, quit claims and minor boundary adjustments that do not result in the creation of a new lot (E1.2.3.4).

## 4. Comments

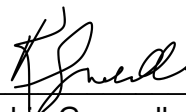
- The existing driveway and hydro service for the subject land crosses over 3109 Old Dexter Line, which was secured through a legal easement/right-of-way in 2016.
- Approval of the application will need to be conditional on the applicant obtaining a minor variance to recognize that 3121 does not have frontage on Old Dexter Line, as the Township of Yarmouth Zoning By-law 1998 only recognizes lots, buildings, and structures as they lawfully exist on the day of the passing of the By-Law, April 29, 1968.

Respectfully submitted:




Steve Craig  
Sr. Planning Technician

Approved for submission:



Robin Greenall  
CAO/Clerk



Jim McCoomb, MCIP, RPP  
Manager of Planning Services

## Paul Clarke

---

**From:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Sent:** November 6, 2023 3:53 PM  
**To:** Paul Clarke  
**Subject:** RE: E 86-23 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.

Hi Paul

Please accept this email as confirmation that staff of KCCA has reviewed the consent application notice for E86-23 affecting 3121 Old Dexter Line and that based on our mandatory programs and services, we have no objection to its approval.

I can confirm that the subject property is affected by natural hazard regulations enacted under the *Conservation Authorities Act*.

However, KCCA staff have reviewed the Site Plan prepared in support of the consent application dated September 18, 2023 and are satisfied that the retained parcel and proposed easement extension are located north of the shoreline erosion hazard limit based on an average annual recession rate of 1.7m.

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:** Tuesday, October 31, 2023 10:29 AM

**Subject:** E 86-23 Notice of Application

Good morning,

Please see the attached notice of application for consent E 86-23. If you wish to provide comments on this application, please do so by **December 5<sup>th</sup>, 2023**.

Thanks,

**Paul Clarke, CPT**



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

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

**To:** Elgin County Land Division Committee  
**From:** Planning Division, County of Elgin  
**Date:** December 13, 2023  
**Application:** E 86-23

**Owner:**  
**Ed Pietrzak**

3121 Old Dexter Line, Sparta, ON N0L 2H0

**Location:** Part of Lot 22, and 23, Concession 1 Yarmouth. Municipally known as 3121 Old Dexter Line.

**Agent:**  
**Cory Pietrzak**

3121 Old Dexter Line, Sparta, ON N0L 2H0

PROPOSAL

The applicant proposes to sever a parcel with an area of 6.94ha (17 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 0.4ha (0.98 acres) proposed to remain in residential use.

**County of Elgin Official  
Plan**

Agricultural Area

**Local Municipality Official  
Plan**

Agricultural / Natural  
Heritage

**Local Municipality Zoning  
By-law**

Open Space 1 (OS1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

*County Engineering* – No concerns.

*Kettle Creek 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 Planning Act and Provincial Policy Statement (PPS) sections. 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 7ha to be conveyed as a lot addition to an adjacent parcel. The applicant is also proposing the creation of an easement to provide access to the retained parcel.

Section 2.3.4 of the PPS permits lot adjustments and minor boundary adjustments in the agricultural area where no new lot is created.

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

This consent will not result in the creation of a new lot and the existing agricultural land being severed for the lot addition will continue to be used for agricultural uses.

#### County of Elgin Official Plan

County Staff has reviewed the application 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. The CEOP permits severances in the Agricultural Area for the purposes of lot additions, provided no new lots are being created. This severance will not result in the creation of a new lot, and is not anticipated to have a negative effect on existing agricultural uses in the surrounding area.

#### 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. Lot boundary adjustments within the Agricultural Area. A minor variance will be required to recognize that 3121 Old Dexter Line does not have frontage onto Dexter Line.

#### 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. 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 Municipality of Central Elgin included as conditions for consent:

1. Approval of a minor variance application to recognize that the proposed limits of 3121 does not have lot frontage on Old Dexter Line;
2. The severed lot be merged in title with 3109 Old Dexter Line;
3. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;



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

4. The Solicitor for the applicant is to provide an undertaking, whereby he/she informs the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
5. The Municipality of Central Elgin be provided with a copy of the Reference Plan.





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 87-23**

**LOT 2, PART OF LOT 2 ON REGISTERED PLAN No. 263  
MUNICIPALITY OF CENTRAL ELGIN  
42483 SOUTHDALE LINE**

**TAKE NOTICE** that an application has been made by Tracy Tucker, 358 Elm Street, St. Thomas, ON N5R 1K1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 42483 Southdale Line.

The applicant proposes to sever a parcel with a frontage of 32.024m (105 feet), a depth of 31.811m (105 feet) and an area of 1,021.10m<sup>2</sup> (0.25 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,042.36m<sup>2</sup> (0.5 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:

**DECEMBER 13, 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

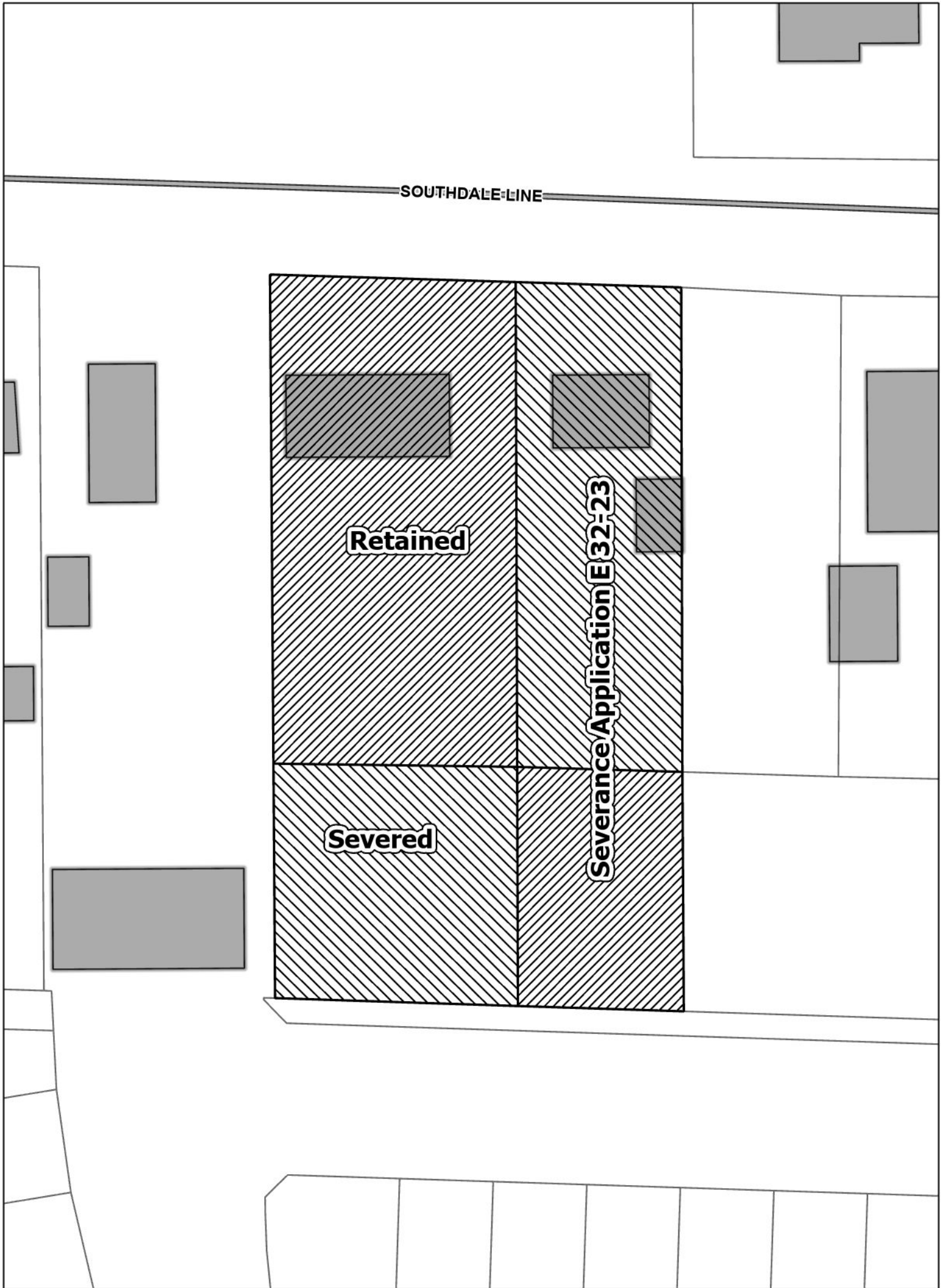
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 27<sup>th</sup> day of October, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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

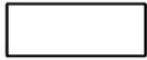

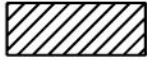




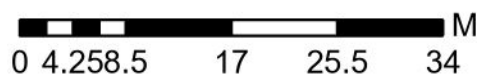
## Location Map

Subject Site: 42483 Southdale Line  
 File Number: E 87-23  
 Owner: Stephen Marcinkiewicz  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 10/24/2023  
 Municipality of Central Elgin



### Legend

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





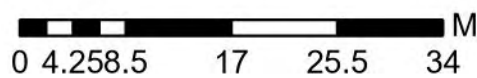
## Location Map

Subject Site: 8068 Union Road  
 File Number: E 82-23 to E 85-23  
 Owner: New Wave Home Design Inc.  
 CA: Lower Thames Valley Conservation  
 Created By: PC  
 Date: 10/24/2023  
 Township of Southwold



### Legend

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





THE MUNICIPALITY OF CENTRAL ELGIN

**REPORT TO COUNCIL**

**REPORT NO.** CEP.54.23  
**CEPO FILE NO.** E87/23  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 42483 Southdale Line  
Applicant – Stephen Marcinkiewicz  
**DATE** November 27, 2023

---

**RECOMMENDATION**

**THAT** Report CEP.54.23 be received for information;

**AND THAT** Should Council pass a resolution in support of Consent Application E87/23 to the Land Division Committee, staff recommends the following conditions:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
  2. Confirmation that Parcel 1 (Retained) has been connected to municipal services, to the satisfaction of the Municipality of Central Elgin;
  3. Confirmation of a Zoning By-Law Amendment to permit residential use on Parcel 2 (Severed);
  4. The severed lands be merged with the abutting lands to the south, Block 75, Plan 11M-242;
  5. 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;
  6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
  7. A copy of the reference plan be provided to the Municipality of Central Elgin.
-

## REPORT

### Background:

Consent application E87/123 has been filed for the purpose of assembling lands for future residential development purposes, by Doug Tarry Limited, Eagle Ridge Subdivision.

### Location:

The subject lands are located on the southeast corner of Southdale Line and Snowy Owl Trail. The lands are described as, Plan 263, East Part Lot 2, Municipality of Central Elgin.

### Proposal:

The applicant is proposing to sever a vacant parcel of land with an area of 1,021.10sqm, proposed to be merged with abutting lands to the south, legally described as Block 75, Plan 11M-242. The applicant is proposing to retain a lot with frontage of 32.10m on Southdale Line a depth of 63.61m and an area of 2,042.36sqm, containing one single detached dwelling and one accessory building.

## Staff Report

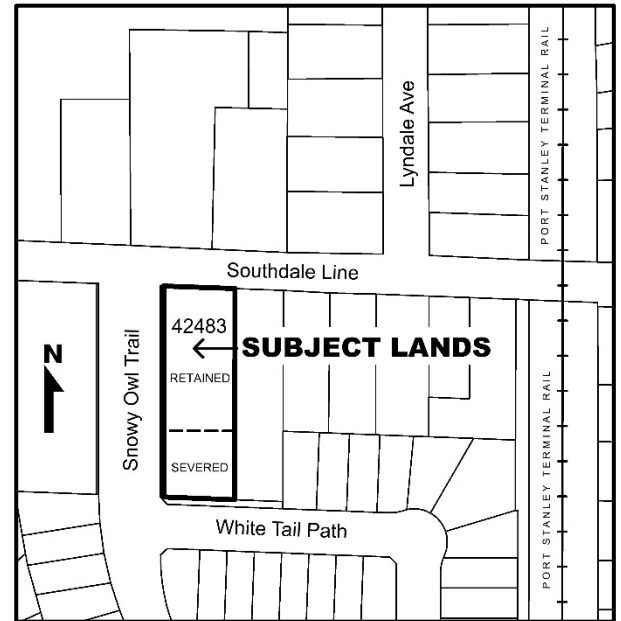
### 1. Official Plan

- The subject lands are within the “Residential” designation in accordance with Schedule “E”- Community of Norman Lyndale, Land Use Plan, to the Municipality of Central Elgin Official Plan. Where land is designated Residential on the Land Use Schedules to the Plan, a range of residential dwelling types and densities shall be permitted (4.2.1a).
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).

### 2. Zoning By-Law

- The subject lands are within the Residential Zone 1 (R1) and Open Space Zone 2 (OS2), as shown on Zoning Map 5, Township of Yarmouth Zoning By-Law 1998, as amended.
- The severed lot (Parcel 2) is within the OS2 zone, permitted uses include farm uses, rural-residential uses lawfully used for such purposes on the day of the passing of the bylaw, home occupations and accessory uses (8.3.1.1).
- The retained lot (Parcel 1) is within the R1 zone, permitted uses include residential uses, and accessory uses (9.2.1.1), permitted buildings and other structures include one single-detached dwelling and accessory buildings on residential lots (9.2.1.2). Where public sanitary sewage disposal facilities and piped public water is available the minimum lot area required is 464.5sqm (9.2.1.3.3), the minimum lot frontage is 15m (9.2.1.4.3) and the minimum lot depth required is 30.48m (9.2.1.5).

### Location Plan:



3. County of Elgin Official Plan:

- The subject lands are within the “Tier 1 Settlement Area” designation in accordance with Schedule “A” - Land Use, to the County of Elgin Official Plan. Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted (B1).
- A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan (E1.2.3.4).

4. Comments

- Parcel 1 (Retained) will be required to connect to the municipal water and the municipal sanitary collection system on Southdale Line as a condition of the approval of the consent application.
- A Zoning By-law Amendment will be required to permit residential use on Parcel 2 (Severed).

Respectfully submitted:



---

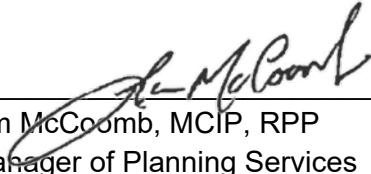
Steve Craig  
Sr. Planning Technician

Approved for submission:



---

Robin Greenall  
CAO/Clerk



---

Jim McCoomb, MCIP, RPP  
Manager of Planning Services

## Paul Clarke

---

**From:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Sent:** November 6, 2023 3:57 PM  
**To:** Paul Clarke  
**Subject:** RE: E 87-23 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.

Hi Paul

Please accept this email as confirmation that staff of KCCA has reviewed the consent application notice for E87-23 affecting 42483 Southdale Line and that based on our mandatory programs and services, we have no objection to its approval.

I can confirm that the subject lands are affected by natural hazard regulations enacted under the *Conservation Authorities Act*.

However, KCCA staff have reviewed the supporting technical studies and are satisfied that a KCCA permit can be obtained. An application has already been submitted to KCCA for development of the proposed lots under 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:** Tuesday, October 31, 2023 10:29 AM

[REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** E 87-23 Notice of Application

Good morning,

Please see the attached notice of application for consent E 87-23. If you wish to provide comments on this application, please do so by **December 5<sup>th</sup>, 2023**.

Thanks,

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 3, 2023 ELGIN COUNTY ROAD NO.: Road CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 87-23

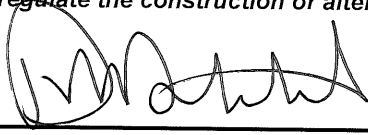
APPLICANT: Tracy Tucker

PROPERTY: LOT NO. Lot 2, Pt Lot 2 CONCESSION:  
REG'D PLAN: 263 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  
Director of Engineering Services





**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.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:** December 13, 2023  
**Application:** E 87-23

---

**Owner:** Stephen Marcinkiewicz  
42483 Southdale Line, St. Thomas, ON N5R 1B7  
**Agent:** Tracy Tucker  
358 Elm Street, St. Thomas, ON N5R 1K1

**Location:** Part of Lot 2 on Registered Plan No. 263. Municipally known as 42483 Southdale Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 32.024m (105 feet), a depth of 31.811m (105 feet) and an area of 1,021.10m<sup>2</sup> (0.25 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,042.36m<sup>2</sup> (0.5 acres) proposed to remain in residential use.

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

**Local Municipality Official Plan**  
Residential

**Local Municipality Zoning By-law**  
Residential Zone 1 (R1) /  
Open Space 2 (OS2)

REVIEW & ANALYSIS:

Public and Agency Comments

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

*County Engineering* – No concerns.

*Kettle Creek 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 Planning Act and Provincial Policy Statement (PPS) sections. 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 1,000m<sup>2</sup> to be conveyed as a lot addition to an adjacent parcel.

The PPS permits consents for a variety of purposes in settlement areas, including the creation of new lots and boundary adjustments. The purpose of this consent is to facilitate future residential development in a plan of subdivision. Any future development is subject to relevant development approvals including but not limited to any consents that may be required, building permits, etc.

#### County of Elgin Official Plan

County Staff has reviewed the application 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 should be the focus of development, as such, they permit a variety of land uses and densities. The subject land is adjacent to a plan of subdivision and this consent will facilitate future development.

#### 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 existing subdivision is being constructed by Doug Tarry Homes and this consent will allow for further development along White Tail Path. Due to the subdivision on the adjacent land, this application is not anticipated to have a negative impact on traffic or infrastructure.

#### 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. 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 Municipality of Central Elgin included as conditions for consent:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
2. Confirmation that Parcel 1 (Retained) has been connected to municipal services, to the satisfaction of the Municipality of Central Elgin;
3. Confirmation of a Zoning By-Law Amendment to permit residential use on Parcel 2 (Severed);



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

4. The severed lands be merged with the abutting lands to the south, Block 75, Plan 11M-242;
5. 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;
6. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
7. A copy of the reference plan be provided to the Municipality of Central Elgin.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 88-23 & E 89-23**

**PART OF LOT 2, CONCESSION 6  
MUNICIPALITY OF CENTRAL ELGIN  
42399 SOUTHDALE LINE**

**TAKE NOTICE** that an application has been made by Tracy Tucker, 358 Elm Street, St. Thomas, ON N5R 1K1, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 42399 Southdale Line.

The applicant proposes to sever a parcel with a frontage of 12.2m (40 feet), a depth of 39.6m (130 feet) and an area of 483m<sup>2</sup> (0.11 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 17.1m (56 feet), a depth of 36.9m (120 feet) and an area of 688m<sup>2</sup> (0.17 acres) to be used for future residential development, and conveying a parcel with an area of 204.5m<sup>2</sup> to the adjacent parcel to the south. The applicant is retaining a lot with an area of 635m<sup>2</sup> (0.15 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:

**DECEMBER 13, 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](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.**

If you rent your property to seven (7) or more tenants, please post this notice in a location that is visible to all residents.

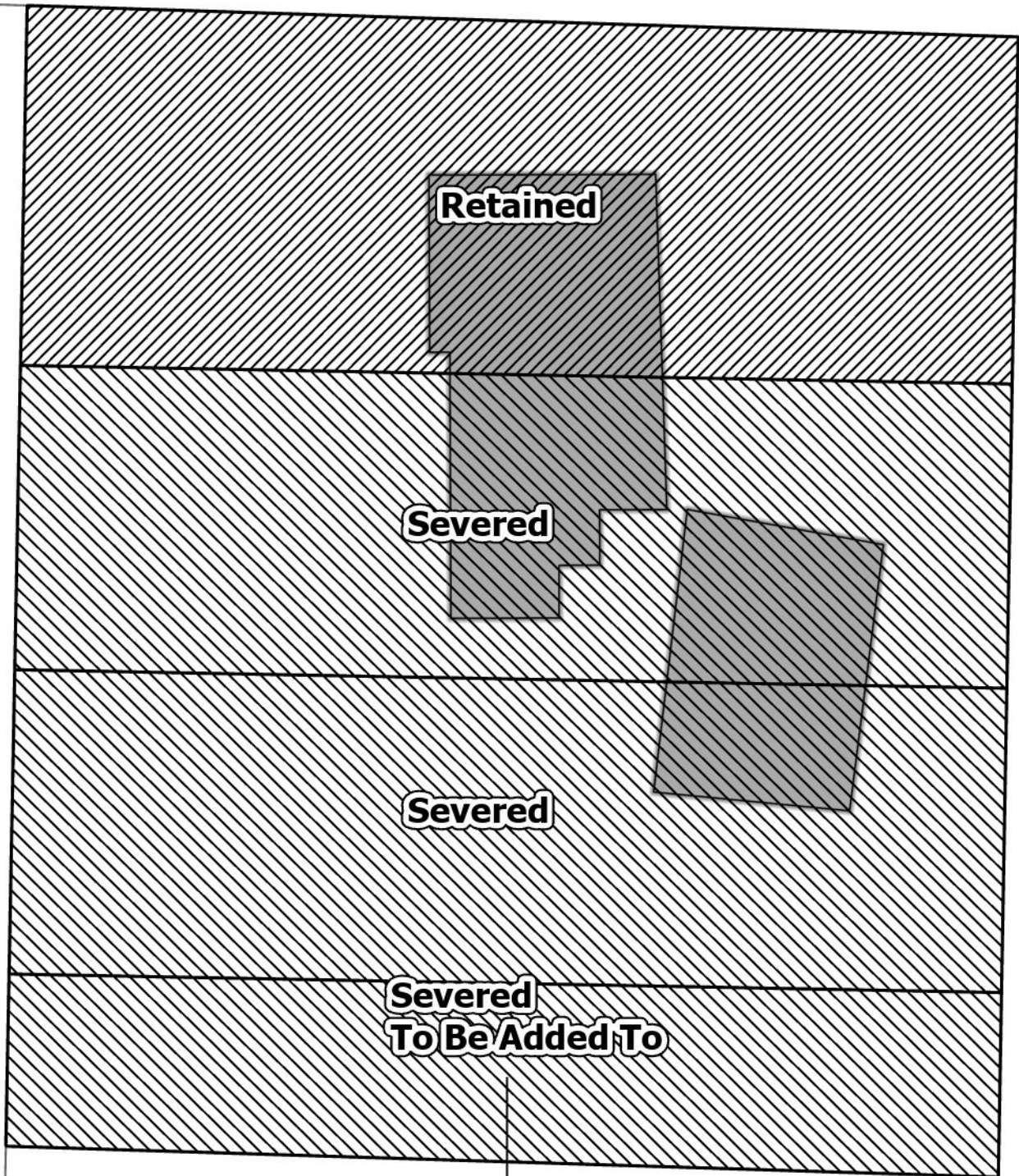
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 27<sup>th</sup> day of October, 2023.

Paul Clarke  
Secretary-Treasurer  
Land Division Committee

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

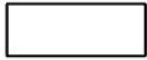

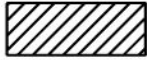




## Location Map

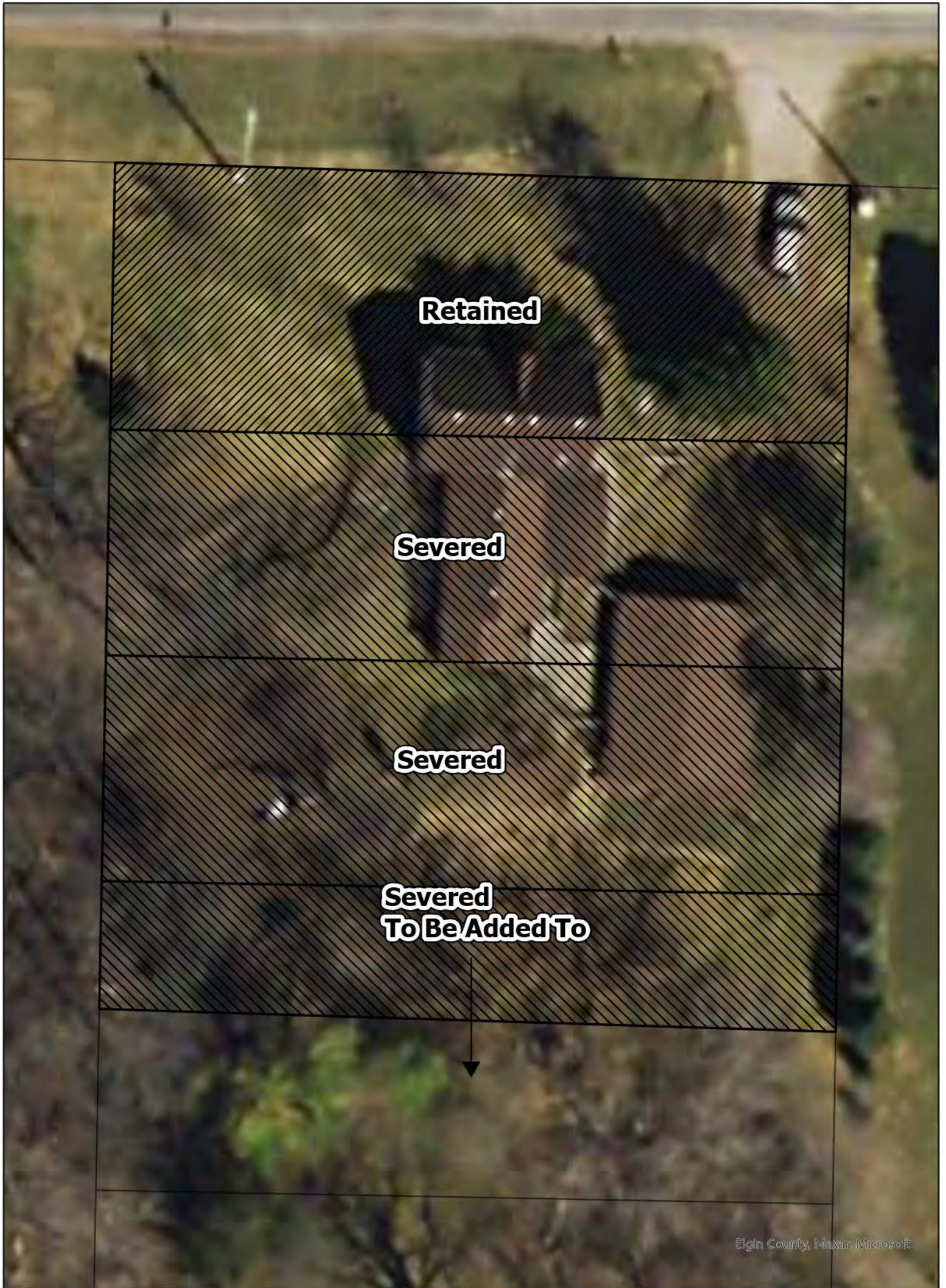
Subject Site: 42399 Southdale Line  
 File Number: E 88-23 & E 89-23  
 Owner: 2561603 Ontario Ltd.  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 10/24/2023  
 Municipality of Central Elgin



### Legend

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









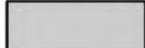
Elgin County, Maxar, Microsoft

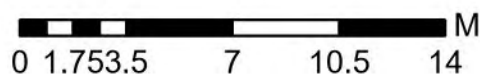
## Location Map

Subject Site: 42399 Southdale Line  
 File Number: E 88-23 & E 89-23  
 Owner: 2561603 Ontario Ltd.  
 CA: Kettle Creek Conservation  
 Created By: PC  
 Date: 10/24/2023  
 Municipality of Central Elgin



### Legend

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





THE MUNICIPALITY OF CENTRAL ELGIN

**REPORT TO COUNCIL**

**REPORT NO.** CEP.55.23  
**CEPO FILE NO.** E88/23  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 42399 Southdale Line  
Applicant – 2561603 Ontario Ltd.  
**DATE** November 27, 2023

**RECOMMENDATION**

**THAT** Report CEP.55.23 be received for information;

**AND THAT** Should Council pass a resolution in support of Consent Application E88/23 to the Land Division Committee, staff recommends the following conditions:

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
2. Approval of a Zoning By-law amendment to permit residential use on Parcel A, B & C;
3. The applicant conveys Parcel D, Daylight Corner (Parcel A) and 0.3m reserve on Southdale Line to the satisfaction of the Municipality of Central Elgin;
4. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
5. A copy of the reference plan be provided to the Municipality of Central Elgin.

**REPORT**

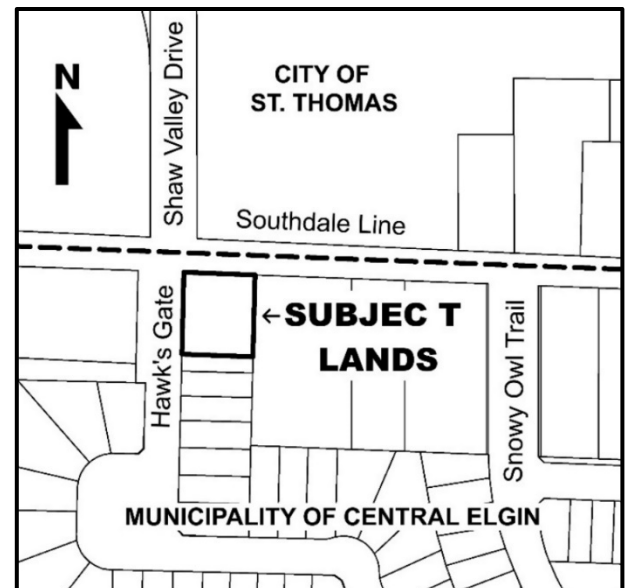
**Background:**

The applicant has filed Consent Application E88/23 and E89/23 concurrently for the purpose of creating three residential building lots (Parcel A, B and C) and conveying a parcel of land (Parcel D) to the abutting Block 76, Plan 11M-263), for stormwater management purposes.

**Location:**

The subject lands are on the southeast corner of Southdale Line and Hawk's Gate. The lands are legally described as, Concession 6, North Part Lot 2, RP11R466, Part 1, Municipality of Central Elgin.

**Location Plan:**



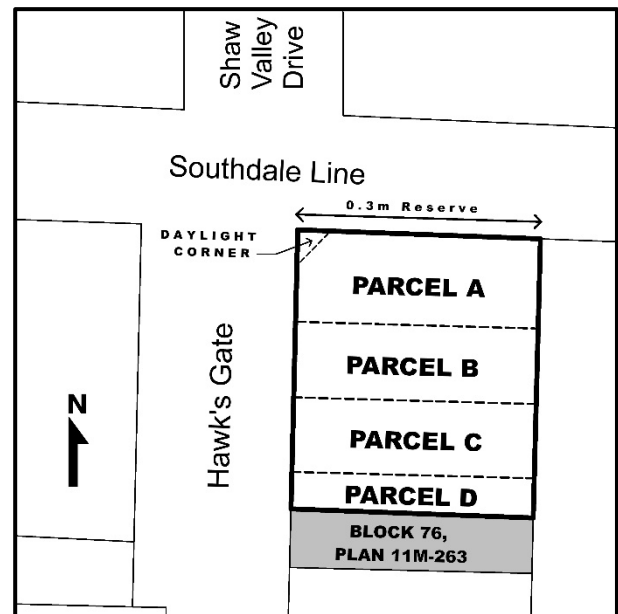
## Proposal:

The applicant is proposing to sever "PARCEL B" with frontage of 12.2m on Hawk's Gate, a depth of 39.6m and an area of 483sqm, it is proposed that lot will be developed with a single detached dwelling. The applicant is proposing to retain two lots, "PARCEL A" with frontage of 13.4m on Hawk's Gate, a depth of 36.6m and an area of 635sqm, it is proposed that the lot will be developed with a single detached dwelling and "PARCEL C" & "PARCEL D" with frontage of 18.68m of frontage on Hawk's Gate, a depth of 39.6m and an area of 688sqm, it is proposed that lands will be further subdivided through Consent Application E89/23.

## Staff Report

### 1. Official Plan

- The subject lands are within the "Residential" designation and "Natural Heritage" designation in accordance with Schedule "E"- Community of Norman Lyndale, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- Where land is designated Residential on the Land Use Schedules to the Plan, a range of residential dwelling types and densities shall be permitted (4.2.1a).
- The Residential designation permits a range of residential dwelling types and densities, including single detached dwellings (4.3.1(a)).
- The applicant obtained the services of a qualified professional to review the proposal relative to the Natural Heritage (3.1) policies of the Official Plan. According to Vroom + Associates the woodlands on-site are small ( $\pm 12$  m in width), planted/early successional in nature, demonstrate low quality, and do not facilitate connection to the larger wooded ravine feature west of Hawks Gate. Because they contribute little to the greater Natural Heritage of the area, their removal will not result in any significant impact on the functions of the remaining surrounding natural heritage. Further it is their opinion that the proposed rezoning, severance, and future residential use of the subject lands will not negatively impact the on-site/surrounding natural heritage features or their ecological functions.
- Part of the subject lands (Parcel D) are also subject to the Natural Hazard designation overlay, however an exemption to the geotechnical analysis requirements may be considered based on the development and/or site alteration that is proposed, in consultation with the appropriate Conservation Authority (3.2.2(c)). The Kettle Creek Conservation Authority (KCCA) has been delegated responsibility by the Province for the Natural Hazard policies relative to the Provincial Policy Statement (PPS), the KCCA have confirmed that staff are satisfied with the technical submissions in support of the three-lot consent and have no objection to its approval.





## 2. Zoning By-Law

- The subject lands are within the Open Space Zone 2 (OS2), as shown on Zoning Map 5, Township of Yarmouth Zoning By-Law 1998, as amended.
- Permitted uses of the Open Space Zone 2 (OS2) include farm uses, rural-residential uses lawfully used for such purposes on the day of the passing of the Zoning By-law, home occupations and accessory uses (8.3.1.1).

## 3. County of Elgin Official Plan:

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

- A zoning by-law amendment is required to permit residential use on Parcel A, B & C, the regulations will be consistent with the other single detached dwellings in the Eagle Ridge subdivision, except for an increased exterior side yard setback of 5m on Parcel A, which was requested by the Municipality of Central Elgin through the consultation process.
- As part of the approval of the application the applicant will be conveying a 0.3m reserve along Southdale Line and a daylight corner to the Municipality of Central Elgin, as shown on the Location Plan accompanying the report.

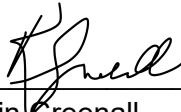
Respectfully submitted:



---

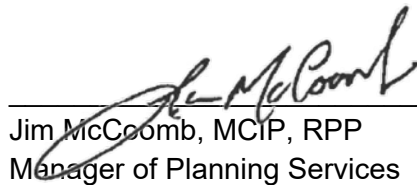
Steve Craig  
Sr. Planning Technician

Approved for submission:



---

Robin Greenall  
CAO/Clerk



---

Jim McCoomb, MCIP, RPP  
Manager of Planning Services

## Paul Clarke

---

**From:** Joe Gordon <joe@kettlecreekconservation.on.ca>  
**Sent:** November 6, 2023 3:57 PM  
**To:** Paul Clarke  
**Subject:** RE: E 88-23 & E 89-23 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.

Hi Paul

Please accept this email as confirmation that staff of KCCA has reviewed the consent application notice for E88-23 and E89-23 affecting 42399 Southdale Line and that based on our mandatory programs and services, we have no objection to its approval.

I can confirm that the subject lands are affected by natural hazard regulations enacted under the *Conservation Authorities Act*.

However, KCCA staff have reviewed the supporting technical studies and are satisfied that a KCCA permit can be obtained. An application has already been submitted to KCCA for development of the proposed lots under 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:** Tuesday, October 31, 2023 10:29 AM

**Subject:** E 88-23 & E 89-23 Notice of Application

Good morning,

Please see the attached notices of application for consents E 88-23 and E 89-23. If you wish to provide comments on this application, please do so by **December 5<sup>th</sup>, 2023**.

Thanks,

**Paul Clarke, CPT**

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: November 3, 2023 ELGIN COUNTY ROAD NO.: Road CR

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:

APPLICATION NO.: E 88-23 E 89-23

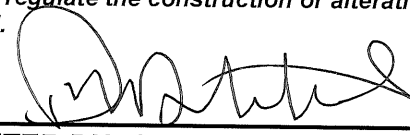
APPLICANT: Doug Tarry Limited

PROPERTY: LOT NO. Pt Lot 2 CONCESSION: 6  
REG'D PLAN: \_\_\_\_\_ MUNICIPALITY: Central Elgin

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

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



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.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:** December 13, 2023  
**Application:** E 88-23 & E 88-23

**Owner:**  
**2561603 Ontario Ltd.**

164 Lake Margaret Trail, St. Thomas, ON  
N5R 6L8

**Agent:**  
**Tracy Tucker**

358 Elm Street, St. Thomas, ON N5R 1K1

**Location:** Part of Lot 2, Concession 6. Municipally known as 42399 Southdale Line.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 12.2m (40 feet), a depth of 39.6m (130 feet) and an area of 483m<sup>2</sup> (0.11 acres) to create a new residential lot. The applicant is retaining a lot with a frontage of 17.1m (56 feet), a depth of 36.9m (120 feet) and an area of 688m<sup>2</sup> (0.17 acres) to be used for future residential development, and conveying a parcel with an area of 204.5m<sup>2</sup> to the adjacent parcel to the south. The applicant is retaining a lot with an area of 635m<sup>2</sup> (0.15 acres) proposed to remain in residential use.

**County of Elgin Official  
Plan**

Tier 1 Settlement Area

**Local Municipality Official  
Plan**

Residential / Natural  
Heritage

**Local Municipality Zoning  
By-law**

Open Space 2 (OS2)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

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

*County Engineering* – No concerns.

*Kettle Creek 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 Planning Act and Provincial Policy Statement (PPS) sections. 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.

These applications will result in the creation of two new lots, as well as a portion of the existing property with an area of 205m<sup>2</sup> being conveyed to the lot to the south.

The PPS permits consents for a variety of purposes in settlement areas, including the creation of new lots and boundary adjustments. These applications will result in the creation of two new residential parcels adjacent to an existing plan of subdivision, as well as the enlargement of a block within that subdivision to permit future development.

#### County of Elgin Official Plan

County Staff has reviewed the application 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 subject land is adjacent to a plan of subdivision and will create two (2) residential lots and the enlargement of an existing parcel adjacent to the subject land. As this development is occurring adjacent to an existing plan of subdivision, services are already in place and traffic is not anticipated to be affected by this development.

#### 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. A zoning by-law amendment is required to permit residential uses on the severed parcels, which will be consistent with the zoning of the Eagle Ridge Subdivision. The Municipality of Central Elgin is also requesting the conveyance of a daylight triangle and 0.3m reserve on Southdale Line.

#### 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. That municipal addressing be provided to Elgin County, by the local municipality to the satisfaction of Elgin County.
4. 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 parcel being merged with Block 76 on 11M-263.



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

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

1. The applicant enters into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
2. Approval of a Zoning By-law amendment to permit residential use on Parcel A, B & C;
3. The applicant conveys Parcel D, Daylight Corner (Parcel A) and 0.3m reserve on Southdale Line to the satisfaction of the Municipality of Central Elgin;
4. The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
5. A copy of the reference plan be provided to the Municipality of Central Elgin.