



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

**AGENDA**

**For Wednesday, February 28, 2024, 9:00 A.M**

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- 1<sup>st</sup> Call to Order
- 2<sup>nd</sup> Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3<sup>rd</sup> Adoption of Minutes
- 4<sup>th</sup> Business Arising Out of Minutes
- 5<sup>th</sup> Disclosure of Pecuniary Interest or the General Nature Thereof
- 6<sup>th</sup> Correspondence – Items for Information
- 7<sup>th</sup> Business Arising from Correspondence
- 8<sup>th</sup> New Business
- 9<sup>th</sup> Consent Applications
  - 9:05 am E 10-24 Helen Button – 45685 Talbot Line, Municipality of Central Elgin
  - 9:15 am E 13-24 Gerhard Blatz – 36 Victoria Street, Town of Alymer
  - 9:25 am E 14-24 Logan Burnett – 52925 Nova Scotia Line, Township of Malahide
  - 9:35 am E 15-24 Brandon Collier – 199 Centennial Street, Municipality of Central Elgin
  - 9:45 am E 2-24 Kimberly Mulder – 56796 Glen Erie Line, Municipality of Bayham
  - 9:55 am E 8-24 Jesse Froese – 56573 Calton Line, Municipality of Bayham
- 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**

**January 24, 2024**

County of Elgin Land Division Committee met this 24<sup>th</sup> day of January, 2024. The meeting was held in a hybrid in-person/electronic format with Committee Members and staff participating as indicated below.

**Committee Members Present (in-person / electronic):**

John Andrews  
John R. "Ian" Fleck  
Dugald Aldred  
Dave Jenkins via Zoom  
Tom Marks  
John Seldon  
Bill Ungar

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

Paul Clarke, Planning Technician / Land Division Committee Secretary-Treasurer  
Susie Burie, Administrative Assistant

**1. CALL TO ORDER**

The meeting convened at 8:55 a.m.

**2. Election of Chair and Vice Chair**

Moved by: Ian Fleck

Seconded by: Bill Ungar

<b><i>Recorded Vote – Minutes</i></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: Nominations for the 2024 Chair of the Land Division Committee be opened.

- Motion Carried

Doug Aldred was nominated by Ian Fleck

Tom Marks was nominated by John Andrews

Moved by: Ian Fleck

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: Nominations for the 2023 Chair of the Land Division Committee be closed.

- Motion Carried

By a margin of 3-2 in an anonymous vote, Tom Marks was elected Chair.

Moved by: Ian Fleck

Seconded by: Dugald Aldred

<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: nominations be opened for the Vice Chair of the Land Division

Committee for 2024.

- Motion Carried

Ian Fleck nominated Bill Ungar

Moved by: John Andrews

Seconded by: Dugald Aldred

<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: nominations be closed for the Vice Chair of the Land Division Committee for 2024.

Bill Ungar be acclaimed as Vice Chair of LDC for 2024 as no other nominations were received.

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

None.

**4. 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 December 13, 2023 be adopted.

- Motion Carried.

**5. BUSINESS ARISING OUT OF MINUTES**

None.

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

None.

**7. CORRESPONDENCE – ITEMS FOR INFORMATION**

None.

**8. BUSINESS ARISING FROM CORRESPONDENCE**

None.

**9. NEW BUSINESS**

None.

**10. APPLICATIONS FOR CONSENT:**

**Application E 1-24 – 9:05 a.m.**  
**Matt Littwinchuk – 210 Main Street**

The applicant proposes to sever a parcel with a frontage of 12.8m (42 feet), a depth of 40.35m (132 feet) and an area of 0.05ha (0.12 acres) to create a new commercial lot. The applicant is retaining a lot with an area of 0.08ha (0.2 acres) proposed to remain in commercial use.

Chairman Marks 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: Matt Littwinchuk attended virtually

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

Submission		Comments
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	Not on a County Road
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Bill Ungar  
Seconded by: John Seldon

RESOLVED THAT severance application E 1-24 be approved subject to the following conditions:

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

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

1. The applicant obtains an access right-of-way/ easement over the retained lot in accordance with the Concept Plan prepared by Zelinka Priamo Ltd., dated September 2023 and accompanying the application;
2. the applicant shall enter into a development agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
3. the payment of cash-in-lieu of the dedication of 2% of the land for parkland purposes; and
4. the Municipality of Central Elgin be provided with a copy of the Reference Plan.

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

Malahide	Dave Jenkins	x		
Dutton Dunwich	Ian Fleck	x		
TOTAL		7	0	

- Motion Carried.

**Application E 2-24 – 9:20 a.m.**

**Kimberly Mulder – 56796 Glen Erie Line**

The applicant proposes to sever a parcel with a frontage of 55m (180 feet), a depth of 75m (246 feet) and an area of 4,125m<sup>2</sup> (1 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 43ha (106 acres) proposed to remain in agricultural use.

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

Owner: None present

Agent: None present

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

Submission		Comments
1	Municipality of Bayham	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	No comments
3	Elgin County Engineering Services	Requests road widening
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Bill Ungar

Seconded by: Dave Jenkins

RESOLVED THAT severance application E 2-24 be deferred due to signs not being posted by the required deadline.

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 3-24 – 9:25 a.m.**

**Henry Klassen – 51237 Ashton Street**

The applicant proposes to sever a parcel with a frontage of 10.06m (30 feet), a depth of 20.49m (132 feet) and an area of 404.68m<sup>2</sup> (0.09 acres) to create a new residential lot. The applicant is retaining a lot with an area of 404.68m<sup>2</sup> (0.09 acres) proposed to remain in residential use.

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

Owner/ Agent: Henry Klassen was present in-person

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

Submission		Comments
1	Township of Malahide	Recommends approval of the application subject to the conditions provided
2	Catfish Creek	No Concerns
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Ian Fleck

Seconded by: Dugald Aldred

RESOLVED THAT severance application E 3-24 be approved subject to the following conditions:

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

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

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

1. That the applicant be required to initiate and assume, if required, all costs associated with connection to the Municipal Sanitary Sewer Service, with such costs to be paid in full to the township prior to the condition being deemed fulfilled.
2. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
3. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
4. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled. Individual grading plans for each lot are required. The retained lot is not permitted to use a stormwater retention area on the severed lot to control their stormwater. The revised grading plan should include the connections to the municipal drain, subject to review and approval of Malahide's Drainage Superintendent. The municipal drain is to be used as the legal outlet for stormwater on the severed and retained parcels.
5. 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.
6. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
7. 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.
8. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.

9. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
10. That the applicant is responsible to apply and pay for all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

<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 4-24 – 9:42 a.m.**  
**David Roe – 55106 Vienna Line**

The applicant proposes to sever a parcel with a frontage of 75.77m (248 feet), a depth of 71.26m (233 feet) and an area of 0.53ha (1.3acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 42.93ha (106 acres) proposed to remain in agricultural use.

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

Owner: None present  
Agent: David Roe attended virtually

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of Bayham	Recommends approval of the application subject to the conditions provided
2	Catfish Creek	No comments
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: John Andrews  
Seconded by: Bill Ungar

RESOLVED THAT severance application E 4-24 be approved subject to the following conditions:

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

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

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a site-specific Rural Residential (RR-xx) zone to permit the rear yard depth of 3.0m, permit the existing oversized accessory building of 285m<sup>2</sup> constructed prior to the passing of the future By-law, as well as the prohibition of the keeping of livestock.
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a site-specific Special Agricultural (A2-xx) zone to prohibit new dwellings and recognize the existing supplementary farm dwelling constructed prior to the passing of the future By-law.
3. That the owner enters into a Development Agreement with the Municipality to register the existing supplementary farm dwelling (bunkhouse) and agree to the standard agreement for supplementary farm dwellings.
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Vienna Line Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
5. That the owner removes the existing two (2) greenhouse buildings/structures from the subject property.
6. The owner removes the existing shed, located directly north and adjacent to the existing barn on the proposed severed lot, from the subject property.
7. That the owner provides the Planning Report fee payable to the Municipality.
8. That the owner provides a digital copy of the final survey if the subject lands to the Municipality.

9. That the owner purchases a civic number sign for the retained parcel from 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		
TOTAL		7		

- Motion Carried.

**Application E 5-24 – 9:48 a.m.**

**David Roe – 53367 Nova Scotia Line**

The applicant proposes to sever a parcel with a frontage of 20m (65 feet), a depth of 171.7m (563 feet) and an area of 1.11ha (2.7acres), inclusive of a 0.06ha easement, to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 30.39ha (75 acres) proposed to remain in agricultural use.

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

Owner: None present

Agent: David Roe attended virtually

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

<b>Submission</b>		<b>Comments</b>
1	Township of Malahide	Recommends approval of the application subject to the conditions provided
2	Catfish Creek	No comments
3	Elgin County Engineering Services	Requests road widening
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Bill Ungar  
Seconded by: Dave Jenkins

RESOLVED THAT severance application E 5-24 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 municipal addressing be provided to Elgin County by the local municipality to the satisfaction of Elgin County.
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Nova Scotia Line County Road 42 to the County of Elgin for the purposes of a road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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

1. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
2. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
8. That an easement be provided over the retained lands and included in the plan as a part or parts to provide access to the severed parcel from Nova

Scotia Line and accommodate the existing municipal water service connection, to the satisfaction of the Township.

<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 6-24 – 9:55 a.m.**  
**David Roe – 54761 Vienna Line**

The applicant proposes to sever a parcel with a frontage of 61.10m (200 feet), a depth of 69.31m (227 feet) and an area of 4,000m<sup>2</sup> (0.98 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 21.36ha (52 acres) proposed to remain in agricultural use.

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

Owner: None present  
Agent: David Roe attended virtually

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of Bayham	Recommends approval of the application subject to the conditions provided
2	Long Point Region	No Comments
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Ian Fleck

Seconded by: John Andrews

RESOLVED THAT severance application E 6-24 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 municipal addressing be provided to Elgin County by the local municipality to the satisfaction of Elgin County.

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

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a Rural Residential (RR) zone.
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Special Agricultural (A2) zone to prohibit new dwellings.
3. That the owner provides the Planning Report fee payable to the Municipality.
4. That the owner provides a digital copy of the final survey of the subject lands to the Municipality.
5. That the owner obtain a Road Access Permit from the Municipality for a new access to the retained lands.
6. That the owner purchases a civic number sign from the Municipality for the retained parcel.

<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 7-24 – 10:03 a.m.**  
**Robert McLeod – 56557 Heritage Line**



The applicant proposes to sever a parcel with a frontage of 28.49m (93 feet), a depth of 61.27m (201 feet) and an area of 1,880m<sup>2</sup> (0.46 acres) to create a new residential lot. The applicant is retaining a lot with an area of 3,978m<sup>2</sup> (0.98 acres) proposed to remain in residential use.

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

Owner: Robert McLeod attended virtually

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

Submission		Comments
1	Municipality of Bayham	Recommends approval of the application subject to the conditions provided
2	Long Point Region	No Comments
3	Elgin County Engineering Services	Requests conditions
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: John Andrews  
Seconded by: Dugald Aldred

RESOLVED THAT severance application E 7-23 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 municipal addressing be provided to Elgin County by the local municipality to the satisfaction of Elgin County.
4. Direct connection to a legal outlet for the severed lot is required – If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.

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

1. Owner obtain a building permit for the existing “unauthorized” dwelling on the proposed severed lot.

2. Owner obtain a building permit for the existing “unauthorized” sewer lateral that extends to the existing “unauthorized” dwelling and that a permit be obtained to construct and connect a new independent sewer lateral connection to the municipal sanitary sewer in the Heritage Line public right-of-way for the proposed severed lot.
3. Owner obtain an access permit from the County of Elgin to create a new independent access from Heritage Line to the proposed severed lot, or, if an independent access is not supported by the County of Elgin, the applicant/owner, establishes an access easement over the existing portion of driveway on the retained lot in favour of the severed lot in order to provide access to the owner of the proposed severed lot.
4. Engineered storm water management, drainage/grading plan for each parcel to demonstrate that each will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality.
5. Payment of Cash in Lieu of Parkland Dedication fee as required in Municipal By-law No. 2020-053
6. Provide a digital copy of the registered plan of survey of the subject land.
7. Planning Report fee due and payable to the Municipality upon consent approval.
8. Purchase a civic number sign for the severed lot from 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 8-24 – 10:15 a.m.**  
**Jesse Froese – 56573 Calton Line**

The applicant proposes to sever a parcel with a frontage of 82.92m (272 feet), a depth of 70.14m (230 feet) and an area of 4,046m<sup>2</sup> (1 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 84ha (207 acres) proposed to remain in agricultural use.

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

Owner: None.

Agent: Jesse Froese attended virtually

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

<b>Submission</b>		<b>Comments</b>
1	Municipality of Bayham	Recommends approval of the application subject to the conditions provided
2	Long Point Region	No Comments
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

John Seldon brought to the attention of the Committee that signs have not been posted on the subject land.

Moved by: Bill Ungar  
Seconded by: Ian Fleck

RESOLVED THAT severance application E 8-24 be deferred so signs can be posted on the subject land.

<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.

The Committee entered into an open discussion regarding policies for site visits and the remuneration of the same.

## 11. ADJOURNMENT

Moved by: Bill Ungar

Seconded by: Dave Jenkins

RESOLVED THAT the Committee adjourn at 10:57am on January 24, 2024 to meet again at 9:00am on February 28, 2024.

<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

---

Tom Marks  
Chair



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 10-24**

**PART OF LOT 21, CONCESSION 8  
MUNICIPALITY OF CENTRAL ELGIN  
45685 TALBOT LINE**

**TAKE NOTICE** that an application has been made by Helen Button, 108 Centre Street, St. Thomas, ON N5R 2Z7, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 45685 Talbot Line.

The applicant proposes to sever a parcel with a frontage of 10.04m (32 feet), a depth of 214.32m (703 feet) and an area of 0.8ha (1.97 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 41.7ha (103 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:

**FEBRUARY 28, 2024 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.

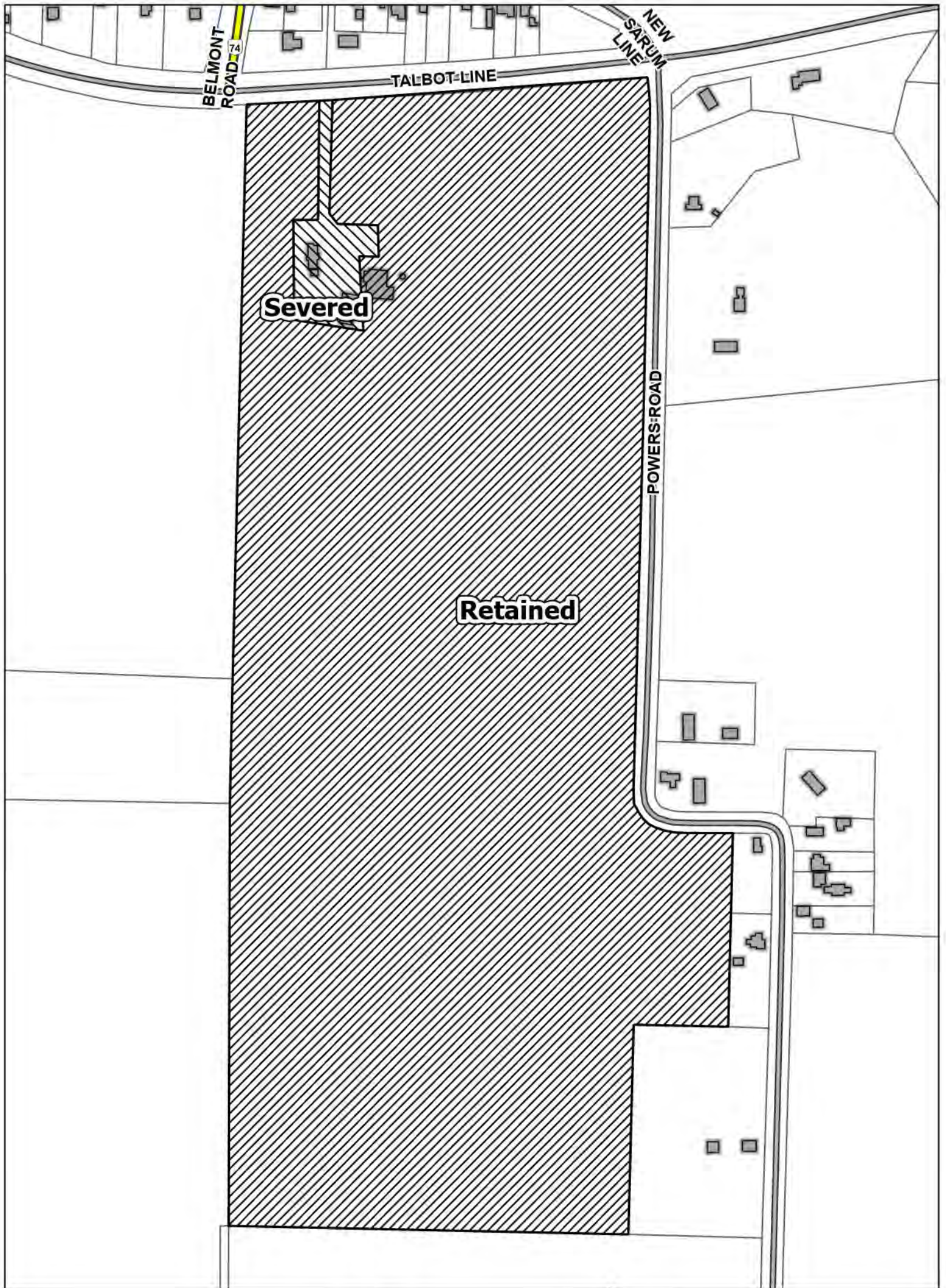
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8<sup>th</sup> day of January, 2024.

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)





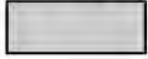


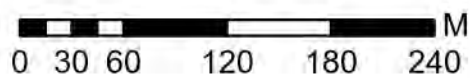
## Location Map

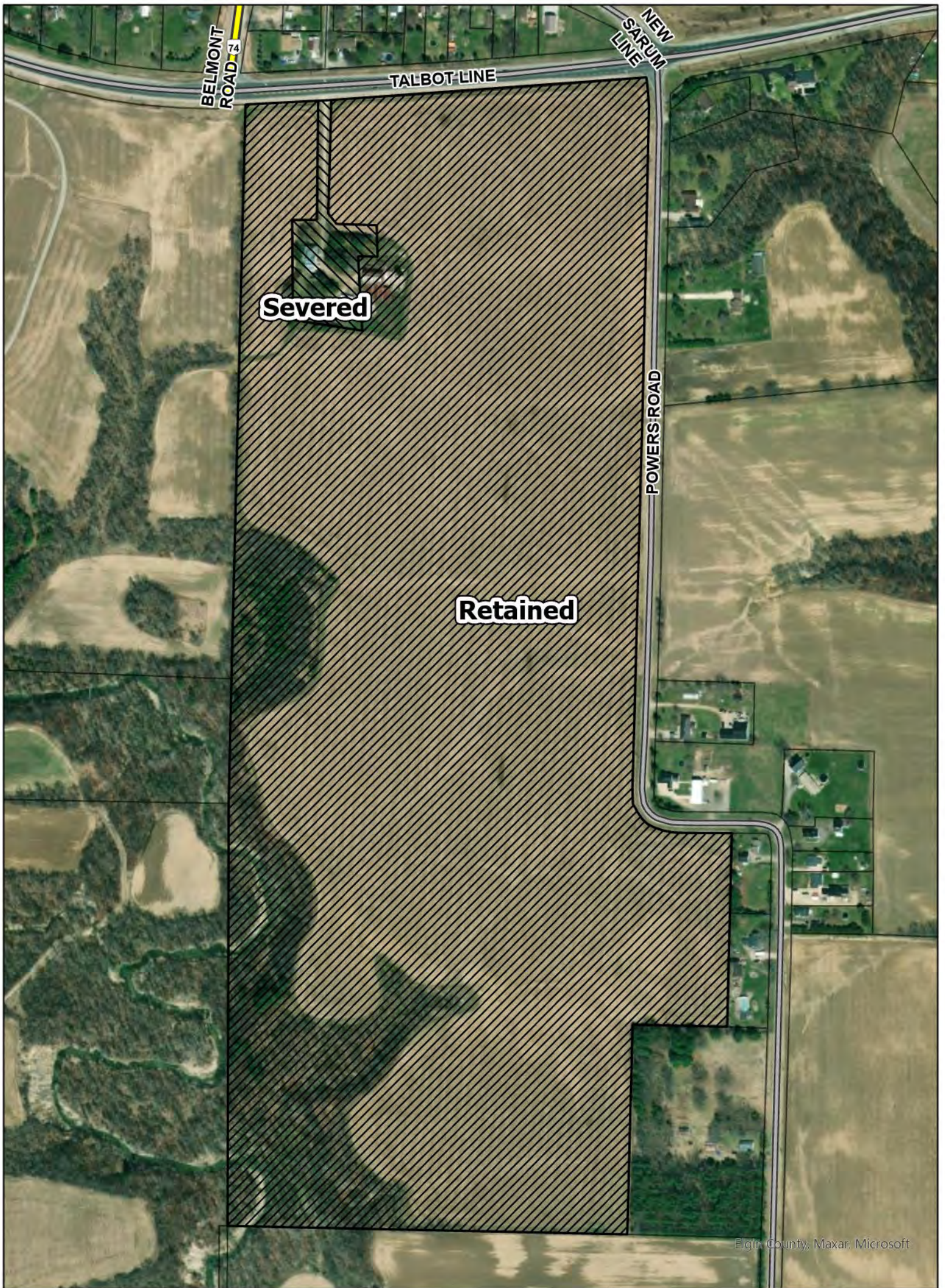
Subject Site: 45685 Talbot Line  
 File Number: E 10-24  
 Owner: 1749292 Ontario Inc.  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 1/5/2024  
 Municipality of Central Elgin



### Legend

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










Elgin County, Maxar, Microsoft

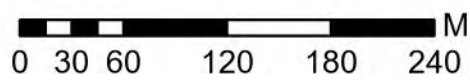
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Subject Site: 45685 Talbot Line  
 File Number: E 10-24  
 Owner: 1749292 Ontario Inc.  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 1/5/2024  
 Municipality of Central Elgin



### Legend

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



**Paul Clarke**

---

**Sent:** [REDACTED] January 23, 2024 1:36 PM  
**To:** Paul Clarke  
**Subject:** RE: E 10-24 Notice of Application

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

Hello,

CCCA would like to note that portions of retained parcel are subject to *O.Reg 146/06 CATFISH CREEK CONSERVATION AUTHORITY: REGULATION OF DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES* pursuant to the [CONSERVATION AUTHORITIES ACT](#).

Thank You,



**Gerrit Kremers**  
Resource Planning Coordinator  
planning@catfishcreek.ca  
519-773-9037 ext. 18  
Catfish Creek Conservation Authority  
8079 Springwater Rd.  
Aylmer, ON N5H 2R4

---

**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** January-18-24 8:57 AM

[REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** E 10-24 Notice of Application

Good morning,

Please see the attached notice of application for severance E 10-24. If you wish to provide comments on this application, please do so no later than **February 20, 2024**.

Thanks,

**Paul Clarke CPT**

Planning Technician / Land Division Committee Secretary-Treasurer





THE MUNICIPALITY OF CENTRAL ELGIN

**REPORT TO COUNCIL**

**REPORT NO.** CEP.65.23  
**CEPO FILE NO.** E10/24  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 45685 Talbot Line  
Applicant – 1749292 Ontario Inc.  
**DATE** January 24, 2024

**RECOMMENDATION**

**THAT** Report CEP.65.23 be received for information;

**AND THAT** Should Council pass a resolution in support of Consent Application E10/24 to the Land Division Committee, staff recommends the following conditions:

1. approval of a zoning by-law amendment to prohibit residential dwellings on the retained lot and the deficient lot frontage for the severed lot be recognized.
2. a copy of the reference plan be provided to the Municipality of Central Elgin.

**REPORT**

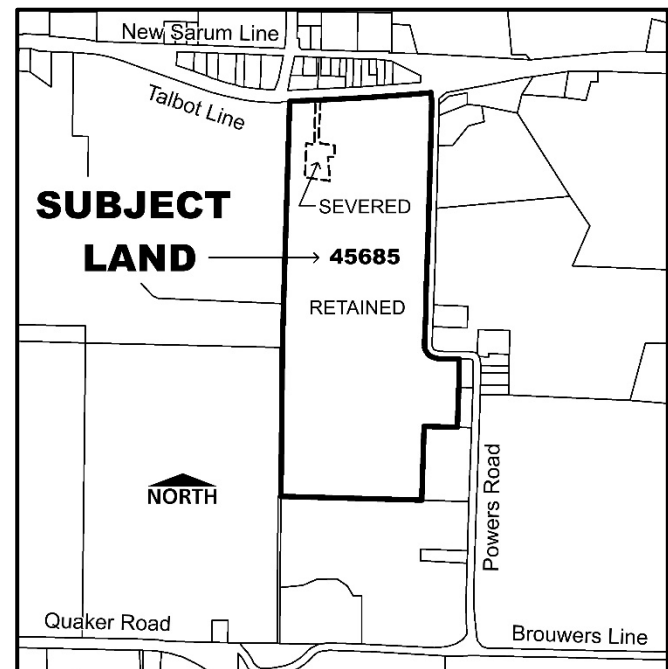
**Background:**

Consent application E10/24 has been filed for the purpose of creating a lot containing a residence surplus to a farm operation.

**Location:**

The subject lands are on the southwest corner of Talbot Line and Powers Road, the lands are described as, Concession 8, North Part of Lot 21, Municipality of Central Elgin.

**Location Plan:**



## **Proposal:**

The applicant is proposing to sever a lot with frontage of 10.04m on Talbot Line and an area of 7,999.99sqm, containing one rural-residential dwelling and three accessory buildings, the lot will be used for rural residential purposes. The applicant is proposing to retain a lot with frontage of 372.6m on Talbot Line and an area of 41.69ha, the lot will continue to be used for agricultural purposes.

## **Staff Report**

### 1. Official Plan

- The subject lands are located within the Agricultural designation and Natural Heritage designation in accordance with Schedule “A” – Land Use Plan to the Municipality of Central Elgin Official Plan.
- A consent for the purposes of creating a lot containing a residence surplus to a farm operation is permitted within the Agricultural designation. A residence surplus to a farm operation dwelling is defined as an existing farm residence that is rendered surplus as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. The following criteria shall apply (4.1.2(c)):
  1. The lot containing the residence surplus to the farm operation:
    - i. shall be in compliance with the regulations of the applicable zoning by-law;
    - ii. should generally be no larger than what is required to meet the minimum requirements to provide access and satisfy the servicing policies as outlined in Subsection 2.8 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;
    - iii. shall be in compliance with the Municipality’s property standards by-law;
    - iv. may contain accessory farm buildings and structures that are not deemed to be livestock facilities; and
    - v. shall not contain any buildings or structures deemed unsafe in accordance with the Ontario Building Code Act or its successor.
  2. The lot that is being consolidated into the farm operation:
    - i. shall be in compliance with the regulations of the applicable zoning by-law for farm use;
    - ii. shall be rezoned to prohibit any new residential dwelling unit; and
    - vi. may be subject to alternative measures as deemed necessary by Council to ensure that no new dwelling unit is permitted.
  3. Council may request that an applicant provide evidence as to the nature of the existing farm operation, including but not necessarily limited to applicable membership in a farm organization and/or evidence of farm business registration in accordance with the Farm Registration and Farm Organizations Funding Act, 1993 or its successor.

### 2. Zoning By-Law

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

3. County of Elgin Official Plan:

- The subject lands are located within the Agricultural designation in accordance with Schedule "A" - Land Use, to the County of Elgin Official Plan.
- In accordance with the intent of the Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if (E1.2.3.4 (b)): the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation.

4. Comments

- In accordance with the surplus farm dwelling policies of the Official Plan the agricultural land (retained lot) will need to be rezoned to prohibit any new residential dwelling units and the deficient lot frontage for the surplus farm dwelling lot (severed lot) will need to be recognized.

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:** [REDACTED]  
**Sent:** February 14, 2024 12:59 PM  
**To:** Paul Clarke  
**Subject:** RE: E 10-24 Notice of Application  
**Attachments:** E 10-24 - Notice of Application.pdf

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

Good afternoon Paul,

Sorry for the delay in comments. Thank you for circulating the Ministry of Transportation (MTO) with the attached Consent Application (E 10-24). MTO has completed its review in accordance with the *Public Transportation and Highway Improvement Act* and MTO's access management guidelines. The following outlines our comments.

Typically with a severance, MTO is primarily concerned with applications that can increase provincial highway access and/or reduce property frontage which can result in increased access density. Access along a provincial highway can have a direct impact on the intended function of the road.

MTO does not object to the proposed consent to sever a dwelling that is surplus to the farming operation, however, the subject property is located adjacent to Highway 3, within MTO's Permit Control Area, and as such, the applicant shall meet the following conditions:

- The proposed severed parcel (land with residential dwelling), shall be zoned to permit a surplus dwelling, permissive of one single detached residential dwelling and one residential entrance.
- All access to the farm lot shall be from Powers Road.
- An MTO entrance permit (no fee) is required to update ownership and define the use of the Highway 3 residential entrance.

An online application can be made using MTO's permit application tool  
HCMS: <https://www.hcms.mto.gov.on.ca/>

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

Regards,

### Ryan Mentley

*Corridor Management Planner  
Highway Corridor Management Section  
Ministry of Transportation  
659 Exeter Road, London ON, N6E 1L3  
Tel: (519) 878-4026  
Fax: (519) 873-4228*



**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:** February 28, 2024  
**Application:** E 10-24

**Owner:**  
**1749292 Ontario Inc.**

9742 Quaker Road, St. Thomas, ON

**Location:** Part of Lot 21, Concession 8. Municipally known as 45685 Talbot Line.

**Agent:**  
**Helen Button**

108 Centre Street, St. Thomas, ON

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 10.04m (32 feet), a depth of 214.32m (703 feet) and an area of 0.8ha (1.97 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 41.7ha (103 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**

Agricultural Area

**Local Municipality Official  
Plan**

Agriculture

**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* – Not on County Road.

*Catfish Creek Conservation Authority* – No concerns – retained land subject to *Conservation Authorities Act*.

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 2 acres to sever a dwelling that is surplus to a farming operation. The retained land will be approximately 103 acres in area and will continue to be used for agricultural uses.

The PPS permits consents within the agricultural area for surplus dwelling severances.

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

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

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

#### 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. Severances for surplus farm dwellings are permitted within the agricultural area, provided the new severed lot is the minimum size required to accommodate the existing dwelling and required services.

#### 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 severed lot does not meet the required minimum frontage of the Zoning By-law, to address this Municipal staff have proposed to amend the Zoning for the severed lot at the same time as the required zoning amendment for the retained farmland parcel.

#### 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.

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

1. Approval of a Zoning By-law Amendment to prohibit residential dwellings on the retained lot and the deficient lot frontage for the severed lot be recognized.
2. A copy of the reference plan be provided to the Municipality of Central Elgin.

Additionally, it is recommended that the following conditions from the Ontario Ministry of Transportation be included as conditions for consent:

1. The proposed severed parcel (land with residential dwelling), shall be zoned to permit a surplus dwelling, permissive of one single detached residential dwelling and one residential entrance.
2. All access to the farm lot shall be from Powers Road.
3. An MTO entrance permit (no fee) is required to update ownership and define the use of the Highway 3 residential entrance.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 13-24**

**NORTH ½ OF LOT 11, S/S WARREN, LOT 12 S/S WARREN, ON REGISTERED  
PLAN No. 74  
TOWN OF AYLMER  
36 VICTORIA STREET NORTH**

**TAKE NOTICE** that an application has been made by Gerhard Blatz, 212 Elk Street, Aylmer, ON N5H 1S9, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 36 Victoria Street North

The applicant proposes to sever a parcel with a frontage of 20.17m (66 feet), a depth of 20.17m (66 feet) and an area of 406.83m<sup>2</sup> (0.10 acres) to create a new residential lot. The applicant is retaining a lot with an area of 406.83m<sup>2</sup> (0.10 acres) proposed to remain in residential use.

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

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

**FEBRUARY 28, 2024 AT 9:55 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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**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.

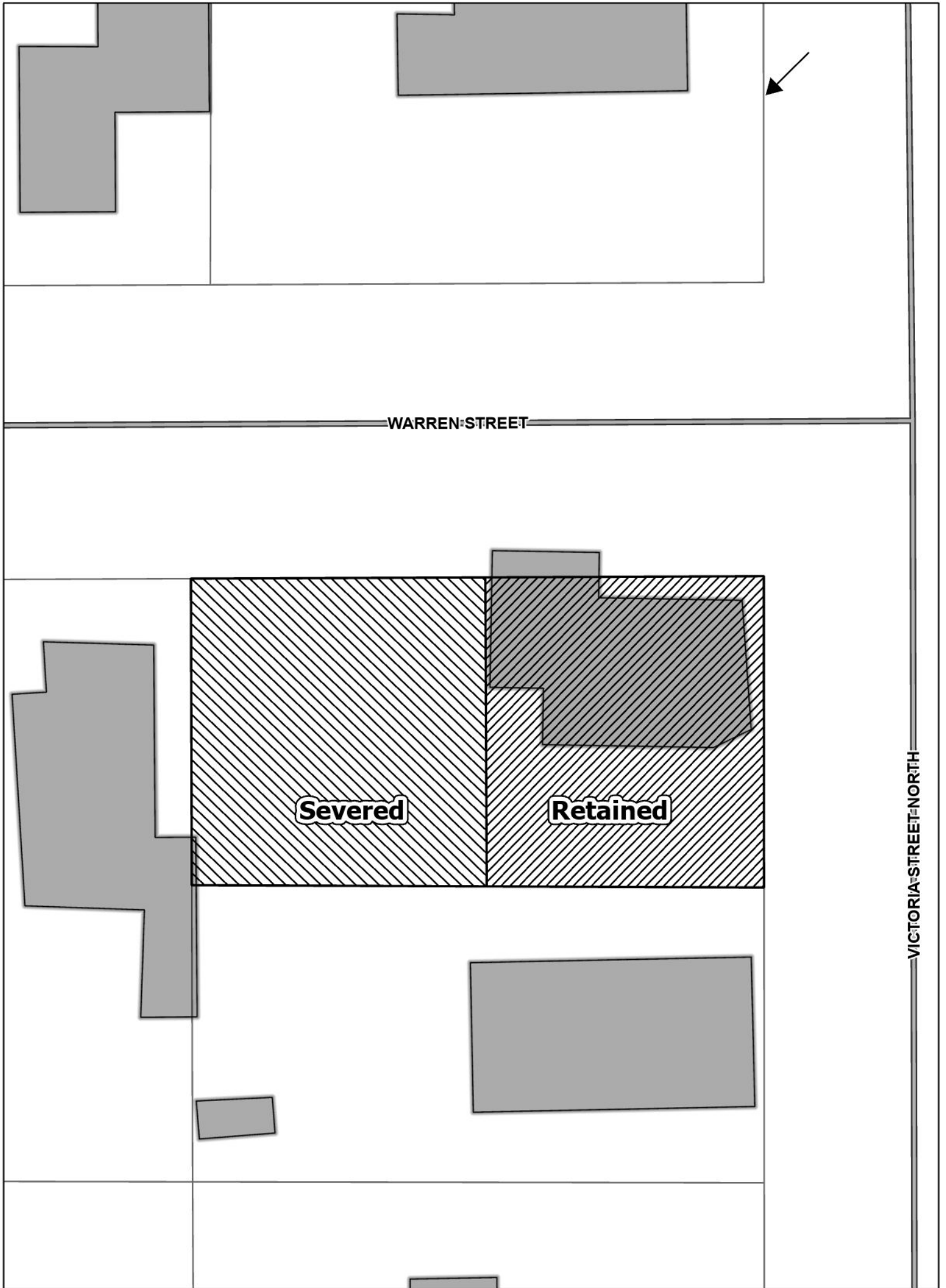
If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the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

Dated at the Municipality of Central Elgin this 8<sup>th</sup> day of January, 2024.

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)





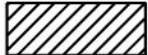




## Location Map

Subject Site: 36 Victoria Street North  
 File Number: E 13-24  
 Owner: Gerhard Blatz  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 1/8/2024  
 Town of Aylmer



### Legend

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



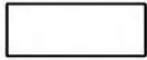

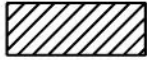

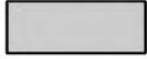


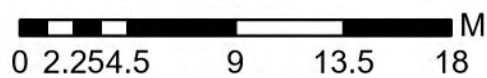
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Subject Site: 36 Victoria Street North  
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 Town of Aylmer



### Legend

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-  Elgin Road Network
-  Buildings



**Paul Clarke**

---

**From:** [REDACTED]  
**Sent:** January 23, 2024 1:23 PM  
**To:** Paul Clarke  
**Subject:** RE: E 13-24 Notice of Application

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

Hello,

CCCA has no comments or concerns with the above noted application.

Thank You,



**Gerrit Kremers**  
Resource Planning Coordinator  
planning@catfishcreek.ca  
519-773-9037 ext. 18  
Catfish Creek Conservation Authority  
8079 Springwater Rd.  
Aylmer, ON N5H 2R4

---


**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** January-18-24 8:57 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** E 13-24 Notice of Application

Good morning,

Please see the attached notice of application for severance E 13-24. If you wish to provide comments on this application, please do so no later than **February 20, 2024**.

Thanks,



**Paul Clarke CPT**  
Planning Technician / Land Division Committee Secretary-  
Treasurer  
 (519) 631-1460 x170

## 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 E13-24

Owners/Applicants Gerhard Blatz

Location 36 Victoria Street North

### PART 1 - OFFICIAL PLAN

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

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

Land Use Designation: Low Density Residential

Policies: Land Severances: 5.1.2

### PART 2 - ZONING

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

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

Comments:  
None.

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

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

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

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

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

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

- 6. That the Owners have a lot grading plan for the proposed severed parcel, prepared by a professional engineer, which includes connection to a legal and adequate outlet, to the satisfaction of the Town of Aylmer.
- 7. That the Owner has applied for and been issued a road occupancy permit from the Town of Aylmer for a new entrance for both the proposed severed and retained parcels 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 E13-24, 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.

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

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

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**Council Resolution**

At their Regular Meeting of Council on January 24, 2024, the Council of the Town of Aylmer passed the below resolution:

That Council of the Town of Aylmer receive Report PLAN03-24 regarding Planning Evaluation Report: Application for Consent to Sever No. E13-24;

That the Application for Consent to Sever No. E13-24 relating to the property legally described as North ½ of Lot 11 and Lot 12 S/S Warren Plan 74, and known municipally as 36 Victoria Street North, be supported in principle with the recommended conditions for reasons set out in this report, and;

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



Alternative formats and communication support available upon request.

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

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Date	January 16, 2024
To	Council – January 24, 2024
From	Heather James, Manager of Planning and Development
Report No.	PLAN 03-24
Report Title	Planning Evaluation Report: Application for Consent to Sever No. E13-24

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## Recommendation

**That Council of the Town of Aylmer receive Report PLAN 03-24 regarding Planning Evaluation Report: Application for Consent to Sever No. E13-24;**

**That the Application for Consent to Sever No. E13-24 relating to the property legally described as North ½ of Lot 11 and Lot 12 S/S Warren Plan 74, and known municipally as 36 Victoria Street North, 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>	E13-24
<b>Associated Applications</b>	None

<b>Owners</b>	Gerhard Blatz
<b>Agent</b>	Not Applicable
<b>Legal Description</b>	Lot 13 Plan 290

<b>Frontage: Proposed Severed Parcel "A"</b>	20.17 m (66.18 ft.)
<b>Frontage: Proposed Retained Parcel "B"</b>	20.17 m (66.18 ft.)
<b>Depth: Proposed Severed Parcel</b>	20.17 m (66.18 ft.)
<b>Depth: Proposed Retained Parcel</b>	20.17 m (66.18 ft.)
<b>Area: Proposed Severed Parcel</b>	406.83 m <sup>2</sup> (4,379.07 ft. <sup>2</sup> )
<b>Area: Proposed Retained Parcel</b>	406.83 m <sup>2</sup> (4,379.07 ft. <sup>2</sup> )
<b>Buildings and/or structures: Proposed Severed Parcel</b>	Proposed detached dwelling; existing accessory building to be removed
<b>Buildings and/or structures: Proposed Retained Parcel</b>	Single detached dwelling with attached 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.

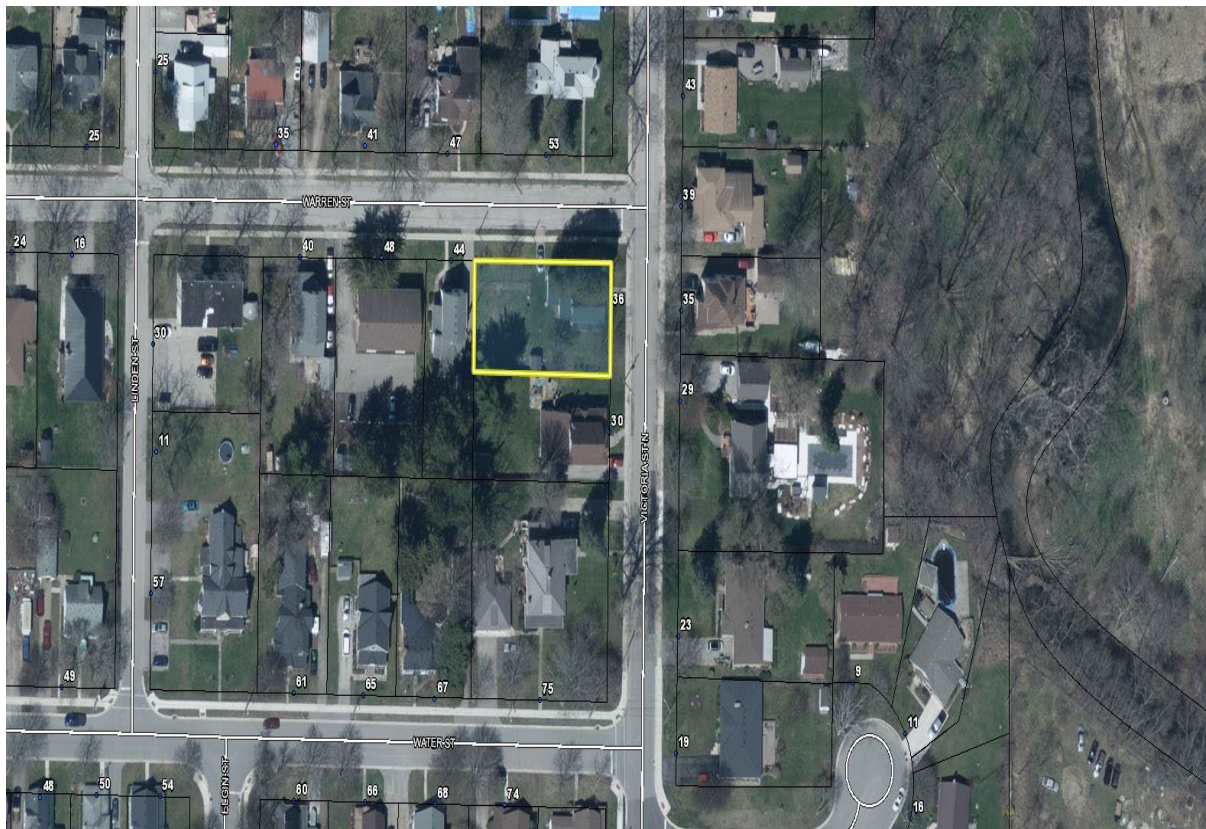
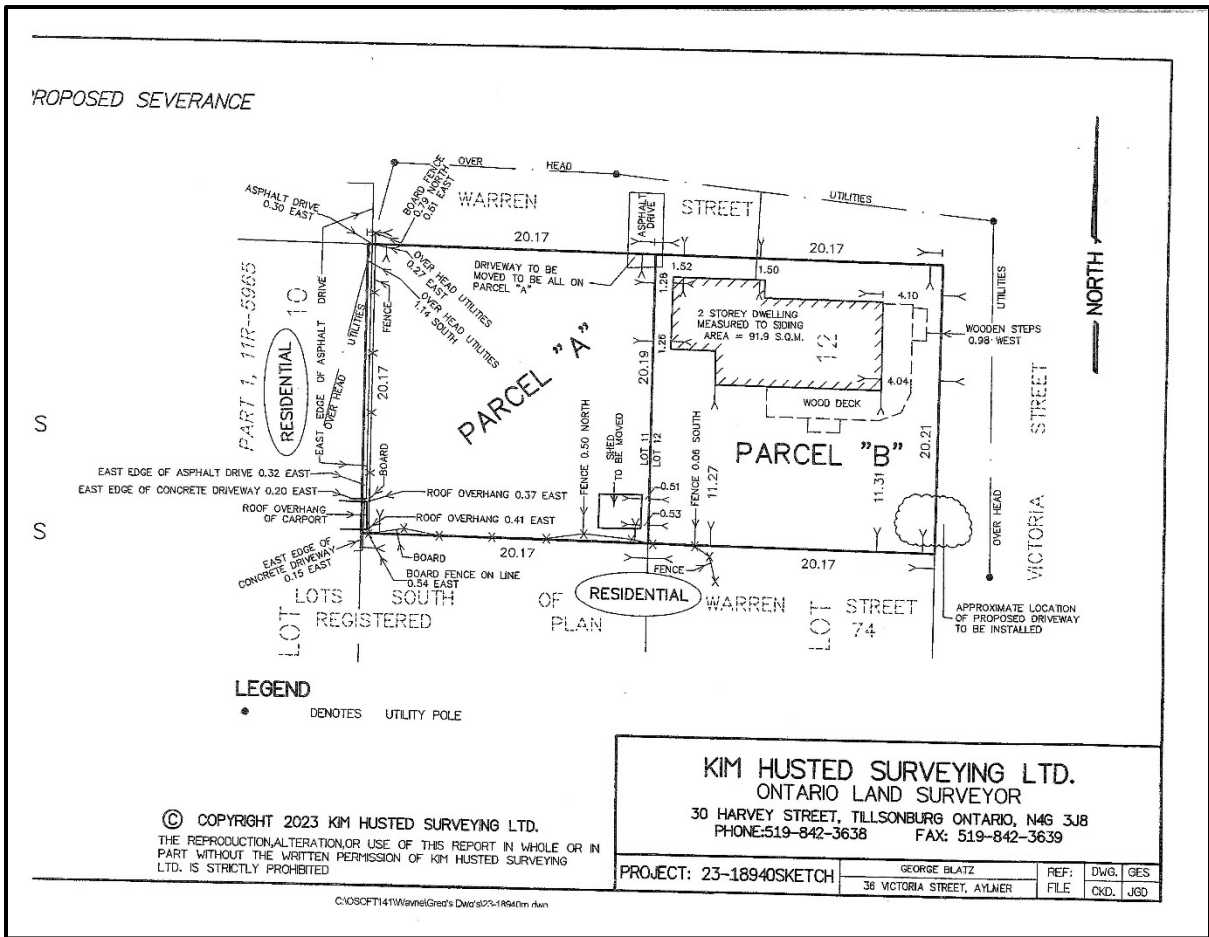


Figure Two below depicts the proposed severance.



## 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 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 a road occupancy permit can be obtained for the proposed severed parcel through Warren Street, which is a municipal street.

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

### **Town of Aylmer Official Plan**

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

Section 4.2.2(3) states an objective of this Plan is to promote intensification and redevelopment of vacant and underutilized lands in existing residential areas. Redevelopment proposals will, to the satisfaction of Council, ensure that the residential character of the area will be maintained or enhanced and not present a burden to existing facilities and services.

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

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

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

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

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

The proposed severed and retained parcels will meet all R2 Zone regulations.

Therefore, the proposed Application for Consent to Sever complies with the Town of Aylmer Zoning Bylaw No. 57-99.

## **Other Issues/Matters**

None.

## **Consultation**

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

### Director of Infrastructure

- *'The owner is required to connect the proposed lot to municipal services. No cross connections are allowed between two properties. There is an existing 100mm cast iron watermain, and 200mm asbestos cement sanitary main on Warren Street. There is no storm sewer present on Warren Street. There is a 300mm storm sewer on Victoria Street.'*
- *A Road Occupancy Permit will be required for servicing works in the ROW and any driveway cuts required.*
- *A lot grading plan is required for the proposed lot.*
- *The existing shed located on Parcel 'A' shall be removed or relocated to Parcel 'B' and placed a minimum of 0.6m from any property line.*
- *A separate driveway shall be provided for both Parcel 'A' and Parcel 'B.'*

**Comment:** The comments submitted by the Director of Infrastructure have been provided to the owner 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 goal(s) it supports includes: Pillar One – Dynamic, Inclusive Community and Pillar Two – Planning for the Future.

## **Conclusion**

Planning staff have reviewed the application against the PPS 2020 and applicable County of Elgin and Town of Aylmer Official Plan policies and the Town's Zoning By-law. Based on this review, it is recommended that Council offer support in principle for

the application to the Land Division Committee, subject to the Committee's standard conditions, in addition to the following recommended conditions of approval:

1. That the Owner meets all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That the Owner has removed the accessory building on the proposed severed parcel, to the satisfaction of the Town of Aylmer.
3. That the Owner makes 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 Owner provides 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 owner, 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 Owner, to the satisfaction of the Town of Aylmer.
6. That the Owner has 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 Owner has applied for and been issued a road occupancy permit from the Town of Aylmer for a new entrance for both the proposed severed and retained parcels 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 E13-24, 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 Terry Koning, Director of Infrastructure  
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.



**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:** February 28, 2024  
**Application:** E 13-24

---

**Owner:** Gerhard Blatz  
**Agent:** Same

212 Elk Street, Aylmer, ON

**Location:** N ½ Lot 11 S/S Warren Street, Lot 12, S/S Warren Street on Registered Plan 74

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 20.17m (66 feet), a depth of 20.17m (66 feet) and an area of 406.83m<sup>2</sup> (0.10 acres) to create a new residential lot. The applicant is retaining a lot with an area of 406.83m<sup>2</sup> (0.10 acres) proposed to remain in residential use.

**County of Elgin Official  
Plan**

Tier 1 Settlement Area

**Local Municipality Official  
Plan**

Low Density Residential

**Local Municipality Zoning  
By-law**

Residential Type 2 (R2)

REVIEW & ANALYSIS:

Public and Agency Comments

Town of Aylmer – Recommends approval, subject to conditions.

*County Engineering* – Not on County Road.

*Catfish Creek Conservation Authority* – No concerns

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant 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 400m<sup>2</sup> to create a new residential lot within an existing residential area. The retained land will be approximately 400m<sup>2</sup> and will continue to be used for residential purposes.

The PPS permits lot creation for a variety of purposes 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.*

Furthermore, the PPS encourages intensification and redevelopment of vacant or underutilized land, where applicable:

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

#### 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 encourages that settlement areas be the focus of growth and development in the County. A variety of land uses, including new residential development are permitted in settlement areas and intensification and infill development are encouraged by the CEOP in settlement areas.

#### 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. Municipal staff have reviewed this application against the provisions of the R2 Zone and found that the proposed severance meets all required zone provisions.

#### 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 Elgin County 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 Owner meets all requirements, financial and otherwise of the Town, to the satisfaction of the Town of Aylmer.
2. That the Owner has removed the accessory building on the proposed severed parcel, to the satisfaction of the Town of Aylmer.
3. That the Owner makes 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 Owner provides 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 owner, 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 Owner, to the satisfaction of the Town of Aylmer.
6. That the Owner has 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 Owner has applied for and been issued a road occupancy permit from the Town of Aylmer for a new entrance for both the proposed severed and retained parcels 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 E13-24, 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 14-24**

**PART OF LOT 32, CONCESSION 1  
TOWNSHIP OF MALAHIDE  
52925 NOVA SCOTIA LINE**

**TAKE NOTICE** that an application has been made by Logan Burnett (Harrison Pensa), 130 Dufferin Ave., London, ON N6A 5R2, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 52925 Nova Scotia Line.

The applicant proposes to sever a parcel with a frontage of 91.252m (300 feet), a depth of 137.662m (452 feet) and an area of 1.29ha (3.19 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 109.266 (270 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:

**FEBRUARY 28, 2024 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.

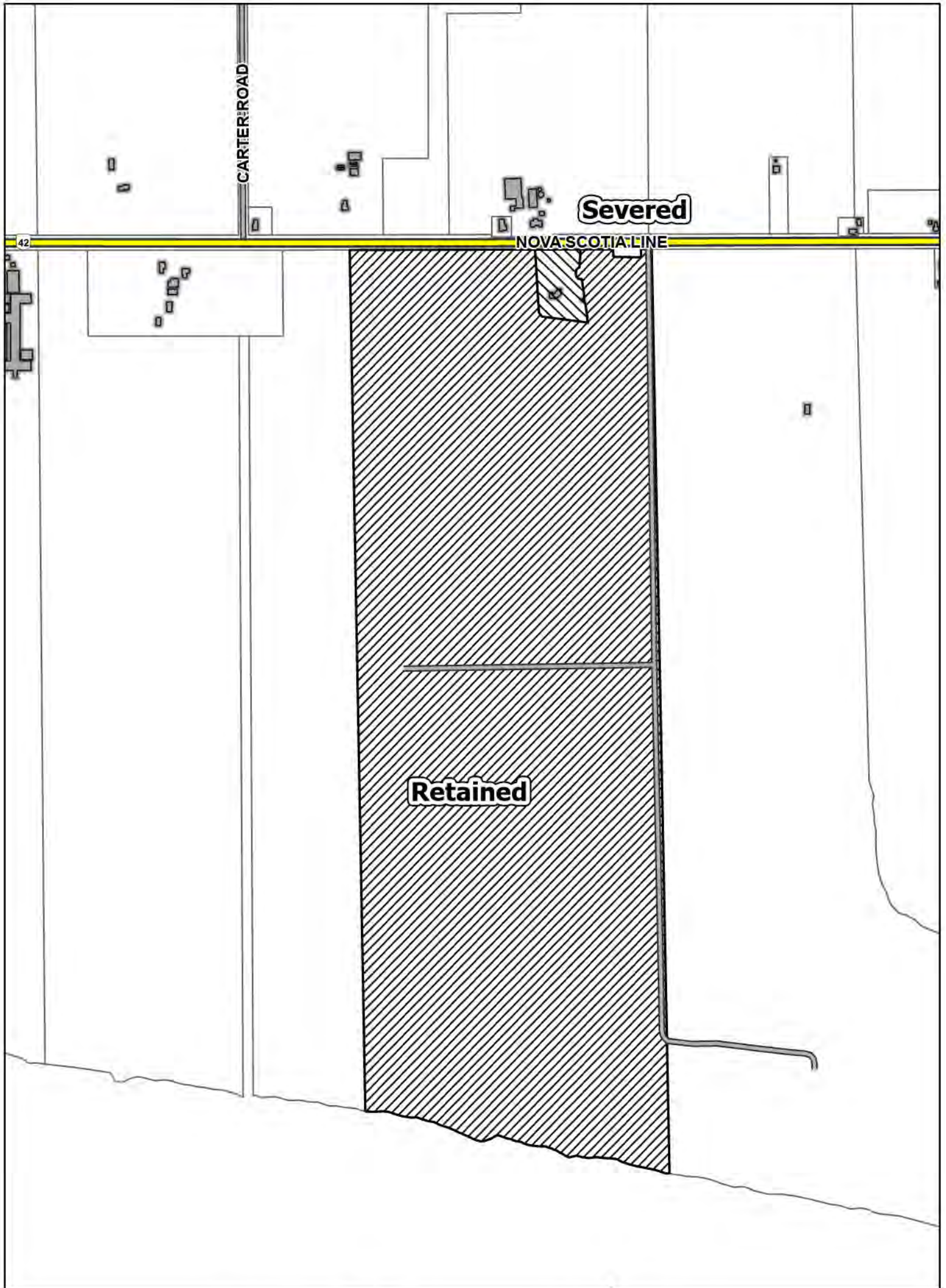
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8<sup>th</sup> day of January, 2024.

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)








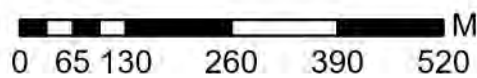
## Location Map

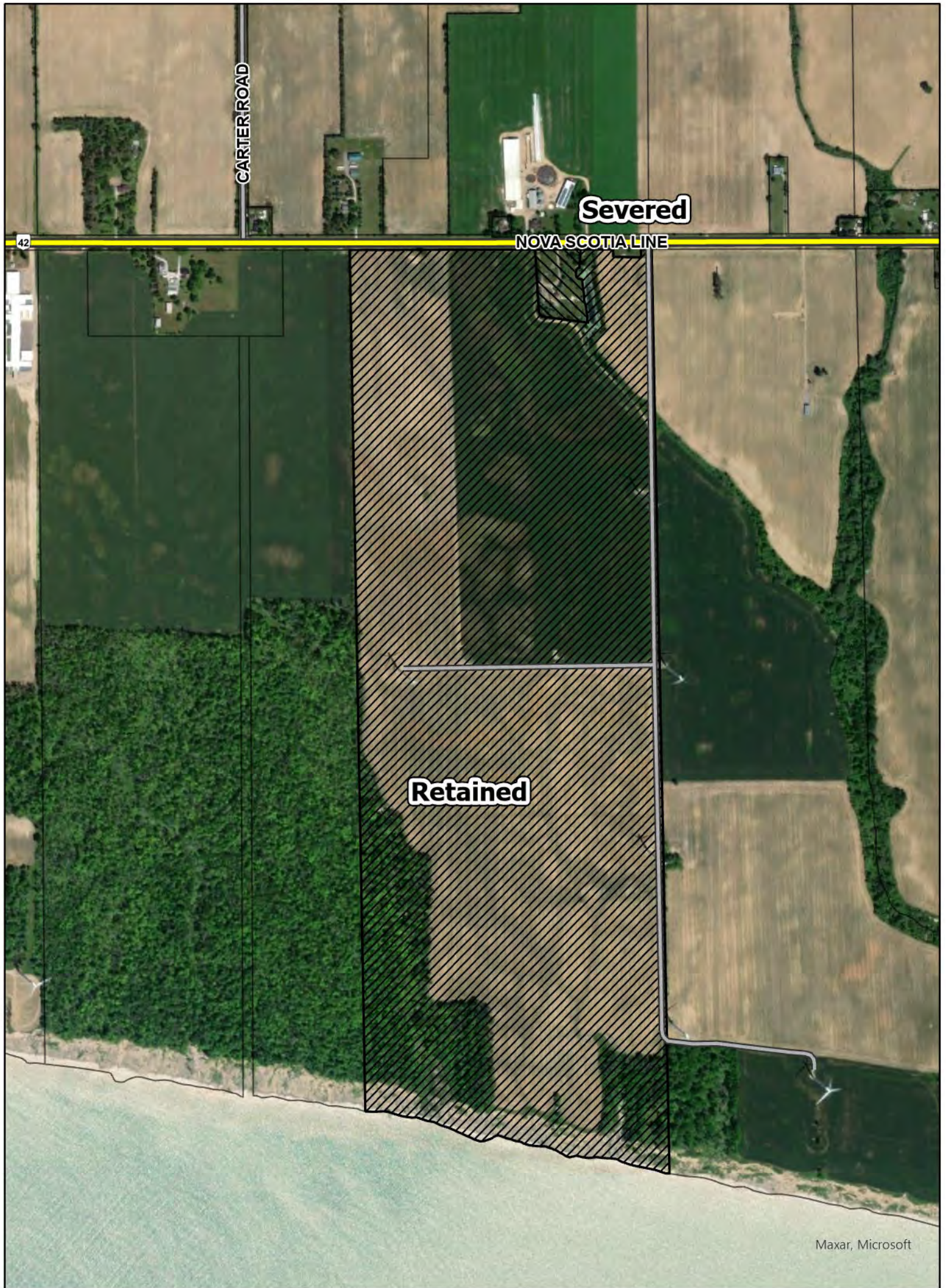
Subject Site: 52925 Nova Scotia Line  
 File Number: E 14-24  
 Owner: Underhill Farms Ltd. and Randy and Linda Underhill  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 1/8/2024  
 Township of Malahide



### Legend

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







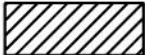

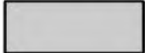
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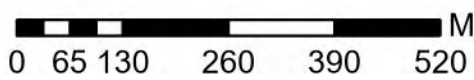
## Location Map

Subject Site: 52925 Nova Scotia Line  
 File Number: E 14-24  
 Owner: Underhill Farms Ltd. and Randy and Linda Underhill  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 1/8/2024  
 Township of Malahide



### Legend

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



**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

Applicant Underhill Farms Ltd (Authorized Agent: Logan Burnett C/O Harrison Pensa)\_\_\_

Location East Part of Lot 31, Lot 32, Concession 1, Township of Malahide (52925 Nova Scotia Line)

PART 1 - OFFICIAL PLAN

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

Land Use Designation: "Agriculture" and "Natural Heritage" on Schedule 'A1' (Land Use Plan) and "Provincially Significant Woodlands", "Significant A.N.S.I.'s" and "Hazard Lands" on Schedule 'A2' (Constraints Plan).

Policies: The policies of Sections 2.1.2.2, 2.1.3 and 2.1.7 of the Malahide Official Plan

PART 2 - ZONING

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

Comments: The proposed retained parcel would be rezoned to the 'Special Agricultural (A2)' zone to prohibit a residential dwelling. The proposed retained parcel meets the minimum lot area (20 ha) and frontage (150 m) requirements of the 'A2' zone. The proposed severed parcel be rezoned to 'Small Lot Agriculture Special (A4-XX)'. The 'A4' zone is intended to be applied to lots created as a result of a surplus farm dwelling severance to reflect the primary use of the lot for residential purposes and addresses the gazebo that is closer than 5 metres to the proposed interior side yard line.

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

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

- 6. Does the Municipality foresee demand for new municipal services? Yes ( ) No (X)
  - 7. If so, is the Municipality prepared to provide those services? Yes ( ) No (X)
  - 8. Does the Municipality wish the Committee to impose conditions? Yes (X) No ( )
  - 9. Does Council recommend the application? Yes (X) No ( )
  - 10. Does the municipality have other concerns that should be considered by the Committee?
- 
-



February 1, 2024

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

Dear Committee Members:

**RE: Land Severance Application No. E14-24 of Underhill Farms Ltd, Randy & Linda Underhill (Authorized Agent: Logan Burnett c/o Harrison Pensa) - East Part of Lot 31, Lot 32, Concession 1, Township of Malahide (52925 Nova Scotia Line)**

The Malahide Township Council passed the following Resolutions on February 1, 2024:

THAT the Malahide Township Council has no objection to the Land Severance No. E14-24 of Underhill Farms Ltd, Randy & Linda Underhill (Authorized Agent: Logan Burnett c/o Harrison Pensa), relating to the property located East Part of Lot 31, Lot 32, Concession 1, Township of Malahide (52925 Nova Scotia Line), subject to the following conditions:

1. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for both the severed and retained parcels. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties. This confirmation will ensure that the separation of one property does not lead to drainage issues on the other. If, due to existing site conditions, the certification cannot be provided, the applicant is obligated to engage a qualified professional to create a grading plan. Subsequently, the necessary site alterations and grading works must be completed before final approval of the severance is granted. This requirement aims to guarantee responsible land development practices and prevent potential future drainage complications between the severed and retained parcels.
2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid

in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.

4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Township.
8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

We enclose the Municipal Appraisal Form together with Municipal Report DS-24-06 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

A handwritten signature in cursive script that reads "A Adams".

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

Copy – Dave Jenkins  
Logan Burnett c/o Harrison Pensa lburnett@harrisonpensa.com



## Report to Council

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**REPORT NO.:** DS-24-06  
**DATE:** February 1, 2024  
**ATTACHMENT:** Report Photo, Submitted Site Plan, Recommended Conditions  
**SUBJECT:** **APPLICATION FOR CONSENT TO SEVER NO. E14-24 OF UNDERHILL FARMS LTD, RANDY & LINDA UNDERHILL (AUTHORIZED AGENT: LOGAN BURNETT C/O HARRISON PENSA)**  
**LOCATION:** East Part of Lot 31, Lot 32, Concession 1, Township of Malahide (52925 Nova Scotia Line)

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### **Recommendation:**

**THAT Report No. DS-24-06 entitled “Application for Consent to Sever No. E14-24 of Underhill Farms Ltd, Randy & Linda Underhill (Authorized Agent: Logan Burnett c/o Harrison Pensa) be received;**

**AND THAT the Application for Consent to Sever of Underhill Farms Ltd, Randy & Linda Underhill (Authorized Agent: Logan Burnett c/o Harrison Pensa), relating to the property located at East Part of Lot 31, Lot 32, Concession 1, Township of Malahide (52925 Nova Scotia Line) be supported for the reasons set out in this Report;**

**AND THAT this report and recommended conditions be forwarded to the Land Division Committee for its review and consideration.**

### **Background:**

The subject application for Consent to Sever (the “Application”) has been submitted by Underhill Farms Ltd (Authorized Agent: Logan Burnett C/O Harrison Pensa) in order to sever an existing dwelling as a result of a farm consolidation.

The Application relates to the property located at East Part of Lot 31, Lot 32, Concession 1, Township of Malahide, and known municipally as 52925 Nova Scotia Line.

The County Land Division Committee has scheduled a public hearing for this application to be considered on February 28, 2024.

### **Comments/Analysis:**

The subject farm property is approximately 110 hectares (272 acres) in area, has approximately 610 metres (2000 feet) of frontage along Nova Scotia Line, and contains an existing single-detached dwelling, small accessory shed, and gazebo. The subject property is bounded by a rural residential lot and agricultural lands to the north, agricultural lands to the east and west, and Lake Erie to the south. The lands are serviced by municipal water and private septic and are also subject to an easement for several wind turbines located on the southern portion of the property.

The applicant's own multiple agricultural parcels covering a vast area in the relative vicinity. The applicants are proposing to sever the existing single detached dwelling from the surrounding farmland. The proposed severed lot is approximately 1.2 ha (2.9 acres) in area, has approximately 91 metres of frontage along Nova Scotia Line, and would contain the existing dwelling and accessory structures. The proposed retained lot is approximately 109 ha (269 acres) in area and has approximately 137 metres of broken frontage along Nova Scotia Line.

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

In Prime Agricultural Areas, the Provincial Policy Statement (PPS) permits lot creation for the purposes of severing an existing dwelling that has been rendered surplus as a result of farm consolidation, provided the new lot will be limited to a minimum size needed to accommodate the use and appropriate private services, as well as it is ensured that residential dwellings are prohibited on any remnant parcel of farmland (Section 2.3.4.1c).

The proposed severed parcel is of a minimum size (1.2 ha) to accommodate the existing dwelling and private septic, and no land would be removed from agricultural production. A Zoning By-law Amendment will be required as a condition of consent approval to rezone the proposed retained parcel to prohibit future residential uses on the farmland.

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

The subject property is designated "Agricultural Area" on Schedule 'A', Land Use Plan, and "Woodlands" on Appendix 1, "Environmental Resource Areas". The subject property has no noted areas on Schedule 'C' of the County Official Plan (Aggregate and Petroleum Resources).

In addition to the above, the subject property is identified as having frontage along a "County Collector" and "Tourism Corridor" on Schedule 'B', "Transportation Plan".

Lot creation is permitted for lands within this designation for the purposes of severing a residence surplus to a farming operation provided that development of a new residence is prohibited on any retained farmland (Section E1.2.3.4b).



As a condition of approval, a Zoning By-law Amendment will be required to rezone the proposed retained farmland to 'Special Agriculture Zone (A2)' that would prohibit the construction of a dwelling along with rezoning the severed dwelling to 'Small Lot Agriculture Special' to reflect the surplus farm dwelling.

The Official Plan does not permit development and site alteration within significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features. The lands designated 'Woodlands' are located approximately 680 metres to the south of the proposed severed lot and are not anticipated to impact the natural heritage features.

### **Malahide Official Plan**

The subject property is designated "Agriculture" and "Natural Heritage" on Schedule 'A1' (Land Use Plan) and "Provincially Significant Woodlands", "Significant A.N.S.I.'s" and "Hazard Lands" on Schedule 'A2' (Constraints Plan).

The Malahide Official Plan permits secondary uses including surplus farm dwellings on separate lots (Section 2.1.2.2). Section 2.1.7 of the Official Plan permits lot creation for the severance of a surplus farm dwelling provided certain criteria are met, including that the existing dwelling be occupied for a minimum of ten years and a land use conflict is not created with agricultural operations in the surrounding areas (Section 2.1.7.1). The existing dwelling has been in existence for more than 10 years and is not anticipated to create a land use conflict with surrounding agricultural operations. Surplus farm dwelling severances are exempt from Minimum Distance Separation under Section 2.1.3 of the Official Plan.

The Official Plan requires that the severed parcel is able to be serviced by a private sanitary waste disposal system and a potable water supply that is situated within the severed lot; is located within 100 metres of an opened travelled road; and the severed parcel be rezoned to a Special Agricultural zone that permits surplus farm dwellings (Section 2.1.7.2). The proposed severed lot meets the minimum lot area requirements of the Zoning By-law, has municipally piped water and the existing septic system is located within the proposed lot boundaries. A letter supporting the good working condition of the septic system has been provided in support of the application. Further, the proposed lot and existing dwelling are located within 100 metres of a public road.

The Official Plan also requires that the proposed retained farm parcel be of suitable size to support agricultural uses and be rezoned to prohibit the establishment of a dwelling (Section 2.1.7.4). The retained farm parcel is of suitable size to support agriculture and will require a zoning by-law amendment to prohibit a residential dwelling.

The Official Plan does not permit development and site alteration within significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features. The lands designated as "Provincially Significant Woodlands" and "Significant A.N.S.I.'s" are located approximately 680 metres to the south of the proposed severed lot and are not anticipated to impact the natural heritage features.

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

The subject property is within the “Large Lot Agricultural (A3) Zone” on Key Map 104 of Schedule “A” to the Township’s Zoning By-law No. 18-22, and a portion of the subject property is identified as “Conservation Authority Regulated Lands Overlay”.

As previously noted in this report, the PPS and both Official Plans require that the proposed severed and retained parcel be rezoned. It is anticipated that the proposed retained parcel would be rezoned to the ‘Special Agricultural (A2)’ zone to prohibit a residential dwelling. The proposed retained parcel meets the minimum lot area (20 ha) and frontage (150 m) requirements of the ‘A2’ zone.

It is also anticipated that the proposed severed parcel be rezoned to ‘Small Lot Agriculture Special (A4-XX)’. The ‘A4’ zone is intended to be applied to lots created as a result of a surplus farm dwelling severance to reflect the primary use of the lot for residential purposes.

In the A4 zone, accessory buildings shall not be erected closer than 5 metres to an interior side yard line. The severed lands contain a gazebo that is closer than 5 metres to the proposed interior side yard line and shall be addressed as a special provision in the rezoning. The proposed severed parcel meets all other requirements of the A4 zone.

### **General Comments**

The Development Services Staff has considered the merits of the subject application against applicable Official Plan policies and the Township’s Zoning By-law and recommends that the Council support the Application, subject to the recommended conditions.

The Development Services Staff has also considered comments provided (if any) by other internal departments. Notably:

- The Township’s Drainage Superintendent has advised that the applicant is required to provide a grading plan for both the severed and retained parcels. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties.

**Financial Implications to Budget:**

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

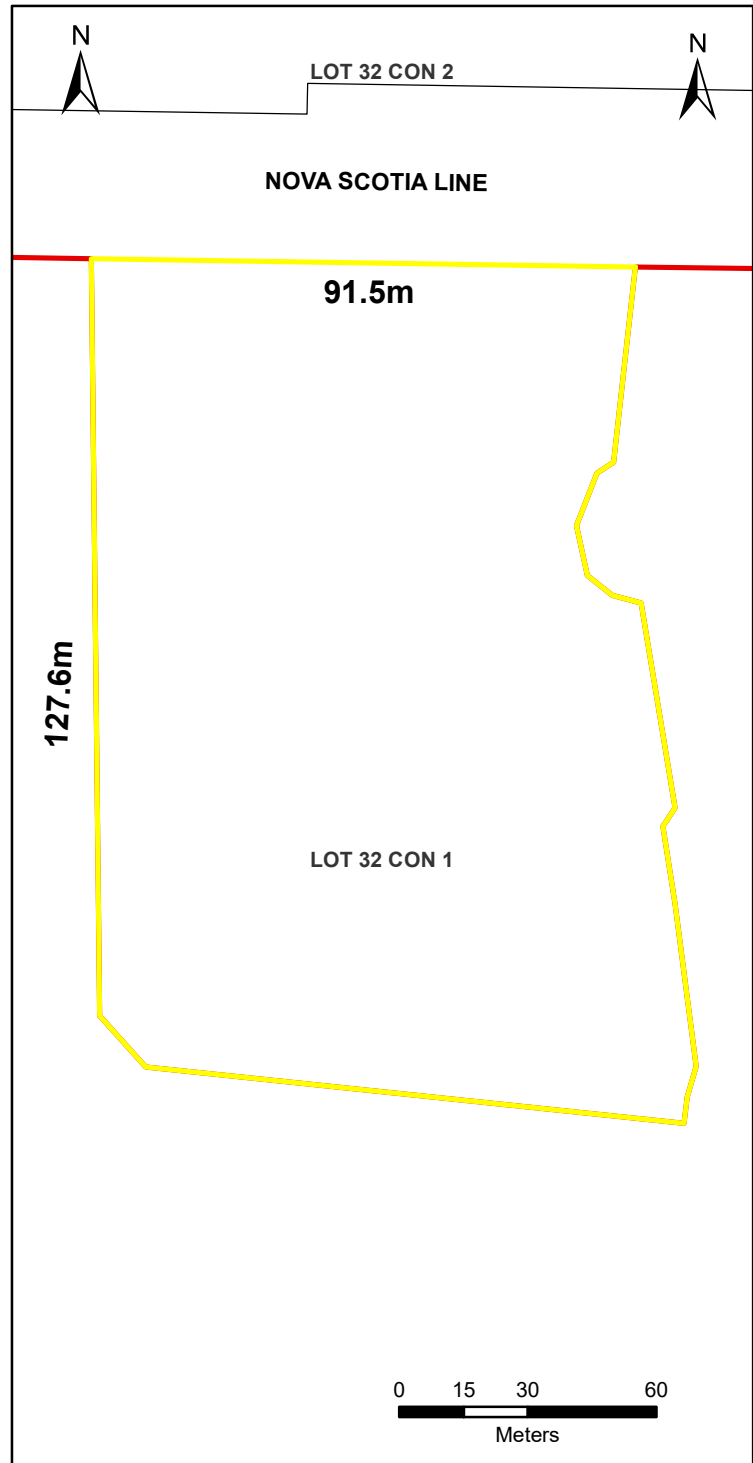
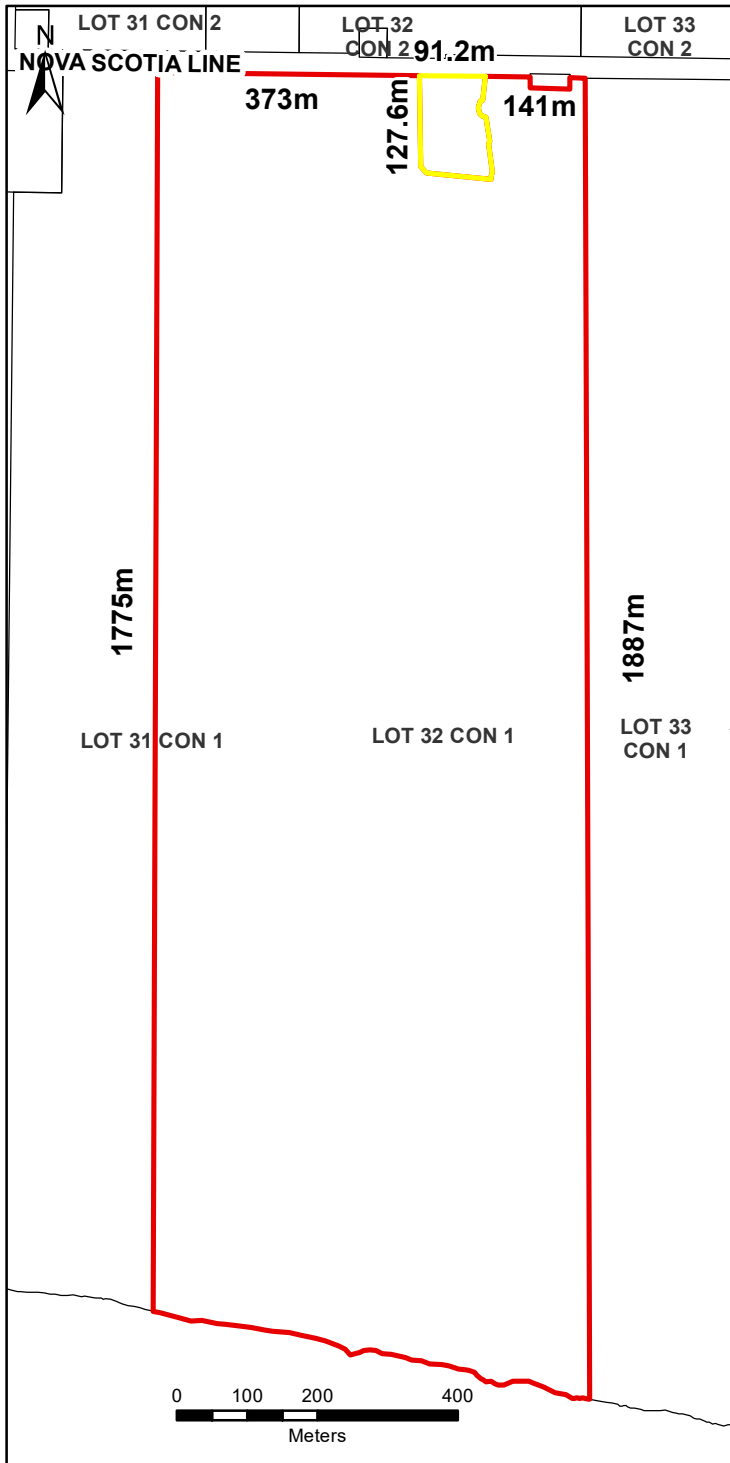
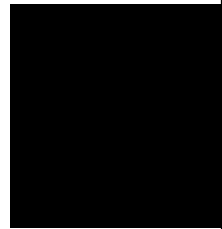
Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants Ltd., Consulting Planner for the Township	Jay McGuffin, MCIP, RPP Vice President, Principal Planner Monteith Brown Planning Consultants Ltd.

Approved by:
Nathan Dias, Chief Administrative Officer

**APPLICATION FOR A CONSENT TO SEVER**  
**OWNERS: RANDY AND LINDA UNDERHILL AND UNDERHILL FARMS LTD**  
**AUTHORIZED AGENT: LOGAN BURNETT C/O HARRISON PENSA**

52925 Nova Scotia Line  
 East Part of Lot 31, Lot 32, Concession 1  
 Township Of Malahide

**Township  
 of Malahide  
 Figure 1**



**OFFICIAL PLAN DESIGNATION**

Agriculture

**ZONING**

A3 Large Lot Agricultural



Lands To Be Retained



Lands To Be Severed



Hazard Lands



**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:** February 28, 2024  
**Application:** E 14-24

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**Owner:** Underhill Farms Ltd. and Randy and Linda Underhill  
**Agent:** Logan Burnett (Harrison Pensa)

52925 Nova Scotia Line, Port Burwell, ON

1101-130 Dufferin Ave., London, ON

**Location:** Part of Lot 32, Concession 1. Municipally known as 52925 Nova Scotia Line.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 91.252m (300 feet), a depth of 137.662m (452 feet) and an area of 1.29ha (3.19 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 109.266ha (270 acres) proposed to remain in agricultural use.

**County of Elgin Official Plan**

Agricultural Area

**Local Municipality Official Plan**

Agricultural / Natural Heritage

**Local Municipality Zoning By-law**

Large Lot Agricultural (A3)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Malahide – Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Catfish Creek Conservation Authority* – No 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 1.3ha to sever a dwelling that is surplus to a farming operation. The retained land will be approximately 109 ha and will continue to be used for agricultural purposes.

The PPS generally discourages lot creation in the agricultural area, however, consents to sever a surplus farm dwelling from a farming operation is permitted.

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

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

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

#### 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 lot creation in the agricultural area for a surplus farm dwelling provided the parcel is the minimum size required to accommodate the existing dwelling and on-site services. The proposed severed lot roughly follows the existing line of cultivation and the retained lands will be rezoned to a zone which does not permit residential development.

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

Staff have reviewed the application against the policies of the Township of Malahide Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. Municipal staff have reviewed the proposed lot fabric against the zone provisions and have noted that there is an existing gazebo located less than 5m from the interior lot line, this will be addressed through a site-specific zoning amendment, in addition to the standard rezoning of the retained lands.

#### RECOMMENDATION:

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

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

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

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

1. In order to facilitate the approval process for the severance, the applicant is required to furnish a grading plan for both the severed and retained parcels. This plan should be prepared by a qualified professional, such as an engineer or surveyor, who will assess and confirm that sufficient lot drainage is adequate for both properties. This confirmation will ensure that the separation of one property does not lead to drainage issues on the other. If, due to existing site conditions, the certification cannot be provided, the applicant is obligated to engage a qualified professional to create a grading plan. Subsequently, the necessary site alterations and grading works must be completed before final approval of the severance is granted. This requirement aims to guarantee responsible land development practices and prevent potential future drainage complications between the severed and retained parcels.
2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Township.
8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 15-24**

**PART OF LOT 17, CONCESSION 251  
MUNICIPALITY OF CENTRAL ELGIN  
199 CENTENNIAL AVE.**

**TAKE NOTICE** that an application has been made by Brandon Collier, 42372 John Wise Line, St. Thomas, ON N5R 5T5, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 199 Centennial Ave.

The applicant proposes to sever a parcel with a frontage of 17m (56 feet), a depth of 37.186m (122 feet) and an area of 632.1m<sup>2</sup> (0.16 acres) to create a new residential lot. The applicant is retaining a lot with an area of 1,593.4m<sup>2</sup> (0.4 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:

**FEBRUARY 28, 2024 AT 10:15 AM  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

**PLEASE CONTACT [landdivision@elgin.ca](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 8<sup>th</sup> day of January, 2024.

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)










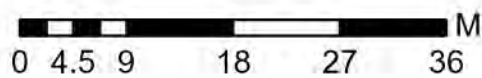
## Location Map

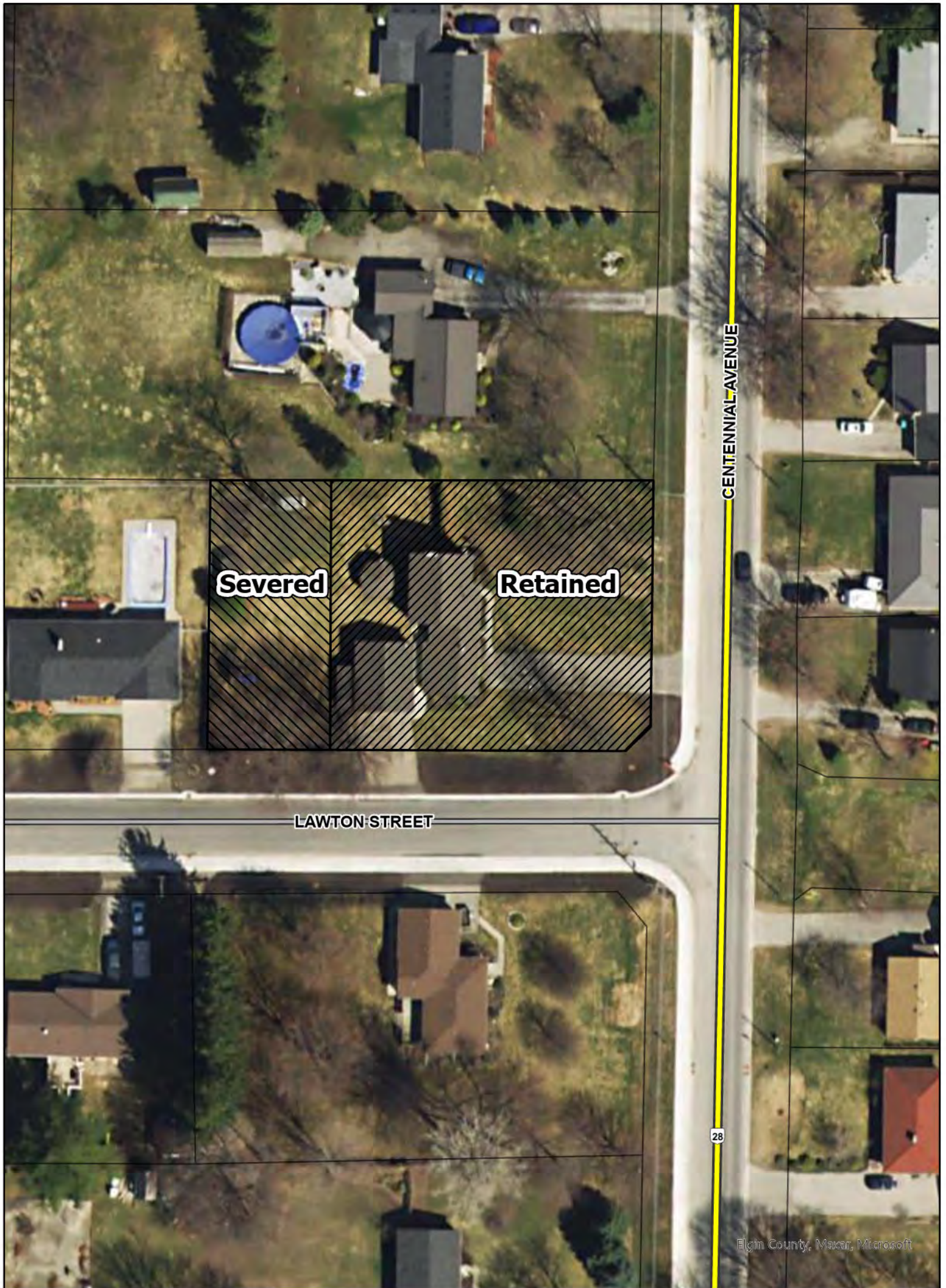
Subject Site: 199 Centennial Ave.  
 File Number: E 15-24  
 Owner: Mike Norman  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 1/8/2024  
 Municipality of Central Elgin



### Legend

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





CENTENNIAL AVENUE

LAWTON STREET

28






Elgin County, Maxar, Microsoft

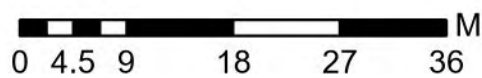
## Location Map

Subject Site: 199 Centennial Ave.  
 File Number: E 15-24  
 Owner: Mike Norman  
 CA: Catfish Creek Conservation  
 Created By: PC  
 Date: 1/8/2024  
 Municipality of Central Elgin



### Legend

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



**Paul Clarke**

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**Sent:** [REDACTED] January 23, 2024 1:21 PM  
**To:** Paul Clarke  
**Subject:** RE: E 15-24 Notice of Application

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

Hello,

CCCA has no comments or concerns with the above noted application.

Thank You,



**Gerrit Kremers**  
Resource Planning Coordinator  
planning@catfishcreek.ca  
519-773-9037 ext. 18  
Catfish Creek Conservation Authority  
8079 Springwater Rd.  
Aylmer, ON N5H 2R4

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**From:** Paul Clarke <pclarke@ELGIN.ca>  
**Sent:** January-18-24 8:57 AM

[REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** E 15-24 Notice of Application

Good morning,

Please see the attached notice of application for severance E 15-24. If you wish to provide comments on this application, please do so no later than **February 20, 2024**.

Thanks,

**Paul Clarke CPT**  
Planning Technician / Land Division Committee Secretary-  
Treasurer



THE MUNICIPALITY OF CENTRAL ELGIN

**REPORT TO COUNCIL**

**REPORT NO.** CEP.02.24  
**CEPO FILE NO.** E15/24  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application – 199 Centennial Avenue  
Applicant – Mike and Lee Ann Norman  
**DATE** January 24, 2024

**RECOMMENDATION**

**THAT** Report CEP.02.24 be received for information;

**AND THAT** Should Council pass a resolution in support of Consent Application E15/24 to the Land Division Committee, staff recommends the following conditions:

1. the applicants enter into an agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters relative to the development of the subject lands;
2. the payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
3. a copy of the reference plan be provided to the Municipality of Central Elgin.

**REPORT**

**Background:**

Consent application E15/24 has been filed for the purpose of creating one new vacant building lot fronting on Lawton Street, as shown on the accompanying Location Plan.

**Location Plan:**



**Location:**

The subject lands are located on the northwest corner of Centennial Avenue and Lawton Street, the lands are legally described as, Plan 251, Part Lot 17, Municipality of Central Elgin.

**Proposal:**

The applicants are proposing to sever one vacant lot with frontage of 17m on Lawton Street, a depth of 37.1m and an area of 630.7sqm. The severed lot will be used for a new residential building lot. The applicants are proposing to retain one lot with frontage of 34.13m on Centennial Avenue, a depth of 42.9m and an area of 1,593.4sqm, containing one residential dwelling and one accessory building. The retained lot will continue to be used for residential purposes.

**Staff Report**

## 1. Official Plan

- The subject lands are located within the Urban Settlement Area designation in accordance with Schedule "A" – Land Use Plan, and further designated Residential, in accordance with Schedule "D" – Community of Eastwood, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- The lands designated as "Residential" provide the main locations for housing in Central Elgin. A broad range of housing types and compatible services and amenities are permitted within the fully serviced Urban Settlement Areas, in keeping with both local and provincial priorities and to make the most efficient use of available infrastructure (4.3).
- Where land is designated Residential a range of residential dwelling types and densities shall be permitted, including single detached dwellings (4.3.1(a)).

## 2. Zoning By-Law

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

## 3. County of Elgin Official Plan:


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

#### 4. Comments

- The applicants have filed Minor Variance Application COA23-2023 concurrently to facilitate the construction of a new residence on the severed lot, the purpose of the variances is to increase lot coverage by 3%, to accommodate a future storage shed and permit a front yard depth of 6m, which will allow the new residence to be line with existing residences on Lawton Street.
- A consultation meeting was held on April 17, 2023, and November 23, 2023, to review the proposed severance, based on the results of the meetings it was determined that a consent application and a minor variance application was required.


Respectfully submitted:

Approved for submission:



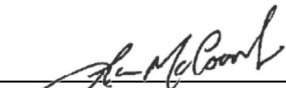
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Steve Craig  
Sr. Planning Technician



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Robin Greenall  
CAO/Clerk



---

Jim McCoomb, MCIP, RPP  
Manager of Planning Services

February 8, 2024

Paul Clark  
Land Devison Secretary-Treasurer  
519-631-1460 ext170

To Whom it may concern;

I understand there is an appeal period until Feb.12.2024, regarding the minor variance for 199 Centennial Ave. At the time of they letter I see there is already area steaks in the ground in the backyard of this property as well signs up for a severance of the property.

I have lived in this subdivision for a number of years. I believe it was originally the Bailey farm back in the '60 s. Large spacious lots were established back then to develop the subdivision. I think these spacious lots make our area very unique and charming. Owners take great pride in their properties. .

I have a great concern for what is being preposed for 199 Centennial ave. The two story existing home is quite lovely and is on a very nice lot. A home like this deserves an appropriate lot space , as is the character of all the neighbouring homes. By trying to squeeze another house into the back yard I believe would most definitely decrease the value of all the other properties in the neighbourhood .Quite frankly it would be an eye sore for the street. It would totally destroy the curb appeal for either house.

There would be irreversible consequences of allowing a house to be squeezed into such a small area that the community would have to live with forever.

I know there a books with all kind of rules and regulations that need to be followed and even though someone has done the math to say a house can be squeezed into the backyard this is not a subdivision were you can reach out and touch your neighbour, so it would be totally out of place with the established character of surrounding properties.

I have been told the math says a house can be squeezed into this the back yard area , with little more than bare minimum's being created, I just believe the curb appeal which should be important would be totally lost. There would be no back yard at all fro the original house.

I really wish the almighty dollar wasn't the priority. Elgin county will get all it fees and future taxes but no attention is being paid to the value of existing homes the neighbourhood.

There have been a couple of houses allowed to be built in the area that are on very weird lot angles . I can tell you with great confidence that people think they are eyesores of the street and everyone wonders why they were allowed to be built. There was no consideration for how the neighbours properties would be effected .

As I said at the beginning of this letter. I see signs that this house is going to go ahead which is just very sad.

Not that it is a huge item but there is a beautiful tree in the backyard that I would bet was here on the Bailey farm . If it has to be destroyed none of us will ever see a tree of that size in our lifetime.

I sincerely hope this letter has some influence on the decision for this property.Thank You



**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:** February 28, 2024  
**Application:** E 15-24

**Owner:**

**Mike Norman**

199 Centennial Ave, St. Thomas, ON

**Location:** Part of Lot 17, on Registered Plan 251. Municipally known as 199 Centennial Ave.

**Agent:**

**Brandon Collier (Collier Homes)**

42372 John Wise Line, Central Elgin, ON

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 17m (56 feet), a depth of 37.186m (122 feet) and an area of 632.1m<sup>2</sup> (0.16 acres) to create a new residential lot. The applicant is retaining a lot with an area of 1,593.4m<sup>2</sup> (0.4 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**

Residential Zone 1 (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

*County Engineering* – Not on County Road.

*Catfish Creek Conservation Authority* – No concerns

A letter of objection was received.

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 630m<sup>2</sup> to create a new residential lot within an existing residential area. The severed lot will be located in the



existing rear yard of the subject land and will front on Lawton Street. The retained land will be approximately 1,595m<sup>2</sup> and will continue to be used for residential purposes.

The PPS permits lot creation for a variety of purposes 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.*

Furthermore, the PPS encourages intensification and redevelopment of vacant or underutilized land, where applicable:

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

#### County of Elgin Official Plan

The application has been examined by County Staff in accordance with the County of Elgin Official Plan (CEOP) guidelines. It has been established that the application adheres to these policies. The specified lands is within a Tier 1 Settlement Area in the CEOP. The CEOP advocates for settlement areas to be the primary areas for growth and development within the County. Various land uses, including new residential development, are allowed in settlement areas, with the CEOP promoting intensification and infill development in these areas.

#### 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 proposed severed and retained lots meet the required lot frontage and lot area requirements of the Zoning By-law.

#### RECOMMENDATION:

This application is consistent with the Provincial Policy Statement (2020), complies with the County of Elgin Official Plan and Municipality of 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:



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

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.

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

1. The applicants enter into an agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters relative to the development of the subject lands
2. The payment of cash-in-lieu of parkland or the dedication of 5% of the land for parkland purposes
3. 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 2-24**

**PART OF LOT 23, CONCESSION 2  
MUNICIPALITY OF BAYHAM  
56796 GLEN ERIE LINE**

**TAKE NOTICE** that an application has been made by Kimberly Mulder, 1 Park Place, Tillsonburg, ON N4G 0B8, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 56796 Glen Erie Line.

The applicant proposes to sever a parcel with a frontage of 55m (180 feet), a depth of 75m (246 feet) and an area of 4,125m<sup>2</sup> (1 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 43ha (106 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:

**FEBRUARY 28, 2024 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.

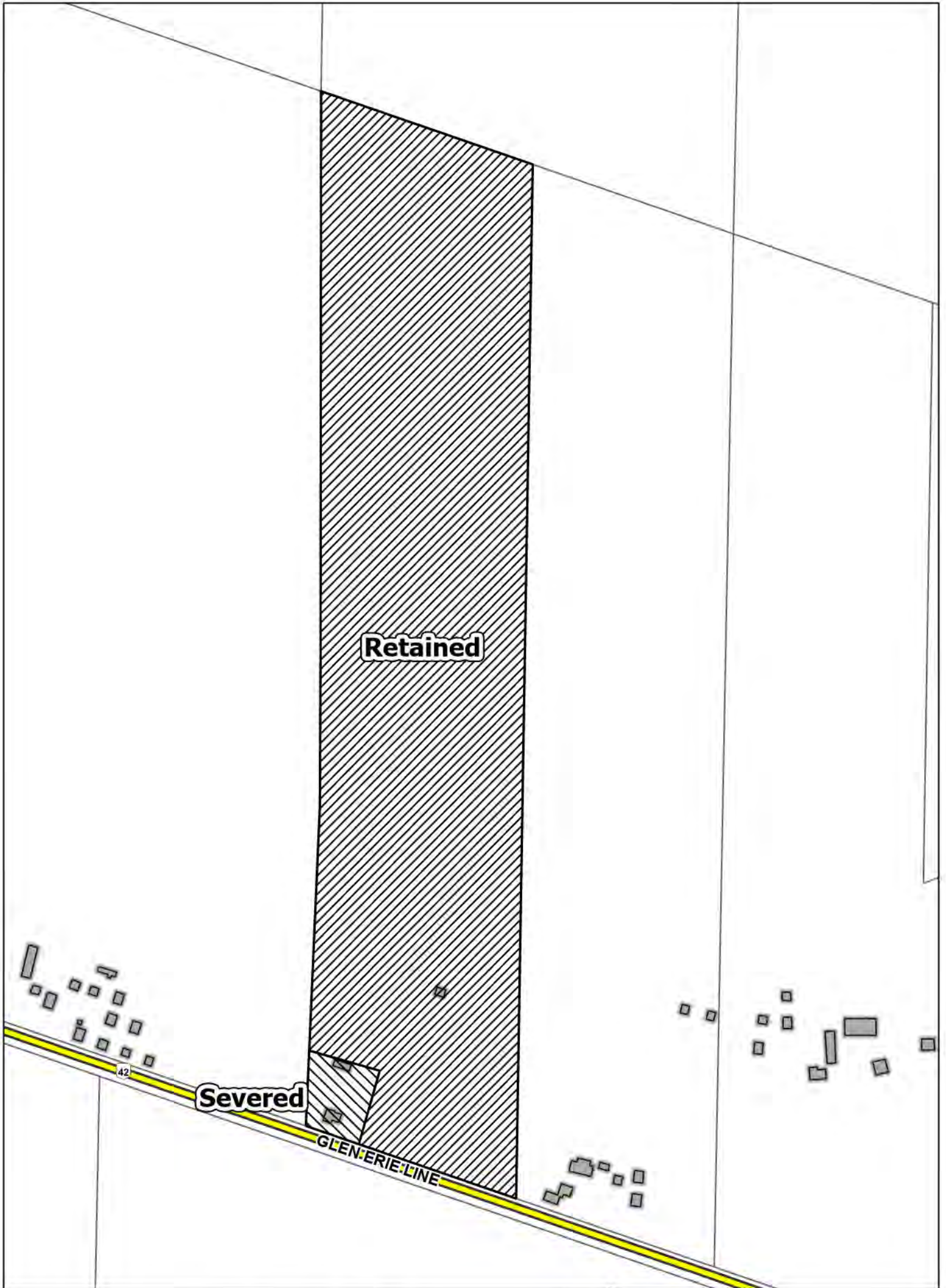
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 1<sup>st</sup> day of December, 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)





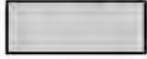


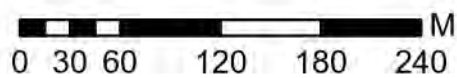
## Location Map

Subject Site: 56796 Glen Erie Line  
 File Number: E 2-24  
 Owner: Dan Froese / Dan Froese Farms  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 11/28/2023  
 Municipality of Bayham



### Legend

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



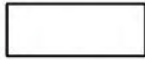

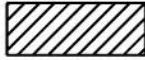

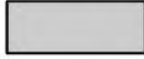


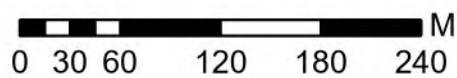
## Location Map

Subject Site: 56796 Glen Erie Line  
 File Number: E 2-24  
 Owner: Dan Froese / Dan Froese Farms  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 11/28/2023  
 Municipality of Bayham



### Legend

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



Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

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

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



December 18, 2023

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

**EMAIL ONLY**

Dear Mr. Clarke

**Re: Applications for Consent No. E2-24 Dan Froese and Dan Froese Farms Inc.**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the December 7, 2023 meeting:

**THAT** Report DS-64/23 regarding the Consent Application E2-24 Dan Froese and Dan Froese Farms Inc. be received;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E2-24 be granted subject to the following conditions and considerations:

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a Rural Residential (RR) Zone with a Site-specific exception to recognize and permit the existing Front Yard Depth of 8.5 metres for the existing dwelling
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Special Agricultural (A2) zone to prohibit new dwellings
3. That the owner removes the existing mobile home trailer on the subject property
4. That the owner provides the Planning Report fee payable to the Municipality
5. That the owner provides a digital copy of the final survey of the subject lands to the Municipality
6. That the owner purchases a civic number sign for the retained parcel from the Municipality

Municipal Appraisal Sheet and Staff Report DS-64/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Margaret Underhill,  
Planning Coordinator|Deputy Clerk

D09.FROE

cc: K. Mulder (email)

## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 2-24

Applicant Dan Froese and Dan Froese Farms Inc.

Location Bayham – 56796 Glen Erie Line, Port Burwell

### PART 1 - OFFICIAL PLAN

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

Land Use Designation: Agriculture, Natural Gas Reservoir and Natural Heritage

Policies:

Policy 2.1.7.1 Farm Consolidation

### PART 2 - ZONING

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

Comments: Zoning: Agricultural (A1) and LPRCA Reg Limit

Rezoning required of both the severed and retained parcels

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

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

- |   |           |        |
|---|-----------|--------|
| 6. Does the Municipality foresee demand for new municipal services?                       | Yes ( X ) | No ( ) |
| 7. If so, is the Municipality prepared to provide those services?                         | Yes ( X ) | No ( ) |
| 8. Does the Municipality wish the Committee to impose conditions?                         | Yes ( X ) | No ( ) |
| 9. Does Council recommend the application?  | Yes ( X ) | No ( ) |
| 10. Does the municipality have other concerns that should be considered by the Committee? |           |        |

See Letter attached with listed conditions revised from original.

See Staff Report DS-64/23 considered at Council meeting held December 7, 2023

agriculture use(s) common in the area and the farm size is appropriate for the type of agriculture operation proposed;

- f) The requirements of the Planning Act;
- g) The minimum farm parcel size as established in the Zoning By-law; and,
- h) The Minimum Distance Separation Formula I.

2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

2.1.7.1 In accordance with the Provincial Policy Statement 2014, farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation. Farm consolidation may result in the identification of existing farm dwellings that are rendered surplus to the consolidated farm operation. Consents to sever and convey existing farm dwellings which were built and occupied a minimum of ten (10) years prior to the date of consent application, and which are surplus to a consolidated farm operation, may be permitted within the "Agriculture" designation in accordance with the following criteria:

In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands;

Where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership;

A minimum of one existing dwelling within the Municipality of Bayham must be retained by the proponent farm operation, or a registered owner of the proponent farm operation.

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) Be no larger than is necessary to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;
- b) Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,



- c) Be rezoned in a Rural Residential Zone in the Zoning By-law of the Municipality of Bayham.

2.1.7.3 The severed lot with the surplus farm dwelling may:

- a) Include accessory buildings and structures if in the opinion of Municipal Council a land use conflict will not be created; and,
- b) Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock.

2.1.7.4 All parcels of property constituting the retained agricultural lands shall:

- a) Depending on the current zoning and lot size, meet the provisions of the Agricultural (A1 / A1-A) Zone regulations of the Zoning By-law of the Municipality of Bayham; and,
- b) Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

2.1.7.5 Notwithstanding Section 2.1.7.1 c), the dwelling located in Pt. Lot 109, Concession 6, STR, and known municipally as 53443 Heritage Line, and existing as of March 2015, may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

## 2.1.8 Existing Lots

2.1.8.1 One non-farm residential unit may be considered on existing lots of record in areas designated "Agriculture", provided the following criteria are met:

- a) The lot was in existence as of the date of adoption of this Official Plan;
- b) The building permit will comply with the Minimum Distance Separation I formula; and,
- c) The lot must be suitable to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply.

## **SECTION 6 SPECIAL AGRICULTURAL (A2) ZONE REGULATIONS**

### **6.1 Purpose**

The Agricultural (A2) Zone is intended to apply to parcels designated "Agriculture" in the Official Plan, where new dwellings are prohibited as a result of a severance of a surplus farm dwelling.

### **6.2 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Agricultural (A2) Zone except for the following purposes:

Agricultural uses;

Accessory use.

### **6.3 Prohibited Uses**

Residential dwellings not existing on the date of passing of this by-law

### **6.4 Minimum Lot Area**

20.0ha

### **6.5 Minimum Lot Frontage**

150.0m

### **6.6 Maximum Lot Coverage**

20%

### **6.7 Maximum Building Height**

20.0m

### **6.8 Minimum Front Yard Depth**

15.0m

### **6.9 Minimum Side Yard Width**

10.0m

### **6.10 Minimum Rear Yard Depth**

10.0m

### **6.11 Supplementary Regulations – Agricultural (A2) Zone**

#### **6.11.1 Livestock Buildings and Structures and Mushroom Farming**

Notwithstanding any other provisions of this by-law to the contrary, the following regulations shall apply for buildings and structures hereafter erected and/or used for the raising of livestock or the growing of mushrooms:

Minimum distance from any Village Residential, Hamlet Residential, Village Commercial or Hamlet Commercial Zone: 150.0 metres or the Minimum Distance

Separation whichever is greater.

6.11.2 Dark Fire Tobacco Barns and Smoke Kilns

Notwithstanding the requirements of Sections 6.7 to 6.9 inclusive, the following regulations shall apply for buildings and/or structures hereafter erected and/or used for the smoke curing of tobacco:

- a) Not to be located within 200 metres of any dwelling on any property other than that property on which the smoke curing operation is situated.
- b) Not to be located within 200 metres of any opened public right-of-way.

**6.12 Exceptions – Special Agricultural (A2) Zone**

6.12.1

6.12.1.1 Defined Area

A2-1 as shown on Schedule "A", Map 14 to this by-law

Z475-2004

6.12.1.2 Permitted Uses

Electrical substation and related appurtenances;  
All other uses permitted in Section 6.1 of this By-law."

6.12.1.3 Holding (-h) Symbol

The Holding (h) Symbol will be removed after a site plan agreement is registered on title.

6.12.2

6.12.2.1 Defined Area

A2-2 as shown on Schedule "A", Map No. 4 to this By-law

Z511-2005

6.12.2.2 Minimum Lot Area

13.5 hectares

6.12.3

6.12.3.1 Defined Area

A2-3 as shown on Schedule "A", Map No. 4 and 5 to this By-law

Z519-2006

6.12.3.2 Permitted Uses

An existing assembly hall in addition to all other uses permitted in the A2 Zone

6.12.4

6.12.4.1 Defined Area

A2-4 as shown on Schedule "A", Map No. 14 to this By-law

Z528-2006

6.12.4.2 Additional Permitted Uses

A fenced compound area for the storage of licensed recreational vehicles, boats, and travel trailers

## **SECTION 7 RURAL RESIDENTIAL (RR) ZONE REGULATIONS**

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### **7.1 Permitted Uses**

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

One single detached residential dwelling on one lot;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

### **7.2 Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

Accessory buildings and structures for the permitted uses.

### **7.3 Minimum Lot Area**

0.4ha

### **7.4 Minimum Lot Frontage**

50.0m

### **7.5 Maximum Lot Coverage**

20%

### **7.6 Maximum Building Height**

10.5m

### **7.7 Minimum Ground Floor Area for Dwellings**

Z698-2020

### **7.8 Minimum Front Yard Depth**

15.0m

### **7.9 Minimum Side Yard Width**

3.0m

### **7.10 Minimum Rear Yard Depth**

15.0m

### **7.11 Regulations for Accessory Buildings**

7.11.1 The establishment of new livestock uses, livestock-related buildings and structures, and mushroom farms shall not be permitted.

7.11.2 No accessory buildings or structures shall be located within 3 metres of a side or

rear lot line.

7.11.3 Maximum Floor Area: 95 m<sup>2</sup> or 8% lot coverage, whichever is less.

7.12 **Minimum Distance Separation**

From the edge of a railroad right-of-way:	30.0 metres
From a sewage lagoon or solid waste disposal site:	300.0 metres
From livestock buildings and structures:	The distance determined on application of M.D.S. I

7.13 **Exceptions - Rural Residential (RR) Zone**

7.13.1

7.13.1.1 Defined Area

RR-1 as shown on Schedule "A", Map 11 to this By-law.

7.13.1.2 Permitted Uses

One seasonal supplementary dwelling;

The commercial production of earthworms as an accessory use within the permitted dwelling.

7.13.1.3 Maximum Lot Area

8,500 m<sup>2</sup>

7.13.1.4 Minimum Lot Frontage

85.0 metres

7.13.1.5 Minimum Floor Area

55.0 m<sup>2</sup>

7.13.2

7.13.2.1 Defined Area

RR-2 as shown on Schedule "A", Map 5 to this By-law.

7.13.2.2 Permitted Uses

Greenhouse, as an accessory use, in addition to permitted uses.

7.13.2.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

7.13.3

7.13.3.1 Defined Area

RR-3 as shown on Schedule "A", Map 2 to this By-law.



# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council  
**FROM:** Margaret Underhill, Planning Coordinator/Deputy Clerk  
**DATE:** December 7, 2023  
**REPORT:** DS-64/23 **FILE NO. C-07 / D09.23FROE**  
**Roll # 3401-000-001-11900**

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**SUBJECT:** Consent Application E2-24 Dan Froese and Dan Froese Farms Inc.  
Concession 2 Pt Lot 23

---

### BACKGROUND

A consent application E2-24 was received from the Elgin County Land Division Committee, submitted by Kimberly Mulder on behalf of owner Dan Froese and Dan Froese Farms Inc., for lands located at 56796 Glen Erie Line. The owner is proposing to sever a 0.41 ha (1.01 acres) parcel and retain 21 ha (52 acres) of land with the intent to create a residential lot containing an existing dwelling surplus to the needs of the farm operation.

The subject lands are designated 'Agriculture' and 'Natural Gas Reservoir' and portions of "Natural Heritage" on Schedule 'A1' (Land Use) in the Municipality of Bayham Official Plan and are zoned Agricultural (A1) and portions of 'LPRCA Regulation Limit' on Schedule 'A1' Map No. 15 of the Municipality of Bayham Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on January 24, 2024.

### DISCUSSION

The planner's memorandum, dated November 29, 2023, analyzes the application subject to the Provincial Policy Statement (PPS), Elgin County Official Plan, Municipality of Bayham Official Plan and Zoning By-law.

Staff and municipal planner recommend the support of the consent application for a surplus farm dwelling creating a new residential parcel with the recommended conditions.

### STRATEGIC PLAN

Not applicable

**ATTACHMENTS**

1. Consent Application E2-24
2. Arcadis Memorandum, dated November 29, 2023

**RECOMMENDATION**

**THAT** Report DS-64/23 regarding the Consent Application E2-24 Dan Froese and Dan Froese Farms Inc. be received;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E2-24 be granted subject to the following conditions and considerations:

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a Rural Residential (RR) Zone with a Site-specific exception to recognize and permit the existing Front Yard Depth of 8.5 metres for the existing dwelling
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Special Agricultural (A2) zone to prohibit new dwellings
3. That the owner removes the existing mobile home trailer on the subject property
4. That the owner provides the Planning Report fee payable to the Municipality
5. That the owner provides a digital copy of the final survey of the subject lands to the Municipality
6. That the owner purchases a civic number sign for the retained parcel from the Municipality

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

Chief Administrative Officer

# Memorandum

**To/Attention** Municipality of Bayham                      **Date** November 29, 2023  
**From** Christian Tsimenidis, BES                      **Project No** 3404-920  
**cc** William Pol, MCIP, RPP  
**Subject** Dan Froese – 56796 Glen Erie Line – Application for Consent E2-24

## Summary and Background

1. We have completed our review of Consent Application E2-24, submitted by Dan Froese for the lands located at 56796 Glen Erie Line, north side and east of Stafford Road. The applicant is requesting consent for severance of 0.41 ha (1.01 acres) of land and to retain 21 ha. (52 acres) of land. The intent is to create a residential lot containing an existing dwelling surplus to the needs of the farm operation. The lands are designated as 'Agriculture', 'Natural Gas Reservoir', and portions of 'Natural Heritage' on Schedule 'A1' (Land Use) in the Bayham Official Plan. A portion of the lands are located within 'Hazard Lands' and 'Significant Woodlands' overlay, which are associated with the 'Natural Heritage' designation, on Schedule 'A2' (Constraints) of the Bayham Official Plan. The lands are zoned Agricultural (A1) and portions of "LPRCA Regulation Limit" on Schedule 'A1' Map No. 15 of the Municipality of Bayham Zoning By-law Z456-2003.
2. The proposed severed parcel has lot frontage of 55 metres (180.4 feet) and lot depth of 75 metres (246.1 feet) and to accommodate the existing single-detached dwelling. The proposed retained parcel has a lot frontage of 165.5 metres (542.97 feet) and lot depth of 1,306.2 metres (3,399.72 ft). An existing mobile home trailer is currently located on the subject property, however, it is our understanding that it will be removed by the applicant. The lands to be retained will be vacant, consisting of no existing buildings or structures. There are two existing driveway accesses, one to the proposed severed parcel, and one to the proposed retained parcel. The surrounding uses are predominantly agricultural, with natural heritage features traversing through the subject property and surrounding lands.

## Provincial Policy Statement

3. The Provincial Policy Statement (hereafter, "PPS") provides policy direction with respect to Lot Creation and Lot Adjustments in prime agricultural areas for surplus farm dwelling severances. Section 2.3.4.1.c) of the PPS reads as follows:



Municipality of BayhamMunicipality of Bayham – November 29, 2023

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

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

*1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*

**Comment:** The proposed severed lot is no larger than necessary to meet the minimum size needed to accommodate existing private well and septic system and has adequate servicing according to the documentation provided by the applicant.

*2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and*

**Comment:** As noted in Paragraph 5 of this Memo below, the applicant is required to rezone the retained lot from A1 to A2 in order to prohibit the development of a future residential dwelling.

Therefore, it is our opinion that the proposed consent is consistent with the PPS, subject to the Conditions of Approval listed below.

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

4. In the Elgin County Official Plan (hereafter, 'Elgin OP'), policies for Consent and Lot Creation on Lands in the Agricultural Area are found in Section E1.2.3 (New Lots by Consent). Section E1.2.3 indicates that proposals for Consent shall be in conformity with the relevant policies in the Elgin OP, the local Official Plan and the provisions of the Planning Act.

Elgin County OP Section E1.2.3.1 provides further direction with respect to the general criteria that consent applications shall address as follows:

*Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot. Prior to issuing provisional consent for a new lot for any purpose, the approval authority shall be satisfied that the lot to be retained and the lot to be severed:*

*a) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;*

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**Comment:** The proposed severed and retained lots have adequate frontage on Glen Erie Line.

- b) *Does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;*

**Comment:** Glen Erie Line is identified as a County Road. The proposed lots will utilize existing accesses that currently have direct access to Glen Erie Line. Staff confirmed that the County will not be requiring road occupancy permits, given the accesses are existing.

- c) *will not cause a traffic hazard;*

**Comment:** The proposed severance will not cause a traffic hazard, as the existing accesses to the dwelling and agricultural operations will remain unaltered as they exist today.

- d) *has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;*

**Comment:** The proposed severed and retained lots will meet the minimum lot area and frontage requirements in the Bayham Zoning By-law for the future RR and A2 Zone.

- e) *notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;*

**Comment:** As a Condition of Approval, the applicant is required to rezone the proposed severed and retained lots. Please see Paragraph 6 of this Memo below.

- f) *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;*

**Comment:** The owner/applicant provided supporting private water and septic servicing information as part of the complete application. It was demonstrated that the existing private servicing are in adequate condition to support the existing single-detached dwelling on the proposed severed lot.

- g) *will not have a negative impact on the drainage patterns in the area;*

**Comment:** There are no other physical changes to the lands proposed, therefore, no negative impacts to drainage patterns are anticipated.

Municipality of BayhamMunicipality of Bayham – November 29, 2023

- h) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;*

**Comment:** The proposed consent will not restrict the development of the retained lands (or other parcels), as the existing access will remain unaltered.

- i) will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;*

**Comment:** The proposed severed lot is located outside of the natural heritage features that traverse the subject property. The natural heritage features are within the proposed retained lot, which will remain unaltered as a permitted use for agricultural operations.

- j) will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;*

**Comment:** The proposed severance will not have negative impact on the quality and quantity of groundwater in the area, as demonstrated by the documentation provided by the applicant.

- k) will not have an adverse effect on natural hazard processes such as flooding and erosion;*

**Comment:** The proposed severance does not propose any physical changes to the subject lands, as the existing single-detached dwelling and agricultural operations will remain as they exist today. Therefore, no adverse impacts will occur.

- l) conform with the local Official Plan; and,*

**Comment:** The proposed severance will conform to the Bayham Official Plan. Please see Paragraph 5 of this Memo below for details.

- m) will conform to Section 51 (24) of the Planning Act, as amended.*

**Comment:** Section 51(24) of the *Planning Act* pertains to the consideration of a Draft Plan of Subdivision.

Therefore, it is our opinion that the proposed Consent Application conforms to the Elgin OP, subject to the Conditions of Approval listed below.

Municipality of BayhamMunicipality of Bayham – November 29, 2023

### Municipality of Bayham Official Plan

5. The Municipality of Bayham Official Plan Section 2.1.7.1 indicates that “farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation”. There are several policies within Section 2.7.1, which are listed as follows:

*In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands;*

**Comment:** It is our opinion that the proposed consent will not result in land use conflicts. The existing single-detached dwelling to be severed as a surplus farm dwelling and existing agricultural operation to be retained will remain as they exist today.

*Where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership;*

**Comment:** The proposed consent only contemplates the severance of one (1) surplus farm dwelling as a result of farm consolidation.

*A minimum of one existing dwelling within the Municipality of Bayham must be retained by the proponent farm operation, or a registered owner of the proponent farm operation.*

**Comment:** The owner/applicant owns a minimum of one (1) existing dwelling within the Municipality of Bayham.

Sections 2.1.7.2 and 2.1.7.2 of the Bayham Official Plan provides consideration for the approval and requirements of severances for surplus farm dwellings as follows:

*2.1.7.2 The severed lot with the surplus farm dwelling shall:*

- a) *Be no larger than is necessary to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;*

**Comment:** The proposed severed lot is no larger than necessary to support the existing private well and septic system, and has adequate servicing according to the documentation provided by the applicant.

- b) *Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,*

Municipality of BayhamMunicipality of Bayham – November 29, 2023

**Comment:** It is understood there are no livestock operations identified in the immediate area warranting MDS concerns.

- c) *Be rezoned in a Rural Residential Zone in the Zoning By-law of the Municipality of Bayham*

**Comment:** As detailed further in Paragraph 6 of this Memo below, the applicant is required to rezone the proposed severed lot from A1 to RR-XX with a Site-Specific Exception to recognize the Front Yard Depth of 8.5 metres for the existing single-detached dwelling.

2.1.7.3 *The severed lot with the surplus farm dwelling may:*

- a) *Include accessory buildings and structures if in the opinion of Municipal Council a land use conflict will not be created; and,*

**Comment:** It is understood that the proposed severed lot does not feature accessory building or structure. The existing mobile home trailer on the site will be removed by the applicant as a condition of approval.

- b) *Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock*

**Comment:** See comment above.

Section 2.1.7.4 of the Bayham Official Plan provides additional consideration for the approval and requirements of the retained agricultural lands as follows:

- a) *Depending on the current zoning and lot size, meet the provisions of the Agricultural (A1 / A1-A) Zone regulations of the Zoning By-law of the Municipality of Bayham; and,*

**Comment:** The proposed retained lot will have an area of approximately 21 hectares, which is the minimum lot area requirement for the A2 Zone. The applicant is required to rezone the retained lot from A1 to A2 in order to prohibit the development of a future residential dwelling.

- b) *Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.*

**Comment:** As noted above and in Paragraph 6 of this Memo below, the applicant is required to rezone the retained lot from A1 to A2 in order to prohibit the development of a future residential dwelling.

Therefore, based on the analysis provided above, the proposed consent is in conformity with Bayham Official Plan, subject to the Conditions of Approval listed below.

Municipality of BayhamMunicipality of Bayham – November 29, 2023

- d) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
- e) That the owner provides a digital copy of a survey of the subject lands.
- f) That the applicant apply to and pay all fees to the Municipality with respect to Civic Addressing/signage for the retained lot, where necessary.

*Christian Tsimenidis*

**Arcadis Professional Services (Canada) Inc.**  
Christian Tsimenidis, BES

Consulting Planner to the  
Municipality of Bayham

Municipality of BayhamMunicipality of Bayham – November 29, 2023

### **Municipality of Bayham Zoning By-law**

6. The proposed severed parcel is currently zoned A1 and must be rezoned to a Rural Residential (RR) zone consistent to the resulting residential use and Official Plan Section 2.1.7.2 policies for surplus farm dwellings. The proposed lot configuration by the applicant can accommodate the minimum Lot Area of 0.4 hectares and Lot Frontage of 50 metres in the RR zone.

Notwithstanding the above, the existing Front Yard Depth of 8.5 metres between the front lot line and existing single-detached dwelling would not meet the minimum requirement of 15 metres. Therefore, as part of the future Zoning By-law Amendment application, a Site-Specific Exception to the proposed RR Zone would be required to recognize the existing deficiency in order to permit a minimum Front Yard Depth of 8.5 metres specifically for the existing dwelling erected prior to the date of the passing of the future By-law.

The proposed retained parcel is currently zoned A1 and must be rezoned to a Special Agricultural (A2) zone to prohibit new dwellings, as per Official Plan Section 2.1.7.4. The proposed retained parcel meets the minimum Lot Area of 20 hectares and minimum Lot Frontage of 150 metres required in the A2 zone.

### **Long Point Region Conservation Authority**

7. As previously mentioned in this Memo, portions of the subject property are within the "LPRCA Regulation Limit". The proposed severed lot for the existing residential dwelling is located outside of the LPRCA Regulation Limit, as this regulatory area only impacts the proposed retained lot which will remain as it exists today for agricultural operations. Therefore, it is our opinion that the proposed severance will not be impacted by the LPRCA Regulation Limit.

### **Conclusion and Condition of Approval**

8. Based on the above review of Consent Application E2-24 we have **no objection** to the proposed consent to create a residential lot for the existing dwelling surplus to the needs of the farm operation and recommend the following conditions for approval:
  - a) That the owner obtains approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A) zone to a Rural Residential (RR) Zone with a Site-Specific Exception to recognize and permit the existing Front Yard Depth of 8.5 metres for the existing dwelling.
  - b) That the owner obtains approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) zone to a Special Agricultural (A2) Zone to prohibit new dwellings.
  - c) That the owner removes the existing mobile home trailer on the subject property.

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: January 8, 2024 ELGIN COUNTY ROAD NO.: Glen Erie Line CR 42

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE  
RE:

APPLICATION NO.: E-2-24  
APPLICANT: Dan Froese

PROPERTY: LOT NO. 23 PTS CONCESSION: 2  
REG'D PLAN: CT213087 MUNICIPALITY: Bayham

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

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

*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Glen Erie Line County Road (42) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer.*  
*All costs to be borne by the owner.*
- 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:** February 28, 2024  
**Application:** E 2-24

**Owner:**

**Dan Froese**

55121 Jackson Line, Straffordville, ON

**Location:** Part of Lot 23, Concession 2. Municipally known as 56796 Glen Erie Line.

**Agent:**

**Kimberly Mulder**

1 Park Place, Tillsonburg, ON

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 55m (180 feet), a depth of 75m (246 feet) and an area of 4,125m<sup>2</sup> (1 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 43ha (106 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**

Agricultural Area

**Local Municipality Official  
Plan**

Agriculture, Natural Gas  
Reservoir and Natural  
Heritage

**Local Municipality Zoning  
By-law**

Agricultural (A1)

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – 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 acre to sever a dwelling that is surplus to a farming operation. The retained lot is proposed to remain in agricultural use.

The PPS permits consents in agricultural areas for the purposes of severing a dwelling which is surplus to a farming operation

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

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

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

The existing home on the lot is currently being rented to tenants who wish to purchase the severed lot and continue to reside in the home. The retained farmland parcel will continue to be used for agricultural purposes.

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 consents in the agricultural area for the purposes of severing a dwelling that is surplus to the needs of a farming operation, provided the severed lot is of a limited size.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Bayham Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The front yard depth of the existing dwelling on the severed lot does not meet the required zone provision and so a site-specific zoning by-law amendment is required.

RECOMMENDATION:

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

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

3. That municipal addressing be provided to Elgin County by the local municipality to the satisfaction of Elgin County.
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of Glen Erie Line County Road (42) to the County of Elgin for the purposes of a road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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

1. The owner obtain approval of a Zoning By-law Amendment for the proposed severed parcel from an Agricultural (A1) zone to a Rural Residential (RR) Zone with a Site-specific exception to recognize and permit the existing Front Yard Depth of 8.5m for the existing dwelling.
2. The owner obtain approval of a Zoning By-law Amendment for the proposed retained lands from an Agricultural (A1) Zone to a Special Agricultural (A2) zone to prohibit new dwellings.
3. That the owner removes the exiting mobile home trailer on the subject property.
4. That the owner provides the Planning Report Fee payable to the Municipality.
5. That the owner provides a digital copy of the final survey of the subject lands to the Municipality.
6. That the owner purchases a civic number sign for the retained parcel from the Municipality.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION No. E 8-24**

**LOT 18 & 19, CONCESSION 4  
MUNICIPALITY OF BAYHAM  
56573 CALTON LINE**

**TAKE NOTICE** that an application has been made by Jesse Froese, 55248 Maple Grove Line, Eden, ON N0J 1H0, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 56573 Calton Line.

The applicant proposes to sever a parcel with a frontage of 82.92m (272 feet), a depth of 70.14m (230 feet) and an area of 4,046m<sup>2</sup> (1 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 84ha (207 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:

**FEBRUARY 28, 2024 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.

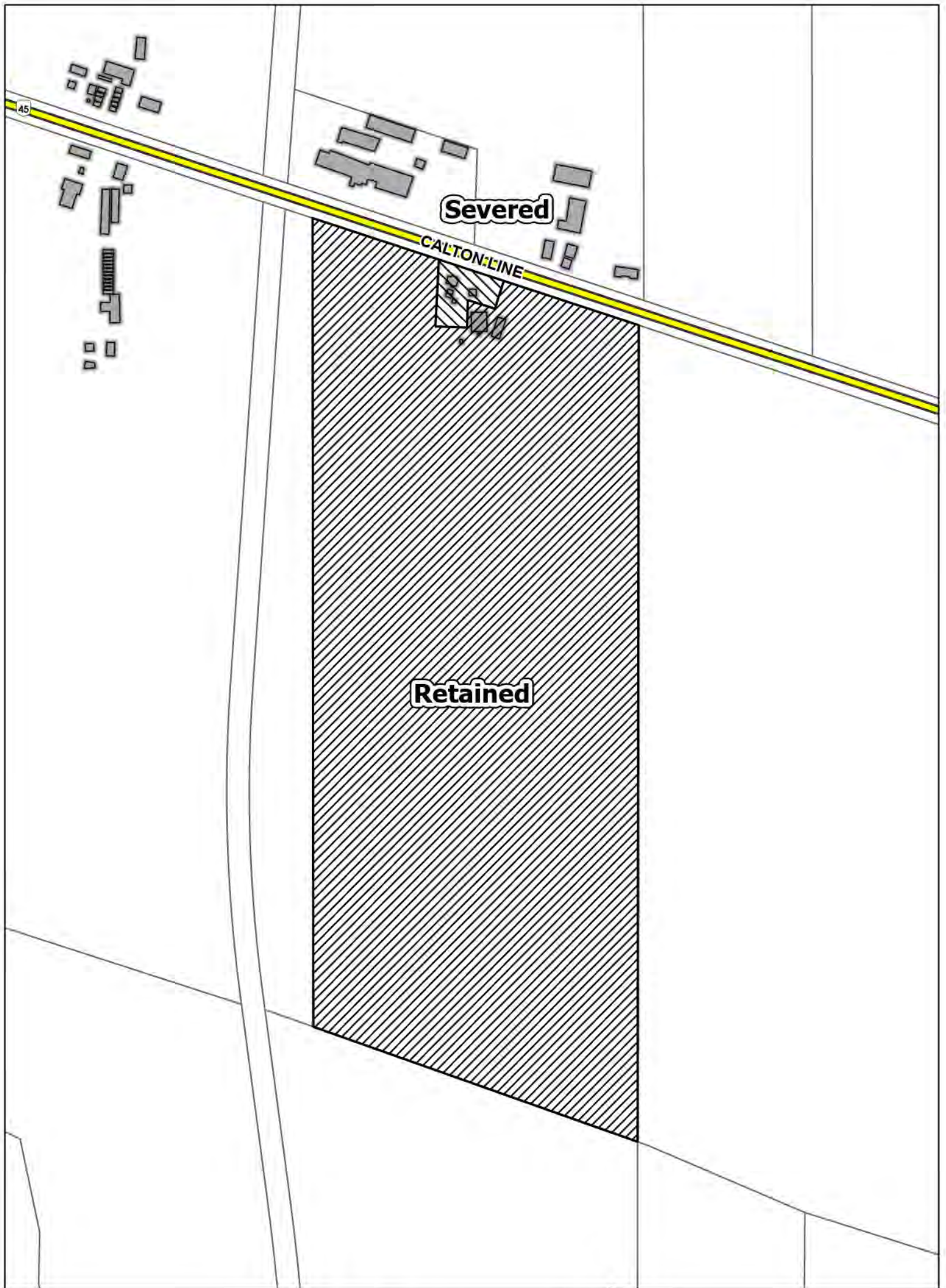
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 1<sup>st</sup> day of December, 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)








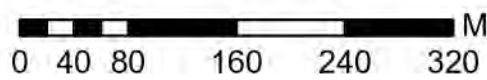
## Location Map

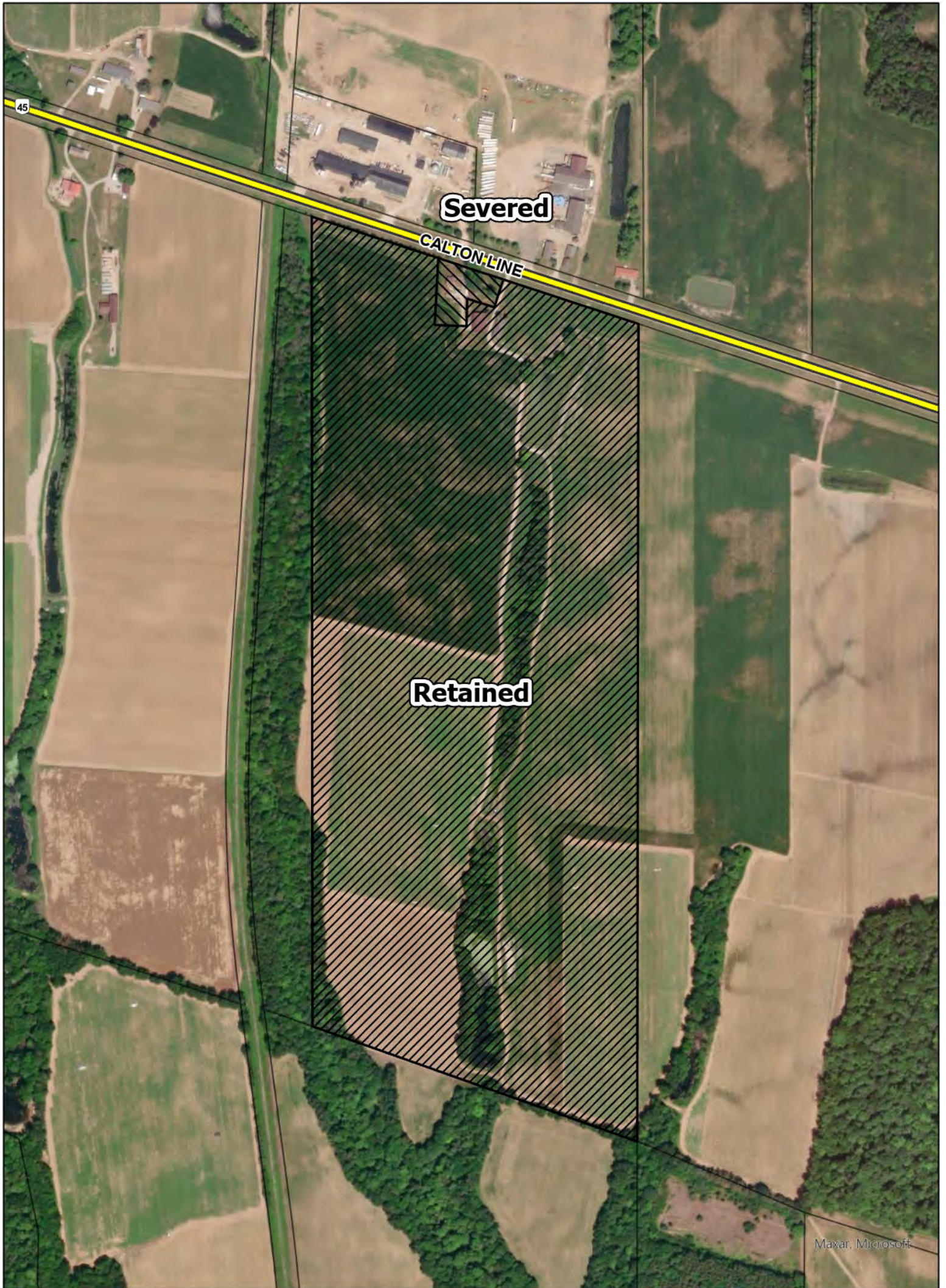
Subject Site: 56573 Calton Line  
 File Number: E 8-24  
 Owner: CHR Farms Ltd.  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 11/29/2023  
 Municipality of Bayham



### Legend

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










Maxar, Microsoft

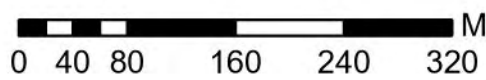
## Location Map

Subject Site: 56573 Calton Line  
 File Number: E 8-24  
 Owner: CHR Farms Ltd.  
 CA: Long Point Region Conservation  
 Created By: PC  
 Date: 11/29/2023  
 Municipality of Bayham



### Legend

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



Municipality of  
**BAYHAM**

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

T: 519-866-5521

F: 519-866-3884

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

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



January 2, 2024

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

**EMAIL ONLY**

Dear Mr. Clarke

**Re: Applications for Consent No. E8-24 CHR Farms Ltd.**

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the December 21, 2023 meeting:

**THAT** Report DS-70/23 regarding the Consent Application E8-24 CHR Farms Ltd. be received;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E8-24 be granted subject to the following conditions and considerations:

1. Rezoning of the severed parcel from Agricultural (A1-A-34) zone to a Site-specific Rural Residential (RR-XX) Zone to include a Rear Yard Depth of 3.8 metres from the existing garage to remain
2. Rezoning of the retained lands from Agricultural (A1-A-34) zone to a Special Agricultural (A2-XX) zone to prohibit new dwellings, recognize and permit a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers, as well as, permit a minimum Side Yard Depth of 7.2 metres and prohibit any new supplementary farm dwellings
3. Owner obtain confirmation from Hydro One regarding the provision of hydro services, specifically whether new independent hydro servicing is required for each lot, or, alternatively, if Hydro One determines that maintenance easements are required over the existing hydro servicing on the severed and retained lots, the Owner provide confirmation of such easements to the Municipality
4. Owner provides written confirmation from a licensed well installer that a well is installed on the severed parcel to service the existing dwelling and provide the water quantity and water quality testing for nitrates and bacteria for both the severed and retained wells meeting provincial standards for potable water
5. The Development Agreement between the owners and the Municipality associated with Zoning By-law Z704-2020 for the supplementary farm dwellings be revised where necessary to ensure it is up to date with the applicable fee paid to the Municipality
6. Planning Report fee due and payable to the Municipality upon consent approval
7. Digital copy of the registered plan of survey
8. Purchase of civic number sign for the retained parcel

Municipal Appraisal Sheet and Staff Report DS-70/23 are emailed with this letter. If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,



Margaret Underhill,  
Planning Coordinator|Deputy Clerk

D09.CHRF

cc: J. Froese (email)



## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 7-24

Applicant CHR Farms Ltd.

Location Bayham – 56573 Calton Line

### PART 1 - OFFICIAL PLAN

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

Land Use Designation: AGRICULTURE

Policies: 2.1.7.1 and 2.1.7.2 and 2.1.7.4

### PART 2 - ZONING

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

Comments: Zoning: Agricultural

Rezoning is required for both the severed and retained parcels as per Official Plan Farm

Consolidation – Surplus Farm Dwelling policies. (Severed parcel to RR-XX and retained to A2-XX site specific zoning)

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

Upon approved application

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

- |   |           |        |
|---|-----------|--------|
| 6. Does the Municipality foresee demand for new municipal services?                       | Yes ( X ) | No ( ) |
| 7. If so, is the Municipality prepared to provide those services?                         | Yes ( X ) | No ( ) |
| 8. Does the Municipality wish the Committee to impose conditions?                         | Yes ( X ) | No ( ) |
| 9. Does Council recommend the application?  | Yes ( X ) | No ( ) |
| 10. Does the municipality have other concerns that should be considered by the Committee? |           |        |

See Letter attached with listed conditions.

See Staff Report DS-70/23 considered at Council meeting held December 21, 2023.

agriculture use(s) common in the area and the farm size is appropriate for the type of agriculture operation proposed;

- f) The requirements of the Planning Act;
- g) The minimum farm parcel size as established in the Zoning By-law; and,
- h) The Minimum Distance Separation Formula I.

## 2.1.7 **Farm Consolidation and Surplus Farm Dwellings**

2.1.7.1 In accordance with the Provincial Policy Statement 2014, farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation. Farm consolidation may result in the identification of existing farm dwellings that are rendered surplus to the consolidated farm operation. Consents to sever and convey existing farm dwellings which were built and occupied a minimum of ten (10) years prior to the date of consent application, and which are surplus to a consolidated farm operation, may be permitted within the "Agriculture" designation in accordance with the following criteria:

In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands;

Where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership;

A minimum of one existing dwelling within the Municipality of Bayham must be retained by the proponent farm operation, or a registered owner of the proponent farm operation.

2.1.7.2 The severed lot with the surplus farm dwelling shall:

- a) Be no larger than is necessary to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;
- b) Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,

- c) Be rezoned in a Rural Residential Zone in the Zoning By-law of the Municipality of Bayham.

2.1.7.3 The severed lot with the surplus farm dwelling may:

- a) Include accessory buildings and structures if in the opinion of Municipal Council a land use conflict will not be created; and,
- b) Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock.

2.1.7.4 All parcels of property constituting the retained agricultural lands shall:

- a) Depending on the current zoning and lot size, meet the provisions of the Agricultural (A1 / A1-A) Zone regulations of the Zoning By-law of the Municipality of Bayham; and,
- b) Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

2.1.7.5 Notwithstanding Section 2.1.7.1 c), the dwelling located in Pt. Lot 109, Concession 6, STR, and known municipally as 53443 Heritage Line, and existing as of March 2015, may be severed as a surplus farm dwelling, whereas the primary farm dwelling retained by the proponent farm operation, or a registered owner of the proponent farm operation is located within an adjacent municipality.

## 2.1.8 Existing Lots

2.1.8.1 One non-farm residential unit may be considered on existing lots of record in areas designated "Agriculture", provided the following criteria are met:

- a) The lot was in existence as of the date of adoption of this Official Plan;
- b) The building permit will comply with the Minimum Distance Separation I formula; and,
- c) The lot must be suitable to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply.

## **SECTION 6 SPECIAL AGRICULTURAL (A2) ZONE REGULATIONS**

### **6.1 Purpose**

The Agricultural (A2) Zone is intended to apply to parcels designated "Agriculture" in the Official Plan, where new dwellings are prohibited as a result of a severance of a surplus farm dwelling.

### **6.2 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Agricultural (A2) Zone except for the following purposes:

Agricultural uses;

Accessory use.

### **6.3 Prohibited Uses**

Residential dwellings not existing on the date of passing of this by-law

### **6.4 Minimum Lot Area**

20.0ha

### **6.5 Minimum Lot Frontage**

150.0m

### **6.6 Maximum Lot Coverage**

20%

### **6.7 Maximum Building Height**

20.0m

### **6.8 Minimum Front Yard Depth**

15.0m

### **6.9 Minimum Side Yard Width**

10.0m

### **6.10 Minimum Rear Yard Depth**

10.0m

### **6.11 Supplementary Regulations – Agricultural (A2) Zone**

#### **6.11.1 Livestock Buildings and Structures and Mushroom Farming**

Notwithstanding any other provisions of this by-law to the contrary, the following regulations shall apply for buildings and structures hereafter erected and/or used for the raising of livestock or the growing of mushrooms:

Minimum distance from any Village Residential, Hamlet Residential, Village Commercial or Hamlet Commercial Zone: 150.0 metres or the Minimum Distance

Separation whichever is greater.

6.11.2 Dark Fire Tobacco Barns and Smoke Kilns

Notwithstanding the requirements of Sections 6.7 to 6.9 inclusive, the following regulations shall apply for buildings and/or structures hereafter erected and/or used for the smoke curing of tobacco:

- a) Not to be located within 200 metres of any dwelling on any property other than that property on which the smoke curing operation is situated.
- b) Not to be located within 200 metres of any opened public right-of-way.

**6.12 Exceptions – Special Agricultural (A2) Zone**

6.12.1

6.12.1.1 Defined Area

A2-1 as shown on Schedule "A", Map 14 to this by-law

Z475-2004

6.12.1.2 Permitted Uses

Electrical substation and related appurtenances;  
All other uses permitted in Section 6.1 of this By-law."

6.12.1.3 Holding (-h) Symbol

The Holding (h) Symbol will be removed after a site plan agreement is registered on title.

6.12.2

Z511-2005

6.12.2.1 Defined Area

A2-2 as shown on Schedule "A", Map No. 4 to this By-law

6.12.2.2 Minimum Lot Area

13.5 hectares

6.12.3

Z519-2006

6.12.3.1 Defined Area

A2-3 as shown on Schedule "A", Map No. 4 and 5 to this By-law

6.12.3.2 Permitted Uses

An existing assembly hall in addition to all other uses permitted in the A2 Zone

6.12.4

Z528-2006

6.12.4.1 Defined Area

A2-4 as shown on Schedule "A", Map No. 14 to this By-law

6.12.4.2 Additional Permitted Uses

A fenced compound area for the storage of licensed recreational vehicles, boats, and travel trailers

## **SECTION 7 RURAL RESIDENTIAL (RR) ZONE REGULATIONS**

### **7.1 Permitted Uses**

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

One single detached residential dwelling on one lot;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

### **7.2 Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

Accessory buildings and structures for the permitted uses.

### **7.3 Minimum Lot Area**

0.4ha

### **7.4 Minimum Lot Frontage**

50.0m

### **7.5 Maximum Lot Coverage**

20%

### **7.6 Maximum Building Height**

10.5m

### **7.7 Minimum Ground Floor Area for Dwellings**

Z698-2020

### **7.8 Minimum Front Yard Depth**

15.0m

### **7.9 Minimum Side Yard Width**

3.0m

### **7.10 Minimum Rear Yard Depth**

15.0m

### **7.11 Regulations for Accessory Buildings**

7.11.1 The establishment of new livestock uses, livestock-related buildings and structures, and mushroom farms shall not be permitted.

7.11.2 No accessory buildings or structures shall be located within 3 metres of a side or

rear lot line.

7.11.3 Maximum Floor Area: 95 m<sup>2</sup> or 8% lot coverage, whichever is less.

7.12 **Minimum Distance Separation**

From the edge of a railroad right-of-way:	30.0 metres
From a sewage lagoon or solid waste disposal site:	300.0 metres
From livestock buildings and structures:	The distance determined on application of M.D.S. I

7.13 **Exceptions - Rural Residential (RR) Zone**

7.13.1

7.13.1.1 Defined Area

RR-1 as shown on Schedule "A", Map 11 to this By-law.

7.13.1.2 Permitted Uses

One seasonal supplementary dwelling;

The commercial production of earthworms as an accessory use within the permitted dwelling.

7.13.1.3 Maximum Lot Area

8,500 m<sup>2</sup>

7.13.1.4 Minimum Lot Frontage

85.0 metres

7.13.1.5 Minimum Floor Area

55.0 m<sup>2</sup>

7.13.2

7.13.2.1 Defined Area

RR-2 as shown on Schedule "A", Map 5 to this By-law.

7.13.2.2 Permitted Uses

Greenhouse, as an accessory use, in addition to permitted uses.

7.13.2.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

7.13.3

7.13.3.1 Defined Area

RR-3 as shown on Schedule "A", Map 2 to this By-law.



# REPORT

## DEVELOPMENT SERVICES

**TO:** Mayor & Members of Council  
**FROM:** Margaret Underhill, Planning Coordinator/Deputy Clerk  
**DATE:** December 21, 2023  
**REPORT:** DS-70/23 **FILE NO. C-07 / D09.23CHR**  
**Roll # 3401-000-002-16800**

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**SUBJECT:** Consent Application E8-24 CHR Farms Ltd.  
56573 Calton Line

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### BACKGROUND

Consent application E8-24 was received from the Elgin County Land Division Committee, as submitted by Appointed Agent Jesse Froese, on behalf of CHR Farms Ltd., proposing to sever 0.4 ha (1.0 acres) of land and to retain 40.8 ha (100.8 acres). The intent is to create a rural residential parcel containing an existing dwelling considered by the owner to be surplus to the farm operation. The property is known as 56573 Calton Line.

The subject land is designated "Agriculture" "Natural Heritage" and "Natural Gas Reservoir" on Schedule 'A1': Land Use and "Hazard Lands" and "Significant Woodlands" and there is an "Existing Petroleum Well" identified on Schedule A2: Constraints of the Official Plan. The lands are zoned Site-specific Agricultural (A1-A-34) and portions of LPRCA Regulation Limit on Schedule 'A1' Map No. 11 of the Zoning By-law No. Z456-2003.

Elgin County Land Division Committee will consider the applications on January 24, 2024.

### DISCUSSION

The planner's memorandum, dated December 13, 2023, analyzes the application subject to the Provincial Policy Statement, Elgin County Official Plan, Municipality of Bayham Official Plan, and Zoning By-law.

The retained portion of the lands contains three (3) supplementary farm dwellings in portions of the two (2) existing permanent buildings to accommodate up to a maximum of 24 seasonal farm labourers. The supplementary farm dwellings were recognized through a previous zoning By-law Amendment (Z704-2020) with a Development Agreement. The Development Agreement will need to be revised to ensure it is up-to-date with the proposed severance.

Staff are concerned with the shared hydro services crossing future property lines. A condition regarding the hydro services is included and the Owner will have to discuss and coordinate with Hydro One to address the situation. Site-specific rezoning of both the severed and retained



lands is required to satisfy the Official Plan policies for the severance of a surplus farm dwelling. Listed standard conditions include: civic numbering signage for the retained lands, survey, and planning report fee.

Staff and municipal planner recommend the support of the consent application for the creation of one residential parcel for a surplus farm dwelling with the recommended conditions.

## ATTACHMENTS

1. Consent Application E8-24
2. Aerial Map – 56573 Calton Line
3. IBI Group Memorandum, dated December 13, 2023

## RECOMMENDATION

**THAT** Report DS-70/23 regarding the Consent Application E8-24 CHR Farms Ltd. be received;

**AND THAT** Council recommend to the Elgin County Land Division Committee that Consent Application E8-24 be granted subject to the following conditions and considerations:

1. Rezoning of the severed parcel from Agricultural (A1-A-34) zone to a Site-specific Rural Residential (RR-XX) Zone to include a Rear Yard Depth of 3.8 metres from the existing garage to remain
2. Rezoning of the retained lands from Agricultural (A1-A-34) zone to a Special Agricultural (A2-XX) zone to prohibit new dwellings, recognize and permit a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers, as well as, permit a minimum Side Yard Depth of 7.2 metres and prohibit any new supplementary farm dwellings
3. Owner obtain confirmation from Hydro One regarding the provision of hydro services, specifically whether new independent hydro servicing is required for each lot, or, alternatively, if Hydro One determines that maintenance easements are required over the existing hydro servicing on the severed and retained lots, the Owner provide confirmation of such easements to the Municipality
4. Owner provides written confirmation from a licensed well installer that a well is installed on the severed parcel to service the existing dwelling and provide the water quantity and water quality testing for nitrates and bacteria for both the severed and retained wells meeting provincial standards for potable water
5. The Development Agreement between the owners and the Municipality associated with Zoning By-law Z704-2020 for the supplementary farm dwellings be revised where necessary to ensure it is up to date with the applicable fee paid to the Municipality
6. Planning Report fee due and payable to the Municipality upon consent approval
7. Digital copy of the registered plan of survey
8. Purchase of civic number sign for the retained parcel

Respectfully Submitted by:

Margaret Underhill

Planning Coordinator|Deputy Clerk

Reviewed by:

Thomas Thayer, CMO, AOMC

Chief Administrative Officer



101-410 Albert Street  
Waterloo, ON, N2L 3V3

# Memorandum

<b>To/Attention</b>	Municipality of Bayham	<b>Date</b>	December 13, 2023
<b>From</b>	Christian Tsimenidis, BES	<b>Project No</b>	3404-925
<b>cc</b>	William Pol, MCIP, RPP		
<b>Subject</b>	CHR Farms Ltd. – 56573 Calton Line – Application for Consent E8-24		

## Summary and Background

1. We have completed our review of Consent Application E8-24, submitted by Jesse Froese on behalf of CHR Farms Ltd. (hereafter “owner” or “applicant”) for the lands located at 56573 Calton Line, south side of Calton Line, east of Plank Road. The applicant is requesting consent for severance of 0.4 ha (1.0 acres) of land and to retain approximately 40.8 ha. (100.8 acres) of land. The intent is to create a residential lot containing an existing dwelling surplus to the needs of the farm operation.
2. The proposed severed parcel has a lot frontage of 82.9 metres (271.9 feet) and lot depth of 70.1 metres (230.1 feet) to accommodate the existing single-detached dwelling, existing two (2) accessory sheds and accessory garage. There is an existing driveway access to the proposed severed lot that would remain as it exists today.
3. The proposed retained parcel has an estimated lot frontage of 336.1 metres (1,102.6 feet) and lot depth of roughly 993.5 metres (3,259.5 feet) to accommodate the existing agricultural operations. The proposed retained lot will also feature an existing barn that contains a supplementary farm dwelling or ‘Bunkhouse’, as well as an additional bunkhouse containing two (2) supplementary farm dwellings. A total of three (3) supplementary farm dwellings would remain on the proposed retained lot. It is important to note that a previous Zoning By-law Amendment (Z704-2020) was approved on the subject property with respect to the existing barn and bunkhouse, permitting a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers. The applicant did not indicate the capacity of the bunkhouses in this Consent Application. There is also an existing driveway access to the proposed retained lot that would remain as it exists today.

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4. The lands are designated as 'Agriculture', 'Natural Heritage' and 'Natural Gas Reservoir' on Schedule A1: Land Use; and 'Hazard Lands' and 'Significant Woodlands' and there is an 'Existing Petroleum Well' identified on Schedule A2: Constraints, in the Municipality of Bayham Official Plan (Bayham OP). The lands are zoned Agricultural (A1-A-34) with a Site-Specific Exception, as noted previously, and portions on the subject lands are within the 'LPRCA Regulation Limit' on Schedule A Map No. 11 in Zoning By-law Z456-2003.
5. Surrounding uses are agricultural in all directions. Industrial uses are located immediately north of the subject lands across Calton Line, which are identified as 'Max Underhill's Farm Supply Ltd.' (farm equipment supplier) and 'Froese Vegetable Inc.' (vegetable wholesale). The subject lands and surrounding area to the south are traversed by woodlands.
6. It is understood there is an existing Development Agreement for supplementary farm dwellings with the Municipality. As a Condition of Approval, the Development Agreement for supplementary farm dwellings between the owners and the Municipality should be revised, where necessary, to ensure it is up-to-date.
7. The subject lands are traversed by existing overhead hydro poles and lines that power the existing single-detached dwelling and garage on the proposed severed lot, as well as the existing bunkhouse and barn/bunkhouse on the proposed retained lot. As such, given that the existing overhead hydro lines would traverse the proposed severed and retained lot property lines from multiple points, it is our opinion that either new independent hydro servicing to each proposed lot should be implemented, or alternatively, maintenance easements over these existing hydro poles and lines to ensure there are no future maintenance issues or disputes between the severed lot owner and retained lot owner. Staff did not receive a response/confirmation from Hydro One regarding the provision of hydro servicing to the proposed severed and retained lots at the time this Memo was prepared. As such, please refer to the Conditions of Approval in this Memo for further details.

### **Provincial Policy Statement**

8. The Provincial Policy Statement (hereafter, "PPS") provides policy direction with respect to Lot Creation and Lot Adjustments in prime agricultural areas for surplus farm dwelling severances. Section 2.3.4.1.c) of the PPS reads as follows:
  - 2.3.4.1 *Lot creation in prime agricultural areas is discouraged and may only be permitted for:*
    - c) *a residence surplus to a farming operation as a result of farm consolidation, provided that:*

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1. *the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*

**Comment:** The proposed severed lot is no larger than necessary to meet the minimum size needed to accommodate existing septic system and has adequate servicing according to the documentation provided by the applicant. The applicant, however, has stated that a private well is required for the proposed severed lot, as there is no existing well on the proposed severed lot. Further, no documentation pertaining to the quantity and quality of water for the existing well on the proposed retained lot was provided.

Therefore, as a Condition of Approval, Staff are requesting that the owner provides written confirmation from a licensed well installer that the private wells on both the retained and severed lot provides the quality and quantity of potable water required by Provincial standards, and that the owner provides a water quality test by the applicable public health unit for the private wells on both the retained and severed lot.

2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and*

**Comment:** As per Paragraph 15, The applicant is required to rezone the retained lot from A1-A-34 to A2-XX in order to prohibit the development of a future residential dwelling.

Therefore, it is our opinion that the proposed consent is consistent with the PPS, subject to the Conditions of Approval listed below.

### **Elgin County Official Plan**

9. In the Elgin County Official Plan (hereafter, 'Elgin OP'), policies for Consent and Lot Creation on Lands in the Agricultural Area are found in Section E1.2.3 (New Lots by Consent). Section E1.2.3 indicates that proposals for Consent shall be in conformity with the relevant policies in the Elgin OP, the local Official Plan and the provisions of the Planning Act.

Elgin County OP Section E1.2.3.1 provides further direction with respect to the general criteria that consent applications shall address as follows:

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*Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot. Prior to issuing provisional consent for a new lot for any purpose, the approval authority shall be satisfied that the lot to be retained and the lot to be severed:*

- a) *Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;*

**Comment:** The proposed severed and retained lots have adequate frontage on Calton Line.

- b) *Does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;*

**Comment:** Calton Line is identified as a County Road. There are two (2) existing accesses on the subject property, one (1) to the proposed retained lot and one (1) to the proposed severed lot. The applicant will utilize the existing accesses for the proposed severed and retained lots.

- c) *will not cause a traffic hazard;*

**Comment:** The proposed severance will not cause a traffic hazard, as the existing accesses to the dwelling and agricultural operations will remain unaltered as they exist today.

- d) *has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;*

**Comment:** The proposed severed and retained lots will meet the minimum lot area and frontage requirements in the Bayham Zoning By-law for the future RR and A2 Zone.

- e) *notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;*

**Comment:** As a Condition of Approval, the applicant is required to rezone the proposed severed and retained lots. Please see Paragraphs 14 and 15 of this Memo below.

- f) *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;*

**Comment:** The owner/applicant provided supporting private septic servicing information as part of the application submission, stating that the existing septic system is in adequate condition for the proposed severed lot. The applicant, however, has stated that a private well is required for the

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proposed severed lot, as there is no existing well on the proposed severed lot. Further, no documentation pertaining to the quantity and quality of water for the existing well on the proposed retained lot was provided.

Therefore, as a Condition of Approval, Staff are requesting that the owner provides written confirmation from a licensed well installer that the private wells on both the retained and severed lot provides the quality and quantity of potable water required by Provincial standards, and that the owner provides a water quality test by the applicable public health unit for the private wells on both the retained and severed lot.

- g) *will not have a negative impact on the drainage patterns in the area;*

**Comment:** There are no significant physical changes to the lands proposed, therefore, no negative impacts to drainage patterns are anticipated.

- h) *will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;*

**Comment:** The proposed consent will not restrict the development of the retained lands (or other parcels), as the existing accesses will remain unaltered.

- i) *will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;*

**Comment:** The proposed severed lot is located outside of the natural heritage features that traverse the subject property. The natural heritage features are within the proposed retained lot, which will remain unaltered as a permitted use for agricultural operations.

- j) *will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;*

**Comment:** The applicant has stated that a private well is required for the proposed severed lot, as there is no existing well on the proposed severed lot. No documentation pertaining to the quantity and quality of water for the existing well on the proposed retained lot was provided.

Therefore, as a Condition of Approval, Staff are requesting that the owner provides written confirmation from a licensed well installer that the private wells on both the retained and severed lot provides the quality and quantity of potable water required by Provincial standards, and that the owner

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provides a water quality test by the applicable public health unit for the private wells on both the retained and severed lot.

k) *will not have an adverse effect on natural hazard processes such as flooding and erosion;*

**Comment:** The proposed severance does not propose any significant physical changes to the subject lands, as many of the existing buildings/structures and agricultural operations will remain as they exist today. Therefore, no adverse impacts are anticipated.

l) *conform with the local Official Plan; and,*

**Comment:** The proposed severance will conform to the Bayham Official Plan. Please see Paragraphs 10 to 13 of this Memo below for details.

m) *will conform to Section 51 (24) of the Planning Act, as amended.*

**Comment:** Section 51(24) of the *Planning Act* pertains to the consideration of a Draft Plan of Subdivision.

Therefore, it is our opinion that the proposed Consent Application conforms to the Elgin OP, subject to the Conditions of Approval listed below.

### **Municipality of Bayham Official Plan**

10. The Municipality of Bayham Official Plan Section 2.1.7.1 indicates that “farm consolidation shall mean the acquisition of additional farm parcels to be operated as one farm operation”. There are several policies within Section 2.7.1, which are listed as follows:

*In the opinion of Municipal Council, a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area of the subject lands;*

**Comment:** It is our opinion that the proposed consent will not result in land use conflicts. The existing single-detached dwelling to be severed as a surplus farm dwelling and existing agricultural operation to be retained will remain as they exist today. The existing bunkhouse to the east on the proposed retained lot will be screened by the existing barn/bunkhouse. It is further understood that there are no livestock within proximity of the existing single-detached dwelling and bunkhouses, thus minimizing land use conflict.

*Where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership;*

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**Comment:** The proposed consent only contemplates the severance of one (1) surplus farm dwelling as a result of farm consolidation.

*A minimum of one existing dwelling within the Municipality of Bayham must be retained by the proponent farm operation, or a registered owner of the proponent farm operation.*

**Comment:** The owner/applicant owns a minimum of one (1) existing dwelling within the Municipality of Bayham.

11. Sections 2.1.7.2 and 2.1.7.2 of the Bayham Official Plan provides consideration for the approval and requirements of severances for surplus farm dwellings as follows:

*2.1.7.2 The severed lot with the surplus farm dwelling shall:*

- a) *Be no larger than is necessary to support a private sanitary sewage treatment and disposal system as determined by the appropriate approval authority, and be serviced by a potable water supply;*

**Comment:** The proposed severed lot is no larger than necessary to support existing sanitary servicing, however, the applicant has stated that a private well is required for the proposed severed lot, as there is no existing well on the proposed severed lot.

Therefore, as a Condition of Approval, Staff are requesting that the owner provides written confirmation from a licensed well installer that the private well on the proposed severed lot provides the quality and quantity of potable water required by Provincial standards, and that the owner provides a water quality test by the applicable public health unit for the private well on the proposed severed lot.

- b) *Meet the provisions of the MDS 1 for livestock facilities and manure storage facilities on the proposed retained lands; and,*

**Comment:** It is understood there are no livestock operations identified in the immediate area warranting MDS concerns.

- c) *Be rezoned in a Rural Residential Zone in the Zoning By-law of the Municipality of Bayham*

**Comment:** As detailed further in Paragraph 14 of this Memo below, the applicant is required to rezone the proposed severed lot from A1-A-34 to RR-XX with a Site-Specific Exception to permit a Rear Yard Depth of 3.8 metres.

*2.1.7.3 The severed lot with the surplus farm dwelling may:*



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- a) *Include accessory buildings and structures if in the opinion of Municipal Council a land use conflict will not be created; and,*

**Comment:** The existing two (2) sheds and garage on the proposed severed lot will remain as they exist today. It is Staff's opinion that these existing accessory buildings to remain on the proposed severed lot will not create a land use conflict.

- b) *Include accessory buildings and structures where the property has been rezoned to prohibit the keeping of livestock*

**Comment:** The applicant is not including accessory buildings and structures on the proposed severed lot for the keeping of livestock. The keeping of livestock on the proposed severed lot is prohibited in the RR Zone.

12. Section 2.1.7.4 of the Bayham Official Plan provides additional consideration for the approval and requirements of the retained agricultural lands as follows:

- a) *Depending on the current zoning and lot size, meet the provisions of the Agricultural (A1 / A1-A) Zone regulations of the Zoning By-law of the Municipality of Bayham; and,*

**Comment:** The proposed retained lot will meet the minimum lot area and lot frontage requirements of the A2 Zone, as the applicant will be required to rezone the proposed retained lot from A1-A-34 to a Site-Specific A2-XX Zone.

- b) *Be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.*

**Comment:** As noted above and in Paragraph 15 of this Memo below, the applicant is required to rezone the retained lot from A1-A-34 to A2 in order to prohibit the development of a future residential dwelling. A Specific Exception to the proposed A2-XX Zone would be required to recognize this existing supplementary farm dwellings constructed prior to the passing of the future By-law.

13. Section 2.1.10 (Supplementary Farm Dwellings) of the Official Plan sets out policies for the need, location, size and type, services, and vehicular access for this form of intended land use. The original intent of this policy is to allow supplementary farm labour to be accommodated on the same farmland on which the labour would be employed. Having the accommodations on the cultivation lands provides the greatest efficiency for location of the labour and maintenance of the accommodations for the owner of the farm. Establishment of supplementary farm dwellings will be:

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- a) Need: *Sufficient information must be provided which outlines how the type, scale, and/or size of the farm operation warrant the need for a supplementary farm dwelling;*

**Comment:** It is understood that the existing farm operation requires the need for seasonal farm labourers, therefore, the existing bunkhouse dwellings are required to provide seasonal accommodation.

- b) Existing dwellings: *Sufficient justification must be provided to show how any existing supplementary farm dwellings that are part of the farming operation can't satisfy the housing needs of the farming operation;*

**Comment:** No additional supplementary farm dwellings are being proposed by the applicant, as it is understood that the existing bunkhouses are necessary to satisfy the needs for the farming operations and provide seasonal accommodation for farm labourers based on the operation's current demands.

- c) Location: *Sufficient justification must be provided to show how the location of the supplementary farm dwelling makes efficient use of existing services and infrastructure and how the location will not impact surrounding land uses. Preference will be given to close proximity to principal farm dwellings and the use of natural landscaping to buffer temporary dwellings from surrounding land uses;*

**Comment:** The existing bunkhouses on the proposed retained lot for agricultural operations is located in proximity of the existing driveway access and farm operations. It is our opinion that the existing location of the bunkhouses will not have adverse impacts to the surrounding land use, as it is an existing use.

- d) Size and type: *The supplementary farm dwelling unit is of a minimum size and type that can accommodate both health unit and building code requirements, and shall be no larger than necessary to accommodate the needs of the temporary farm help residing in the dwelling. Preference will be given to temporary dwellings, or alternatively permanent dwellings that are one storey in height with a maximum floor area of approximately 167m<sup>2</sup> (1,800 ft<sup>2</sup>).*

**Comment:** It is understood that the existing bunkhouse and barn/bunkhouse provides the minimum size required for the seasonal farm labourers. To ensure the existing bunkhouse can accommodate both public health and safety, as a Condition of Approval, Staff are requesting that existing Development Agreement for the supplementary farm dwellings between the owners and the Municipality should be revised where necessary to ensure it is up-to-date.

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- e) *Services: The supplementary farm dwelling must demonstrate an adequate supply of potable water and sanitary sewage disposal system to the satisfaction of the Municipality. Preference will be given to dwellings which can make use of existing services; and,*

**Comment:** It is understood that the existing bunkhouses currently utilize private septic and private water servicing and will continue to do so. As a Condition of Approval, the applicant is required to provide written confirmation from a licensed well installer that the private well on the retained lot provides the quality and quantity of potable water required by Provincial standards, and that the owner provides a water quality test by the applicable public health unit for the private well on the retained lot.

- f) *Vehicular access: The supplementary farm dwelling must demonstrate how vehicular access will not contribute to any traffic-related hazards to the satisfaction of the appropriate road authority. Preference will be given to the use of existing driveways.*

**Comment:** The existing bunkhouses on the proposed retained lot will utilize the existing access. The use currently exists today, therefore, it is our opinion that this application will not cause traffic-related hazards.

*The Municipality may enter into an agreement with the applicant relating to such matters as location, maintenance, buffering, removal, and period of occupancy of any dwellings, as well as any other matters deemed appropriate to ensure that the dwelling is used for its intended purpose of providing housing for farm help.*

**Comment:** As a Condition of Approval, Staff are requesting that the existing Development Agreement for the supplementary farm dwellings between the owners and the Municipality should be revised where necessary to ensure it is up-to-date.

Therefore, based on the analysis provided above, the proposed consent is in conformity with Bayham Official Plan, subject to the Conditions of Approval listed below.

#### **Municipality of Bayham Zoning By-law**

14. The proposed severed parcel is currently zoned Site-Specific Agricultural (A1-A-34) and must be rezoned to a Rural Residential (RR) zone consistent to the resulting residential use and Official Plan Section 2.1.7.2 policies for surplus farm dwellings. The proposed lot configuration by the applicant can accommodate the minimum Lot Area of 0.4 hectares and Lot Frontage of 50 metres in the RR zone.

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Notwithstanding the above, the proposed Rear Yard Depth of 3.8 metres between the existing garage and rear lot line would not meet the minimum requirement of 15 metres in the RR Zone.

Therefore, as part of the future Zoning By-law Amendment application, a Site-Specific Exception to the proposed RR-XX Zone would be required to recognize the deficiency in order to permit a minimum Rear Yard Depth of 3.8 metres, specifically for the existing garage erected prior to the date of the passing of the future By-law.

15. The proposed retained parcel is currently zoned Site-Specific Agricultural (A1-A-34) and must be rezoned to a Special Agricultural (A2) zone to prohibit new dwellings, as per Official Plan Section 2.1.7.4. The proposed retained parcel meets the minimum Lot Area of 20 hectares and minimum Lot Frontage of 150 metres required in the A2 zone.

As previously mentioned in this Memo, the existing barn containing a supplementary farm dwelling and bunkhouse are proposed on the retained lot. A Zoning By-law Amendment (Z704-2020) was previously approved on the subject property with respect to the existing barn and bunkhouse, permitting a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers.

It is further noted that the proposed Side Yard Depth of 7.2 metres on the retained lot between the existing barn and side lot line would not meet the minimum requirement of 10 metres in the A2 Zone.

Therefore, based on the above, as part of the future Zoning By-law Amendment Application, a Site-Specific Exception to the proposed A2-XX Zone would be required to recognize and permit a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers, as well as permit a minimum Side Yard Depth of 7.2 metres. No new supplementary farm dwellings shall be permitted.

### **Long Point Region Conservation Authority**

16. As previously mentioned in this Memo, portions of the subject property are within the “LPRCA Regulation Limit”. The proposed severed lot for the existing residential dwelling is located outside of the LPRCA Regulation Limit, as this regulatory area only impacts the proposed retained lot which will remain as it exists today for agricultural operations. Therefore, it is our opinion that the proposed severance will not be impacted by the LPRCA Regulation Limit.

### **Conclusion and Recommendations**

17. Based on the above review of Consent Application E8-24 we have **no objection** to the proposed consent to create a residential lot for the existing dwelling surplus

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to the needs of the farm operation and recommend the following conditions for approval:

- a) That the owner obtains approval of a Zoning By-law Amendment for the proposed severed parcel from a Site-Specific Agricultural (A1-A-34) zone to a Site-Specific Rural Residential (RR-XX) Zone to permit a Rear Yard Depth of 3.8 metres from the existing garage to remain.
- b) That the owner obtains approval of a Zoning By-law Amendment for the proposed retained parcel from a Site-Specific Agricultural (A1-A-34) zone to a Site-Specific Special Agricultural (A2-XX) Zone to prohibit new dwellings, recognize and permit a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers, as well as permit a minimum Side Yard Depth of 7.2 metres. No new supplementary farm dwellings shall be permitted.
- c) That the owner obtain confirmation from Hydro One regarding the provision of hydro services, specifically whether new independent hydro servicing is required for each lot, or, alternatively, whether maintenance easements are required over the existing hydro servicing on the severed and retained lots.
- d) That the owner provides written confirmation from a licensed well installer that the private wells on both the retained and severed lot provides the quality and quantity of potable water required by Provincial standards, as stated in the Consent Application Form.
- e) That the owner provides a water quality test by the applicable public health unit for the private wells on both the retained and severed lot, as stated in the Consent Application Form.
- f) That the existing Development Agreement for supplementary farm dwellings between the owner and the Municipality be revised, where necessary, to ensure it is up-to-date.
- g) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
- h) That the owner provides a digital copy of a survey of the subject lands.
- i) That the applicant apply to and pay all fees to the Municipality with respect to Civic Addressing/signage for the retained lot, where necessary.

*Christian Tsimenidis*

**Arcadis Professional Services (Canada) Inc.**  
Christian Tsimenidis, BES

Consulting Planner to the Municipality of Bayham

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: January 8, 2024 ELGIN COUNTY ROAD NO.: Calton Line CR # 45

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E- 8-24

APPLICANT: C.H.R. Farms Ltd

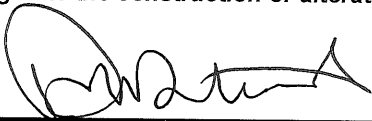
PROPERTY: LOT NO. 18 & 19 CONCESSION: 4

REG'D PLAN: R11R5208 PT 1 MUNICIPALITY: Bayham

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

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of \_\_\_\_\_ Road County Road ( ) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer.  
All costs to be borne by the owner.*
  
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
  
- 3) Drainage pipes and/or catchbasin(s) are required .....
  
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
  
- 5) A curb and gutter is required along the frontage .....
  
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
  
- 7) Technical Reports .....
  
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
  
- 9) Lot Grading Plan is required for the severed lot.....
  
- 10) The County has no concerns.....
  
- 11) Not on County Road .....
  
- 12) Please provide me with a copy of your action on this application .....
  
- 13) Other...

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

  
\_\_\_\_\_  
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:** February 28, 2024  
**Application:** E 8-24

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**Owner:** CHR Farms Ltd.  
56398 Calton Line, Vienna, ON  
**Location:** Lot 18 and 19, Concession 4. Municipally known as 56573 Calton Line.

**Agent:** Jesse Froese  
55248 Maple Grove Line, Eden, ON

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 82.92m (272 feet), a depth of 70.14m (230 feet) and an area of 4,046m<sup>2</sup> (1 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 84ha (207 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agriculture

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

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham– Recommends approval, subject to conditions.

*County Engineering* – No concerns.

*Long Point Region Conservation Authority* – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant 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 acres to sever a dwelling that is surplus to a farming operation. The retained land will be approximately 207 acres in area and will continue to be used for agricultural uses.

The PPS permits consents within the agricultural area for surplus dwelling severances.

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

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

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

#### 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. Severances for surplus farm dwellings are permitted within the agricultural area, provided the new severed lot is the minimum size required to accommodate the existing dwelling and required services.

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

Staff have reviewed the application against the policies of the Municipality of Bayham Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The existing severed lot is proposed to be rezoned to a site-specific Rural Residential dwelling to recognize the 3.8m rear yard depth for the existing garage. The retained lot is proposed to be rezoned to a Special Agricultural zone which will prohibit residential development and permit the existing supplementary farm dwellings, recognize the existing side yard depth of 7.2m and prohibit any new supplementary farm dwellings.

#### RECOMMENDATION:

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

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



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

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

1. Rezoning of the severed parcel from Agricultural (A1-A-34) zone to a site-specific Rural Residential (RR-XX) zone to include a rear yard depth of 3.8m from the existing garage to remain.
2. Rezoning of the retained lands from Agricultural (A1-A-34) zone to a Special Agricultural (A2-XX) zone to prohibit new dwellings, recognize and permit a maximum of three (3) supplementary farm dwellings in portions of the two (2) existing buildings to accommodate seasonal farm labourers, as well as, permit a minimum Side Yard Depth of 7.2m and prohibit any new supplementary farm dwellings.
3. Owner obtain confirmation from Hydro One regarding the provision of hydro services, specifically whether new independent hydro services is required for each lot, or, alternative, if Hydro determines that maintenance easements are required over the existing hydro servicing on the severed and retained lots, the Owner provide confirmation of such easements to the Municipality.
4. Owner provides written confirmation from a licensed well installer that a well is installed on the severed parcel to service the existing dwelling and provide the water quantity and water quality testing for nitrates and bacteria for both the severed and retained wells meeting provincial standards for potable water.
5. The Development Agreement between the owners and the Municipality associated with Zoning By-law Z704-2020 for the supplementary farm dwellings be revised where necessary to ensure it is up to date with the applicable fee paid to the Municipality.
6. Planning Report fee due and payable to the Municipality upon consent approval.
7. Digital copy of the registered plan of survey
8. Purchase of civic number sign for the retained parcel.