



Corporation of the County of Elgin
Land Division Committee

AGENDA

For Wednesday, April 24, 2024, 9:00 A.M

- 1st Call to Order
- 2nd Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3rd Adoption of Minutes
- 4th Business Arising Out of Minutes
- 5th Disclosure of Pecuniary Interest or the General Nature Thereof
- 6th Correspondence – Items for Information
- 7th Business Arising from Correspondence
- 8th New Business
- 9th Consent Applications
 - 9:05 am E 22-24 David Roe – 11478 Plank Road, Municipality of Bayham
 - 9:15 am E 23-24 Helen Button – 8169 Union Road, Township of Southwold
 - 9:25 am E 24-24 Amy Dale – 53639 Ferguson Line, Municipality of Central Elgin
 - 9:35 am E 25-24 Cherry Street (Jeff Wiebenga) – 25/27 Parkview Heights, Town of Alymer
 - 9:45 am E 26-24 Nathan Clarke and Kelly Sullivan – 53867
E 27-24
E 28-24 Heritage Line, Municipality of Bayham
- 10th Date of Next Meeting
- 11th Adjournment



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Corporation of the County of Elgin
Land Division Committee

Minutes

March 27, 2024

County of Elgin Land Division Committee met this 27th day of March, 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
Tom Marks
John Seldon
Bill Ungar
Dave Jenkins

Staff Present (in-person):

Paul Clarke, Planning Technician / Land Division Committee Secretary-Treasurer
Anne Kleinsteuber, Administrative Assistant

1. CALL TO ORDER

The meeting convened at 9:03 a.m.

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

Request for E 12-24

3. ADOPTION OF MINUTES

Moved by: Bill Ungar

Seconded by: Ian Fleck

Recorded Vote – Minutes		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		
TOTAL		7	0	

RESOLVED THAT the minutes of the meeting held on February 28, 2024 be adopted.

- Motion Carried.

4. BUSINESS ARISING OUT OF MINUTES

None.

5. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

6. CORRESPONDENCE – ITEMS FOR INFORMATION

Update regarding letter sent by Chair Marks to Nicholas Loeb, Director of Legal Services.

7. BUSINESS ARISING FROM CORRESPONDENCE

None.

8. NEW BUSINESS

None.

9. APPLICATIONS FOR CONSENT:

Application E 9-24 – 9:05 a.m.
David Roe – 11088 Walker Road

The applicant proposes to sever a parcel with a frontage of 71.78m (235 feet), a depth of 101.06m (331 feet) and an area of 7,254m² (1.8 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 32.37ha (80 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:

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	No concerns
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: John Andrews
Seconded by: Dave Jenkins

RESOLVED THAT severance application E 9-24 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.

That the following requirements of the Township of Malahide are met, including the following:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That 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.

3. Any required road widening is to be complete or the necessary agreements are in place with sufficient security posted to cover the costs of the works prior to the condition being deemed fulfilled.
4. Provide on the reference plan the existing conditions and a 15m x 15m x 21.2m sight triangle at the south east corner of College Line and Walker Road intersection and provide all supporting documentation for the land to be transferred to the Township.
5. 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.
6. 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.
7. That the applicants initiate and assume all planning costs associated with the required Zoning By-law 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.
8. 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.
9. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
10. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
11. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
12. 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.

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 12-24 – 9:19 a.m.

David Roe – 11980 and 11960 Imperial Road

The applicant proposes to sever a parcel with a frontage of 88m (288 feet), a depth of 87m (285 feet) and an area of 0.656ha (1.6 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 43.65ha (107 acres) proposed to remain as vacant land. The applicant is also proposing to create a 8m wide easement for a shared driveway.

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:

Submission		Comments
1	Township of Malahide	No comments (deferral)
2	Catfish Creek	No concerns
3	Elgin County Engineering Services	Requests road widening
4	Elgin County Planning Services	Recommends deferral as per applicants request

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

Moved by: Bill Ungar

Seconded by: Dugald Aldred

RESOLVED THAT severance application E 12-24 be deferred at the applicant’s request.

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 16-24 – 9:25 a.m.

Peter Littlejohn – 28660 Talbot 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 4,125m² (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: Not present

Agent: Joe Hentz attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Municipality of Dutton Dunwich	Recommends approval of the application subject to the conditions provided
2	Lower Thames Valley	No concerns
3	Elgin County Engineering Services	No concerns
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Dugald Aldred

Seconded by: Ian Fleck

RESOLVED THAT severance application E 16-24 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. That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
2. That septic system review for the severed parcel has been completed;
3. That municipal drain re-apportionments have been completed;
4. That a mutual drainage agreement (under Section 2 or 4 of the Drainage Act) has been provided to provide a legal drainage outlet for the newly created residential lot;
5. That two (2) hard copies and one (1) digital copy of the registered survey have been provided to the Municipality;
6. That taxes are to be paid in full;
7. That all Dutton Dunwich planning application fees, set out in the Fees By-law, be paid to the Municipality;
8. That a 911 sign be established for the severed and retained parcels;
9. That all barns capable of holding livestock or are in disrepair on both the retained and severed lands be removed or decommissioned to the satisfaction of the Chief Building Official;
10. That the applicant confirms with the Municipality that they are a bona fide farmer; and
11. That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel, once the transaction has occurred, will be provided to the Municipality

Recorded Vote – Minutes		Yes	No	Abstain
West Elgin	Dugald Aldred	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 17-24 – 9:35 a.m.
Colleen Row – 51829 Yorke Line

The applicant proposes to sever a parcel with a frontage of 93.45m (300 feet), a depth of 57.59m (188 feet) and an area of 0.54ha (1.33 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 20.9ha (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: Colleen Row attended virtually

Written submissions (*) were received from the following:

Submission		Comments
1	Township of Malahide	Recommends approval of the application subject to the conditions provided
2	Kettle Creek	No Comments
3	Elgin County Engineering Services	Not on 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: Dave Jenkins

RESOLVED THAT severance application E 17-24 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 Township of Malahide be included as conditions for consent:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. 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.
5. 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 to the satisfaction of the Township.
6. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
7. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction of the Township.
9. 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.

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 18-24 – 9:45 a.m.
Jesse Froese – 10564 Culloden Road

The applicant proposes to sever a parcel with a frontage of 29.6m (97 feet), a depth of 76.01m (250 feet) and an area of 0.24ha (0.6 acres) to create a new residential lot. The applicant is retaining a lot with an area of 7.90ha (20 acres) proposed to remain in agricultural and 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: None present
Agent: Jesse Froese 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: Bill Ungar

RESOLVED THAT severance application E 18-24 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.
4. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.

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

1. The owner obtains approval of a Zoning By-law Amendment for the proposed retained lot from “Agricultural” (A1) to a site-specific Agricultural (A1) zone to recognize the existing lot are deficiency of 7.9ha, existing lot frontage deficiency of 20.0m and permit a side yard depth of 2.8m for the existing accessory building/structure.
2. The owner obtains a Zoning By-law Amendment for the removal of the h1 Holding Provision for the severed lot.
3. The owner obtain an access permit from Elgin County to create a new independent access to the proposed severed lot from Culloden Road to support the weight of fire apparatus.
4. The owner install an individual private well on the severed lot providing the municipality with water quantity and water quality reports for bacteria and nitrates meeting the Provincial standards for residential use, as a matter of public health and safety.
5. The owner provides an engineered grading, drainage and storm water management plan for both parcels to show outlets and to demonstrate that the lot will drain properly with no negative impacts on the neighbouring lands or the road, all to the satisfaction of the Municipality.
6. 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.
7. The owner initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Bartley 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.
8. The owner pay the cash-in-lieu of parkland dedication fee to the municipality as required in By-law 2020-053.
9. The owner provide a digital copy of the registered plan of survey of the subject land to the Municipality.
10. The owner purchase a civic number sign for the severed lot from the Municipality.
11. The owner pay the planning report fee due and payable to the Municipality upon consent approval.

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 19-24 & E 20-24 – 9:55 a.m.
Peter Forsythe – 11241 and 11229 Imperial Road

E 19-24:

The applicant proposes to sever a parcel with a frontage of 1.2m (4 feet), a depth of 88.48m (290 feet) and an area of 106.16m² (0.03 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 1,513.81m² (0.37 acres) proposed to remain in residential use.

E 20-24:

The applicant proposes to sever a parcel with a frontage of 24.384m (80 feet), a depth of 70.63m (231 feet) and an area of 1,786.34m² (0.44 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 2,155.48m² (0.53 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: Peter Forsythe attended 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 concerns
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Bill Ungar
 Seconded by: Dave Jenkins

RESOLVED THAT severance application E 19-24 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 initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. 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.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. That the applicants initiate and assume all planning costs associated with the required Minor Variance or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
5. Confirmation that the 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.
6. 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.
7. That all applicable property taxes, municipal fees and charges be paid to the Township prior to the stamping of the deeds.
8. That an electronic version of the reference plan be submitted to the satisfaction

of the Township.

AND THAT severance application E 20-24 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 initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. 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.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. Confirmation that the 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.

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 61-23 – 10:05 a.m.

Will Friesen – 8231 Imperial

The applicant proposes to sever a parcel with a frontage of 33.37m (110 feet), a depth of 64.31m (211 feet) an area of 0.21ha (0.51 acres) containing an existing residential dwelling and garage. The applicant is retaining a lot with an area of 1.23ha (3.03 acres) proposed to be used for a future residential dwelling and workshop.

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	Township of Malahide	Recommends no change to conditions
2	Catfish Creek	No comments
3	Elgin County Engineering Services	No change to conditions
4	Elgin County Planning Services	Recommends approval of the application subject to the conditions provided

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

Moved by: Ian Fleck

Seconded by: Dave Jenkins

RESOLVED THAT severance application be amended E 61-23 to reduce the lot depth to 211 feet.

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

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

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That 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.
3. 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.
4. 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.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted to the Municipality prior to certification, all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
9. That in accordance with the Planning Act RSO 1990, as amended, the owner pay a cash-in-lieu of parkland fee in the amount of five percent (5%) of the

value of the land. The owner shall provide, at their sole cost, an appraisal of value of the land from a certified Canadian Residential Appraiser to the satisfaction of the Municipality.

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.

An update was provided to the LDC regarding a letter requesting a resumption of site visits that was sent to Nicolas Loeb earlier in March.

10. ADJOURNMENT

Moved by: Ian Fleck

Seconded by: Dave Jenkins

RESOLVED THAT the Committee adjourn at 10:11 am on March 27, 2024 to meet again at 9:00am on April 24, 2024.

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.

Paul Clarke
 Secretary-Treasurer

Tom Marks
 Chair



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 22-24**

**LOT 16 ON REGISTERED PLAN No. 258
MUNICIPALITY OF BAYHAM
11478 PLANK ROAD**

TAKE NOTICE that an application has been made by David Roe, 61 Trailview Drive, Tillsonburg, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 11478 Plank Road.

The applicant proposes to sever a parcel with a frontage of 20m (65.6 feet), a depth of 83m (272 feet) and an area of 1,700m² (0.42 acres) to create a new residential lot. The applicant is retaining a lot with an area of 7,600m² (1.88 acres) proposed to remain in residential use.

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

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

**APRIL 24, 2024 AT 9:05 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

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

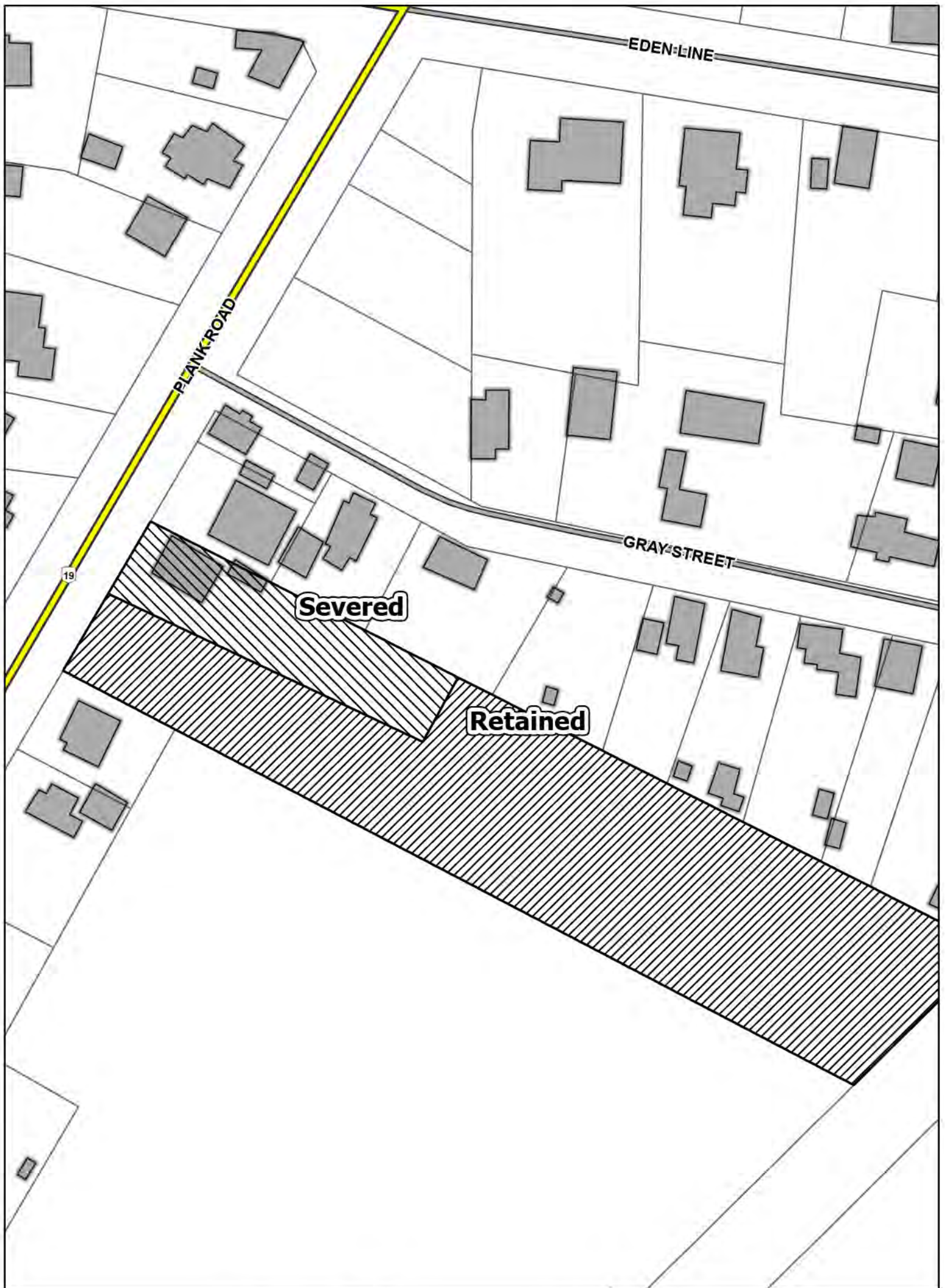
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8th day of March, 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





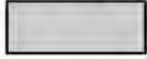


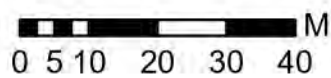
Location Map

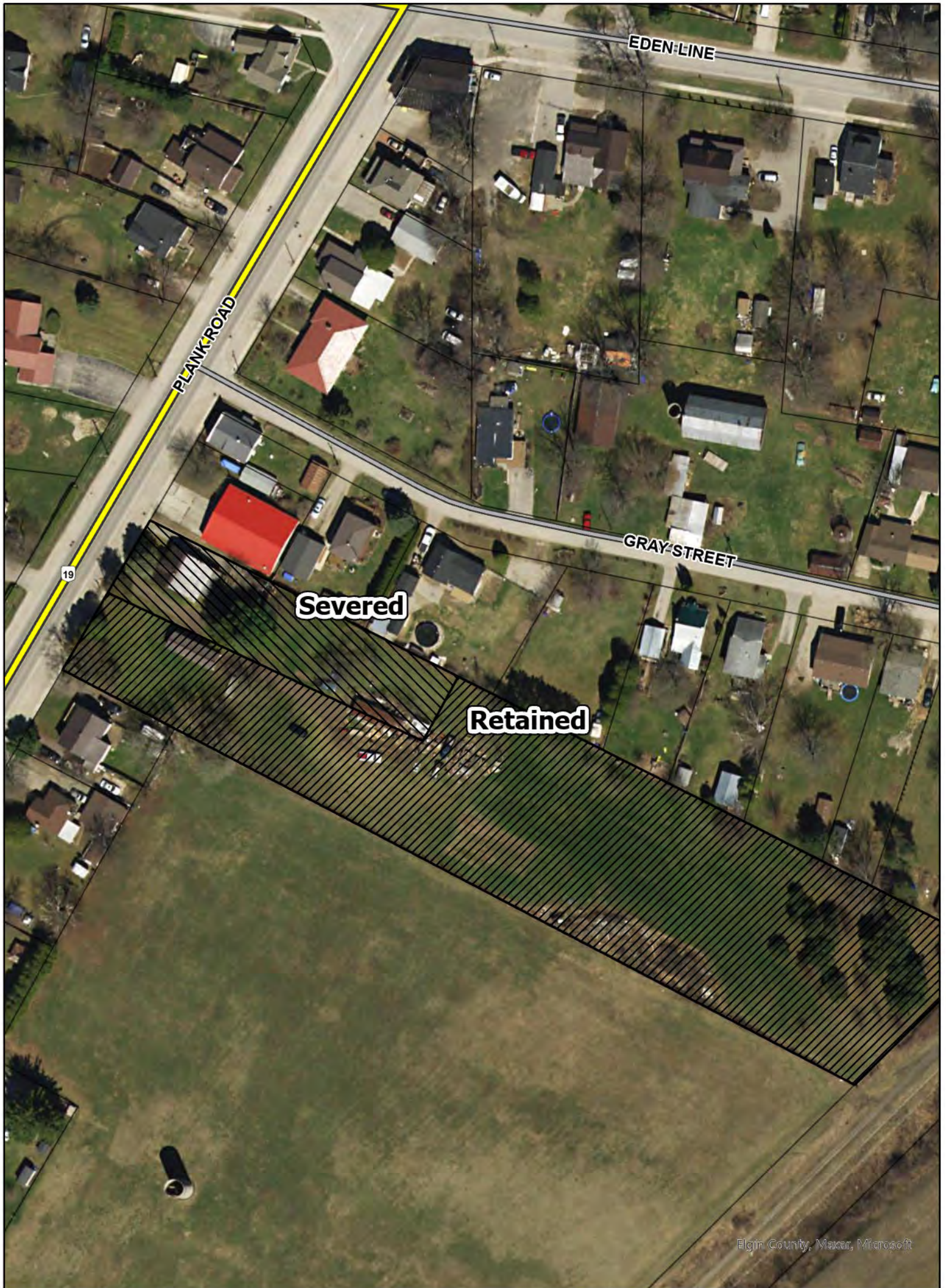
Subject Site: 11476 Plank Road
 File Number: E 22-24
 Owner: Neil and Eva Hiebert
 CA: Long Point Region Conservation
 Created By: PC
 Date: 3/5/2024
 Municipality of Bayham



Legend

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









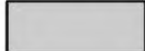
Elgin County, Maxar, Microsoft

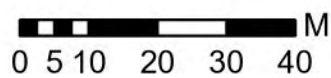
Location Map

Subject Site: 11476 Plank Road
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 Municipality of Bayham



Legend

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



Municipality of
BAYHAM

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

T: 519-866-5521

F: 519-866-3884

E: bayham@bayham.on.ca

W: www.bayham.on.ca



March 22, 2024

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

EMAIL ONLY

Dear Mr. Clarke

Re: Application for Consent No. E22-24 Hiebert

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the March 21, 2024 meeting:

THAT Report DS-16/24 regarding the Consent Application E22-24 Hiebert be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E22-24 be granted subject to the following conditions and considerations:

1. The existing shed and overhead hydro line connecting from the existing single-detached dwelling to the shed be removed or relocated from the proposed retained lot.
2. The Owner obtain an access permit from the County of Elgin to create a new independent access to the proposed retained lot from Plank Road built to support the weight of fire apparatus.
3. The owner install an individual private well on the retained lot providing the municipality with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
4. That the Owner provides confirmation of sufficient reserve sewage system capacity within municipal sewage services for the new municipal sanitary sewer service connection required for the proposed retained lot. Once confirmed, the Owner shall obtain a permit from the Municipality for the installation of a new municipal sanitary sewer service connection to the proposed retained lot.
5. The Owner provide an engineered grading, drainage and storm water management plan for both parcels to show outlets and to demonstrate that the lot will drain properly with no negative impacts on the neighbouring lands or the road, all to the satisfaction of the Municipality.
6. The Owner initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Eden Main Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
7. The Owner pay the Cash in Lieu of Parkland Dedication fee to the Municipality as required in Municipal By-law No. 2020-053.

8. The Owner provide a digital copy of the registered plan of survey of the subject land to the Municipality.
9. The Owner purchase a civic number sign for the retained lot from the Municipality.
10. The Owner pay the planning report fee due and payable to the Municipality upon consent approval.

Municipal Appraisal Sheet and Staff Report DS-16/24 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.HIEB

Cc: D. Roe Agent (email)

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission E 22-24

Applicant Hiebert

Location Bayham – 11478 Plank Road

PART 1 - OFFICIAL PLAN

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

Land Use Designation: HAMLETS
Policies:

PART 2 - ZONING

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

Comments: Zoning: Hamlet Residential (HR) and Hamlet Residential – Holding 2 (HR(h2))

Rezoning not required

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

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

- 6. Does the Municipality foresee demand for new municipal services? Yes () No ()
- 7. If so, is the Municipality prepared to provide those services? Yes () No ()
- 8. Does the Municipality wish the Committee to impose conditions? Yes () No ()
- 9. Does Council recommend the application? Yes () 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-16/23 considered at Council meeting held March 21, 2024



SECTION 9 HAMLET RESIDENTIAL (HR) ZONE REGULATIONS

9.1 Permitted Uses

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

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

9.2 Minimum Lot Area

- No public water supply or sanitary sewage disposal service: 1,390 m²
- Public water supply, but no sanitary sewage disposal service: 1,100 m²
- Public sanitary sewage disposal service, but no public water supply: 900 m²

Z698-2020

9.3 Minimum Lot Frontage

20.0m

Z698-2020

9.4 Maximum Lot Coverage

30%

9.5 Maximum Building Height

10.5m

9.5.1 Maximum Accessory Building Height: 4.5m

9.6 Minimum Floor Area

Z698-2020

9.7 Maximum Floor Area for an Accessory Building

75 m² or 8% lot coverage, whichever is less

9.8 Minimum Front Yard Depth

7.0 metres

9.9 Minimum Side Yard Width

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

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

9.10 **Minimum Rear Yard Depth**

9.0m

9.11 **Minimum Separation Distance**

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

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

9.12.1

9.12.1.1 Defined Area

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

9.12.1.2 Permitted Uses

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

9.12.1.3 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

9.12.1.4 Minimum Lot Area

975 square metres

9.12.1.5 Minimum Lot Frontage

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

9.12.1.6 Minimum Side Yard

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

9.12.2

9.12.2.1 Defined Area

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

9.12.2.2 Permitted Uses

Service shop

Inside storage

Pumphouse for a communal well system

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



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: March 21, 2024
REPORT: DS-16/24 **FILE NO. C-07 / D09.24HIEB**
Roll # 3401-000-006-20900

SUBJECT: Consent Application E22-24 Hiebert
11478 Plank Road, Eden

BACKGROUND

Consent application E22-24 was received from the Elgin County Land Division Committee, as submitted by Appointed Agent David Roe on behalf of Neil and Eva Hiebert, proposing to sever a parcel located at 11478 Plank Road, east side, and south of Eden Line in the Hamlet of Eden. The applicant is requesting consent to sever a parcel of 0.17 hectares (0.42 acres) and to retain 0.76 hectares (1.88 acres) of land with the intent to create one (1) new residential lot with an existing single-detached dwelling and to retain vacant lands to build a future single-detached dwelling.

The subject land front portion is designated "Hamlets" (Eden) on Schedule 'A1' Land Use of the Official Plan. The subject property is zoned both Hamlet Residential (HR) and Holding Hamlet Residential (HR (h2)) on Schedule 'C' Eden of Zoning By-law Z456-2003. Specifically, the front portions of both the severed and retained are zoned HR, while the rear portion and majority of the severed and retained lot area zoned HR(h2).

Elgin County Land Division Committee will consider the application on April 24, 2024.

DISCUSSION

The planner's memorandum attached dated, March 11, 2024, analyzes the application subject to the Municipality of Bayham Official Plan and Zoning By-law.

The standard conditions would include: engineered storm water management with drainage/grading plan, civic numbering signage for the retained lot, survey, cash in lieu payment for the creation of a lot, and the planning report fee. Other conditions apply regarding a new County Road access for the retained lot, drain deposit for reassessment, sanitary sewer connection and installation of a well for

the retained lot.

Staff and municipal planner recommend the support of the consent application for the creation of one residential dwelling lot containing an existing dwelling fronting on Plank Road in the hamlet of Eden with the recommended conditions.

STRATEGIC PLAN

Not Applicable.

ATTACHMENTS

1. Consent Application E22-24
2. Aerial Map – 11478 Plank Road
3. Arcadis Memorandum, dated March 11, 2024

RECOMMENDATION

THAT Report DS-16/24 regarding the Consent Application E22-24 Hiebert be received;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Application E22-24 be granted subject to the following conditions and considerations:

1. The existing shed and overhead hydro line connecting from the existing single-detached dwelling to the shed be removed or relocated from the proposed retained lot.
2. The Owner obtain an access permit from the County of Elgin to create a new independent access to the proposed retained lot from Plank Road built to support the weight of fire apparatus.
3. The owner install an individual private well on the retained lot providing the municipality with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
4. That the Owner provides confirmation of sufficient reserve sewage system capacity within municipal sewage services for the new municipal sanitary sewer service connection required for the proposed retained lot. Once confirmed, the Owner shall obtain a permit from the Municipality for the installation of a new municipal sanitary sewer service connection to the proposed retained lot.
5. The Owner provide an engineered grading, drainage and storm water management plan for both parcels to show outlets and to demonstrate that the lot will drain properly with no negative impacts on the neighbouring lands or the road, all to the satisfaction of the Municipality.
6. The Owner initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Eden Main Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
7. The Owner pay the Cash in Lieu of Parkland Dedication fee to the Municipality as required in Municipal By-law No. 2020-053.
8. The Owner provide a digital copy of the registered plan of survey of the subject land

to the Municipality.

9. The Owner purchase a civic number sign for the retained lot from the Municipality.
10. The Owner pay the planning report fee due and payable to the Municipality upon consent approval.

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	March 11, 2024
From	Christian Tsimenidis, BES	Project No	3404 - 932
cc	William Pol, MCIP, RPP		
Subject	Neil and Eva Hiebert - 11478 Plank Road, Eden - Application for Consent E22-24		

Background and Summary

1. Arcadis has completed a review of Consent Application E22-24 submitted by Civic Planning Solutions Inc. (c/o David Roe) on behalf of Neil and Eva Hiebert, owners of the subject property identified as 11478 Plank Road, east side, north of Eden Line in the Hamlet of Eden. The applicant is requesting Consent to sever an approximate land area of 1,700.0 square metres (0.17 hectares) and to retain 7,600.0 square metres (0.76 hectares) of land. The intent is to create one (1) new residential lot to accommodate the existing single-detached dwelling and to build a future single-detached dwelling on the proposed retained lot. South
←
2. The proposed severed lot has a lot frontage of 20.0 metres (65.6 feet) and lot depth of 83.0 metres (272.3 feet) to accommodate the existing single-detached dwelling and two (1) accessory sheds. As per the applicant's Severance Sketch, this existing dwelling has an approximate building area of 105.4 square metres (1,130.2 square feet) and it is understood this dwelling will remain unaltered. The proposed retained lot has a lot frontage of 22.1 metres (72.5 feet) and lot depth of 225.0 metres (738.2 feet). The applicant has indicated that the proposed retained lot will be developed with a future single-detached dwelling, and that the existing accessory shed located on the proposed retained lot will be moved or removed. It is understood there is an existing overhead hydro line connected from the single-detached dwelling to the shed, thus traversing between the severed and retained lot lines. As a Condition of Approval, Arcadis is requesting that the existing shed and the overhead hydro line be removed or relocated from the proposed retained lot.
3. The existing driveway access from Plank Road would remain unaltered and be utilized for the proposed severed lot to access the existing single-detached dwelling. A new driveway access would be required for the proposed severed lot in order to provide access to the future single-detached dwelling. Plank Road is identified as a County Road, therefore, as a Condition of Approval the owner would be required to obtain an access permit from the Elgin County.

Municipality of Bayham – March 11, 2024

4. The subject property is currently serviced by private well and municipal septic services, being located in the Hamlet of Eden. The proposed severed lot accommodating the existing single-detached dwelling would continue to utilize the existing private well and municipal sewer system. The proposed retained lot would require approval for a new private well and separate connection to municipal sewer services, should the retained lot be developed for a new single-detached dwelling, which will be addressed at the Building Permit Application stage.
5. The subject property is designated 'Hamlet' (Eden) as per Schedule 'A1' (Land Use) of the Municipality of Bayham Official Plan. The subject property is zoned both 'Hamlet Residential (HR)' and 'Holding Hamlet Residential ((HR(h2)))' on Schedule 'D' (Eden) of Zoning By-law Z456-2003. More specifically, the front/street-facing portions of the proposed severed and retained lot are zoned HR, while the rear portion and majority of the severed and retained lot area zoned HR(h2). The existing single-detached dwelling is located within the portion zoned HR.
6. The subject property is predominantly surrounded by low-rise residential uses along Plank Road and Eden Line. Limited commercial, retail, and institutional uses are located within proximity of the subject property, being located within the Hamlet of Eden. The rear portion of the subject property abuts agricultural lands to the east, as the site abuts the limit of the settlement area boundary.

Municipality of Bayham Official Plan

7. Section 4.2.2.1 of the Municipality of Bayham Official Plan provides direction with respect to 'General Policies Applicable to all Settlement Areas', specifically residential uses. As such, this policy of the Official Plan encourages new residential development within existing settlement areas, like the Hamlet of Eden, by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion. Further, Section 4.2.4 of the Official Plan provides further direction with respect to the 'Intensification and Redevelopment' within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land.

Comment: It is Arcadis's opinion that the creation of one (1) new residential lot within the Hamlet of Eden to accommodate the existing single-detached dwelling on the severed lot makes efficient use of developable lands in a settlement area and is in conformity with the Official Plan general residential policies.

8. The Bayham Official Plan designates the subject property as 'Hamlet' in Schedule 'A1' (Land Use). As per Section 4.4.1.2 of the Official Plan, the 'Hamlet' designation permits a broad range of uses, including residential dwellings, variety stores, public garages, schools, churches and small scale commercial and industrial uses. Section 4.4.2.1 of the Official Plan further states that the principal land use function of 'Hamlets' shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings.

Municipality of Bayham – March 11, 2024

Comment: The existing single-detached dwelling is a permitted use in the Official Plan and meets the intent of the 'Hamlet' land use designation, as low-rise residential dwellings are strongly encouraged and permitted. The future single-detached dwelling on the proposed retained lot would also be permitted and in keeping with the 'Hamlet' designation. Therefore, the existing and proposed residential nature of the severed and retained lots are permitted and in conformity with the above noted Official Plan policy.

9. Section 4.4.2.2 of the Official Plan regarding consents on Residential Lands in Hamlets sets out the following criteria for a consent:

- a) *Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority.*

Comment: The proposed severed lot would continue to utilize the existing private well and municipal sewer service connection for the single-detached dwelling. As part of the Consent Application package submitted by the applicant, documentation was provided with respect to water quality and quantity of the existing well. It is understood that the private well is in working order. The proposed retained lot would require a new private well and connection to the municipal sewer system to serve the future single-detached dwelling, which can be addressed at the Building Permit Application stage.

- b) *Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction.*

Comment: Both the proposed severed and retained lot would have continued frontage along Plank Road.

- c) *Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly.*

Comment: The proposed severance would facilitate the creation of a new lot for residential purposes within the existing developed area and built boundary of the settlement area, thus making efficient use of developable lands.

- d) *The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law.*

Comment: The proposed severed lot size (and frontage) is adequate to accommodate low-density residential uses in accordance with the Zoning By-law and has sufficient space for private well and municipal sewer servicing.

- e) *Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads.*

Municipality of Bayham – March 11, 2024

Comment: Plank Road is identified as an Elgin County Road. It is understood that the existing driveway will remain as it exists today in order to provide access to the proposed severed lot. As a Condition of Approval, Arcadis is requesting that the owner obtain an access permit from Elgin County for the proposed new access to the retained lot.

- f) *Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.*

Comment: Plank Road, south of Eden Line, can be described as a straight and flat Elgin County Road with numerous existing private driveways along the road. It is our opinion that an additional driveway would not have adverse impacts with respect to traffic safety and limited sight lines. As mentioned above, Arcadis will defer comment to Elgin County with respect to the required access from Plank Road to the proposed retained lot.

- g) *Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands.*

Comment: The proposed severance will not interfere with subsequent access to interior lands.

- h) *Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.*

Comment: Not applicable.

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

Municipality of Bayham Zoning By-law

10. The front portion of the proposed severed and retained lot are zoned 'Hamlet Residential (HR)', while the rear portion is zoned 'Holding Hamlet Residential ((HR(h2))'. With respect to the proposed severed lot, the existing single-detached dwelling is listed as a permitted in Section 9.1 of the Zoning By-law. The proposed severed lot also meets the minimum lot area of 900.0 m² for lots on private well and municipal sewer services, as well as the minimum lot frontage of 20.0 metres. Based on the Severance Sketch provided, the proposed severed lot would also meet all other provisions (i.e. setbacks, parking, etc.) of the Zoning By-law applicable to the site. The proposed severed lot is in conformity with the Zoning By-law.
11. The proposed retained lot also meets the minimum lot area of 900.0 m² for lots on private well and municipal sewer services, as well as the minimum lot frontage of

Municipality of Bayham – March 11, 2024

20.0 metres. As previously mentioned in this Memo, it is understood that the retained lot is to be developed with a new single-detached dwelling, which is permitted in the HR Zone. Should the applicant apply for a future Building Permit Application, the proposed development shall comply with the HR Zone regulations, as well as all other provisions in the Zoning By-law applicable to the site. Given that the site is dual-zoned, being HR and HR(h2), the proposed future development should be directed within the portion of the retained lot zoned HR. See the following paragraph for additional discussion. The proposed retained lot is in conformity with the Zoning By-law.

12. As per Section 3.3 b) of the Zoning By-law, the h2 Holding Provision applicable to the subject property relates the following:

To ensure orderly development, a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, will be required prior to the removal of the "h2" zone symbol.

It is our understanding that all new development facilitated by this Consent Application, being a new single-detached dwelling on the retained lot, should be directed within the HR Zone fronting Plank Road and outside of the h2 boundary. The applicant is also not proposing a Plan of Subdivision, therefore, the h2 Holding Provision is not considered at this time.

Conclusion and Recommendations

13. Based on the above review of Consent Application E22-24, Arcadis has **no objection** to approval of the proposed consent subject to the following conditions:
- a) That the existing shed and overhead hydro line connecting from the existing single-detached dwelling to the shed be removed or relocated from the proposed retained lot.
 - b) That the owner obtains an access permit for the proposed retained lot from the County of Elgin to create a new independent access from Plank Road built to support the weight of fire apparatus.
 - c) Installation of an individual private well on the proposed retained lot providing the Municipality with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
 - d) That the owner provides confirmation of sufficient reserve sewage system capacity within municipal sewage services for the new municipal sanitary sewer service connection required for the proposed retained lot. Once confirmed, the owner shall obtain a permit from the Municipality for the installation of a new municipal sanitary sewer service connection to the proposed retained lot.
 - e) That the owner provides an engineered grading, drainage and storm water management plan for the proposed severed lot to demonstrate the parcel will

Municipality of Bayham – March 11, 2024

drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham.

- f) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
- g) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland.
- h) That the owner provides a digital copy of a survey of the subject lands.
- i) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the retained lot.
- j) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Christian Tsimenidis

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

Consulting Planner to the Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 9, 2024 ELGIN COUNTY ROAD NO.: Road CR # 19

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 22-24

APPLICANT: Neil & Eva Hiebert

PROPERTY: LOT NO. 16 CONCESSION: _____
 REG'D PLAN: 258 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.....

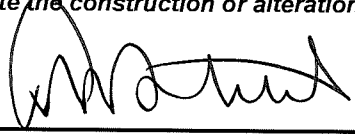
- 10) The County has no concerns.....

- 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: April 24, 2024
Application: E 22-24

Owner:

Neil and Eva Hiebert

158A Concession Street, Tillsonburg, ON

Agent:

David Roe

61 Trailview Drive, Tillsonburg, ON

Location: Lot 16 on Registered Plan No. 258. Municipally known as 11478 Plank Road.

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 20m (65.6 feet), a depth of 83m (272 feet) and an area of 1,700m² (0.42 acres) to create a new residential lot. The applicant is retaining a lot with an area of 7,600m² (1.88 acres) proposed to remain in residential use.

**County of Elgin Official
Plan**

Tier 2 Settlement Area

**Local Municipality Official
Plan**

Hamlets

**Local Municipality Zoning
By-law**

Hamlet Residential (HR) and
Hamlet Residential – Holding
2 (HR[h2])

REVIEW & ANALYSIS:

Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – Requests conditions

Long Point Region Conservation Authority – No comments.

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

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 1,700m² ha to create a new residential lot within an existing settlement area. The retained land will be approximately 7,600m² in area, which currently contains a shed and is proposed to have a dwelling constructed on it in the future.

The PPS permits consents for new residential lot creation within settlement areas:

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

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

The subject land is within the settlement area of Eden. The applicant proposes to sever a new parcel containing an existing dwelling. The retained land is proposed to have a dwelling constructed in the future and the existing shed on the retained land will be removed.

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 2 Settlement Area in the CEOP. The CEOP encourages development within Elgin be directed to settlement areas and provides for a variety of land uses and densities, where appropriate. The existing dwelling is proposed to be severed and will be contained within the settlement area.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Municipality of Bayham Official Plan and are of the opinion that the application conforms to the Municipal Official Plan as the lands comply with the relevant land use designations and policies of the Plan. The rear of the subject lands has a holding zone provision in place to ensure orderly development of any large residential developments (subdivision, condos, etc). It is the opinion of Bayham's staff that the proposed residential dwelling should be built on the front of the subject land which is zoned H2 and therefore the holding zone can remain in place and a zoning by-law amendment is not 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. Direct connection to a legal outlet for the severed lot is required – If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.
5. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.
6. Lot grading plan is required for the severed lot.

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

1. The existing shed and overhead hydro line connecting from the existing single-detached dwelling to the shed be removed or relocated from the proposed retained lot.
2. The owner obtain an access permit from the County of Elgin to create a new independent access to the proposed retained lot from Plank Road built to support the weight of fire apparatus.
3. The owner install an individual private well on the retained lot providing the municipality with water quantity and water quality reports for bacteria and nitrates content meeting the Provincial standards for residential use, as a matter of public health and safety.
4. That the owner provides confirmation of sufficient reserve sewage system capacity within municipal sewage services for the new municipal sanitary sewer service connection required for the proposed retained lot. Once confirmed, the owner shall obtain a permit from the Municipality for the installation of a new municipal sanitary sewer service connection to the proposed retained lot.
5. The owner provide an engineered grading, drainage, and storm water management plan for both parcels to show outlets and to demonstrate that the lot will drain properly with no negative impacts on the neighbouring lands or the road, all to the satisfaction of the municipality.
6. The owner initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Eden Main Drain in accordance with the Drainage Act, R.S.O. 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
7. The owner pay the Cash in Lieu of Parkland Dedication fee to the Municipality as required in Municipal By-law No. 2020-053.



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St. Thomas, Ontario
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Phone: 519-631-1460
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www.elgincounty.ca

8. The owner provide a digital copy of the registered plan of survey of the subject land to the Municipality.
9. The owner purchase a civic number sign for the retained lot from the Municipality.
10. The owner pay the planning report fee due and payable to the Municipality upon consent approval.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 23-24**

**PART OF LOT 98 ON REGISTERED PLAN No. 31
TOWNSHIP OF SOUTHWOLD
8169 UNION ROAD**

TAKE NOTICE that an application has been made by Helen Button, 108 Centre Street, St. Thomas, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 8169 Union Road.

The applicant proposes to sever a parcel with a frontage of 63.98m (210 feet), a depth of 69.08m (226 feet) and an area of 0.45ha (1.11 acres) to create a new residential lot. The applicant is retaining a lot with an area of 0.80ha (1.98 acres) proposed to be used for future residential development.

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

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

**APRIL 24, 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 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.

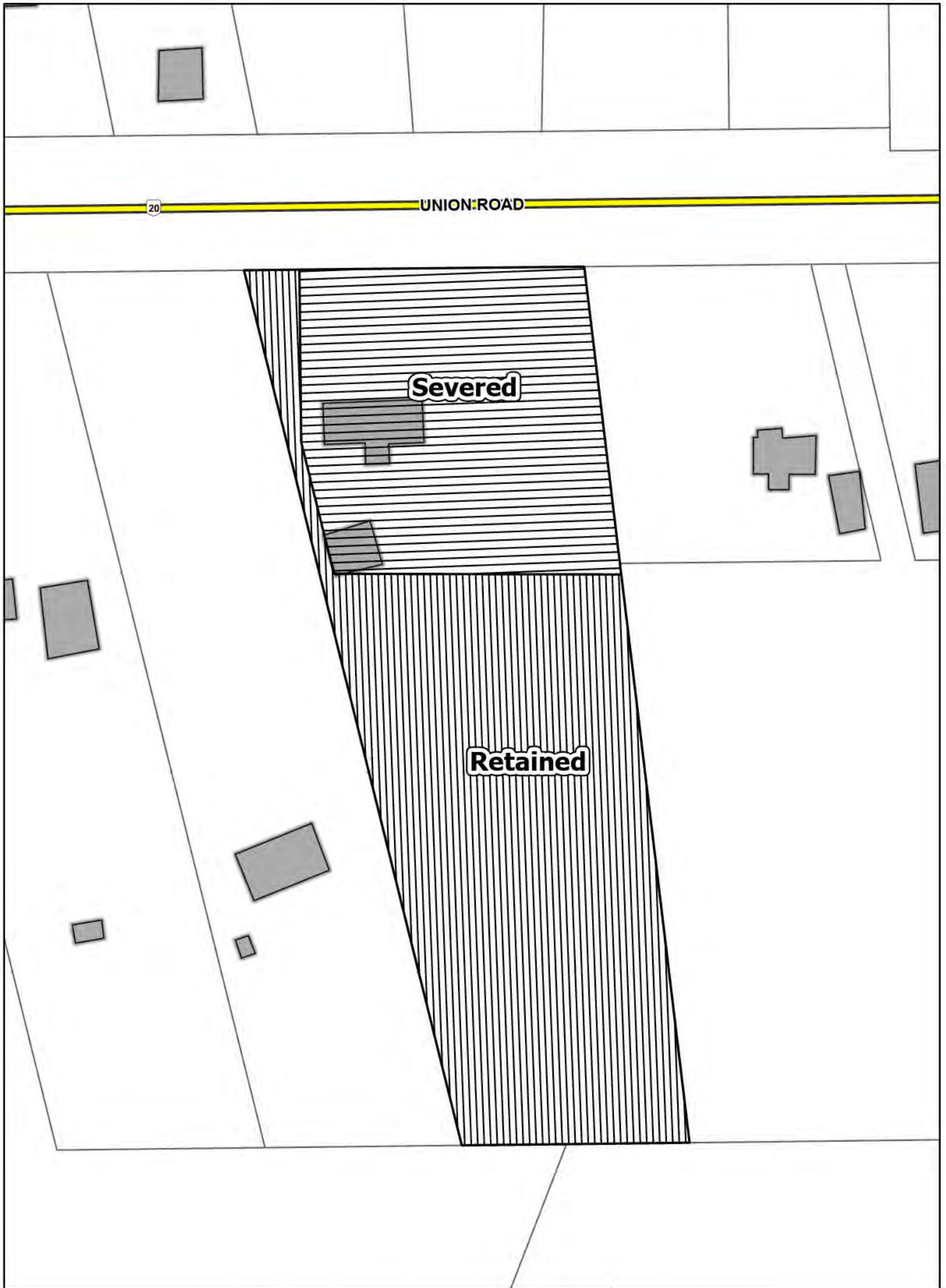
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8th day of March, 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








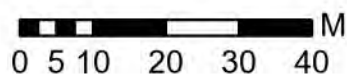
Location Map

Subject Site: 8169 Union Road
 File Number: E 23-24
 Owner: Daniel Edward Kikkert
 CA: Lower Thames Valley Conservation
 Created By: PC
 Date: 3/5/2024
 Township of Southwold



Legend

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



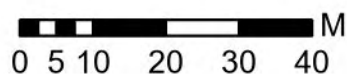


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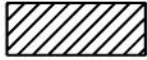

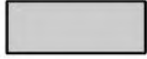
Location Map

Subject Site: 8169 Union Road
 File Number: E 23-24
 Owner: Daniel Edward Kikkert
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 Township of Southwold

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



Legend

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

April 11, 2024

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

VIA EMAIL ONLY

RE: Township of Southwold Comments to Land Division Committee

County File Numbers: E23-24

Please be advised that the Council for the Township of Southwold reviewed the above-noted application at the April 8th, 2024 Council Meeting and passed the following resolution:

2024-117 Deputy Mayor Pennings – Councillor Emons

THAT Council for the Township of Council recommends approval of Consent Application E23-24 to Elgin County Land Division Committee for the creation of a new residential lot from the property located at 8169 Union Road subject to the Lower Tier Municipal conditions provided in Appendix 2 of Report PLA 2024-05.

CARRIED

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

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

Regards,



Danielle Truax, Planner

Email: planning@southwold.ca

Attach: Planning Report PLA 2024-05
Municipal Appraisal Sheet E23-24

cc: Dan Kikkert, Owner via email dkikkert@gmail.com
Helen Button, Solicitor, via email hbutton@harrisonpensa.com

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: E23-24

Applicant: D. & C. Kikkert

Location: 8169 Union Road

PART 1 - OFFICIAL PLAN – Township of Southwold 2021

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

Land Use Designation: Residential, Schedule 4C (Land Use Plan)

Policies: **Section 5.2 Settlement Areas Land Use; Section 7.2.3 Consents**

PART 2 – ZONING By-law – Zoning By-law 2011-14

- | | | |
|---|-----------|----------|
| 3. Is there a By-Law in effect? | Yes (x) | No () |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes () | No (x) |
- Comments:
- i) Proposed retained does not comply with minimum lot area and frontage requirements, as proposed; site specific zoning will be required;
 - ii) Existing accessory building on severed lot does not comply with minimum side yard setbacks as proposed, removal or minor variance is required;
- | | | |
|--|-----------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (x) | No () |
|--|-----------|--------|

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

- | | | |
|---|-----------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (x) | No () |
| 7. If so, is the Municipality prepared to provide those services? | Yes (x) | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (x) | No () |
- See Appendix 2 attached to Planning Report PLA 2024-05 for full list of Township Conditions
- | | | |
|--|-----------|--------|
| 9. Does Council recommend the application? | Yes (x) | No () |
|--|-----------|--------|
10. Does the municipality have other concerns that should be considered by the Committee?
- Township interests are addressed in the recommended conditions to be imposed as approved by Council and attached as Appendix 2 to Planning Report PLA 2024-05.

Prepared by DT 04-10-24



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: April 8, 2024
PREPARED BY: Danielle Truax, Planner
REPORT NO: PLA 2024-05
SUBJECT MATTER: **Consent Application E23-24**
8169 Union Road (D. & C. Kikkert)
Township Comments to Elgin County

Recommendation(s):

1. THAT Council for the Township of Council recommend refusal of Consent Application E23-24 to the Elgin County Land Division Committee for the creation of a new residential lot from the subject property located at 8169 Union Road;

OR ALTERNATIVELY, if Council for the Township of Southwold chooses to recommend approval:

2. THAT Council for the Township of Council recommends approval of Consent Application E23-24 to Elgin County Land Division Committee for the creation of a new residential lot from the property located at 8169 Union Road subject to the Lower Tier Municipal conditions provided in Appendix 2 of Report PLA 2024-05.

Purpose:

Consent Application E23-24 has been submitted to Elgin County for lands located within the Township of Southwold. The subject land is located at 8169 Union Road, Fingal and is legally described as Part of Lot 68, on Registered Plan No. 68. The subject property is highlighted in yellow on the Key Map provided below.

The application seeks to sever a new residential lot containing the existing dwelling from the balance of the subject property. The proposed retained lot would include the vacant lands located behind the existing single detached dwelling. A copy of the proposed severance sketch has been attached to this report as Appendix 1.

Background:

Property Information

Application No.	E23-24
Owner:	D. & C. Kikkert
Address:	8169 Union Road
Water Supply:	Municipal Water
Sewage Supply:	Private On-site Sanitary System (Septic)
Buildings/Structures	Single Detached Dwelling, 1 Detached Accessory Building, Above Ground Pool and Deck
Elgin County Official Plan	Tier Two Settlement Area
Settlement Area:	Fingal Settlement Area
Official Plan Designation	Residential
Zoning By-law 2011-14	Residential 1 (R1) Zone

Key Map of 8169 Union Road



Proposed Lot Creation

The application seeks to create a new residential lot fronting Union Road containing the existing single detached dwelling addressed as 8169 Union Road. The proposed lot will have 63.98m of frontage on Union Road and will be 0.45ha (1.11 ac) in area. The

property also contains a detached accessory building labeled as shed on the attached sketch, as well as an above ground pool and deck.

The proposed severed lot and primary single detached dwelling will comply with the R1 zone provisions, including the required side yard setback for the existing dwelling.

The proposed retained lot is an irregular shaped lot which will be accessed via a strip of land located immediately to the north of the existing dwelling at 8169 Union Road with the balance of the lot located to the rear of the property. The proposed retained lot has a frontage of 12.19m which is flared at Union Road and continues west for a length of approximately 70m with a width of 3.67m at its narrowest point. The proposed retained lot will have a total lot area of 0.8ha (1.98 ac).

The configuration of the retained lot is what is commonly referred to as a "hammerhead lot" where a strip of land is used to access the balance of the buildable portion of the property. The land used to access the buildable portion of the property is located immediately north of the existing single detached dwelling.

The subject property is located in an area regulated by Lower Thames Valley Conservation Authority and is bisected by two municipal drains across the front of the property and along the southern property boundary.

Comment/Analysis:

Consent Application E23-24 was submitted to and declared complete by Elgin County. The applications were circulated to the public and prescribed bodies under the provisions of the Planning Act on March 8th, 2024. The Land Division Committee for Elgin County is the Approval Authority for lot creation under Section 53 of the Planning Act. The Township of Southwold provides comments to the Land Division Committee for consideration in making a decision and assigning conditions to any provisional approval given.

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

Legislation	Section(s)	Relevance To Application	Impact on Development
<p><u>Provincial Policy Statement</u></p>	<p>PPS 1.1.3 Settlement Areas</p>	<ul style="list-style-type: none"> • Settlement Areas shall be focus of growth and development; • appropriate for the level of services; • avoid land use patterns that may cause public safety concerns; 	<ul style="list-style-type: none"> • Development permitted; • Lot configuration does not satisfactorily address: <ul style="list-style-type: none"> ○ emergency access, ○ vehicle access to Union Road ○ adequate delivery of municipal and private servicing
<p><u>Elgin County Official Plan</u></p>	<p>A6.1.1. Settlement Areas C1.1.1 Residential C1.3 Housing E1. 2.3. Consents</p>	<ul style="list-style-type: none"> • Tier Two Settlement Area • Maintain residential character of area • Efficient use of planned infrastructure • Encouraging development of lands within settlement areas to maximize the use of infrastructure • Will not cause traffic hazard; negative impact on drainage patterns; 	<ul style="list-style-type: none"> • Development permitted • Proposed lot does not reflect orderly development that will result in the efficient use of available and planned infrastructure; • Sufficient frontage is not provided for access and servicing;
<p><u>Township of Southwold Official Plan</u></p>	<p>5.2 Settlement Area Land Use 7.2.3 Consents</p>	<ul style="list-style-type: none"> • Lands are intended for Residential development; • Consent applications can be considered 	<ul style="list-style-type: none"> • Development permitted; • Proposed lot will not comply with lot frontage or driveway setback requirements; • Proposed lot configuration does

		subject to conditions;	provide adequate lands for safe access and appropriate servicing; <ul style="list-style-type: none"> • Township Conditions – Appendix Two
<u>Township of Southwold Zoning Bylaw</u>	8.0 Residential 1 (R1) Zone	<ul style="list-style-type: none"> • Retained lands are deficient in frontage; and driveway setbacks • Severed lands deficient in accessory structure setback 	<ul style="list-style-type: none"> • ZBA required to address deficiencies • ZBA required to address compatibility

Planning has had an opportunity to review Consent Application E23-24 and comments received from internal staff. Comments from external agencies such as the Lower Thames Valley Conservation Authority and Elgin County Engineering will be provided directly to the Elgin County Land Division Committee of consideration.

Building and Community Services:

- Potential conflicts could be created as a result of the front yard of one dwelling being directly in the rear yard of another dwelling;
- Emergency access to rear dwelling is not sufficient;
- Snow removal along driveway access to proposed lot may not be adequate without placing snow on abutting severed property or abutting property to the north.

Water – No comments;

Drainage – Requires the reapportionment of the Fowler Drain.

Infrastructure and Development:

- Need to provide access that supports the installation of water and sanitary sewer systems with appropriate separations;
- Separate entrances for each property;
- Drainage and grading plans showing the new severance/building won't be negatively impacted by the retained;
- Overhang on shed encroaches on access driveway; shed to be removed on proposed severed parcel to provide unimpeded access;
- Recommend the installation of naturalized or constructed privacy fencing on to protect the served and retained parcels privacy with it being a hammerhead;

- Septic area looks small, and must be verified as adequate given abutting regulated area;

Chief Administrative Officer/Clerk:

- Site specific re-zoning to recognize reduced frontage of retained parcel;
- Proposed driveway on retained lot does not meet s. 3.38 (g) of the Zoning By-law (requiring 1 m planting strip between driveway and lot line on each side), site specific re-zoning required;
- The existing “above ground” pool is partially inground, meaning that the height requirements of the Fencing By-Law are not likely met; the exemption granted under the provisions of the Fencing By-law are voided by the presence of new development on the property; compliance with the provisions of the Fencing By-law required.

Planning

Both the Elgin County Official Plan and Southwold Official Plan permit lot creation in settlement areas where the appropriate level of servicing is available, growth can be accommodated in a manner that enhances the identity and character of an area and the resulting land development pattern creates an attractive built form, is cost effective, efficient, minimizes land consumption and reduces servicing costs.

- The proposed lot creation would be considered infill development. The proposed lot does not represent an efficient use of residential land and will not provide for additional housing that could not otherwise be provided for within the serviced settlement area.
- The subject property is located within the planned service area for future sewers in Fingal. The provisions of municipal services including water and sanitary sewers to the proposed retained lot is not a cost-effective use of servicing or land.
- The proposed lot creation does not conform to the general growth management policies of the applicable official plans.
- The proposed lot creation is not appropriate for the permitted residential use or those rights for additional dwelling units.

The Southwold Official Plan and Zoning By-law do not contain policies or provide direction on the creation of “hammerhead” lots in residential areas. At a minimum, lots to be developed with this type of configuration should be able to comply with the intent of the minimum lot frontage requirements. Both the severed and retained lots should be able to satisfactorily address matters of safe access, adequate servicing and compatibility with abutting uses.

The limited frontage, the position of the existing dwelling and reduced access lands do not support the creation of a new residential lot in the manner proposed.

- The access lands have not been shown to be adequate to provide for the installation and long term maintenance of municipal sanitary and water service connections, proper drainage and snow removal, the delivery of curbside recycling or garbage collection services and safe vehicular access for the subject properties or those properties in the immediate area with frontage on Union Road.
- The length, width and manner of construction of the access lands may constrain the provision of emergency services to the proposed residential use on the retained lands to the rear.
- The width of the access lands and close proximity of the existing dwelling to the proposed lot line are not adequate to satisfactorily address compatibility concerns. The proposed access may create conflicts associated with reoccurring noise associated with traffic and access to the rear lands.

The orientation of the buildable area of the proposed retained lot effectively allows for the construction of a new dwelling within 1.2m of the rear lot line of the existing dwelling. Furthermore, accessory structures, parking areas and open storage can also be located along the common lot line between the proposed severed and retained lots.

- Potential compatibility issues for future uses and structures should be addressed through the establishment of site specific setback provisions for the retained lands. It is recommended that a typical front yard setback of 6m (20 ft.) be applied to the lot lines to any structures, parking and open storage areas between the proposed retained and severed lots.
- Any proposed structures, installation of septic or drainage systems or site alteration must also comply with the setback requirements of the Lower Thames Valley Conservation Area.
- The resulting lots and structures do not comply with the following zoning provisions and applicable municipal by-laws:

Lot	Regulation		Action
Retained	ZB Section 8.2 R1 Zone	Minimum lot frontage 15m	Obtain ZBA
Retained	ZB Section 3.38 Parking and Loading	1m planting strip between driveway and lot lines	Obtain ZBA Demonstrate ability to provide separate accesses to each lot
Severed	ZB	1m planting strip between driveway and lot lines	Obtain ZBA

	Section 3.38 Parking and Loading		Demonstrate ability to provide separate accesses to each lot
Severed	ZB Section 3.1 Accessory Uses	1.2m side yard setback for accessory building	Obtain ZBA Remove Shed
Severed	Fencing By-law Section VI	Provision of fencing and gates	Installation of fencing

Planning is not in a position to support the lot creation in the manner and configuration proposed. Planning is not in a position to support a subsequent zoning by-law amendment to address the noted deficiencies to the regulations of the zoning by-law.

If Council so chooses to support the requested lot creation, it is recommended that the conditions listed in Appendix 2 be forwarded to the Elgin County Land Division Committee and applied to any granting of provisional consent. It is recommended the standard conditions of consent be applied, as well as those which address site specific matter related to the proposed severed and retained lands, including:

Standard

1. Submission of all **financial** and municipal fees, including but not limited to cash in lieu of parkland, development charges and water connection fees of the Township, to the satisfaction and clearance of the Township.
2. The provision of registered **reference plan** and
3. The provision of description of severed lands, including **prepared deeds** for review by Township
4. **Undertaking** to provide proof of registration of deeds and agreements, if required
5. **Drainage reapportionment** of Fowler Drain
6. **911 addressing** and signage
7. Provision of **lot grading** plan
8. Submission of written to Township requesting **clearance of conditions** to County

Site Specific

9. Obtain **zoning by-law amendment** to address all compliance matters related to severed and retained lots
10. **Septic system assessment and drawing for retained lands** to the satisfaction of the Township, in consultation with Lower Thames Valley Conservation Authority

11. **Septic system assessment for severed lands** to demonstrate compliance with Building Code requirements
12. **Installation of separate entrances** to severed and retained lands, in consultation with the Township and permitted by County permit;
13. Compliance with **municipal Fencing By-law** provisions
14. Provision of **perimeter fencing** along the rear lot line of the proposed severed lot in a location, type and height to the satisfaction of the Township.
15. **Removal of or relocation of existing shed** on severed lot in compliance with zoning by-law

Financial Implications:

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

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

Strategic Plan Goals:

The above recommendation helps the Township meet the Strategic Plan Goal of:

- Managed Growth
- Welcoming and Supportive Neighbourhoods
- Economic Opportunity
- Fiscal Responsibility and Accountability

Respectfully submitted by:
Danielle Truax
Planner
"Submitted Electronically"

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

Appendices

Appendix 1 – Building Survey and Severance Sketch

Appendix 2 – Township Conditions Consent Application E23-24

CAUTION

- THIS IS NOT A PLAN OF SURVEY OR SURVEYOR'S REPORT AND SHALL NOT BE USED FOR TRANSACTION OR FINANCING PURPOSES

SKETCH FOR PROPOSED SEVERENCE FOR NOT TO SCALE

ROAD ALLOWANCE BETWEEN LOTS 18 AND 19 (KNOWN AS UNION ROAD) (COUNTY ROAD 20) (VARIOUS WIDTHS)



MILL STREET REGISTERED PLAN 31 (CLOSED BY INSTRUMENT 112607) PART 2 11R - 5380

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LEGAL DESCRIPTION PART OF LOT 98 REGISTERED PLAN 31 GEOGRAPHIC TOWNSHIP OF SOUTHWOLD COUNTY OF ELGIN

"THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH SEAL"

SOUTH WESTERN SURVEYING LTD.

Blake van der Veen
ONTARIO LAND SURVEYOR

PORT STANLEY, ONTARIO
BLAKE@SURV.CA

DWG: GES

PROJECT: 23-010

Appendix Two: Township Conditions Consent Application E23-24

Recommended Conditions:

1. That the Applicant meet all the requirements, all **financial** and municipal fees including but not limited to cash in lieu of parkland, development charges and water connection fees of the Township, to the satisfaction and clearance of the Township.
2. That the Applicant provides a **description** of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Township.
3. That a digital copy of the draft and final deposited **reference plan** be provided to the Township of Southwold.
4. That the Applicant's Solicitor provides an **undertaking** to the Township, to provide a copy of the registered deed for the severed parcels once the transaction has occurred to the Township.
5. That the Applicant have a **drainage reapportionment** of the Fowler Drain completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Township.
6. That **911 addressing and signage** be obtained and installed.
7. That the Applicant successfully apply to the Township and **obtain a Zoning By-law Amendment** in full force and effect, necessary to bring the proposed severed and retained parcels into compliance with all applicable regulations of the Zoning By-law to the satisfaction and clearance of the Township.
8. That the Applicant obtain a **septic system assessment** and drawing, completed by a qualified individual, on the proposed retained parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Township, in consultation with the Lower Thames Valley Conservation Authority.
9. That the Applicant obtain a **septic system assessment** completed by a qualified individual, on the proposed severed parcel to ensure that the existing privately owned and operated septic system complies with the applicable Building Code regulations to the satisfaction and clearance of the Township, in consultation.

10. That the Applicant successfully obtain the necessary permits from Elgin County and **install separate entrances** to the proposed severed and retained lots, in consultation with the Township.
11. That the Applicant demonstrate compliance with the provisions of the municipal **Fencing By-law** to the satisfaction of the Township.
12. That the Applicant install **perimeter fencing** along the rear lot line of the proposed severed lot in a location, type and height to the satisfaction of the Township.
13. That the Applicant **remove or relocate the existing shed** located on the proposed severed lot in compliance with the provisions of the zoning by-law, including obtaining any necessary building or demolition permits.
14. That the Applicant's Solicitor provide a **written request for clearance** of conditions to the Municipality, demonstrating how all the conditions of consent have been fulfilled, to the satisfaction and clearance of the Municipality
15. That prior the final approval of the County, the **County is advised in writing** by the Municipality how the above-noted conditions have been satisfied.
16. That all conditions noted above shall be fulfilled within **two years** of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

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

Submission: E23-24

Applicant: D. & C. Kikkert

Location: 8169 Union Road

PART 1 - OFFICIAL PLAN – Township of Southwold 2021

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

Land Use Designation: Residential, Schedule 4C (Land Use Plan)

Policies: **Section 5.2 Settlement Areas Land Use; Section 7.2.3 Consents**

PART 2 – ZONING By-law – Zoning By-law 2011-14

- | | | |
|---|-----------|----------|
| 3. Is there a By-Law in effect? | Yes (x) | No () |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes () | No (x) |
- Comments:
- i) Proposed retained does not comply with minimum lot area and frontage requirements, as proposed; site specific zoning will be required;
 - ii) Existing accessory building on severed lot does not comply with minimum side yard setbacks as proposed, removal or minor variance is required;
- | | | |
|--|-----------|--------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes (x) | No () |
|--|-----------|--------|

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

- | | | |
|---|-----------|--------|
| 6. Does the Municipality foresee demand for new municipal services? | Yes (x) | No () |
| 7. If so, is the Municipality prepared to provide those services? | Yes (x) | No () |
| 8. Does the Municipality wish the Committee to impose conditions? | Yes (x) | No () |
- See Appendix 2 attached to Planning Report PLA 2024-05 for full list of Township Conditions
- | | | |
|--|-----------|--------|
| 9. Does Council recommend the application? | Yes (x) | No () |
|--|-----------|--------|
10. Does the municipality have other concerns that should be considered by the Committee?
- Township interests are addressed in the recommended conditions to be imposed as approved by Council and attached as Appendix 2 to Planning Report PLA 2024-05.

Prepared by DT 04-10-24

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 9, 2024 ELGIN COUNTY ROAD NO.: Road CR # 20

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE
RE:

APPLICATION NO.: E 23-24

APPLICANT: Daniel Edward Kikkert and Christina Lynn Kikkert

PROPERTY: LOT NO. Part of Lot 98 CONCESSION:

REG'D PLAN: 31 MUNICIPALITY: Southwold

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

- 1) Land for road widening is required
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline of construction of _____ 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, 3 m from existing driveways. All costs associated with this shall be borne by the owner.....

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

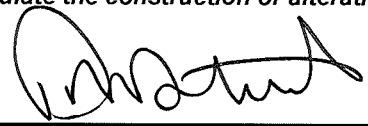
- 10) The County has no concerns.....

- 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: April 24, 2024
Application: E 23-24

Owner:

Daniel Edward Kikkert

8169 Union Road, Fingal, ON

Location: Part of Lot 98 on Registered Plan No. 31. Municipally known as 8169 Union Road.

Agent:

Helen Button

108 Centre Street, St. Thomas, ON

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 63.98m (210 feet), a depth of 69.08m (226 feet) and an area of 0.45ha (1.11 acres) to create a new residential lot. The applicant is retaining a lot with an area of 0.80ha (1.98 acres) proposed to be used for future residential development.

**County of Elgin Official
Plan**

Tier 2 Settlement Area

**Local Municipality Official
Plan**

Settlement Area

**Local Municipality Zoning
By-law**

Residential 1 (R1)

REVIEW & ANALYSIS:

Public and Agency Comments

Township of Southwold – Council recommends approval, and the Township planner recommends denial.

County Engineering – Requests conditions

Lower Thames Valley Conservation Authority – No comments.

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

Planning Act and Provincial Policy Statement (PPS)

Staff have reviewed the subject application under all relevant Planning Act and Provincial Policy Statement (PPS) sections. All relevant provisions of the Planning Act have been met, including the giving of public notice. With respect of the PPS, based on the analysis conducted by County Staff, staff are of the opinion that the application is consistent with the PPS.

The applicant proposes to sever a parcel with an area of 0.45ha which contains an existing single detached dwelling. The retained land will be approximately 0.8ha in area and is proposed to be used for future residential development (one single detached dwelling).

The PPS permits consents for new residential lot creation within settlement areas:

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

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

The subject land is within the settlement area of Fingal. The applicant proposes to sever a new parcel containing an existing dwelling. The retained land is proposed to have a dwelling constructed in the future.

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 does not comply with these policies. The subject lands are designated Tier 2 Settlement Area in the CEOP. The CEOP encourages development within Elgin to be directed to settlement areas and provides for a variety of land uses and densities, where appropriate. Consents for new lot creation in settlement areas are permitted, provided they will not cause a traffic hazard, have adequate frontage to a public roadway, and can be serviced with an appropriate water supply and means of sewage disposal (CEOP, Section E1.2.3.1). The frontage of the proposed retained land is significantly less than what is required under the Zoning By-law, and County staff are concerned that emergency vehicles may have limited access to the retained land given the reduced driveway width. While infill development within existing settlement areas is generally encouraged, this proposed severance does not represent good planning practices for infill development.

Local Municipality Official Plan and Zoning By-law

Staff have reviewed the application against the policies of the Township of Southwold Official Plan and are of the opinion that the application does not conform to the Municipal Official Plan. The retained lands are deficient in frontage and driveway setbacks. The severed lot is deficient in the accessory structure setback, and as such, the Township is requiring a zoning by-law amendment to address these deficiencies. The overhang on the existing shed encroaches on the driveway and will need to be removed to provide required access. Municipal staff have expressed concern over the provision of emergency vehicle access to the proposed retained land due to the reduced lot frontage and driveway width. Southwold's



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

planner is of the opinion that the proposal does not meet the general intent of the growth policies of the Official Plan.

RECOMMENDATION:

This application does not conform with the County of Elgin Official Plan and Township of Southwold Official Plan policies. As such, planning staff are of the opinion that the application should be denied.



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

**LOT 7, CONCESSION 11
MUNICIPALITY OF CENTRAL ELGIN
43639 FERGUSON LINE**

TAKE NOTICE that an application has been made by Amy Dale, 108 Centre Street, St. Thomas, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 43639 Ferguson Line.

The applicant proposes to sever a parcel with a frontage of 24.384m (80 feet), a depth of 149.959m (492 feet) and an area of 0.85847ha (2.12 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 18.24ha (45 acres) proposed to remain in agricultural use.

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

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

**APRIL 24, 2024 AT 9:25 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

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

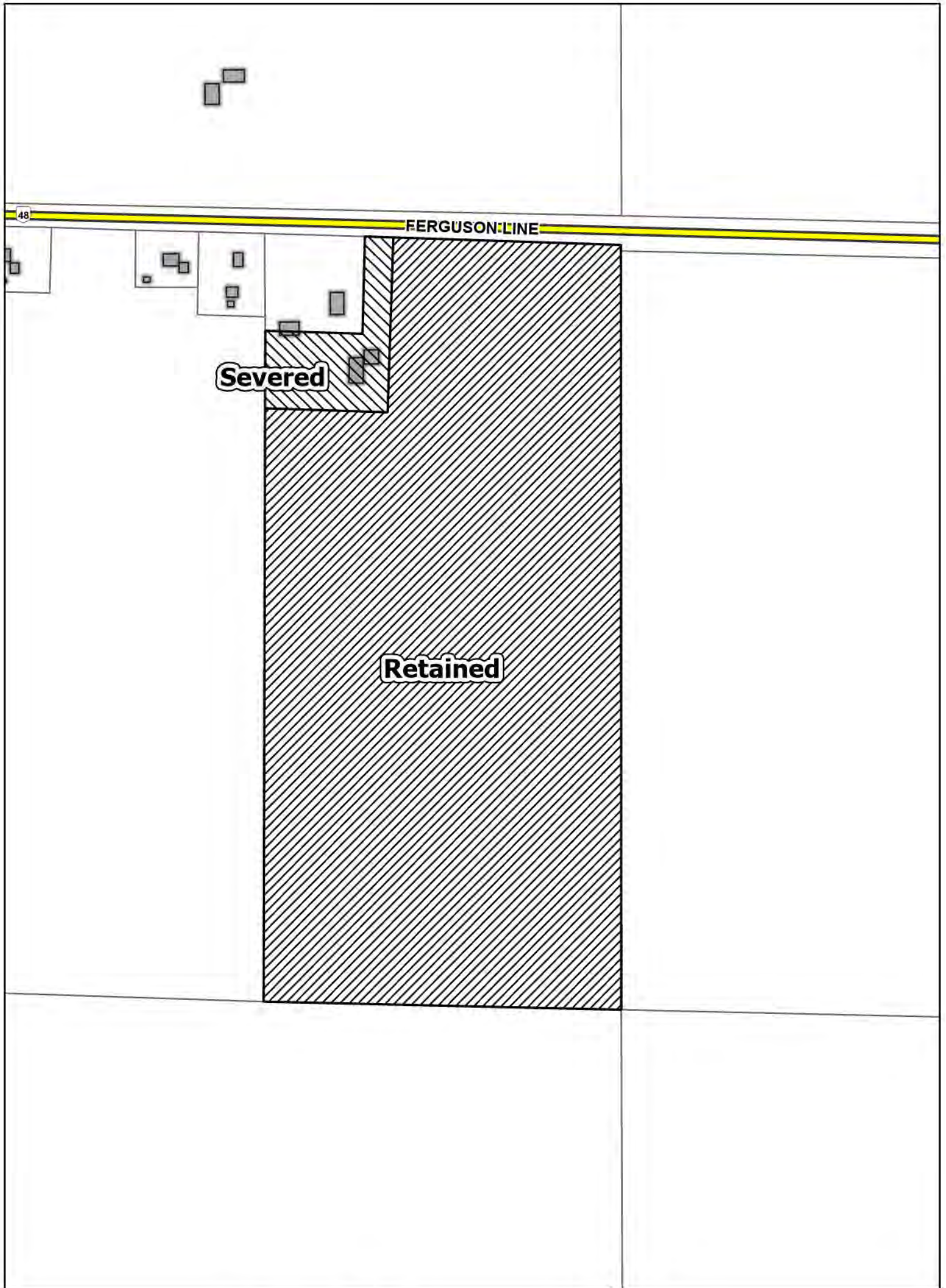
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8th day of March, 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





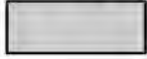


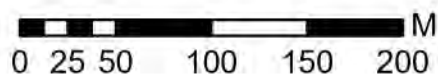
Location Map

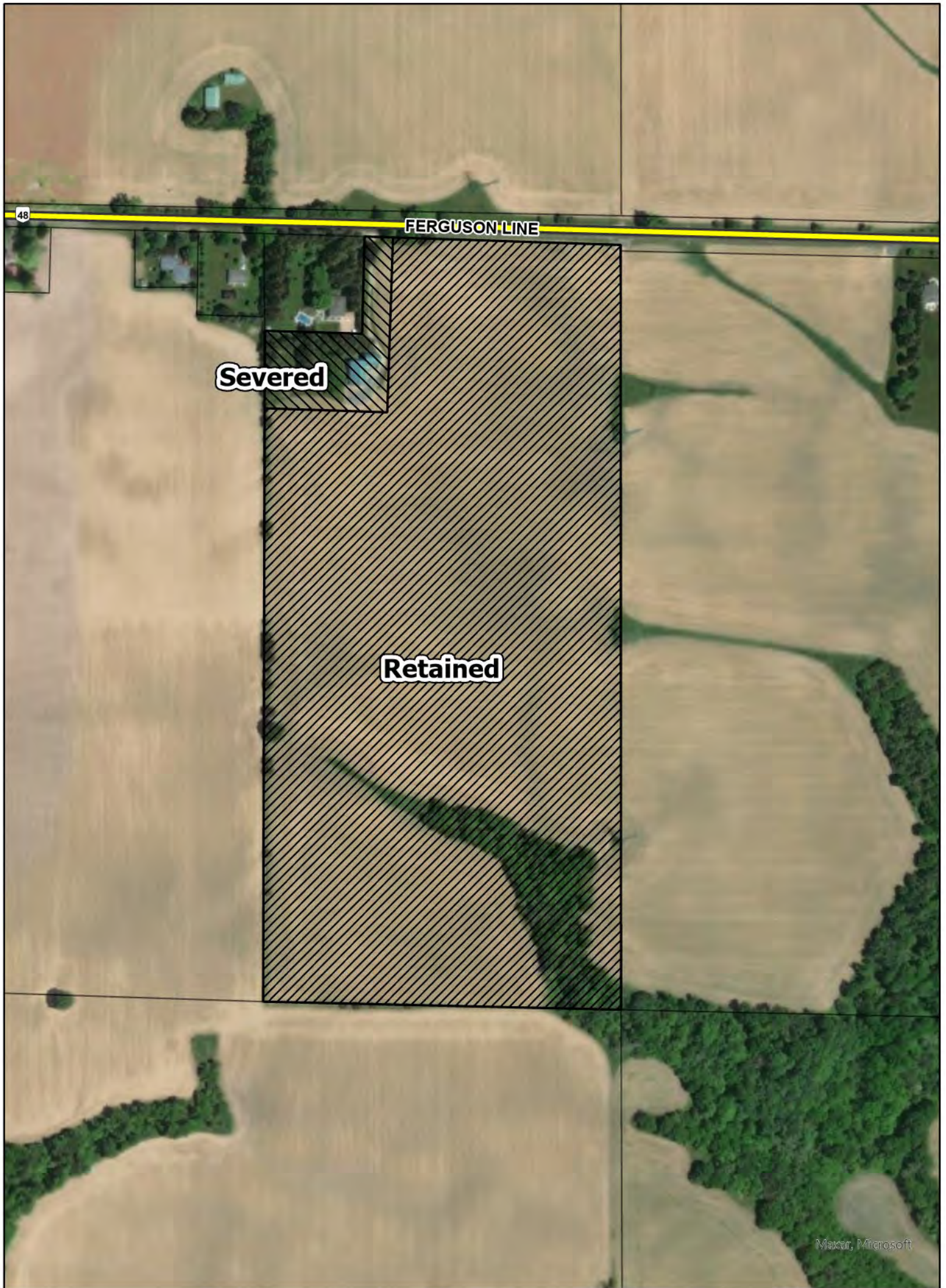
Subject Site: 43639 Ferguson Line
 File Number: E 24-24
 Owner: Joyce Marie Ferguson
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 3/5/2024
 Municipality of Central Elgin



Legend

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



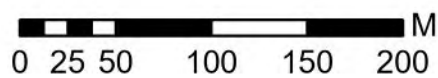


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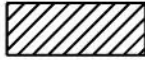

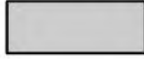
Location Map

Subject Site: 43639 Ferguson Line
 File Number: E 24-24
 Owner: Joyce Marie Ferguson
 CA: Kettle Creek Conservation
 Created By: PC
 Date: 3/5/2024
 Municipality of Central Elgin

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



Legend

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

Paul Clarke

Sent: [Redacted] March 14, 2024 2:28 PM
To: Paul Clarke
Subject: RE: E 24-24 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.

Hi Paul

Please accept this email as confirmation that staff of KCCA has reviewed the Notice of Consent Application No. E24-24 affecting 43639 Ferguson Line and can confirm that we have no objection if its approval.

I can also confirm that the subject lands are not affected regulations under the *Conservation Authorities Act*.

Thank you,

Joe Gordon
Manager of Planning and Development
Kettle Creek Conservation Authority

[Redacted]

Subject: E 24-24 Notice of Application

Good morning,


Please see the attached notice of application for a consent. If you wish to provide comments on this application, please do so no later than **Tuesday April 16th**.


Thanks,



Paul Clarke CPT

Planning Technician / Land Division Committee Secretary-Treasurer

 (519) 631-1460 x170

 450 Sunset Drive, St. Thomas, ON N5R 5V1

 www.elgincounty.ca





March 26, 2024

Paul Clarke
Planning Technician
County of Elgin

Via email: pclarke@elgin.ca

RE: Consent Application – Ferguson Line (Plan 11R-2986, Parts 1,2 and 3); Name of Applicant – Joyce Marie Ferguson

Dear Mr. Clarke:

Please be advised that Council discussed a planning report on the above noted application at their Regular Meeting of Council dated Monday, March 25, 2024 and the following resolution was passed:

THAT Report CEP.24.24 be received for information;

AND THAT Should Council pass a resolution in support of Consent Application E24/24 to the Land Division Committee, staff recommends the following conditions:

- 1) the severed land be merged in title with the abutting lot to the west, municipally know as 43639 Ferguson Line;
- 2) that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
- 3) the Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
- 4) the Municipality of Central Elgin be provided with a copy of the Reference Plan.

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

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

Sincerely,

Delany Leitch

Delany Leitch
Deputy Clerk

deleitch@centralelgin.org
519-631-4860 ext. 286

Attach.
c.c. Kevin McClure, Planner



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.08.24
CEPO FILE NO. E24/24
TO Mayor & Members of Council
FROM Steve Craig, Sr. Planning Technician
SUBJECT Consent Application – Ferguson Line (Plan 11R-2986, Parts 1,2 and 3)
Name of Applicant – Joyce Marie Ferguson
DATE March 25, 2024

RECOMMENDATION

THAT Report CEP.24.24 be received for information;

AND THAT Should Council pass a resolution in support of Consent Application E24/24 to the Land Division Committee, staff recommends the following conditions:

- 1) the severed land be merged in title with the abutting lot to the west, municipally know as 43639 Ferguson Line;
- 2) that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
- 3) the Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
- 4) the Municipality of Central Elgin be provided with a copy of the Reference Plan.

Location Plan:



REPORT

Background:

Consent application E24/24 has been filed for the purpose of adjusting the boundary of the lands municipally known as 43639 Ferguson Line, as shown on the accompanying Location Plan.

Location:

The subject lands are located on the south side of Ferguson Line, west of Highbury Avenue, the lands are legally described as, Concession 11, Part of Lot 7, Plan 11R-2986, Parts 1, 2 and 3, Municipality of Central Elgin.

Proposal:

The applicant is proposing to sever a parcel of land with frontage of 24.3m on Ferguson Line and an area of 0.85ha (8,584.6sqm), containing one accessory building (frame barn), it is proposed that the lands will be merged with the abutting rural residential lot to the west, municipally known as 43639 Ferguson Line and used for rural residential purposes. The applicant is proposing to retain a vacant lot with frontage of 195.8m on Ferguson Line and an area of 18.24ha, it is proposed that the lot will continue to be used for agricultural purposes.

Staff Report

1. Official Plan

- The subject lands are located within the Agricultural designation, Natural Heritage designation and Natural Hazard overlay designation in accordance with Schedule A – Land Use Plan to the Municipality of Central Elgin Official Plan.
- The proposed severed lands are within the Agricultural designation which permits all types, sizes and intensities of agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices will be promoted and protected in accordance with Provincial standards (4.1.1(a)). Other uses permitted in the Agricultural designation include uses existing at the date of the adoption of this Plan (4.1.1(f)).
- In addition to the specific land division and/or consent policies associated with the applicable land use designation a consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way is permitted (5.3.9.1(b)).

2. Zoning By-Law

- The subject lands are within the Open Space Zone 1 (OS1), on Zoning Map 62, of the Township of Yarmouth Zoning By-Law 1998.
- Permitted uses of the OS1 zone include farm uses, rural-residential uses, institutional uses, home occupations and accessory uses (8.2.1.1).
- The minimum lot area required for farm uses is 10.11ha (2.52(a)).
- The minimum lot area required for rural residential uses is 1,858m² (8.2.1.3).
- The minimum lot frontage required is 30.48m (8.2.1.4).

3. County of Elgin Official Plan:

- The subject lands are within the Agricultural Area designation in accordance with Schedule A - Land Use, to the County of Elgin Official Plan. Permitted uses in the Agricultural Area designation include agricultural uses, a single detached dwelling in conjunction with an agricultural use, a single detached dwelling on an existing vacant lot, accessory accommodation, agriculture-related uses, secondary uses, farm winery, forest, wildlife and fisheries management, watershed management and flood and erosion control projects carried out or supervised by a public agency, passive non-motorized recreational uses, conservation uses and, temporary agricultural demonstration events. All uses in the Agricultural Area designation shall be designed, located, and managed to not detract from the primary role of the Agricultural Area (C2.3).
- A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan. In addition, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the agricultural parcels affected (E1.2.3.2).

4. Comments

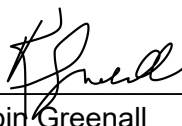
- The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario, planning decisions must conform with the policies of the PPS. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons, including minor boundary adjustments, which do not result in the creation of a new lot (Section 2.3.4.2).
- During the consultation process planning staff advised the applicant and their agent(s) that existing rural residential lots in Agricultural Areas should generally remain no larger than what is required to meet the minimum requirements to provide access and satisfy the private on-site servicing policies, exceptions may be considered based on individual site circumstances.
- In support of the proposed boundary adjustment the applicant submitted a formal letter from John and Lisa Ferguson, dated January 20, 2024, that outlines the purpose of the proposed boundary adjustment.

Respectfully submitted:

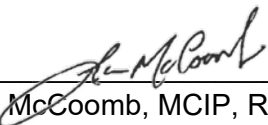


Steve Craig
Sr. Planning Technician

Approved for submission:



Robin Greenall
CAO/Clerk



Jim McCoomb, MCIP, RPP
Manager of Planning Services

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 9, 2024 ELGIN COUNTY ROAD NO.: Road CR # 48

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 24-24

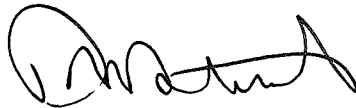
APPLICANT: Joyce Marie Ferguson c/o Joanne Ferguson

PROPERTY: LOT NO. 7 CONCESSION: 11
REG'D PLAN: _____ MUNICIPALITY: Central Elgin

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

- 1) Land for road widening is required
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 5.182m from the centreline of construction of Ferguson Line County Road (48) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer.
All costs to be borne by the owner.*
- 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: April 24, 2024
Application: E 24-24

Owner: Joyce Marie Ferguson 43850 Ferguson Line, St. Thomas, ON	Agent: Amy Dale 108 Centre Street, St. Thomas, ON
Location: Lot 7, Concession 11. Municipally known as 43639 Ferguson Line.	

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 24.384m (80 feet), a depth of 149.959m (492 feet) and an area of 0.85847ha (2.12 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 18.24ha (45 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
 Open Space 1 (OS1)

REVIEW & ANALYSIS:

Public and Agency Comments

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

County Engineering – Requests conditions

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 0.85 ha to be conveyed as an addition to an adjacent lot. The retained land is 18.24ha and will continue to be used for agricultural purposes. The parcel being added to currently contains an existing single detached dwelling.

The PPS permits consents lot boundary adjustments in the agricultural area, provided no new lots are being created.

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

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 additions and technical lot boundary adjustments in the agricultural area, provided no new lots are being created. No new parcels are being created by this proposal and the land use of the retained and severed lots will not change. The majority of the land being severed is not in active agricultural use and is mostly densely forested at the rear of the lot being added to. This lot addition is not anticipated to affect the viability of the agricultural parcel.

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 lot receiving the addition as well as the retained parcel meet the requirements of their respective zoning designations and no re-zoning or minor variances are required as a result of this severance.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. That municipal addressing be provided to Elgin County by the local municipality to the satisfaction of Elgin County.
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 5.182m from the centreline of construction of Ferguson Line County Road 48 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.



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www.elgincounty.ca

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

1. The severed land be merged in title with the abutting lot to the west, municipally know as 43639 Ferguson Line;
2. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
3. The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
4. The Municipality of Central Elgin be provided with a copy of the Reference Plan.



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 25-24**

**PART OF LOT 109, 110 ON REGISTERED PLAN No. 74
TOWN OF AYLME
25/27 PARVIEW HEIGHTS**

TAKE NOTICE that an application has been made by Jeff Wiebenga (Cherry Street), 16 Talbot Street East, Aylmer, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 25/27 Parkview Heights.

The applicant proposes to sever a parcel with a frontage of 10.68m (35 feet), a depth of 40.2m (131 feet) and an area of 429m² (0.10 acres) to sever and existing semi-detached dwelling. The applicant is retaining a lot with an area of 429m² (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:

**APRIL 24, 2024 AT 9:35 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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

PLEASE CONTACT landdivision@elgin.ca AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION.

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

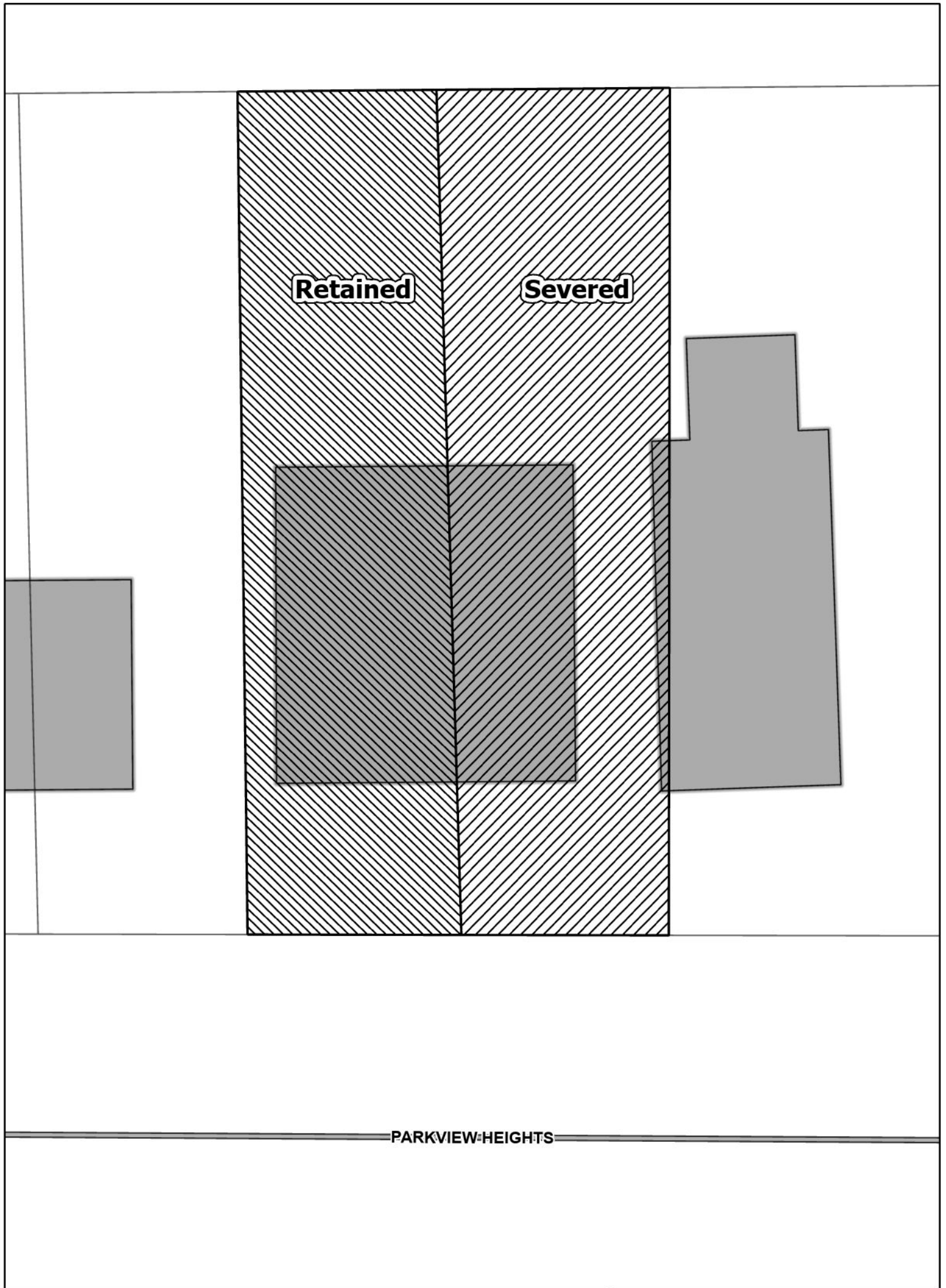
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8th day of March, 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

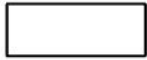

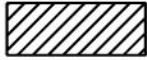




Location Map

Subject Site: 25/27 Parkview Heights
 File Number: E 25-24
 Owner: Cherry Street
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 3/5/2024
 Town of Aylmer



Legend

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





Retained

Severed

PARKVIEW HEIGHTS



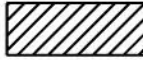

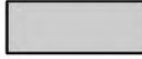
Elgin County, Maxar, Microsoft

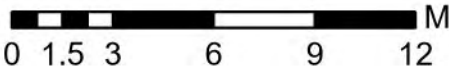
Location Map



Subject Site: 25/27 Parkview Heights
 File Number: E 25-24
 Owner: Cherry Street
 CA: Catfish Creek Conservation
 Created By: PC
 Date: 3/5/2024
 Town of Aylmer

Legend

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



[REDACTED]

[REDACTED]

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,

Catfish Creek Conservation Authority 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

[REDACTED]

Good morning,

Please see the attached notice of application for a consent. If you wish to provide comments on this application, please do so no later than **Tuesday April 16th**.

Thanks,

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

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 E25-24

Owner/Applicant Cherry Street c/o Jeff Wiebenga

Location 25 & 27 Parkview Heights

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? Unknown Yes ()
No ()

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

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 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.
3. That the proposed severed and retained parcels 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.
4. 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 E25-24, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
5. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.

6. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

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

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

Council Resolution

At their Regular Meeting of Council on March 20, 2024, the Council of the Town of Aylmer passed the below resolution:

That Council of the Town of Aylmer receive Report PLAN11-24 regarding Planning Evaluation Report: Application for Consent to Sever No. E25-24;

That the Application for Consent to Sever No. E25-24 relating to the property legally described as Part of Lot 109 and Lot 110 Plan 164 E/S Parkview N/S Chestnut (being Parts 28 and 29 on RP 11R-84), and known municipally as 25 and 27 Parkview Heights, be supported in principle with the recommended conditions for reasons set out in this report;

That Council waive the condition for payment of cash-in-lieu for parkland purposes in accordance with Town of Aylmer By-law No. 01-22 as the consent to sever is to recreate a parcel that unintentionally merged on title; and,

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



Alternative formats and communication support available upon request.

Please contact clerks@town.aylmer.on.ca or 519-773-3164 for assistance.

Date	March 13, 2024
To	Council – March 20, 2024
From	Heather James, Manager of Planning and Development
Report No.	PLAN 11-24
Report Title	Planning Evaluation Report: Application for Consent to Sever No. E25-24

Recommendation

That Council of the Town of Aylmer receive Report PLAN 11-24 regarding Planning Evaluation Report: Application for Consent to Sever No. E25-24;

That the Application for Consent to Sever No. E25-24 relating to the property legally described as Part of Lot 109 and Lot 110 Plan 164 E/S Parkview N/S Chestnut (being Parts 28 and 29 on RP 11R-84), and known municipally as 25 and 27 Parkview Heights, be supported in principle with the recommended conditions for reasons set out in this report;

That Council waive the condition for payment of cash-in-lieu for parkland purposes in accordance with Town of Aylmer By-law No. 01-22 as the consent to sever is to recreate a parcel that unintentionally merged on title; 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. The residential parcels were severed in 1971 and have since

merged on title, creating one residential parcel. The owner intends to recreate the originally severed parcels.

Background

Application	E25-24
Associated Applications	None
Owners	Cherry Street
Agent	Jeff Wiebenga
Legal Description	Part of Lot 109 and Lot 110 Plan 164 E/S Parkview N/S Chestnut (being Parts 28 and 29 on RP 11R-84)
Frontage: Proposed Severed Parcel	10.68 m (35.04 ft.)
Frontage: Proposed Retained Parcel	10.68 m (35.04 ft.)
Depth: Proposed Severed Parcel	40.2 m (131.89 ft.)
Depth: Proposed Retained Parcel	40.2 m (131.89 ft.)
Area: Proposed Severed Parcel	429.0 m ² (4,617.72 ft. ²)
Area: Proposed Retained Parcel	429.0 m ² (4,617.72 ft. ²)
Buildings and/or structures: Proposed Severed Parcel	One semi-detached dwelling (existing)
Buildings and/or structures: Proposed Retained Parcel	One semi-detached dwelling (existing)
Services: Proposed Severed Parcel	Full municipal services (existing)
Services: Proposed Retained Parcel	Full municipal services (existing)
Surrounding Land Uses: Proposed Severed Parcel	Low and medium density residential
Surrounding Land Uses: Proposed Retained Parcel	Low and medium density residential

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

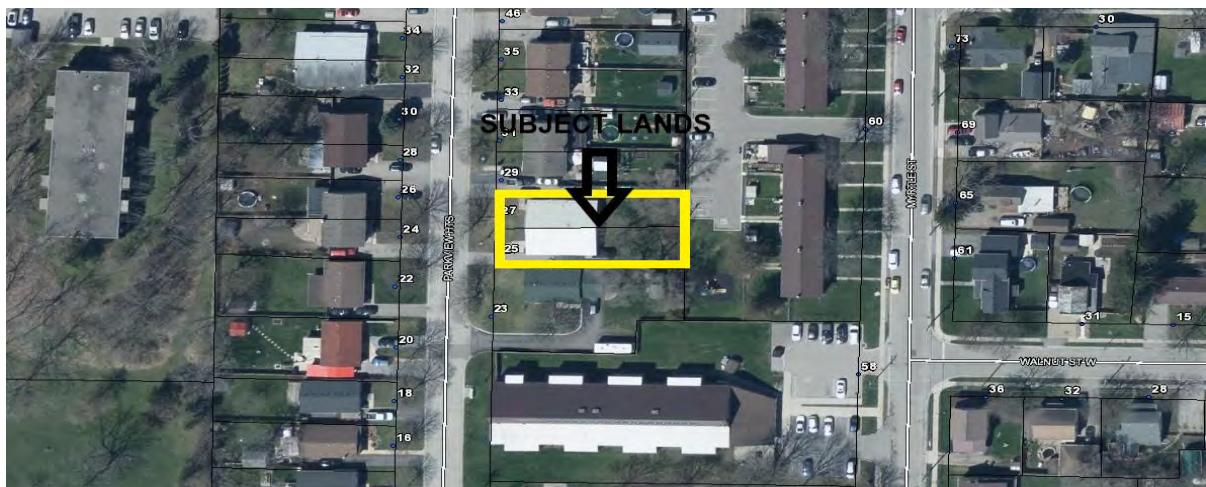
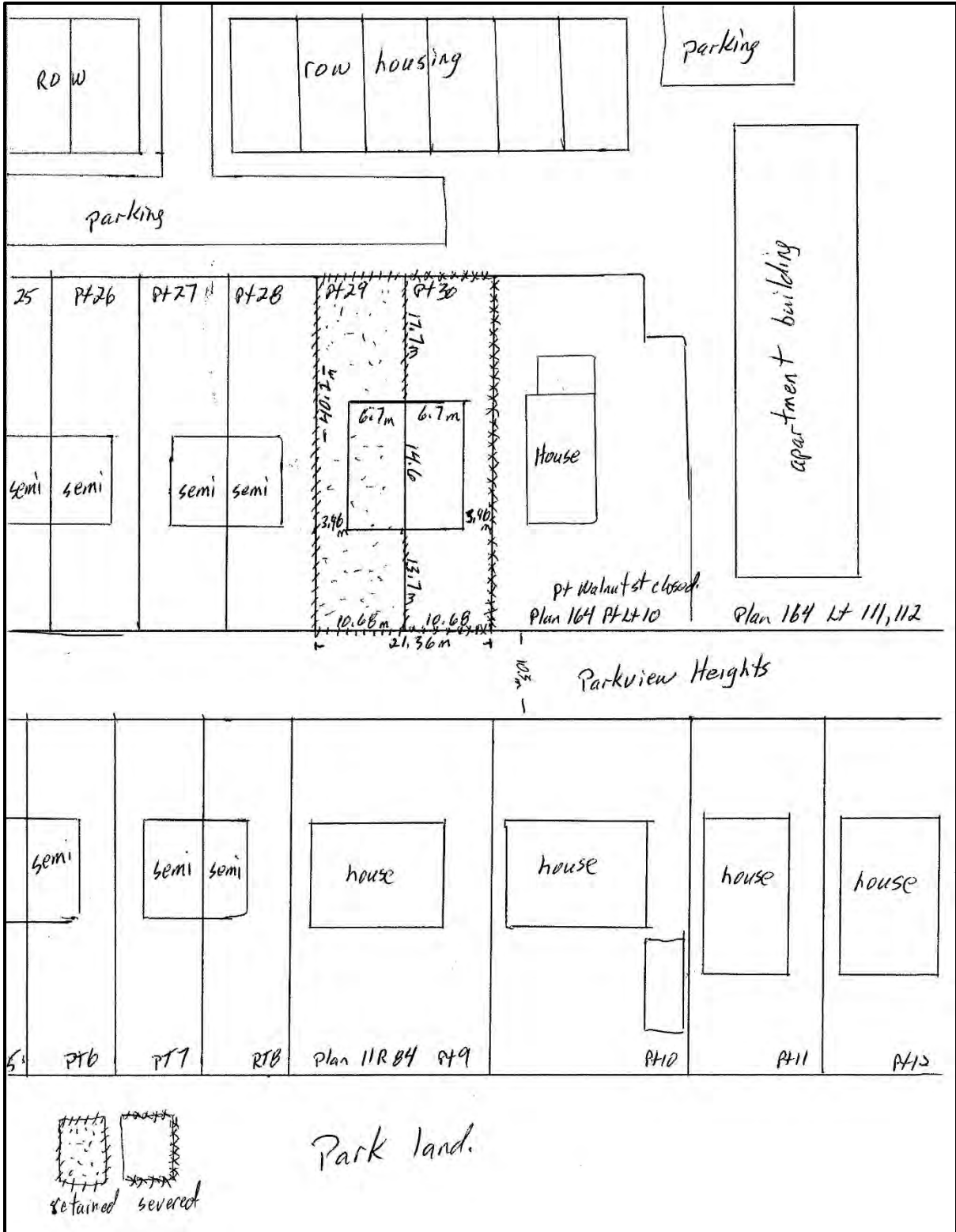


Figure Two below depicts the proposed severance.



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 existing dwellings on the subject lands are semi-detached units, which provide an alternative housing option from a single detached dwelling and represent residential intensification. The PPS is silent on consents in settlement areas, as the province defers consent policies in settlement areas to the local planning authority.

The proposal is for the creation of a residential parcel that merged on title.

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.

Consents may be granted for the purpose of creating an easement or right-of-way, where such severance does not result in the creation of a new lot except where the creation of a new lots is to correct a situation where two or more lots have merged on title. Such new lots may be permitted anywhere in the County except on lands within the Agricultural designation. The proposal is for the recreation of a residential parcel that merged on title in a Tier 1 Settlement Area designation.

Technical severance policies of the County of Elgin Official Plan contained under Section E1.2.3.3, has 6 criteria listed and would appear to be achieved with this proposal, as the merging of the lots was unintentional and was not merged as a condition of a previous planning approval, the new lot is generally of the same shape and size as the lot that once existed as separate conveyable lot, the lot is already connected/or has the ability to connect to individual full municipal services, has frontage and access to a maintained, year-round municipal road and there is no public interest in maintaining the property as a single conveyable parcel.

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 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. This proposed consent to recreate a residential parcel that unintentionally merged on title is appropriate for the lands as the property has an existing semi-detached building with each unit either being fully serviced and having their own driveway access on to Parkview Heights.

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

As this proposed consent is for the recreation of an already developed residential parcel that unintentionally merged on title, it is my recommendation that Council waive the condition of payment of cash-in-lieu for parkland purposes for residential consents.

Consultation

The application was circulated internally to Town staff and no comments were received at the time of submission of this report.

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 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.
3. That the proposed severed and retained parcels 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.
4. 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 E25-24, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.
5. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
6. 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 Andy Grozelle, Chief Administrative Officer

Appendix

Attachments

1. Attachment A: [Provide a description.]

Follow Up

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

By-law

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

Social media/Website update or communication

Other communication – Specify:

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

COUNTY OF ELGIN ROAD SYSTEM

DATE: April 9, 2024 ELGIN COUNTY ROAD NO.: Not County Road

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 25-24

APPLICANT: Cherry Street

PROPERTY: LOT NO. Pt. Lt 109, 100 CONCESSION: Pt Lt 109 E/S Cherry St, 110

REG'D PLAN: PI74, Pt 28, 29 11R84 MUNICIPALITY: Aylmer

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

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

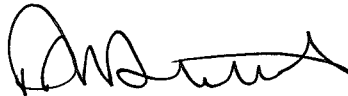
- 10) The County has no concerns.....

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

To: Elgin County Land Division Committee
From: Planning Division, County of Elgin
Date: April 24, 2024
Application: E 25-24

Owner: **Cherry Street**
16 Talbot Street East, Aylmer, ON
Agent: **Jeff Wiebenga (Cherry Street)**
16 Talbot Street East, Aylmer, ON
Location: Part of Lot 109, 110 on Registered Plan No. 74. Municipally known as 25 and 27 Parkview Heights

PROPOSAL

The applicant proposes to sever a parcel with a frontage of 10.68m (35 feet), a depth of 40.2m (131 feet) and an area of 429m² (0.10 acres) to sever and existing semidetached dwelling. The applicant is retaining a lot with an area of 429m² (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 – No concerns

Catfish 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 429m² to sever one half of a semi-detached dwelling. The purpose of this consent application is to reverse an unintentional merge-on-title which resulted in both semi-detached units becoming one parcel.

The PPS permits consents within settlement boundaries for a variety of land uses and densities. This application is considered a technical severance to reverse a previous merge.

County of Elgin Official Plan

County Staff has reviewed the application according to the guidelines set forth in the County of Elgin Official Plan (CEOP). It has been determined that the application complies with these policies. The subject lands are designated Tier 1 Settlement Area in the CEOP. The CEOP permits lot creation and technical severances in all land use designations. This consent will return the parcel fabric to its original form which both halves of the semi-detached dwelling being location on their own separate parcels.

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. Both the severed and retained lots meet the zoning provisions for the Residential Type 2 (R2) zone.

RECOMMENDATION:

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. 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 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.
3. That the proposed severed and retained parcels 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.
4. 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



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

Consent E25-24, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office.

5. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer.
6. 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 26-24**

**PART OF LOT 3, WEST OF LOT 2
MUNICIPALITY OF BAYHAM
53867 HERITAGE LINE**

TAKE NOTICE that an application has been made by Nathan Clarke & Kelly Sullivan, 53885 Heritage Line, Bayham, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 53867 Heritage Line.

The applicant proposes to sever a parcel with a frontage of 5.53m (18.1 feet), a depth of 76.57m (251 feet) and an area of 991m² (0.25 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 904.8m² (0.22 acres) proposed to remain in residential use.

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

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

**APRIL 24, 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 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 8th day of March, 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



**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 27-24**

**PART OF LOT 3, WEST OF LOT 2
MUNICIPALITY OF BAYHAM
53867 HERITAGE LINE**

TAKE NOTICE that an application has been made by Nathan Clarke & Kelly Sullivan, 53885 Heritage Line, Bayham, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 53867 Heritage Line.

The applicant proposes to sever a parcel with a frontage of 3.85m (12.6 feet), a depth of 37.94m (125 feet) and an area of 249.7m² (0.06 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 685m² (0.16 acres) proposed to remain in residential use.

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

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

**APRIL 24, 2024 AT 9:45 AM
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT
ELGIN COUNTY COUNCIL CHAMBERS, 450 SUNSET DR., ST. THOMAS, N5P 5V1**

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Dated at the Municipality of Central Elgin this 8th day of March, 2024.

Paul Clarke
Secretary-Treasurer
Land Division Committee

**County of Elgin
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**CORPORATION OF THE COUNTY OF ELGIN
NOTICE OF APPLICATION FOR CONSENT
APPLICATION No. E 28-24**

**PART OF LOT 3, WEST OF LOT 2
MUNICIPALITY OF BAYHAM
53867 HERITAGE LINE**

TAKE NOTICE that an application has been made by Nathan Clarke & Kelly Sullivan, 53885 Heritage Line, Bayham, ON, for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 53867 Heritage Line.

The applicant proposes to sever a parcel with a frontage of 25.03m (82 feet), a depth of 37.94m (125 feet) and an area of 947m² (0.23 acres) to create a new residential lot. The applicant is retaining a lot with an area of 904.8m² (0.22 acres) proposed to remain in residential use.

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

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

**APRIL 24, 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 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.

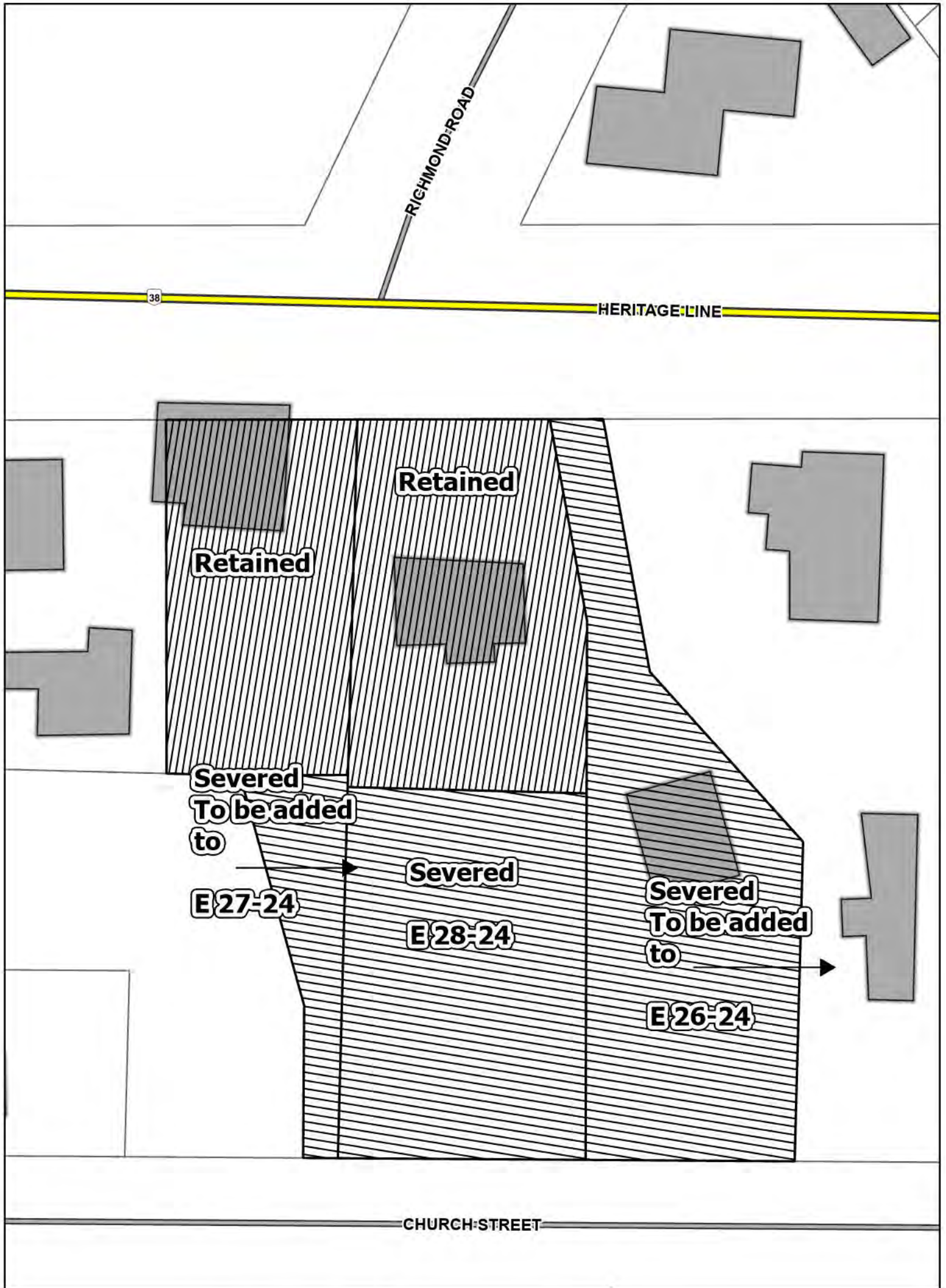
If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee.

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 8th day of March, 2024.

Paul Clarke
Secretary-Treasurer
Land Division Committee

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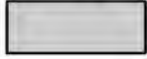


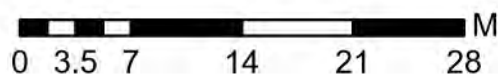
Location Map

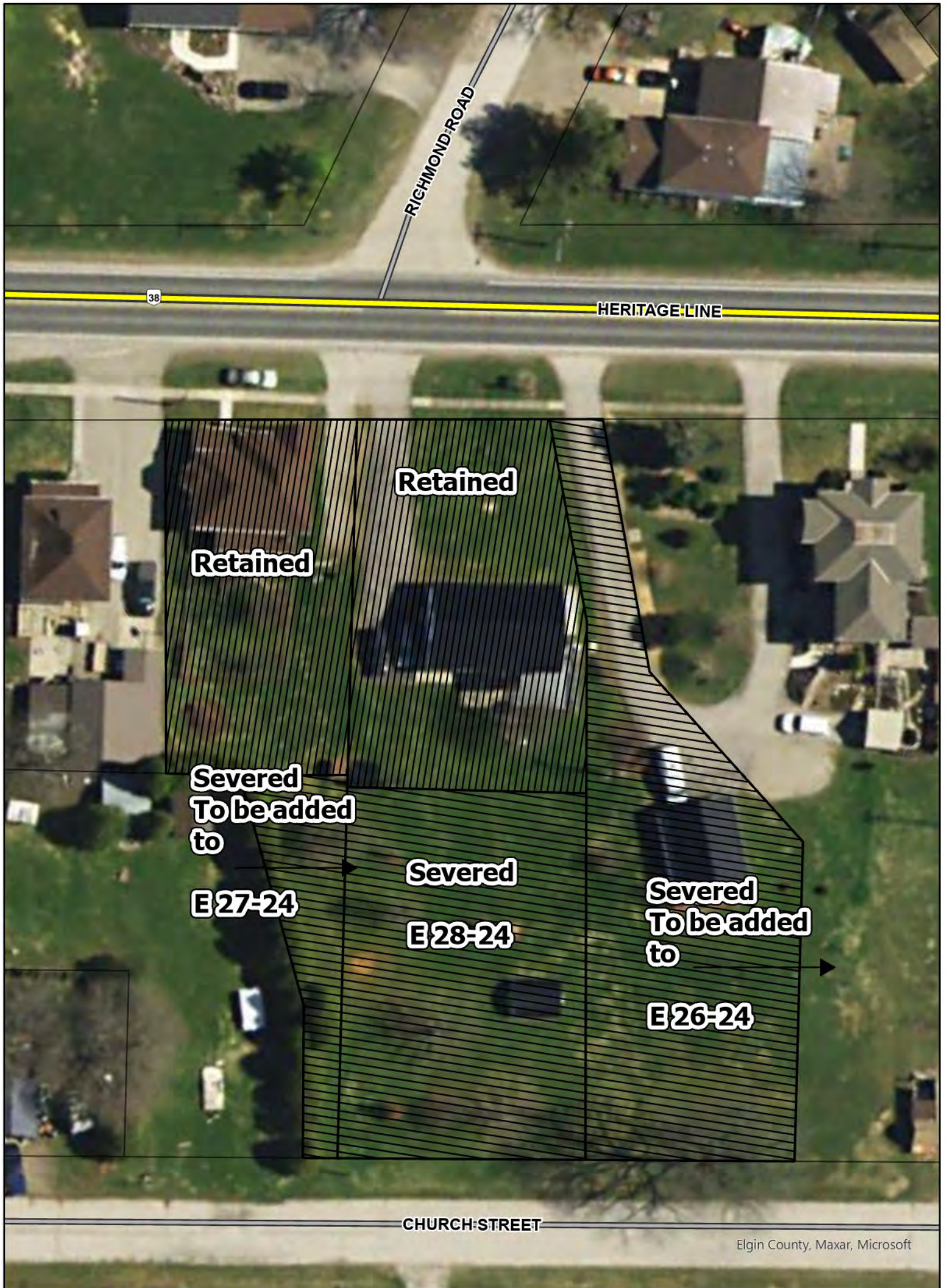
Subject Site: 53867 / 53869 Heritage Line
 File Number: E 26-24, E 27-24 & E 28-24
 Owner: Nathan Clarke & Kelly Sullivan | Quinn Weber
 CA: Long Point Region
 Created By: PC
 Date: 3/5/2024
 Municipality of Bayham



Legend

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





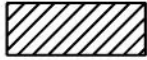

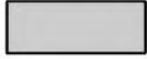


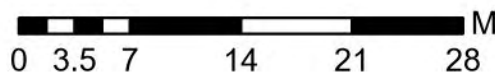
Location Map



Subject Site: 53867 / 53869 Heritage Line
 File Number: E 26-24, E 27-24 & E 28-24
 Owner: Nathan Clarke & Kelly Sullivan | Quinn Weber
 CA: Long Point Region
 Created By: PC
 Date: 3/5/2024
 Municipality of Bayham

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 E26-24

Applicant Clarke & Sullivan

Location Bayham – 53869 Heritage Line

PART 1 - OFFICIAL PLAN

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

Land Use Designation: HAMLETS

Policies: Section 4.2.2.1 and 4.2.4

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 (X) | No () |

Comments: Zoning: Hamlet Residential (HR)

Section 9

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

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

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

See Letter attached with listed conditions.

See Staff Report DS-23/24 considered at Council meeting held April 4, 2024

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 E27-24

Applicant Weber

Location Bayham – 53867 Heritage Line

PART 1 - OFFICIAL PLAN

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

Land Use Designation: HAMLETS

Policies: Section 4.2.2.1 and 4.2.4

PART 2 - ZONING

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

Comments: Zoning: Hamlet Residential (HR)

Section 9 – retained parcel does not meet zoning regulations for minimum lot frontage and lot area; rezoning required

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

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

6. Does the Municipality foresee demand for new municipal services? Yes () No ()
7. If so, is the Municipality prepared to provide those services? Yes () No ()
8. Does the Municipality wish the Committee to impose conditions? Yes () No ()
9. Does Council recommend the application? Yes () 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-23/24 considered at Council meeting held April 4, 2024



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 E28-24

Applicant Clarke Sullivan

Location Bayham – 53869 Heritage Line

PART 1 - OFFICIAL PLAN

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

Land Use Designation: HAMLETS

Policies: Section 4.2.2.1 and 4.2.4

PART 2 - ZONING

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

Comments: Zoning: Hamlet Residential (HR)

Section 9 – retained parcel does not meet zoning regulations for minimum lot area; minor variance required

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

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

6. Does the Municipality foresee demand for new municipal services? Yes () No ()
7. If so, is the Municipality prepared to provide those services? Yes () No ()
8. Does the Municipality wish the Committee to impose conditions? Yes () No ()
9. Does Council recommend the application? Yes () 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-23/24 considered at Council meeting held April 4, 2024

4.2.2 **Residential Uses**

- 4.2.2.1 This Plan encourages new residential development to consolidate with the existing settlement areas listed in subsection 4.1 of the Plan by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion.
- 4.2.2.2 The Municipality will encourage the development of housing types other than single detached dwellings in the villages, and where no land use conflict shall ensue, in other parts of the Municipality when new or converted dwellings of this type are feasible.
- 4.2.2.3 Within the settlement areas, the Municipality will support the provision of affordable housing accessible to lower and moderate income households. In this regard, the Municipality will require that 20 percent of all housing which results in the creation of at least 5 dwelling units, be affordable housing. Affordable ownership housing is considered to be housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. Affordable rental housing is considered to be housing for which the rent either does not exceed 30 percent of gross annual income of *low and moderate income* households (60th percentile) or is at or below the average rental price of rental units in the regional market area.

4.2.3 **Employment Uses**

- 4.2.3.1 New commercial development shall be encouraged to locate in the existing commercial areas of the urban areas through the renovation of older structures and the erection of new buildings.
- 4.2.3.2 Improvements in the physical appearance of commercial and industrial buildings and structures in the urban areas will be encouraged.
- 4.2.3.3 Growth of new industries that are compatible with both the urban and the agricultural environment in general, as well as with adjacent land uses will be encouraged in order to provide alternative employment opportunities to residents of the Municipality.
- 4.2.3.4 All existing agricultural uses will be permitted in the areas designated as “Hamlets” and “Villages” with the exception of new or expanding livestock operations and mushroom farm operations, which will be prohibited in these areas.

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

4.2.4 **Intensification and Redevelopment**

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

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

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

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

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

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

4.2.5 **Community Design**

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

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

buildings;

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

4.3 GROUP HOMES

4.3.1 Policies

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

SECTION 9 HAMLET RESIDENTIAL (HR) ZONE REGULATIONS

9.1 Permitted Uses

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

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

9.2 Minimum Lot Area

- No public water supply or sanitary sewage disposal service: 1,390 m²
- Public water supply, but no sanitary sewage disposal service: 1,100 m²
- Public sanitary sewage disposal service, but no public water supply: 900 m²

Z698-2020

9.3 Minimum Lot Frontage

20.0m

Z698-2020

9.4 Maximum Lot Coverage

30%

9.5 Maximum Building Height

10.5m

9.5.1 Maximum Accessory Building Height: 4.5m

9.6 Minimum Floor Area

Z698-2020

9.7 Maximum Floor Area for an Accessory Building

75 m² or 8% lot coverage, whichever is less

9.8 Minimum Front Yard Depth

7.0 metres

9.9 Minimum Side Yard Width

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

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

9.10 **Minimum Rear Yard Depth**

9.0m

9.11 **Minimum Separation Distance**

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

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

9.12.1

9.12.1.1 Defined Area

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

9.12.1.2 Permitted Uses

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

9.12.1.3 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

9.12.1.4 Minimum Lot Area

975 square metres

9.12.1.5 Minimum Lot Frontage

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

9.12.1.6 Minimum Side Yard

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

9.12.2

9.12.2.1 Defined Area

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

9.12.2.2 Permitted Uses

Service shop

Inside storage

Pumphouse for a communal well system

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

Municipality of
BAYHAM

A: P.O. Box 160, 56169 Heritage Line
Straffordville, ON N0J 1Y0
T: 519-866-5521
F: 519-866-3884
E: bayham@bayham.on.ca
W: www.bayham.on.ca



April 8, 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. E26-24, E27-24 and E28-24

Please be advised that the Council of the Municipality of Bayham passed the following resolution adopted at the April 4, 2024 meeting:

THAT Report DS-23/24 regarding Consent Applications E26-24 and E28-24 Clarke and Sullivan, and E27-24 Weber be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E26-24, E27-24, and E28-24 be granted subject to the following conditions and considerations outlined for each:

Consent E26-24

1. That the Owner obtains confirmation from Hydro One regarding the provision of hydro services, specifically whether maintenance easements are required over the existing hydro servicing traversing both Parcels B and D;
2. That the Owner provides an engineered grading, drainage, and storm water management plan for Parcel D and 53885 Heritage Line to demonstrate that the consolidated lands will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham, and;
3. That the Applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
4. That the Owner provides a digital copy of a survey of the subject lands.
5. That the Owner provides a Planning Report Fee payable to the Municipality of Bayham.

Consent E27-24

1. That the Owner obtains approval of a Zoning By-law Amendment for the proposed Parcel E (Retained Lot) from 'Hamlet Residential (HR)' Zone to a 'Site-Specific Hamlet Residential (HR-XX)' Zone to permit a reduced Lot Frontage of 19.9 metres and a reduced Lot Area of 755.0 m²;
2. That the Owner provides confirmation with respect to the location of the existing municipal water service connection and private septic bed on Parcel E;
3. That the Owner provides written confirmation from a licensed septic installer demonstrating that the system on Parcel E is in satisfactory operating condition;
4. That the Owner provides written confirmation from a licensed septic installer demonstrating the reduced Lot Area for Parcel E provides sufficient space for a new system in the event the existing system requires future replacement;
5. That the Owner provides an engineered grading, drainage and storm water management plan for Parcel E to demonstrate that the lands will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham.
6. That the Applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
7. That the Owner provides a digital copy of a survey of the subject lands.
8. That the Owner provides a Planning Report Fee payable to the Municipality of Bayham.

Consent E28-24

1. That the Conditions of Approval are satisfied for Consent Application E27-24.
2. That the Owner obtains approval of a Minor Variance for the proposed Retained Lot (Parcel B) to permit a reduced Lot Area of 904.0 m².
3. That the Owner removes and/or relocates the two (2) existing sheds; one (1) being located on Parcel A, and one (1) being located along the proposed property line between Parcels A and B;
4. That the Owner obtains confirmation from Hydro One regarding the provision of hydro services, specifically whether maintenance easements are required over the existing hydro servicing traversing both Parcels B and D;
5. That the Owner obtains approval from the Municipality of Bayham for road entrance permit (Church Street) for a new access to the proposed Severed Lot (Parcels A/C);
6. That the Owner obtains a permit from the Municipality of Bayham for the installation of a new municipal water service connection to the proposed Severed Lot (Parcels A/C);
7. That the Owner obtains a municipal lot assessment and provides soil testing results for the proposed Severed Lot (Parcels A/C) in accordance with Provincial Standards for a future septic system;
8. That the Owner provides written confirmation from a licensed septic installer demonstrating that the system on Parcel B is in satisfactory operating condition;
9. That the Owner provides written confirmation from a licensed septic installer demonstrating the reduced Lot Area for Parcel B provides sufficient space for a new system in the event the existing system requires future replacement;
10. That the Owner provides an engineered grading, drainage and storm water

management plan for Parcels A/C and B to demonstrate that the Severed Lot (Parcels A/C) and the Retained Lot (Parcel B) will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham;

11. That the Applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Richmond Outlet Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred;
12. That the Owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland;
13. That the Owner provides a digital copy of a survey of the subject lands;
14. That the Owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the Severed Lot (Parcels A/C), and;
15. That the Owner provides a Planning Report Fee payable to the Municipality of Bayham.

Municipal Appraisal Sheets and Staff Report DS-23/24 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,CLAR

Cc: Z. Prince, Agent (email)
N. Clarke (email)



REPORT

DEVELOPMENT SERVICES

TO: Mayor & Members of Council
FROM: Margaret Underhill, Planning Coordinator/Deputy Clerk
DATE: April 4, 2024
REPORT: DS-23/24

FILE NO. C-07 / D09.24CLARKE
Roll # 3401-000-007-10000
Roll # 3401-000-007-10100

SUBJECT: Consent Applications E26-24, E27-24 and E28-24, Clarke, N and Sullivan, K
Concession STR Part Lot 3, W of Lot 2
53867 and 53869 Heritage Line, Hamlet of Richmond

BACKGROUND

Consent applications E26-24, E27-24, and E28-24 were received from the Elgin County Land Division Committee as submitted by Appointed Agent Zach Prince on behalf of Nathan Clarke, Kelly Sullivan, and Quinn Weber, proposing three (3) related applications for severance:

- E26-24 – Nathan Clarke and Kelly Sullivan, owners of ⁵³⁸⁶⁹53885 Heritage Line, propose to sever for the purpose of a lot addition, a parcel of 991 m² to add to 53885 Heritage Line. < Typo
- E27-24 – Quinn Weber, owner of 53867 Heritage Line, propose to sever for the purpose of a lot addition, a parcel of 249.7 m² to be added to 53869 Heritage Line and to retain a parcel of 755.9 m².
- E28-24 – Nathan Clarke and Kelly Sullivan, owners of 53869 Heritage Line, propose to sever for the purpose of the creation of a new building lot fronting on Church Street, a parcel of 1,196.7 m² and to retain a parcel of 904.8 m² fronting on Heritage Line.

The subject lands are designated “Hamlets” as per Schedule ‘A1’ Municipality of Bayham: Land Use in the Official Plan and zoned as Hamlet Residential (HR) as per Schedule ‘E’ – Richmond in the Zoning By-law No. Z456-2003.

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

DISCUSSION

The planner's memorandum, dated March 27, 2024, analyzes the three applications subject to the Municipality of Bayham Official Plan and Zoning By-law. Staff suggest Council review the memorandum for the details and explanation of each proposal and how they relate to each other.

Staff and planner recommend Council's support of the applications with the listed conditions to permit the two lot additions and the creation of one building lot within the hamlet of Richmond.

ATTACHMENTS

1. Consent Application E26-24 Clarke and Sullivan
2. Consent Application E27-24 Weber
3. Consent Application E28-24 Clarke and Sullivan
4. Arcadis Memorandum, dated March 27, 2024

RECOMMENDATION

THAT Report DS-23/24 regarding Consent Applications E26-24 and E28-24 Clarke and Sullivan, and E27-24 Weber be received for information;

AND THAT Council recommend to the Elgin County Land Division Committee that Consent Applications E26-24, E27-24, and E28-24 be granted subject to the following conditions and considerations outlined for each:

Consent E26-24

1. That the Owner obtains confirmation from Hydro One regarding the provision of hydro services, specifically whether maintenance easements are required over the existing hydro servicing traversing both Parcels B and D;
2. That the Owner provides an engineered grading, drainage, and storm water management plan for Parcel D and 53885 Heritage Line to demonstrate that the consolidated lands will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham, and;
3. That the Applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
4. That the Owner provides a digital copy of a survey of the subject lands.
5. That the Owner provides a Planning Report Fee payable to the Municipality of Bayham.

Consent E27-24

1. That the Owner obtains approval of a Zoning By-law Amendment for the proposed Parcel E (Retained Lot) from 'Hamlet Residential (HR)' Zone to a 'Site-Specific Hamlet Residential (HR-XX)' Zone to permit a reduced Lot Frontage of 19.9 metres and a reduced Lot Area of 755.0 m²;
2. That the Owner provides confirmation with respect to the location of the existing municipal water service connection and private septic bed on Parcel E;

3. That the Owner provides written confirmation from a licensed septic installer demonstrating that the system on Parcel E is in satisfactory operating condition;
4. That the Owner provides written confirmation from a licensed septic installer demonstrating the reduced Lot Area for Parcel E provides sufficient space for a new system in the event the existing system requires future replacement;
5. That the Owner provides an engineered grading, drainage and storm water management plan for Parcel E to demonstrate that the lands will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham.
6. That the Applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
7. That the Owner provides a digital copy of a survey of the subject lands.
8. That the Owner provides a Planning Report Fee payable to the Municipality of Bayham.

Consent E28-24

1. That the Conditions of Approval are satisfied for Consent Application E27-24.
2. That the Owner obtains approval of a Minor Variance for the proposed Retained Lot (Parcel B) to permit a reduced Lot Area of 904.0 m².
3. That the Owner removes and/or relocates the two (2) existing sheds; one (1) being located on Parcel A, and one (1) being located along the proposed property line between Parcels A and B;
4. That the Owner obtains confirmation from Hydro One regarding the provision of hydro services, specifically whether maintenance easements are required over the existing hydro servicing traversing both Parcels B and D;
5. That the Owner obtains approval from the Municipality of Bayham for road entrance permit (Church Street) for a new access to the proposed Severed Lot (Parcels A/C);
6. That the Owner obtains a permit from the Municipality of Bayham for the installation of a new municipal water service connection to the proposed Severed Lot (Parcels A/C);
7. That the Owner obtains a municipal lot assessment and provides soil testing results for the proposed Severed Lot (Parcels A/C) in accordance with Provincial Standards for a future septic system;
8. That the Owner provides written confirmation from a licensed septic installer demonstrating that the system on Parcel B is in satisfactory operating condition;
9. That the Owner provides written confirmation from a licensed septic installer demonstrating the reduced Lot Area for Parcel B provides sufficient space for a new system in the event the existing system requires future replacement;
10. That the Owner provides an engineered grading, drainage and storm water management plan for Parcels A/C and B to demonstrate that the Severed Lot (Parcels A/C) and the Retained Lot (Parcel B) will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham;
11. That the Applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule for the Richmond Outlet Drain in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the

deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred;

12. That the Owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland;
13. That the Owner provides a digital copy of a survey of the subject lands;
14. That the Owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the Severed Lot (Parcels A/C), and;
15. That the Owner provides a Planning Report Fee payable to the Municipality of Bayham.

Respectfully Submitted by:

Reviewed by:

Margaret Underhill

Thomas Thayer, CMO, AOMC

Planning Coordinator|Deputy Clerk

Chief Administrative Officer

Memorandum

To/Attention Municipality of Bayham **Date** March 27, 2024
From Christian Tsimenidis, BES **Project No** 3404 - 934
cc William Pol, MCIP, RPP
Subject Nathan Clarke and Kelly Sullivan - 53885 Heritage Line, Richmond -
 Application for Consent E26-24
 Quinn Weber - 53867 Heritage Line, Richmond - Application for
 Consent E27-24
 Nathan Clarke and Kelly Sullivan - 53869 Heritage Line, Richmond -
 Application for Consent E28-24

Background and Summary

1. Arcadis has completed a review of three (3) Consent Applications submitted by Zach Prince on behalf of the following owners and associated addresses located in the Hamlet of Richmond:

- E26-24 - Nathan Clarke and Kelly Sullivan, owners of 53885 Heritage Line.
- E27-24 - Quinn Weber, owner of 53867 Heritage Line.
- E28-24 - Nathan Clarke and Kelly Sullivan, owners of 53869 Heritage Line.

One (1) Memo has been prepared for all three (3) Consent Applications in order to provide a comprehensive review of the proposal, as well as the “final parcel layouts”, should the applications be Conditionally Approved by the LDC, and the Conditions are satisfied by the applicants/owners with the statutory deadline.

2. The following table provides an overview of the proposed Consent Applications pertaining to 53867, 53869, and 53885 Heritage Line (hereinafter referred to as the “subject lands”), notably the proposed “final” Lot Frontages and Areas for each parcel:

Application #	Parcel	Lot Frontage	Lot Area
E26-24	D (Lot Addition to 53885 Heritage Line)	43.1 m	3,039.7 m ²
		(141.4 ft)	(0.303 ha.)
E27-24	E (Retained Lot being 53867 Heritage Line)	19.9 m	755.9 m ²
	C (Lot Addition to “Parcel A” Severed Lot)	(65.3 ft)	(0.075 ha.)
E28-24	A (Severed Lot from 53869 Heritage Line)	28.8 m	1,196.7 m ²
	B (Retained Lot being 53869 Heritage Line)	(94.5 ft)	(0.119 ha.)
		20.1 m	904.8 m ²
		(65.9 ft)	(0.090 ha.)

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3. Based on the table provided above, the proposed Consent Application will ultimately result in the creation of one (1) new vacant lot (Parcels A and C) for future residential development. Two (2) Retained Lots are noted as 53867 Heritage Line and 53869 Heritage Line, to which the existing single-detached dwellings will remain on these parcels. Two (2) Lot Additions are proposed, Parcel C being a Lot Addition to Parcel A for the creation of a new lot, and Parcel D being a Lot Addition to the existing parcel municipally addressed as 53885 Heritage Line to the east.

Subject Lands and Surrounding Area

4. The subject lands are designated as 'Hamlets' in Schedule 'A1' (Land Use) of the Municipality of Bayham Official Plan. The subject lands are currently zoned 'Hamlet Residential (HR)' in Schedule 'E' (Richmond) of Zoning By-law Z456-2003.
5. The following provides a detailed overview of the existing conditions for each existing lot and how they relate to the proposed Consent Applications:

53867 Heritage Line

6. The western most parcel, municipally identified as 53867 Heritage Line, consists of an existing single-detached dwelling and accessory shed to the rear of the dwelling. An existing driveway access from Heritage Line is located on the eastern side of the subject property. These buildings/structure and access will remain as they exist today and will be located on the proposed Parcel E (Retained Lot) for Consent Application E27-24. It is Arcadis's understanding that no buildings and/or structures exist on the proposed Parcel C (Lot Addition) to be severed from the subject property. The Lot Addition consists of existing trees.
7. Municipal Staff were not provided information with respect to the location of the existing public water service lateral and private septic system/bed on the subject property in relation to the proposed property lines for Parcels E and C. As such, Arcadis is including a Condition of Approval for Consent Application E27-24 stating that the owner provide confirmation of the servicing location to ensure there are no encroachments and a 3.0 metre setback is maintained between the proposed property line and existing private septic bed. Arcadis is also including a Condition of Approval requesting that the owner provide written confirmation from a licensed septic installer demonstrating that the system is in satisfactory operating condition, as required in the Consent Application Form. Further, Arcadis is including a Condition of Approval requesting that the owner written confirmation from a licensed septic installer demonstrating the reduced Lot Area for Parcel E provides sufficient space for a new system in the event the existing system requires future replacement.

53869 Heritage Line

8. The middle parcel, municipally identified as 53869 Heritage Line, consists of an existing single-detached dwelling, detached garage, and two (2) accessory sheds in the rear yard. Two (2) existing driveway accesses from Heritage Line are located on both the eastern and western limit of the subject property. The existing single-

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detached dwelling and western access will remain as they exist today and will be located on the proposed Parcel B (Retained Lot) for Consent Application E28-24. The existing detached garage and eastern access will remain as it exists today and is included within the proposed Parcel D (Lot Addition) boundaries to be merged with 53885 Heritage Line to the east. Existing trees are located on the subject property and are within the proposed Parcel A (Severed Lot) property boundary.

9. As per the information provided by the applicant, the two (2) existing sheds on the subject property will be removed and/or relocated, as they are currently located on the proposed severed lot (Parcel A). As such, to ensure these existing sheds are removed and do not encroach onto the new lot, Arcadis is including a Condition of Approval requesting that the owner remove and/or relocate the two (2) existing sheds from the proposed Parcel A property limits.
10. Further, as per the information provided by the applicant, the existing public water service lateral and private septic bed/system is located entirely within the proposed Retained Lot (Parcel B). The existing servicing on Parcel B will continue to be utilized and service the proposed Retained Lot. Notwithstanding this, Arcadis is including a Condition of Approval for Consent Application E28-24 requesting that the owner provide written confirmation from a licensed septic installer demonstrating that the system is in satisfactory operating condition, as required in the Consent Application Form. Further, Arcadis is including a Condition of Approval requesting that the owner provide written confirmation from a licensed septic installer demonstrating the reduced Lot Area for Parcel B provides sufficient space for a new system in the event the existing system requires future replacement.
11. With respect to the proposed new lot (Parcel A) to be severed from 53869 Heritage Line, the installation of public water servicing and private septic services would be required to service the future single-detached dwelling.
12. The subject property is traversed by existing overhead hydro lines and poles that power the existing single-detached dwelling on 53869 Heritage Line. As per the Severance Sketch submitted by the applicant, the existing overhead hydro lines would traverse through the proposed Parcel B (53869 Heritage Line) and Parcel D (Lot Addition to be merged with 53885 Heritage Line to the east). As such, Arcadis is including a Condition of Approval as part of Consent Application E28-24 that the owner obtain confirmation from Hydro One regarding the provision of hydro services, specifically whether maintenance easements are required over the existing hydro servicing on the Parcel B and D. It is Arcadis's opinion that this will ensure no future maintenance issues or disputes between landowners occurs if the necessary easement are in place, subject to confirmation from Hydro One.

53885 Heritage Line

13. The eastern most parcel, municipally identified as 53885 Heritage Line, consists of an existing single-detached dwelling, a pavilion, and two (2) existing sheds located in the rear yard. An existing driveway access from Heritage Line is located on the

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subject property. The existing single-detached dwelling, accessory structures, and access will remain as they exist today on the subject property. As mentioned above in Paragraph 8 of this Memo, the existing detached garage and eastern access located on the adjacent property, 53869 Heritage Line, is included within Parcel D (Lot Addition) to be merged with the 53885 Heritage Line as part of Consent Application E26-24. Therefore, 53885 Heritage Line would have two (2) accesses from Heritage Line.

14. As previously mentioned in Paragraph 12 of this Memo, 53869 and 53885 Heritage Line are traversed by existing overhead hydro lines and poles that power the existing single-detached dwelling on 53869 Heritage Line. As such, Arcadis is also including a Condition of Approval as part of Consent Application E26-24 that the owner obtain confirmation from Hydro One regarding the provision of hydro services, specifically whether maintenance easements are required over the existing hydro servicing on Parcel D to be merged with 53885 Heritage Line. It is Arcadis's opinion that this will ensure no future maintenance issues or disputes between landowners occurs if the necessary easement are in place, subject to confirmation from Hydro One.
15. The subject lands are surrounded by existing low-rise residential uses, being located into the Hamlet of Richmond. The subject lands are adjacent to lands zoned for Open Space, being the Richmond Community Park adjacent to 53885 Heritage Line. Further, Institutional zoned lands, identified as the Richmond United Church, are located south of the subject lands. It is Arcadis's opinion that the proposed Consent Applications will maintain the low-rise residential nature of the existing surrounding area and are compatible with the adjacent uses.

Municipality of Bayham Official Plan

16. Section 4.2.2.1 of the Municipality of Bayham Official Plan provides direction with respect to 'General Policies Applicable to all Settlement Areas', specifically residential uses. As such, this policy of the Official Plan encourages new residential development within existing settlement areas, like the Hamlet of Richmond, by filling in the vacant areas and locating new residential development adjacent to existing built-up areas in a compact and contiguous fashion. Further, Section 4.2.4 of the Official Plan provides further direction with respect to the 'Intensification and Redevelopment' within settlement area boundaries on vacant or underutilized sites in order to efficiently utilize designated settlement area land.

Comment: It is Arcadis's opinion that the creation of one (1) new residential lot within the Hamlet of Richmond to accommodate future residential development on the proposed vacant Severed Lot (Parcels A and C) will make efficient use of developable lands in a settlement area and is in conformity with the Official Plan general residential policies.

17. As per Section 4.4.1.2 of the Official Plan, the 'Hamlets' designation permits a broad range of uses, including residential dwellings, variety stores, public garages,

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schools, churches and small scale commercial and industrial uses. Section 4.4.2.1 of the Official Plan further states that the principal land use function of 'Hamlets' shall be for clusters of non-farm residential development in the form of single detached dwellings, and other low or medium density types of dwellings.

Comment: The existing single-detached dwellings to remain on 53867, 53869 and 53885 Heritage Line are permitted uses in the Official Plan and will continue to maintain the low-rise residential nature of the Hamlet. Further, the creation of one (1) new lot for the development of a future single-detached dwelling is in keeping with the intent and purpose of the 'Hamlet' land use designation. Therefore, the existing residential uses on the Retained Lots (Parcels B and E) and the proposed residential use on the Severed Lot (Parcels A and C) are permitted and in conformity with the above noted Official Plan policy.

18. Section 4.4.2.2 of the Official Plan regarding consents on Residential Lands in Hamlets sets out the following criteria for a consent:

- a) *Consents shall be granted only in areas where the minor, or no extension of any municipal service would be required. Any services required in a consent should be satisfactory to the appropriate approval authority.*

Comment: The Hamlet of Richmond is serviced by public water and private septic. As mentioned previously, the single-detached dwellings on 53867, 53869 and 53885 Heritage Line would continue to utilize existing servicing. Notwithstanding this, Municipal Staff were not provided information with respect to the location of the existing public water service lateral and private septic system/bed on 53867 Heritage Line (Parcel E). As such, Arcadis is including a Condition of Approval for Consent Application E27-24, stating that the owner provide confirmation of the existing servicing location and that the owner provide written confirmation from a licensed septic installer demonstrating that the system is in satisfactory operating condition.

Additionally, Arcadis is including a Condition of Approval for Consent Application E28-24, pertaining to Parcel B on 53869 Heritage Line, requesting that the owner provide written confirmation from a licensed septic installer demonstrating that the system is in satisfactory operating condition. Further, Arcadis is including a Condition of Approval for confirmation of sufficient space for a new septic system in the event the current system is replaced in the future on the reduced lot area of Parcel B.

The proposed Severed Lot would require new public water service connection and private septic system, which is included as a Condition of Approval.

- b) *Consents should be granted only when the land fronts on an existing public road, which is of a reasonable standard of construction.*

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Comment: All parcels will have frontage on a public road, being Heritage Line and Church Street. The proposed Severed Lot will require an access permit from the Municipality of Bayham, which is included as a Condition of Approval for Consent Application E28-24.

- c) *Consents should have the effect of infilling in existing developed areas and not of extending the Hamlet area unduly.*

Comment: The proposed Consent Applications would accommodate existing development (single-detached dwellings), as well as the creation of one (1) new residential lot within the Hamlet of Richmond, thus not extending the Hamlet area. The proposed residential lot will make efficient use of developable lands within the existing Hamlet boundary.

- d) *The size of any parcel of land created by a consent should be appropriate for the use proposed considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the provisions of the Zoning By-law.*

Comment: The proposed Severed Lot and Retained Lots provide adequate area and frontage to accommodate low-density residential uses. Notwithstanding this, Municipal Staff were not provided information with respect to the location of the existing public water service lateral and private septic system/bed on 53867 Heritage Line (Parcel E). As such, Arcadis is including a Condition of Approval for Consent Application E27-24, stating that the owner provide confirmation of the existing servicing location to ensure there is adequate space and no encroachments over property lines.

Further, a Site-Specific Zoning By-law Amendment would be required for Parcel E (Retained Lot) as a Condition of Approval for Consent Application E27-24, given that there will be a Lot Area deficiency of 344.1 m² and Lot Frontage deficiency of 0.1 m. Please see Paragraph 22 of this Memo for further details.

Additionally, a Minor Variance Application would be required for the proposed Retained Lot (Parcel B) as a Condition of Approval for Consent Application E28-24, given that there will be a Lot Area deficiency of 195.2 m². Please see Paragraph 25 of this Memo for further details

- e) *Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal residential roads.*

Comment: Heritage Line is identified as an Elgin County Road. The existing accesses to, 53867, 53869, and 53885 Heritage Line will remain as they exist today. Notwithstanding this, 53885 Heritage Line will have two (2) accesses (both existing) as a result of the Lot Addition (Parcel D) from 53869 Heritage Line. As such, Arcadis will defer comment to Elgin County with respect to the

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existing driveway accesses along Heritage Line. The proposed Severed Lot will have access to a Local Road, identified as Church Street and will require an access permit from the Municipality of Bayham. This is noted as a Condition of Approval for Consent Application E28-24.

- f) *Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.*

Comment: All existing accesses along Heritage Line will remain as they exist today. Given that the accesses are existing, it is our opinion that adverse impacts with respect to traffic safety and limited sight lines are not anticipated. As mentioned previously, Arcadis will defer comment to Elgin County with respect to the existing accesses along Heritage Line. Further, the proposed Severed Lot will require an access permit from the Municipality of Bayham, which is included as a Condition of Approval for Consent Application E28-24.

- g) *Consents should be granted only when the creation of the lot will not interfere with subsequent access to interior lands.*

Comment: The Consent Applications will not result in the creation of a lot that will interfere with subsequent access to interior lands.

- h) *Consents for mortgage, estate, or other boundary adjustment purposes shall be permitted provided that they adhere to principles of good planning, do not cause land use conflicts and conform to the provisions of the Zoning By-law.*

Comment: Not applicable.

Based on the above, the proposed Consent Applications are in conformity with the criteria listed in Section 4.4.2.2 of the Official Plan, subject to the below listed Conditions of Approval.

19. Therefore, based on the analysis provided above, it is our opinion that the proposed Consent Applications are in conformity with Bayham Official Plan, subject to the below listed Conditions of Approval.

Municipality of Bayham Zoning By-law

20. The subject lands are currently zoned 'Hamlet Residential (HR)' in Schedule 'E' (Richmond) of Zoning By-law Z456-2003. The following will provide a zoning analysis for each proposed Parcel (and associated Consent Application) in order to determine conformity with the Zoning By-law.

Parcel D (E26-24):

21. Parcel D, being a Lot Addition to 53885 Heritage Line, would result in a parcel that has a total Lot Frontage of 43.1 m (141.4 ft) and a total Lot Area of 3,039.7 m² (0.303 ha.). Therefore, 53885 Heritage Line would meet the minimum Lot Frontage

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of 20.0 m and minimum Lot Area of 1,100.0 m² (Public Water, Private Sewer) for the HR Zone. It is understood that the existing buildings/structures on 53885 Heritage Line will comply with all other provisions of the Zoning By-law. Arcadis has no concerns regarding the proposed Lot Addition (Parcel D) to 53885 Heritage Line.

Parcels E and C (E27-24):

22. Parcel E, being the Retained Lot for 53867 Heritage Line, would result in a retained parcel that has a Lot Frontage of 19.9 m (65.3 ft) and a Lot Area of 755.9 m² (0.075 ha.). Therefore, Parcel E would not meet the required minimum Lot Frontage of 20.0 m and minimum Lot Area of 1,100.0 m² (Public Water, Private Sewer) for the HR Zone.

As such, Arcadis is including a Condition of Approval for Consent Application E27-24 that the owner obtain approval of a Zoning By-law Amendment for Parcel E (Retained Lot) from 'Hamlet Residential (HR)' Zone to a 'Site-Specific Hamlet Residential (HR-XX)' Zone to permit both the Lot Frontage and Lot Area deficiency. It is Arcadis's opinion that a Minor Variance Application to address these deficiencies is not appropriate, as the 344.1 m² Lot Area deficiency represents an approximate 31% reduction in the required minimum Lot Area and would not meet the four (4) tests of a Minor Variance. The Lot Area deficiency is too significant in size to be considered through a Minor Variance Application. Based on Arcadis's review of existing surrounding residential lot, there are several lots in the Hamlet with an area of similar size and shape to the proposed Lot Area of 755.9 m², and therefore would still be compatible and in keeping with the neighbouring residential lots.

23. Parcel C, being a Lot Addition severed from 53867 Heritage Line and merged with Parcel A for the creation of a new lot, would result in a parcel that has a total Lot Frontage of 28.8 m (94.5 ft) and a total Lot Area of 1,196.7 m² (0.119 ha.). Therefore, the proposed new lot (Parcel C merged with Parcel A) would meet the minimum Lot Frontage of 20.0 m and minimum Lot Area of 1,100 m² (Public Water, Private Sewer) for the HR Zone. Details pertaining to the single-detached dwelling design and construction will be confirmed at the Building Permit Application stage in order to determine zoning compliance. Arcadis has no concerns regarding the proposed Lot Addition (Parcel C) for the creation of a new lot.

Parcels A and B (E28-24):

24. Parcel A, being the severed lot from 53869 Heritage Line and merged with Parcel C (Lot Addition), would result in the creation of a new lot that has a total Lot Frontage of 28.8 m (94.5 ft) and a total Lot Area of 1,196.7 m² (0.119 ha.). As mentioned above in Paragraph 23, the proposed new lot would meet the minimum Lot Frontage and Lot Area requirements for the HR Zone. Details pertaining to the single-detached dwelling design and construction will be confirmed at the Building

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Permit Application stage in order to determine zoning compliance. Arcadis has no concerns regarding the proposed severed lot (Parcel A) from 53869 Heritage Line for the creation of a new lot.

25. Parcel B, being the Retained Lot for 53869 Heritage Line, would result in a retained parcel that has a Lot Frontage of 20.1 m (65.9 ft) and total Lot Area of 904.8 m² (0.090 ha.). Therefore, Parcel B would meet the minimum Lot Frontage requirement of 20.0 m, however, it would not comply with minimum Lot Area requirement of 1,100.0 m² (Public Water, Private Sewer) for the HR Zone.

As such, Arcadis is including a Condition of Approval for Consent Application E28-24 that the owner obtain approval of a Minor Variance for Parcel B (Retained Lot) to permit a reduced Lot Area of 904.8 m². It is Arcadis's opinion that a Minor Variance Application is appropriate for this Lot Area deficiency, rather than a Site-Specific Zoning By-law Amendment, as the 195.2 m² Lot Area deficiency represents an approximate 17.7% reduction in the required minimum Lot Area and the owner/applicant can address the four (4) tests of a Minor Variance. Based on Arcadis's review of existing surrounding residential lot, there are several lots in the Hamlet with an area of similar size and shape to the proposed Lot Area of 904.8 m², and therefore would still be compatible and in keeping with the neighbouring residential lots.

Conclusion and Recommendations

26. Given that three (3) Consent Applications were reviewed as part of this Memo, the following provides the specific Conditions of Approval for each Consent Application.
27. Based on the above review of Consent Application **E26-24**, Arcadis has **no objection** to approval of the proposed consent subject to the following conditions for a Lot Addition to 53885 Heritage Line:
- a) That the owner obtains confirmation from Hydro One regarding the provision of hydro services, specifically whether maintenance easements are required over the existing hydro servicing traversing both Parcels B and D;
 - b) That the owner provides an engineered grading, drainage and storm water management plan for Parcel D and 53885 Heritage Line to demonstrate that the consolidated lands will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham, and;
 - c) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.

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- d) That the owner provides a digital copy of a survey of the subject lands.
 - e) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
28. Based on the above review of Consent Application **E27-24**, Arcadis has **no objection** to approval of the proposed consent subject to the following conditions for a Lot Addition to 53869 Heritage Line for the future creation of a new lot:
- a) That the owner obtains approval of a Zoning By-law Amendment for the proposed Parcel E (Retained Lot) from 'Hamlet Residential (HR)' Zone to a 'Site-Specific Hamlet Residential (HR-XX)' Zone to permit a reduced Lot Frontage of 19.9 metres and a reduced Lot Area of 755.0 m²;
 - b) That the owner provides confirmation with respect to the location of the existing municipal water service connection and private septic bed on Parcel E;
 - c) That the owner provides written confirmation from a licensed septic installer demonstrating that the system on Parcel E is in satisfactory operating condition;
 - d) That the owner provides written confirmation from a licensed septic installer demonstrating the reduced Lot Area for Parcel E provides sufficient space for a new system in the event the existing system requires future replacement;
 - e) That the owner provides an engineered grading, drainage and storm water management plan for Parcel E to demonstrate that the lands will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham.
 - f) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
 - g) That the owner provides a digital copy of a survey of the subject lands.
 - h) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.
29. Based on the above review of Consent Application **E28-24**, Arcadis has **no objection** to approval of the proposed consent subject to the following conditions for the creation of a new lot:
- a) That the Conditions of Approval are satisfied for Consent Applications E27-24;
 - b) That the owner obtains approval of a Minor Variance for the proposed Retained Lot (Parcel B) to permit a reduced Lot Area of 904.0 m².

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- c) That the owner removes and/or relocates the two (2) existing sheds; one (1) being located on Parcel A, and one (1) being located along the proposed property line between Parcels A and B;
- d) That the owner obtains confirmation from Hydro One regarding the provision of hydro services, specifically whether maintenance easements are required over the existing hydro servicing traversing both Parcels B and D;
- e) That the owner obtains approval from the Municipality of Bayham for road entrance permit (Church Street) for a new access to the proposed Severed Lot (Parcels A and C);
- f) That the owner obtains a permit from the Municipality of Bayham for the installation of a new municipal water service connection to the proposed Severed Lot (Parcels A and C);
- g) That the owner obtains a municipal lot assessment and provides soil testing results for the proposed Severed Lot (Parcels A and C) in accordance with Provincial Standards for a future septic system;
- h) That the owner provides written confirmation from a licensed septic installer demonstrating that the system on Parcel B is in satisfactory operating condition;
- i) That the owner provides written confirmation from a licensed septic installer demonstrating the reduced Lot Area for Parcel B provides sufficient space for a new system in the event the existing system requires future replacement;
- j) That the owner provides an engineered grading, drainage and storm water management plan for Parcels A/C and B to demonstrate that the Severed Lot (Parcels A and C) and the Retained Lot (Parcel B) will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham;
- k) That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred;
- l) That the owner pay fees as required in Municipal By-law No. 2020 – 053 Cash-in-lieu of Parkland;
- m) That the owner provides a digital copy of a survey of the subject lands;
- n) That the owner applies and pay's all fees to the Municipality with respect to Civic Addressing/signage for the Severed Lot (Parcels A and C), and;
- o) That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

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Christian Tsimenidis

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

Consulting Planner to the Municipality of Bayham

COUNTY OF ELGIN ROAD SYSTEM

DATE: APRIL 9, 2024 ELGIN COUNTY ROAD NO.: Road CR # 38

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E26/27/28-24

APPLICANT: Nathan Clarke and Kelly Sullivan

PROPERTY: LOT NO. Part of Lot 3, W of Lot 2 CONCESSION: South of Talbot Road
REG'D PLAN: 22 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: April 24, 2024
Application: E 26-24, E 27-24 and E 28-24

Owner: Nathan Clarke & Kelly Sullivan
53885 Heritage Line, Bayham, ON
Agent: Zach Prince
527 Fallingbrook Drive, Waterloo, ON
Location: Part of Lot 3, West of Lot 2. Municipally known as 53867 Heritage Line

PROPOSAL
E 26-24

The applicant proposes to sever a parcel with a frontage of 5.53m (18.1 feet), a depth of 76.57m (251 feet) and an area of 991m² (0.25 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 904.8m² (0.22 acres) proposed to remain in residential use.

E 27-24

The applicant proposes to sever a parcel with a frontage of 3.85m (12.6 feet), a depth of 37.94m (125 feet) and an area of 249.7m² (0.06 acres) to be conveyed as an addition to an adjacent lot. The applicant is retaining a lot with an area of 685m² (0.16 acres) proposed to remain in residential use.

E 28-24

The applicant proposes to sever a parcel with a frontage of 25.03m (82 feet), a depth of 37.94m (125 feet) and an area of 947m² (0.23 acres) to create a new residential lot. The applicant is retaining a lot with an area of 904.8m² (0.22 acres) proposed to remain in residential use.

County of Elgin Official Plan
Tier 3 Settlement Area

Local Municipality Official Plan
Hamlets

Local Municipality Zoning By-law
Hamlet Residential (HR)

REVIEW & ANALYSIS:
Public and Agency Comments

Municipality of Bayham – Recommends approval, subject to conditions.

County Engineering – No concerns

Long Point Region Conservation Authority – No 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 two parcels for the purposes of a lot addition and create one new lot with an area of approximately 950m². The PPS permits consents within settlement boundaries for a variety of land uses and densities.

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 3 Settlement Area in the CEOP. The CEOP permits lot creation and technical severances in all land use designations. Tier 3 Settlement areas are the smallest settlement areas, and generally rely on private on site-services. Lot creation is permitted in settlement areas and tier 3 settlement areas shall be primarily residential in nature, which the proposed created lot will be used for.

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. A rezoning of the retained lot in application E 27-24 is required to address the reduced lot frontage and lot area of that parcel, and a minor variance for application E 28-24 is needed for the lot area of the retained parcel.

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.

Additionally, it is recommended that the following conditions from the Municipality of Bayham included as conditions for consent for application E 26-24:

1. That the owner obtains confirmation from Hydro One regarding the provision of hydro services, specifically whether maintenance easements are required over the existing hydro servicing traversing both Parcels B and D.
2. That the owner provides an engineered grading, drainage, and storm water management plan for Parcel D and 53885 Heritage Line to demonstrate that the consolidated lands will drain properly with no negative impacts on the neighbouring lands or the street, all to the satisfaction of the Municipality of Bayham
3. 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, R.S.O., 1990, as amended, with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
4. The owner provides a digital copy of a survey of the subject lands.
5. That the owner provides a Planning Report Fee payable to the Municipality of Bayham.

Additionally, it is recommended that the following conditions from the Municipality of Bayham included as conditions for consent for application E 27-24:

1. That the owner obtains approval of a Zoning By-law amendment for the proposed Parcel E (retained lot) from 'Hamlet Residential (HR)' Zone to a Site-Specific Hamlet Residential (HR-XX)' Zone to permit a reduced lot frontage of 19.9m and a reduced lot area of 755m².
2. That the owner provides confirmation with respect to the location of the existing municipal water service connection and private septic bed on parcel E.
3. That the owner provides written confirmation from a licensed septic installer demonstrating that the system on Parcel E is in satisfactory operating condition
4. That the owner provides written confirmation from a licensed septic installer demonstrating the reduced lot area for Parcel E provides sufficient space of a new system in the event the existing system requires future replacement
5. That the owner provides an engineered grading, drainage and storm water management plan for Parcel E to demonstrate that the lands will drain properly with no negative impacts on the neighboring lands or the street, all to the satisfaction of the Municipality of Bayham.
6. 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, R.S.O., 1990, as amended with a deposit to be paid in full to the Municipality prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
7. That the owner provides a digital copy of a survey of the subject lands.
8. That the owner provides a planning report fee payable to the Municipality of Bayham.

Additionally, it is recommended that the following conditions from the Municipality of Bayham included as conditions for consent for application E 28-24:

1. That the conditions of approval are satisfied for consent application E 27-24.
2. That the owner obtains approval of a minor variance for the proposed retained lot (Parcel B) to permit a reduced lot area of 904m².
3. That the owner removes and/or relocates the two (2) existing sheds; one (1) being located on Parcel A, and one (1) being located along the proposed property line between Parcels A and B.
4. That the owner obtains confirmation from Hydro One regarding the provision of hydro services, specifically whether maintenance easements are required over the existing hydro servicing traversing both Parcels B and D.
5. That the owner obtains approval from the Municipality of Bayham for road entrance permit (Church Street) for a new access to the proposed severed lot (Parcels A/C).
6. That the owner obtains a permit from the Municipality of Bayham for the installation of a new municipal water service connection to the proposed severed lot (Parcels A/C).
7. That the owner obtains a municipal lot assessment and provides soil testing results for the proposed severed lot (Parcels A/C) in accordance with Provincial standards for a future septic system.
8. That the owner provides written confirmation from a licensed septic installer demonstrating that the system on Parcel B is in satisfactory operating condition.
9. That the owner provides written confirmation from a licensed septic installer demonstrating the reduced lot area for Parcel B provides sufficient space for a new system in the event the existing system requires provide future replacement.
10. That the owner provides an engineered grading, drainage and storm water.