



Staff Report

Report To: Council Meeting
From: Bryan Pearce, Planner
Date: 2021-08-19
Subject: Zoning By-law Amendment Application D14 02-2021 – Furnival Road – Recommendation Report (Planning Report 2021-23)

Recommendation:

That West Elgin Council hereby receives the report from Bryan Pearce, Planner, regarding Zoning By-law Amendment Application D14 02-2021 – Furnival Road Recommendation Report (Planning Report 2021-23); and

That West Elgin Council approve the rezoning of Part of Lot 6, Concession 7; Parts 9 to 12, RP 11R-5944 from General Agricultural (A1) to Rural Residential (RR) Zone, in accordance with the draft by-law contained within Appendix Two of this report, Planning Report 2021-23; and

Further That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the August 19, 2021 Council Agenda.

Purpose:

The purpose of the Zoning By-law Amendment is to consider rezoning the four rural residential lot creation severed parcels of Consent (Severance) Applications E16-21 to E19-21 that was recently conditionally approved by the County of Elgin Land Division Committee. The four severed parcels would be rezoned from the General Agricultural (A1) Zone to Rural Residential (RR) Zone, in order to create the zoning provisions for the proposed four rural residential lots, that are conditions of the consents (severances).

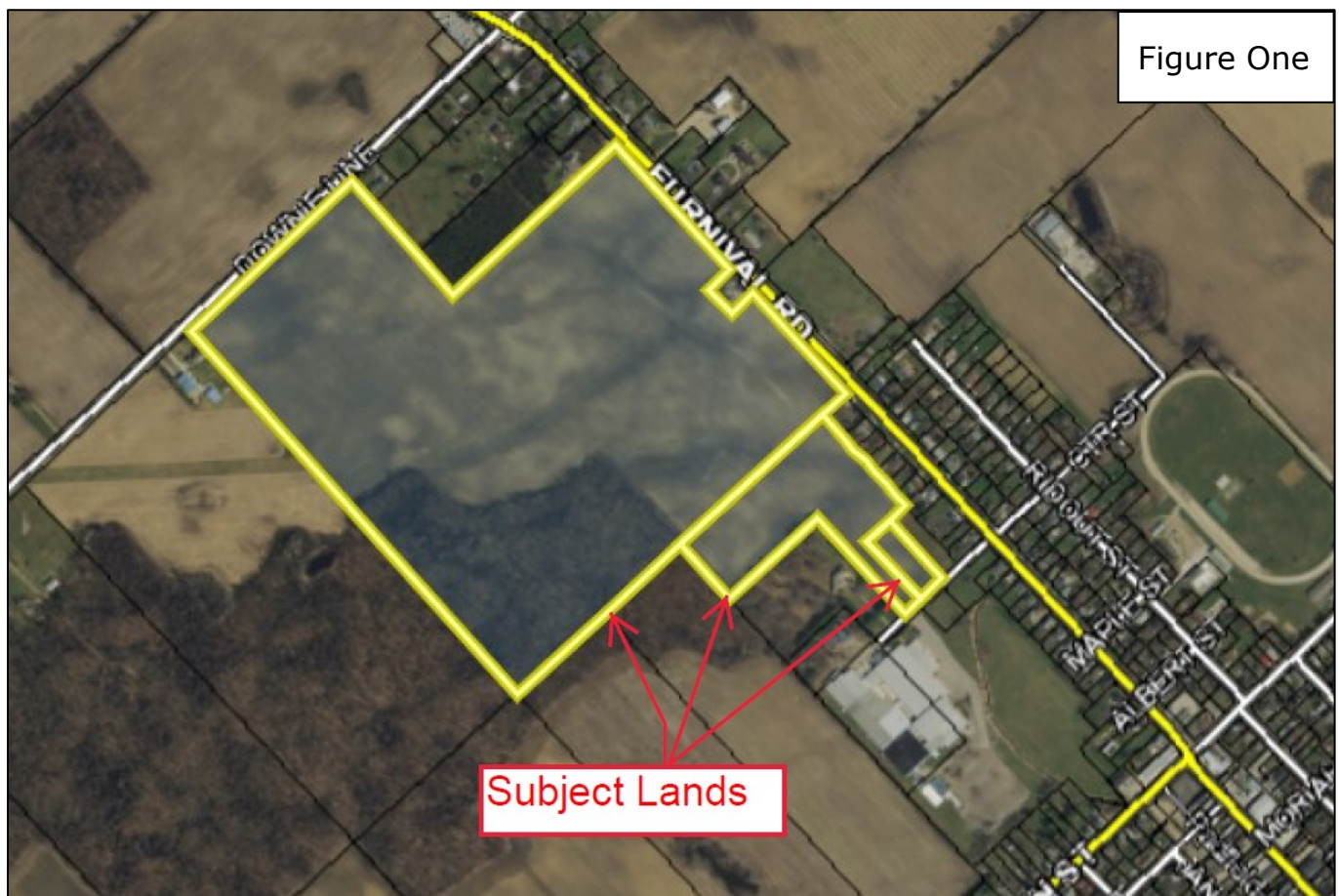
Background:

Below is background information from the application, in a summary chart:

Owner/Applicant:	Peter Parezanovic and Parezanovic Farms Inc. (c/o Michael Parezanovic)
Legal Description:	North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202
Civic Address:	Not assigned
Entrance Access:	Downie Line
Water Supply:	Existing: None Proposed: Municipal Water
Sewage Disposal:	Existing: None Proposed: Private on-site Individual Septic System
Lot Area:	37.02 hectares (91.48 acres)

Lot Frontage:	300.57 metres (986.13 feet)
Lot Depth:	Irregular
Use of Lands:	Existing: Field Crops (Agricultural) Proposed: Residential for the 4 lots being created. Retained parcels still to be farmed.
Buildings and Structures:	Existing: None Proposed: None at this time, but single detached dwelling would be allowed on each residential lot, if zoning by-law amendment approved and 4 lots are created.

Figure One below, depicts the subject lands:



The surrounding land uses are as follows:

- North: Agricultural and rural residential uses;
- East: Furnival Road and Existing single detached residential dwellings;
- South: Frederic Street, followed by existing single detached residential dwellings; and
- West: Graham Road, followed by existing single detached residential dwellings.

Financial Implications:

None. Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time.

Policies/Legislation:

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

PPS:

The subject lands are partially within the agricultural area, rural lands and settlement area. The portion of the subject lands addressing the four proposed residential lots is within the rural lands.

This proposal is consistent with the PPS, as the lands are within the rural residential area, considered rural lands in accordance with Section 1.1.5 of the PPS, which permit residential development through lot creation; and on partial services in accordance with Section 1.6.6 of the PPS.

CEOP:

The subject lands are designated as Agricultural, as shown on Schedule 'A' Land Use of the CEOP.

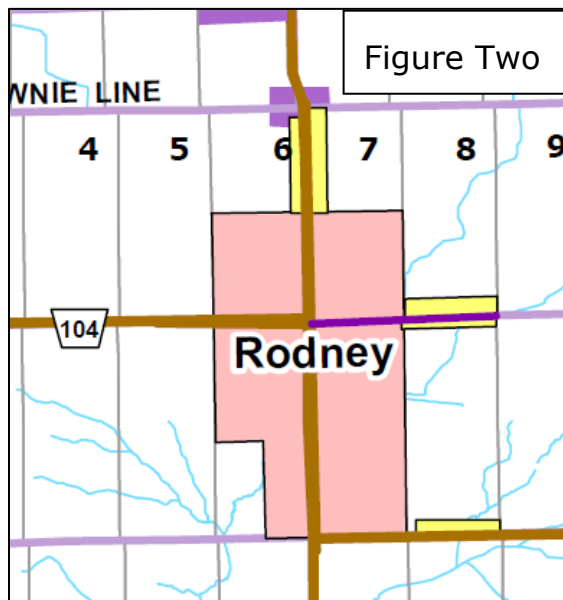
New lot creation policies of the CEOP contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal will be partially serviced, will not affect drainage patterns in the area, and entrance access to the lands can be obtained through Furnival Road.

New lot creation in the Agricultural areas policies of the CEOP contained under Section E1.2.3.4, allows for new lot creation if permitted with the local Official Plan.

Therefore, this proposal conforms to the CEOP.

OP:

The subject lands are designated as Agricultural, Rural Residential and Urban, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP, as shown on Figure Two, with the white colour being the Agricultural designation, yellow colour being the Rural Residential designation and the peach colour being the Urban designation, with the property location north of Rodney on the west side of Furnival Road. The Urban designation is further designated Residential on the Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP. The proposed four lots would be within the rural residential designation.



The rural residential land use policies, under Section 6.4 OP, permit single detached dwellings on larger-style lots due to partial services, fronts onto Furnival Road, an open and maintained County Road and complies with Minimum Distance Separation Formula (MDS I) for order impact, as there are no livestock facilities within the immediate surrounding area.

Lot creation polices under Section 10.4.1 of the OP, allows for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*.

Section 10.4.2 of the OP, further restricts lot creations through the consent process to a maximum of four, as this proposal has maximized.

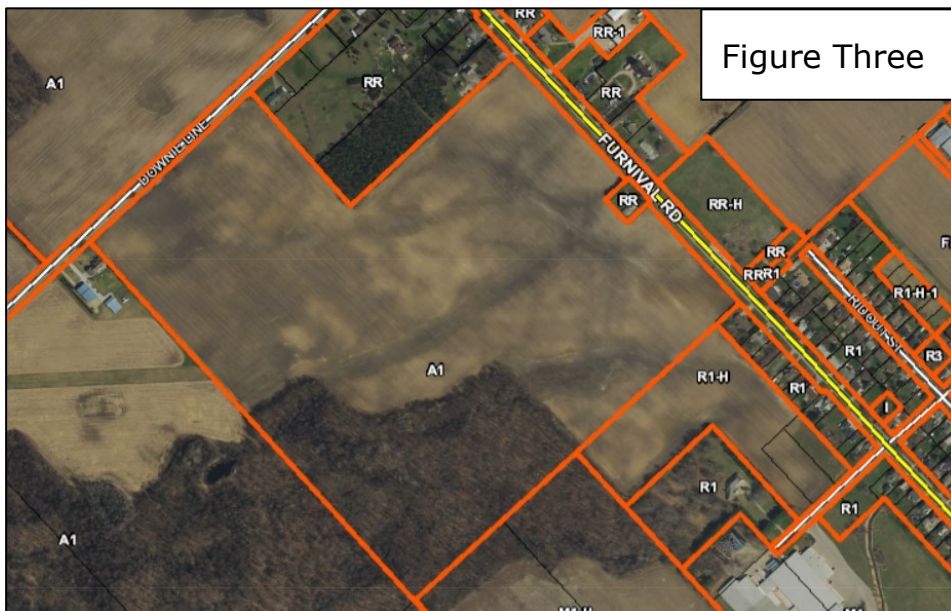
Therefore, the proposed zoning by-law amendment conforms to the OP.

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 37 of the ZBL and Residential First Density Holding (R1-H) on Schedule B, Map 1 of the ZBL, as depicted in Figure Three to the right.

The proposed four lots are within the A1 Zone.

Given the proposed four residential lots to be severed (each at 0.51 acres in land area) would need to be rezoned to the Rural Residential (RR) Zone, as the minimum lot area and lot frontage requirements are 2000 square metres (0.49 ac) and 30 metres respectively.



Given the zoning sketch attached to Appendix One, it indicates over 300 metres of frontage on Downie Line. Therefore, the retained parcel is in compliance with the Zoning By-law and does not need relief as previously mentioned in the report during the severances due to detailed information provided.

Section 11 of the ZBL, being the RR Zone, is appended to this report as Appendix One, for information purposes.

A draft of the zoning by-law amendment being considered is appended to this report as Appendix Town, for reference purposes.

Circulation of the Application:

The application was circulated to the applicable municipal departments, applicable commenting agencies and neighbouring property owners within 120 metres (400 feet) of the subject lands on July 22, 2021, being 28 days prior to the public meeting of August 19, 2021 (minimum of 20 days required).

Municipal Department Comments:

The zoning by-law amendment application was circulated to the Development Application Review Team for comment. No comments were received.

Agency Comments:

The zoning by-law amendment application was circulated to the Agencies for comment. The following comments were received:

Lower Thames Valley Conservation Authority (LTVCA)

LTVCA, in their July 28, 2021 letter noted the following:

- After reviewing our files and mapping in relation to the four lots created under E-16/21 through E-19/21, staff determined that the properties in question are not subject to the Authority's regulations.
- The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended.

Planning Staff has no issues or concern with the LTVCA comments, as the comments can aid the Applicant with their proposal and does not impact the proposed zoning by-law amendment, as proposed.

Public Comments

At the time of subject of this report, one formal written comment was received from the public related to the zoning by-law amendment, noting they oppose the proposed with no additional justification provided when requested.

It is acknowledged that four members of the public have contacted the Planning Office to participate in the public meeting, at time of writing of this report, three of which have provided no written comments.

Through phone conversations, clarity was provided that future residential development opportunities on the portion of the lands with the Rodney Settlement Area or the Rural Residential lands would require future planning approvals processes, which would trigger future public engagement opportunities to participate in as a result of the legislated Planning Act circulations. Again, this zoning by-law amendment proposal is for the four rural residential lots that were conditionally approved through the consent process and the rezoning of the severed parcels is one of the conditions of consent.

Summary/Conclusion:

Therefore, it is Planning Staff's opinion that the proposed Zoning By-law Amendment is consistent with the PPS, conforms to the CEOP and conforms to the OP; and recommends that the request for Zoning By-law Amendment be approved, subject to no concerns being raised through any oral and written submissions being received since the writing of this report and at the public meeting.

Once a Council decision is made, Notice will be sent to those who have requested a copy and/or attended the public meeting or provided written comments.

There will be a 20 day appeal period after the Notice is sent out. Any appeals received by the Municipality of West Elgin will be forwarded to the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) for a hearing, in accordance with the Planning Act.

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP
Planner
Municipality of West Elgin

SECTION 11. RURAL RESIDENTIAL (RR) ZONE

The Rural Residential (RR) Zone applies to residential lots designated ‘Agricultural’ and ‘Rural Residential’ in the West Elgin Official Plan and where the size of such lots does not generally exceed 4,000 square metres (approximately 1 acre). Permitted uses are restricted to single unit dwellings as the primary use. Bed and breakfast establishments and home occupations are also permitted. The RR zone may also be applied, depending on its size, to a new lot being created by consent for the purposes of disposing a surplus farm dwelling. Within the RR zone, the minimum lot area is 2000 sq m (0.5 acres) and the minimum lot frontage is 30 m (100 feet). The keeping of farm animals and dog kennels are not permitted on lands zoned RR.

11.1 GENERAL USE REGULATIONS

11.1.1 PERMITTED USES

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

- bed and breakfast establishment
- day care centre
- home occupation
- single unit dwelling

TABLE 11-1

RURAL RESIDENTIAL (RR) ZONE STANDARDS

1	Minimum Lot Area	2000 m ²
2	Minimum Lot Frontage	30 m
3	Maximum Lot Coverage	35%
4	Front Yard Depth/ Exterior Side Yard Width	10 m
5	Side Yard Width	3 m
	Rear Yard Depth	10 m
7	Maximum	10.5 m
8	Maximum Dwellings per Lot	1

11.2 SPECIAL USE REGULATIONS

11.2.1 HOME OCCUPATIONS

The following provisions shall apply to home occupations:

- a) shall be conducted within the dwelling or an attached private garage provided the external character of the dwelling as a residence does not change or within an accessory building or detached private garage;
- b) shall, if conducted within a dwelling or within an attached private garage, not exceed forty (40) percent of the total floor area of the dwelling and attached private garage or if conducted within an accessory building or a detached private garage shall not exceed one hundred (100) square metres of floor area;

- c) a nuisance, particularly in regard to noise, odour, refuse or parking, shall not be created;
- d) outside storage shall not be permitted;
- e) external display or advertisement shall be limited to one sign, a maximum of one (1.0) square metre in area.

11.2.2 **SINGLE UNIT DWELLINGS**

A single unit dwelling shall not be erected:

- a) closer than one hundred and fifty (150) metres to a dog kennel on a neighbouring lot;
- b) except in accordance with Minimum Distance Separation (MDS) Formulae as established by the Province and implemented under the guidelines established by the Province, as amended from time-to-time, except that the alteration of an existing dwelling shall be permitted and the replacement of an existing dwelling with a new dwelling shall be permitted provided the new dwelling is situated no closer to a livestock building and structure or manure storage facility than the dwelling being replaced.

11.3 **SITE-SPECIFIC ZONES**

11.3.1 a) **Defined Area** (*Rick's Auto Repair*)

RR-1 as shown on Schedule "A" Map No.37.

b) **Permitted Uses**

public garage in an existing building
all other permitted uses of the RR zone

11.3.2 a) **Defined Area** (*Chase Enterprises Inc.*)

RR-2 as shown on Schedule "A" Map No.50.

b) **Permitted Uses**

business office
light industrial use in an existing building
private garage

11.3.3 a) **Defined Area** (*Dan's Auto Refinishing*)

RR-3 as shown on Schedule "A" Map No.56.

b) **Permitted Uses**

public garage
all other permitted uses of the RR zone



MUNICIPALITY OF **West Elgin**

The Corporation of the Municipality of West Elgin

By-Law No. 2021-xx

Being a By-Law to Amend the Municipality of West Elgin Comprehensive Zoning By-Law No. 2015-36 for the property legally described as Part of Lot 6, Concession 7; Parts 9 to 12, RP 11R-5944.

Whereas the Council of the Corporation of the Municipality of West Elgin deems it advisable to amend By-law No. 2015-36, as amended, being the Comprehensive Zoning By-law of the Municipality of West Elgin:

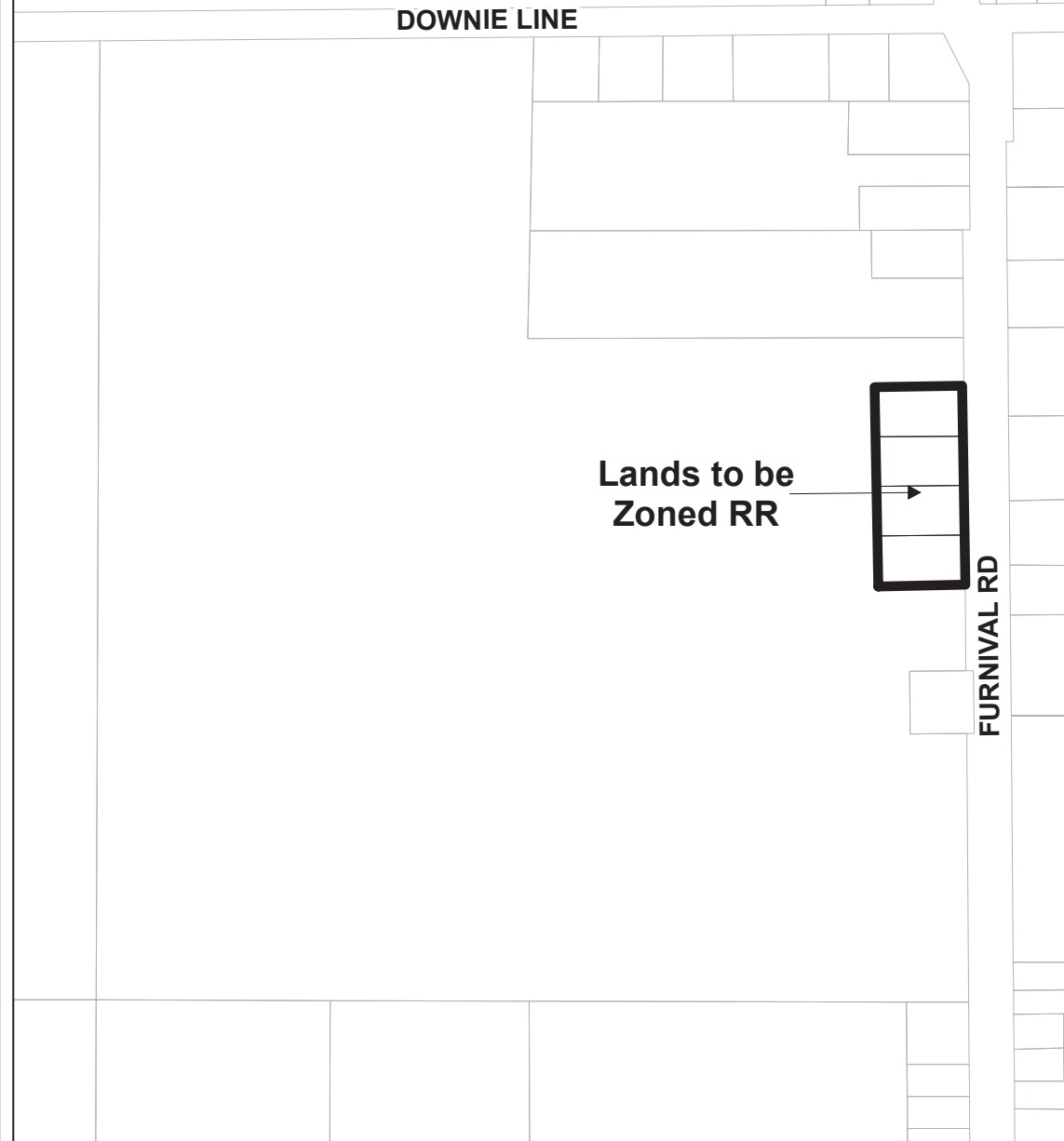
Now Therefore the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. That Schedule "A" Map No. 37 to By-law No. 2015-36, is hereby amended by changing a portion of the subject property from **General Agricultural (A1) Zone** to **Rural Residential (RR) Zone** for those lands outlined in heavy solid lines and described as RR, on Schedule "A" attached hereto and forming part of this By-law, being Part of Lot 6, Concession 7; Parts 9 to 12, RP 11R-5944; Municipality of West Elgin.
2. This By-law comes into force upon the day it is passed in the event an appeal has not been filed with the Clerk within the time prescribed by the Planning Act, R.S.O. 1990, as amended. In the event an appeal is filed with the Clerk within the time prescribed by the Planning Act, R.S.O. 1990, as amended, the By-law shall be deemed not to have come into force until the appeal has been finally disposed of, whereupon the By-law, except for such parts as are repealed or amended as so directed by the Ontario Land Tribunal (OLT) (formerly the Local Planning Appeal Tribunal (LPAT)), shall be deemed to have come into force on the day it was passed.

Read a first, second, and third time and finally passed this _____th day of _____ 2021.

Duncan McPhail
Mayor

Jana Nethercott
Clerk



This is Schedule "A" to By-law No. 2021-
passed on the _____ day of _____, 2021

MAYOR

CLERK