



Staff Report

Report To: Council Meeting

From: Robert Brown, Planner

Date: 2023-02-08

Subject: Zoning By-law Amendment Application D-14 1-2023 – Recommendation Report 2023-05 - Planning

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding Zoning By-law Amendment Application D-14 1-2023 – 23727 Beattie Line Recommendation Report (Planning Report 2023-05);

That West Elgin Council approve the zoning amendment for the subject parcel at 23727 Beattie Line to permit a second dwelling and permit an increase to the size of a home occupation;

That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the February 23, 2023, Council Agenda.

Purpose:

The subject land is a 20.17 ha (49.85 ac.) farm parcel located on the south side of Beattie Line, west of Linden Road. The property contains an existing dwelling and outbuildings. The applicants recently purchased the property with the intent of relocating and would also like to construct a new single detached dwelling on the site. The applicants have aging parents that they would like to provide living space for nearby. The proposal is to construct a new dwelling but also renovate the existing dwelling on the site for use by the applicants' parents.

In addition to this the applicants plan to operate a home occupation as part of their overall farming operation. Home occupations are a permitted use in the Agricultural Zone however are limited to a maximum of 100 sq. m which can limit the functionality of the home occupation. The suggested amendment is to increase the permitted size to 250 sq. m. to provide some flexibility for the applicants.

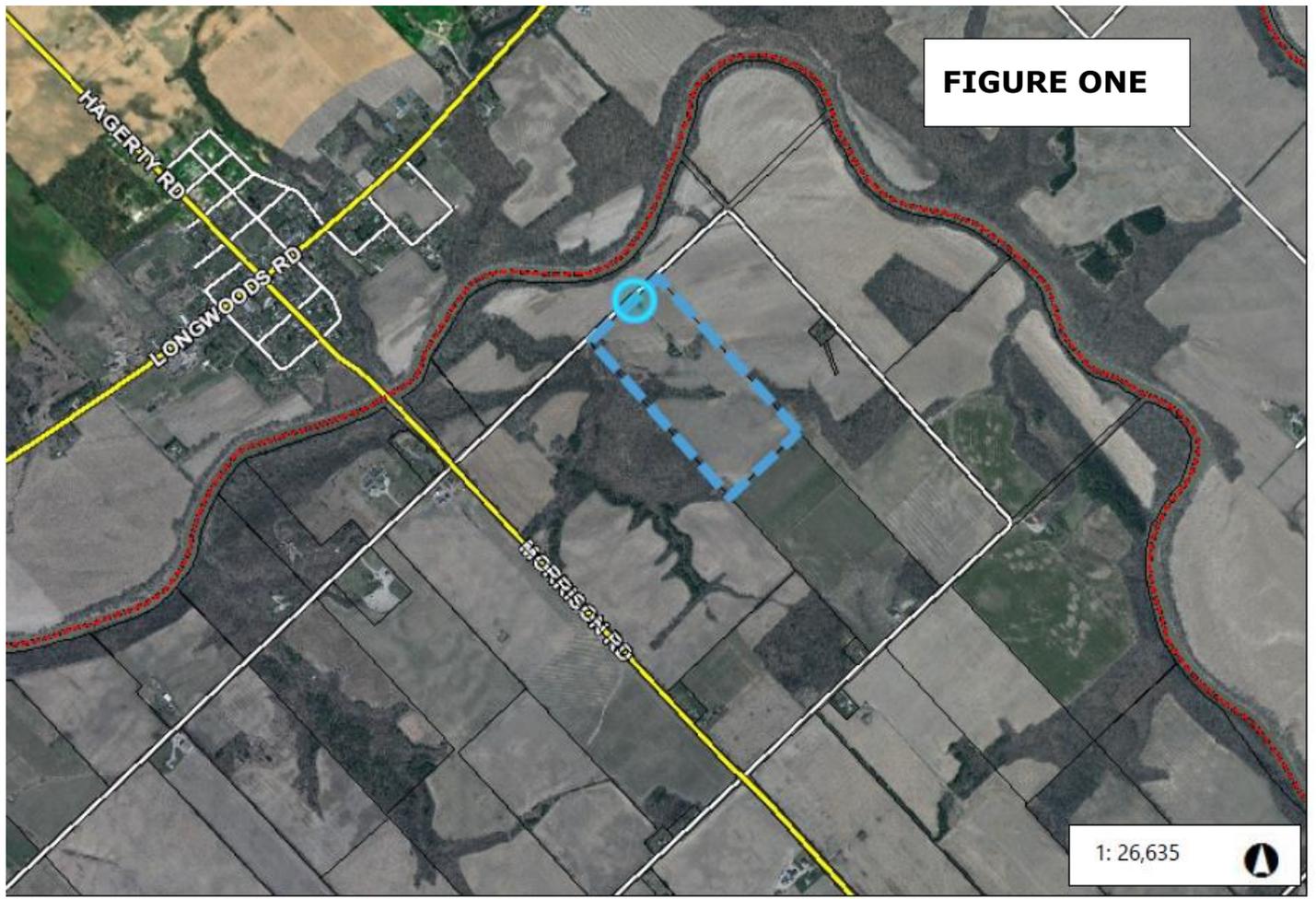
Both of the items are addressed as an amendment to the existing A1 zone and will permit two dwellings on the existing parcel and increase the size of a permitted home occupation.

Background:

Below is background information, in a summary chart:

Application	D 14 1-2023
Owners/Applicants	Simon & Kathleen Gascho
Legal Description	Part Lot of 16, Concession 1 WD
Entrance Access	Beattie Line
Dimensions	300 m +/- F x 671 m +/- D
Area	20.17 ha (49.85 ac.)
Buildings	Single detached dwelling & outbuildings

Figure One below, shows the location of the subject property outlined in blue.



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:

Provincial Policy Statement does not speak directly to specific regulations such as the number of dwellings on a given parcel of land. As the property is within the Agricultural designation PPS does of course speak to the limiting of non-agricultural development in agricultural areas. Until recently many agricultural zones actually did or may still permit two dwellings on a farm parcel subject to certain requirements such as a minimum farm size or demonstrated need.

Ongoing changes to the Planning Act have also introduced the ability for municipalities to permit up to three additional dwelling units in a single detached dwelling, accessory building or some combination of the two. This permission, although intended more to focus on promoting additional dwelling units in urban areas, does not specifically limit accessory dwelling units in the agricultural designation. Permitting the existing dwelling to remain does not impact on the farmable land and construction of the new dwelling can be done to utilize area on the farm parcel currently not under active cultivation.

On-farm diversified uses and home occupations are permitted within the Agricultural designation, subject to local regulation and being mindful of scale and potential impact on surrounding agricultural uses. Small scale manufacturing such as (furniture and cabinets) or value added products such as canning, baking, or wineries are very common in agricultural areas. As such the proposal is consistent with PPS.

CEOP:

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. The County Plan outlines a number of different uses permitted within the Agricultural designation. Accessory accommodations for farm labour is one of those uses. Although the proposed retrofit of the existing dwelling is family related versus being for farm labour it provides the applicants assistance in caring for aging parents in close proximity while also allowing independence for both the parents and children. The location of the new dwelling will be in close proximity to that of the existing dwelling to minimize impact on the existing farmland and will not promote or permit future severance.

Section C2.7.2 of the CEOP outlines criteria for home occupations and home industry. As with PPS the key limitations focus on scale and impact of these uses so as not to impact negatively on the continued agricultural operations either on the subject site or surrounding lands. The proposed amendment to increase the size from 100 sq. m to 250 sq. m will continue to maintain an appropriate scale for a home based business. The proposed zoning amendment conforms with the policies of the County Official Plan.

WEOP:

The subject lands are designated as Agricultural Area, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP.

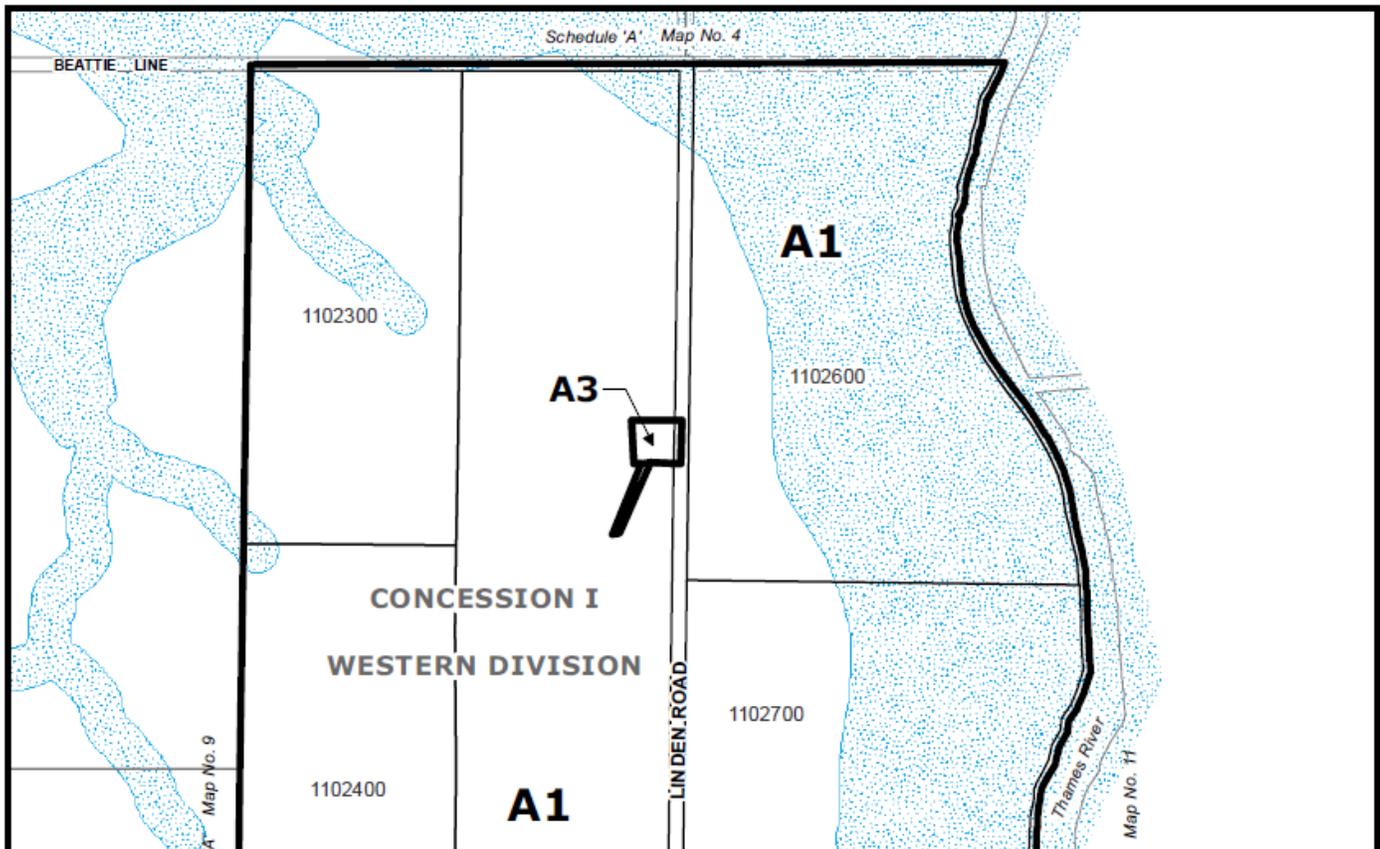
Dwellings and dwellings for farm labour are permitted within the Agricultural designation. A second dwelling for the purpose of housing family is not specifically addressed in the WEOP however Section 10.1.1 Unexpected Situations outlines the following, "Where a situation arises not specifically addressed by the policies of this Plan, the general intent and spirit of the Plan shall be the determining factor establishing conformity with the Plan.

Comment: There are two factors to consider for the requested amendment. First, is the fact that the agricultural designation does potentially permit two dwellings, the main dwelling and one for farm labour be it permanent or temporary. Second, changes to the Planning Act have introduced permission for municipalities to permit a main dwelling and up to three secondary dwelling units. This permission is not specifically limited to just residential areas or just urban areas. Based on this I believe the intent and purpose of the WEOP is maintained.

Secondary uses, specifically home occupations, are permitted keeping in mind limitations on scale and giving consideration to impact on the surrounding agricultural area. Since the Restricted Agricultural A3 Zone already permits a home occupation up to 200 sq. m in size the requested amendment to the A1 limit of 100 sq. m would be in conformity to the OP.

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

The subject lands are zoned General Agricultural (A1) Zone on Schedule "A" Map 10 of the ZBL as depicted in Figure Two. The proposed amendment would rezone the subject farm parcel to a site-specific A1 which will permit a secondary dwelling and increase the size of a home occupation from 100 sq. m to 250 sq. m. The new dwelling is proposed just to the north of the existing dwelling so there shouldn't be any significant impact to the workable acreage.



Financial Implications:

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended from time to time. The proposed zoning amendment will result in a change in assessment once the new dwelling and other improvements are complete.

Interdepartmental Comments:

The zoning application was circulated to municipal staff for comment.

External agencies are also circulated for comment. The only comment that was received at the time of writing was from the LTVCA and is attached as Appendix B.

Public Comment:

As required by the Planning Act all landowners within 120 m of the subject parcel were circulated. At the time of writing of this report no comments have been received.

Summary:

The proposed zoning amendment is consistent with the PPS, conforms to both the CEOP and West Elgin OP, and addresses the application condition(s) of consent included in the provisional approval decision of the Land Division Committee for the County of Elgin.

Prepared by:

A handwritten signature in black ink, appearing to read 'Robert Brown', written over a horizontal line.

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

Report Approval Details

Document Title:	Zoning By-law Application D-14 1-2023 - Recommendation Report - 2023-05 - Planning - 2023-05-Planning.docx
Attachments:	- Appendix B - LTVCA Comment.pdf - 2023-xx - ZBLA - D14 1-2023 Beattie Line - DRAFT.pdf - Schedule A - Gascho.pdf
Final Approval Date:	Feb 15, 2023

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

Jana Nethercott