



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2023-11-01
Subject: Zoning By-law Amendment Application D-14 21-2023 – Recommendation Report – (Planning Report 2023-50)

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding Zoning By-law Amendment Application D-14 21-2023 – Recommendation Report (Planning Report 2023-50).

That West Elgin Council approve the zoning by-law amendment for the subject parcel on Marsh Line to rezone the property from Residential First Density, Holding One (R1-H-1) Zone to Residential First Density Special Regulation 9 (R1-9) including site-specific regulations as outlined in Figure Three of this report.

That West Elgin Council consider the by-law to amend the comprehensive Zoning By-law, as presented in the by-law portion of the November 9, 2023, Council Agenda.

Purpose:

The Municipality of West Elgin has received the above-noted application for lands located on the north side of Marsh Line, west of Graham Road. The subject property is designated Residential by the Official Plan. The current zoning on the property is Residential First Density Holding One, (R1-H-1) Zone under the West Elgin Comprehensive Zoning By-law.

The subject lands total 6.71 ha (16.5 ac.) in area with frontage along Marsh Line. The property is currently vacant and split by an open municipal drain. A draft plan of subdivision was approved for the development of 67 residential building lots in 1989. More recently a request was filed with the County of Elgin for a redline amendment to address adjustments that were needed as a result of discussion with Municipal staff i.e. conveyance of lands along Marsh Line, an additional block for stormwater management and the width of Street “A” to accommodate a maintenance corridor along the municipal drain. The County has approved the redline amendment as a minor adjustment to the original plan and now includes 66 lots total, see Appendix A. With the completion of the engineering review and adjustments to the plan the applicant has now filed an application for a site-specific zoning amendment to both remove the H-1 Holding symbol and establish site-specific regulations which are outlined in greater detail under the zoning section of this report

Background:

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

Owner:	Marsh Line Development
Applicant/Agent:	SBM (Sandra Congdon/Ben Hyland)
Legal Description:	Part of Lot 18, Concession 9
Civic Address:	Marsh Line
Entrance Access:	New streets to be constructed
Water Supply:	Existing: None Proposed: Municipal water service
Sewage Disposal:	Existing: None Proposed: Municipal sanitary service
Storm water:	New comprehensive system required
Lot Area:	6.71 hectares (16.5 acres)
Use of Lands:	Existing: Vacant Proposed: single detached residential



Financial Implications:

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended from time to time. Development of the property overall will result in a significant increase in assessment value at full build out.

Policies/Legislation:

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

PPS:

The subject lands are within the settlement area of West Lorne which permits a variety of densities and land uses, provided the necessary infrastructure and transportation is available (Section 1.1.3). The approval authority for plans of subdivision in 1989 was the Ministry of Municipal Affairs & Housing. Appendix B attached outlines the comment and approval provided at that time.

Since the property is bisected by a municipal drain a portion of the property is located within the Conservation Authorities regulated area. Appendix C outlines that the LTVCA is satisfied that items related to the drain and storm water management have been addressed.

CEOP:

The subject lands are within the Tier One settlement area designation on Schedule 'A' Land Use in the CEOP. The property would be considered a residential area with the settlement area and subject to the policies of Section C1.1.1 Residential Area.

It is the objective of this Plan to:

- a) maintain and *enhance* the character and identity of existing residential areas;

Comment: The proposed development will be a continuation of single detached residential housing consistent with the land to the east.

- b) encourage the provision of a range of housing types to accommodate persons with diverse social and economic backgrounds, needs and desires while promoting the maintenance and improvement of existing housing;

Comment: The subdivision represents the first significant residential development in West Elgin in several years and will help to supplement housing stock for the community.

- c) promote the efficient use of existing and planned *infrastructure* by supporting opportunities for various forms of *residential intensification*, where appropriate;

Comment: Both sanitary service and water service, including capacity, are available along Marsh Line to provide full servicing without extension of municipal infrastructure.

d) encourage increases in density in new *development* areas to maximize the use of *infrastructure* and minimize the amount of land required for new *development*;

Comment: The existing Todd Lane subdivision area has a density of 8.6 units per ha. The new development increases the density to 9.8 units per ha or approx. 1.2 additional dwellings or eight homes total.

e) ensure that residential areas permit a variety of complementary and *compatible* land uses including *special needs* housing, community facilities, schools, small-scale commercial uses and recreational open space areas;

Comment: most of the services needed to support the new development are just north of the development along Graham Road.

f) require a high standard of urban design for *development* and *redevelopment*; and,

Comment: The layout of the subdivision is consistent with current standards.

g) encourage local municipalities to establish comprehensive design guidelines and policies to foster the establishment of communities that are safe, functional and attractive.

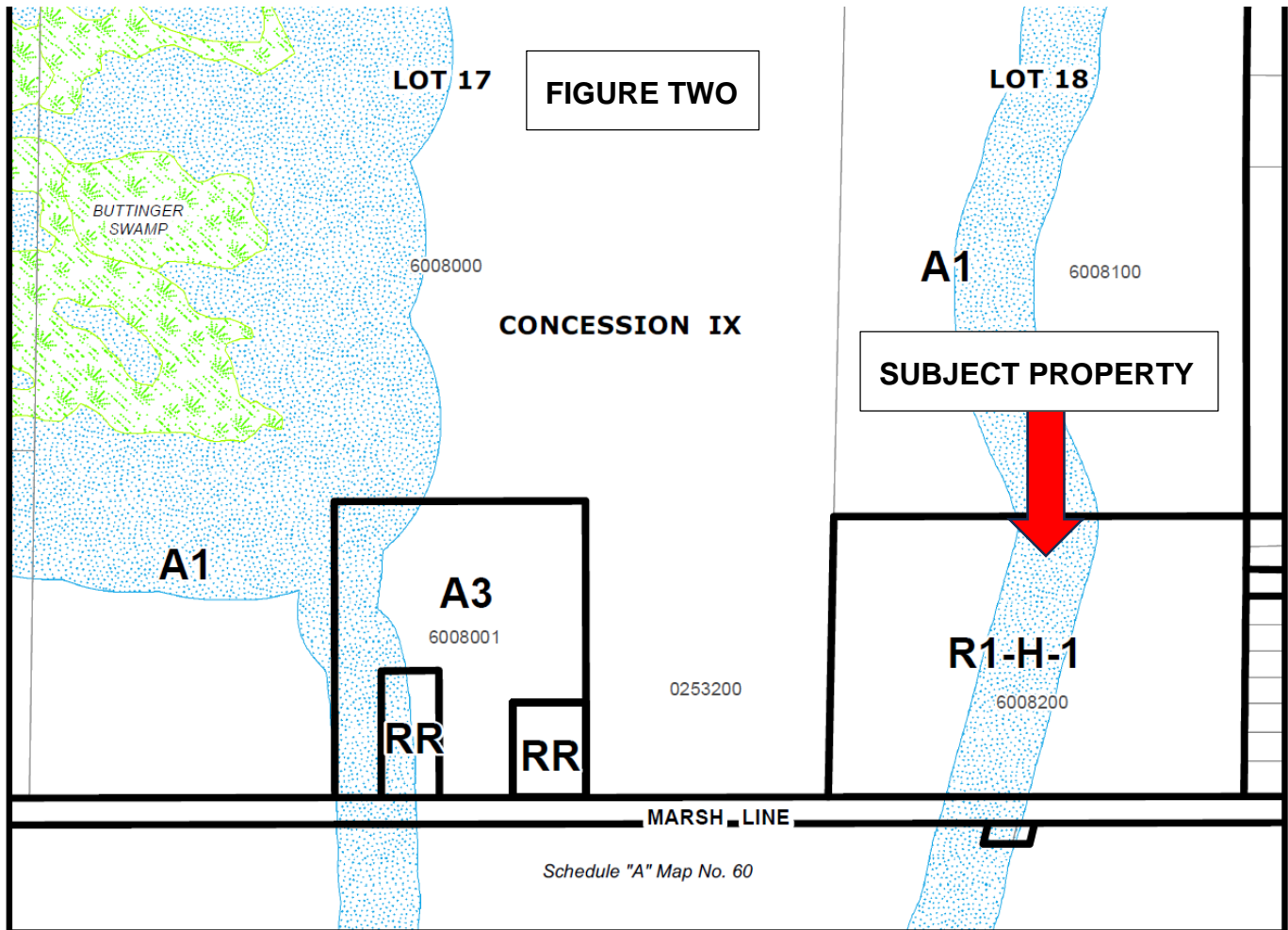
Comment: Each subdivision development is reviewed for compatibility with surrounding development and every effort is made to increase the overall positive addition to area and community as a whole.

OP:

The subject lands are designated as Residential, as shown on Land Use and Transportation Plan Schedule 'D' of the OP. The proposed development is a logical extension of the existing residential area to the east. The lands to the north are currently outside the West Lorne settlement area however the subdivision has been designed so that connection can be made in the future if those lands are incorporated into the settlement area in the future. As such, the requested zoning amendment on the subject lands conforms with the Official Plan.

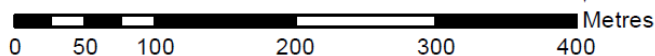
Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):

The subject lands are zoned Residential First Density Holding One (R1-H-1) Zone on Schedule C, Map 5 of the Zoning By-law, as depicted in Figure Two. In order to proceed with the proposed development an amendment is required to rezone the property to a site-specific Residential First Density Special Use Regulation 9 (R1-9). The attached chart outlines the requested amendments to the standard R1 zone. (Figure Three) The bold items are those being proposed. Appendix D also includes a full outline of the applicants request by their consultant.



**Municipality of WEST ELGIN:
WEST LORNE and AREA**

SCALE 1:5,000



Municipality of West Elgin Zoning By-Law

Schedule "C"

Map No. 5

The rezoning provides a greater degree of flexibility for the development to offer a variety of lot sizes and maximize the use of serviceable lands. The requested amendments are consistent with newer development.

The applicant had also suggested the zoning of the lands to be conveyed to the municipality, namely the stormwater facilities and open drain, be placed in an Open Space classification. Typical practice in subdivisions is to simply include these facilities in the overall zoning on the property as they will be conveyed to the Municipality and Open Space zoning is not required. This was discussed with the applicant and there was no objection to this approach.

FIGURE THREE – ZONING DETAIL

Item	Regulation	R1 Zoning	Proposed R1-XX	Compliance
1	Lot Area (m ²) Min.	600	440.0*	NO*
2	Permitted Use	Home Occupation Single Unit Dwelling	Home Occupation Single Unit Dwelling	Yes
3	Lot Frontage (m) Min. a) Corner Lot b) Interior Lot	18.0 15.0	18.0 12.8*	Yes No*
4	Front Yard (m) Min.	7.5	6.0*	NO*
5	Side Yard (m) Min. a) Single Unit Dwelling b) Single Unit Dwelling without attached garage. c) Single Unit Dwelling Corner Lot	a) 1.5 m + 0.5m for each additional or partial storey above the first b) 1.5 m + 0.5 m for each additional or partial storey above the first on one side and 4.5 m on the other side c) 7.5 m on the side abutting a street and 1.5 m + 0.5m for each additional or	a) 1.2* b) 1.2m on one side and 4.0m on the other side * c) 1.2m on the interior side yard and 4.0m on the exterior side yard *	NO*

		partial storey above the first on the other side		
6	Rear Yard (m) Min.	7.5	7.5	Yes
7	Setback from a Municipal Drain (m) Min. (Section 4.12(b))	15 metre setbacks from the top-of-bank of a municipal drain having a width of 4.5 metres or more from top-of-bank to top-of-bank.	15.0	Yes
8	Height (m) Max.	10.5	<10.5	Yes
9	Lot Coverage (%) Max.	30.0	40.0	NO*
10	Dwelling Units / Lot	1	1	Yes
11	Municipal Services	No dwelling shall be erected or used that is not connected to the municipal water supply system and the municipal sanitary sewage system.		Yes
12	Parking	1 Space per Unit	1 Space per Unit	Yes

Circulation Of The Application:

The application was circulated to the applicable commenting agencies and neighboring property owners within 120 meters of the subject lands on October 20, 2023, 20 days prior to the public meeting (minimum 20 days required). The notice is also posted to the Municipal website.

Municipal Department Comments:

The zoning by-law amendment application was circulated to staff. Technical review has been completed and all engineering comments addressed. A development agreement will be the final step prior to the subdivision moving forward to construction.

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)

The full comment from the LTVCA is included as Appendix C. There was no objection to proposed development on the subject lands however the Conservation Authority did outline a permit will be required prior to works on the site moving forward.

Public Comments:

At the time of submission of this report one comment had been received from a neighbouring land owner regarding how storm water would be managed on the property. The property owner was advised that a storm water management plan/system has been designed and reviewed for the development and that the new system will not be connected to the existing residential subdivision to the east.

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 and everyone who was circulated the notice of public meeting.

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 for a hearing, in accordance with the Planning Act.

Prepared by:



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

Report Approval Details

Document Title:	Zoning By-law Amendment Application D-14 21-2023 - Recommendation Report - 2023-50-Planning.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - SBM-20-3300 Creeks Edge SUBDIVISION PLAN AND ZONING CHART.pdf- Appendix B - Ministry Approval.pdf- Appendix C - Final LTVCA Comment Apr 2023.pdf- Appendix D - 01 - SBM-20-3300 Creeks Edge - ZBA Proposal Summary.pdf
Final Approval Date:	Nov 2, 2023

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

Terri Towstiuc