



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2025-04-30
Subject: Zoning By-law Amendment Application D-14 2-2025 – Recommendation Report (Planning Report (2025-08))

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding Zoning By-law Amendment Application D-14 2-2025 – Recommendation Report (Planning Report 2025-08)

That West Elgin Council approve the correction of the zoning of the lands at 172 and 174 Jane St. by rezoning the lands from Residential Second Density (R2) to Residential Third Density (R3) Zone, in accordance with the attached draft zoning by-law, 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 May 8, 2025, Council Agenda.

Purpose:

As a result of a transition error the zoning on the subject lands was changed from R3 in the former Rodney Zoning By-law to R2 in the current West Elgin Zoning By-law. To correct this issue an amendment is proposed to change the existing zoning on the property from Residential Second Density (R2) Zone to Residential Third Density (R3) Zone which will permit the current use on the property.

Background:

The subject land consists of two lots each with a frontage of 25 m, depth of 44 m and area of 1,100 sq. m. Each lot contains an existing fourplex constructed in 1992. The applicant is proposing to consolidate the lots into one parcel and did submit a request to the County of Elgin for a cancellation certificate which was approved April 22, 2025. This approval nullifies the original consent and allows the lots to be consolidated into one. During discussion with the applicant, it was determined that the current R2 zoning was not correct and that earlier consultation with the municipality had verified this. It was agreed that a correction would be made during the next by-law housekeeping, however, no amendments have been necessary in the last three years. With the pending consolidation of the lots it was recommended that a stand along by-law be brought forward to rezone the lands back to their former R3 zoning as agreed to during earlier consultation. This will permit the current use on the property.

Financial Implications:

As a transition error occurred, the municipality is undertaking the correction at no cost to the landowner. Once the two existing lots are consolidated there may be some minimal adjustment in the assessment value.

Policies/Legislation:

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Planning 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 (2024):

The proposed zoning correction raises no issues of Provincial significance.

CEOP:

The subject lands are within the Rodney settlement area and considered a Tier One settlement area. The zoning correction raises no issue of County significance.

West Elgin OP (2024):

The subject lands are designated Residential, as shown on Land Use Plan Schedule '4A' of the Official Plan. The land use on the property is not changing and will continue to conform with the Residential policies of the West Elgin Official Plan.

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

The subject lands are zoned Residential Second Density (R2) Zone on Schedule B, Map 3 of the ZBL. This zoning does not permit the current fourplexes on the subject lands however they would be considered legal non-conforming as they were permitted under the R3 of the former Rodney Zoning By-law. It is never the intent to remove development potential from a landowner's property without proper consultation.

The transfer of all applicable zoning details from one or more former by-laws such as the former Rodney and Aldborough to one consolidated by-law, the current West Elgin Zoning By-law, is bound to result in transition errors regardless of how carefully the tasks is undertaken. When errors such as this are realized there are two options, undertake a comprehensive housekeeping amendment to address one or more errors or complete a standalone amendment. Since no housekeeping amendment is currently anticipated and the owner was undertaking a consolidation of the two existing lots a standalone approach was recommended.

Since the amendment is not resulting in any change to the existing land use there are no additional considerations.

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 April 17, 2025, a minimum of 20 days prior to the public meeting as required by the Planning Act.

Municipal Department Comments:

There were no concerns expressed with the proposed zoning correction.

Agency Comments:

The zoning by-law amendment application was circulated to the Agencies for comment. No additional comments have been received from other agencies.

Public Comments:

At the time of writing, no comment from the public had been received.

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 West Elgin OP; and recommends that the 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 (OLT) for a hearing, in accordance with the Planning Act.

Alignment with Strategic Priorities:

Infrastructure Improvement	Recreation	Economic Development	Community Engagement
<input type="checkbox"/> To improve West Elgin's infrastructure to support long-term growth.	<input type="checkbox"/> To provide recreation and leisure activities to attract and retain residents.	<input type="checkbox"/> To ensure a strong economy that supports growth and maintains a lower cost of living.	<input type="checkbox"/> To enhance communication with residents.

Respectfully submitted by,



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

Report Approval Details

Document Title:	Zoning By-law Amendment Application D-14 2-2025 - Recommendation Report - 2025-08-Planning.docx
Attachments:	- 2025-23 - ZBLA - D14 2-2025 Vergeer.pdf
Final Approval Date:	May 2, 2025

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

Robin Greenall