



## MUNICIPALITY OF **West Elgin**

### Staff Report

---

**Report To:** Council Meeting  
**From:** Heather James, Planner  
**Date:** 2020-06-11  
**Report:** 2020-14  
**Subject:** Zoning Report – 145 Furnival Road

---

#### **Recommendation:**

That West Elgin Council hereby receives the report from Heather James regarding a zoning report for 145 Furnival Road; and,

That West Elgin Council provides direction to staff to \_\_\_\_\_.

#### **Purpose:**

The purpose of this report is to provide Council with zoning information pertaining to 145 Furnival Road due to a partially constructed greenhouse.

#### **Background:**

It came to my attention via email on April 30, 2020 by Jackie Morgan-Beunen, municipal Chief Building Official (CBO) that she had received a complaint about a greenhouse that had been partially constructed at 145 Furnival Road without a building permit. Specifically, it is located in the tilled earth section that is triangular in shape in front of an existing barn (see Key Map). Upon further review, Ms. Morgan-Beunen also noted that the greenhouse had been constructed in a zone on the lands that does not permit any new buildings and/or structures. The owners were further contacted by Ms. Morgan-Beunen on May 12, 2020 after the Planner and CBO had had an opportunity to comprehensively review the zoning and was asked to contact the Planner to apply for a zoning by-law amendment. The owners contacted the Planner via telephone and the Planner visited the property with the owners present on May 28, 2020.

The subject lands are legally described as Plan 202 Part of Lots 65 and 72 and municipally known as 145 Furnival Road. The lands have an area of 6.7 ha (16.6 ac.), with a frontage of 53.5 m (175.52 ft.) along Furnival Road and an irregular depth.

#### **Financial Implications:**

Dependent on the decision of Council.

#### **Policies/Legislation:**

**Ministry of Environment D-2 Guideline: Compatibility between Sewage Treatment and Sensitive Land Use**

The subject lands are adjacent to the Rodney Sewage Treatment Facility which includes a treatment plant and water stabilization pond (lagoon), licensed by the Ministry of Environment. The D-2 guideline recommends separation distances between sewage treatment plants and water stabilization ponds and sensitive land uses, such as residential. A sensitive land use is defined as a building, 'amenity area' or outdoor space where routine or normal activities occurring at reasonably expected times would experience 1 or more 'adverse effect(s)' from contaminant discharges generated by a nearby 'facility'. The 'sensitive land use' may be a part of the natural or built environment. Separation distance is defined as the linear measurement between a 'facility' property/properties and a 'sensitive land use/uses'. The recommended separation distance between the lagoon and the residential area is between 100 m and 400 m, dependent on the type of pond and characteristics of the waste. The separation distance between the partially constructed greenhouse and the lagoon is 175 m (574.15 ft.).

### **Municipality of West Elgin Official Plan**

The subject lands are designated Residential as shown on Schedule 'B' Map No. 4 in the Municipality of West Elgin Official Plan. Residential uses with accessory uses such as a greenhouse for personal use is permitted.

### **Municipality of West Elgin Zoning By-law**

The subject lands are zoned Residential First Density (R1) and Future Residential (FR) in the Municipality of West Elgin Comprehensive Zoning By-law 2015-36. An existing single detached dwelling on the lands is located in the R1 zone (constructed in 2007) and an existing in-ground pool is located in the R1 zone (constructed in 2008). The greenhouse has been constructed in FR zone. An existing former barn that had been located in the R1 zone where the house is now located was moved to the FR zone in either 2006 or 2007.

An excerpt from the preamble for the FR Zone states:

*'The Future Residential (FR) Zone applies to large undeveloped parcels in settlement areas designated 'Residential' in the West Elgin Official Plan and intended for future residential purposes. The zoning which would ultimately be applied to these lands would ultimately be determined upon submission of a plan of subdivision or plan of condominium approved by the County of Elgin and a development agreement entered into with the Municipality. In the interim, to prevent premature development, no buildings or structures are permitted.'*

The permitted uses in the FR zone are agricultural use with exception of buildings or structures for the keeping or raising of livestock and forestry use. As the subject lands are a large tract of land, the FR zone, which is 5.79 ha (14.31 ac.) in area is an appropriate zone as there are no current large scale development plans for the lands.

The previous zoning by-law, the Village of Rodney Zoning By-law No. 89-10 zoned the lands as Residential First Density (R1) and Open Space (OS). The OS zone only permits a cemetery, forestry use, public park and private park. The zone boundaries have been reviewed between the current zoning map and the previous zoning map and no changes were made. The zone boundaries utilize an existing established rear lot line that is consistent with other residential lots to the north and to the south of the lands.

### **Next Steps**

The owners of 145 Furnival Road have a few options to consider. They could:

1. relocate the greenhouse to the R1 zone and apply for a building permit; or,
2. apply for a zoning by-law amendment to rezone the lands where the greenhouse is located from FR to R1 to permit the use and apply for a building permit.

Alternatively, Council, as the approval authority has the ability to amend the zoning by-law through a site-specific amendment for 145 Furnival Road to permit the use of the greenhouse. The owner would also be required to apply for a building permit. The CBO and Planner are of the opinion that the FR zone needs to be revised to provide greater clarity for interpretation in a future housekeeping amendment.

Regardless of which option Council chooses, consultation with the Ministry of Environment is recommended prior to the circulation of the zoning by-law amendment to ensure that separation distances can be met and potential impacts are mitigated.

### **Related Documents:**

Ministry of Environment D-1-3 Guideline: Land Use Compatibility Definitions

## Key Map





## Key Map

