



MUNICIPALITY OF West Elgin

Staff Report

Report To: Council Meeting

From: Heather James, Planner

Date: 2022-06-23

Subject: Severance Application E51-22 – Comments to Elgin County

Recommendation:

That West Elgin Council hereby receives the report from Heather James, Planner regarding the consent application File E51-22 – Comments to County of Elgin (Planning Report 2022-24);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E51-22, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And further that West Elgin Council directs Administration to provide this report as Municipal comments to the County of Elgin.

Purpose:

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Application E51-22, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate residential lot creation within the settlement area of Rodney.

Background:

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

Application	E51-22
Owner/Applicant	Milosz Podolan
Legal Description	Part of Lot 7 Concession 7, Plan 202 Part of Lot 19, RP 11R-10438 Parts 1 to 3
Civic Address	305 Furnivall Road
Entrance Access	305 Furnivall Road
Water Supply	Severed Parcel – Municipal water; needs to be connected Retained Parcel – Connected to municipal water
Sewage Supply	Severed Parcel – Municipal sanitary sewage system; needs to be connected

	Retained Parcel – Municipal sanitary sewage system
Existing Land Area	2,593.19 square metres (0.64 ac)
Buildings and/or Structures	Severed Parcel – Accessory building (to be removed); Retained Parcel – Single detached dwelling and detached garage

Below is the detailed dimensions and land areas of the application, in a chart:

Application	Severed Parcel (Part 1)			Retained Parcel (Part 2)		
	Frontage	Depth	Area	Frontage	Depth	Area
E51-22	14.947 m (49.04 ft)	40.234 m (132.0 ft)	601.37 m ² (0.15 ac)	19.507 m (64.0 ft)	Irregular 102.108 m (335.0 ft)	1,991.82 m ² (0.49 ac)

The Public Hearing is scheduled for July 27, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Podolan Lands.



The severed and retained parcels for E51-22 are shown in a draft survey sketch, attached to this report as Appendix One for reference purposes.

Financial Implications:

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time. Cash-in-lieu of parkland fee is required due to the creation of a new lot in a settlement area and has been recommended as a condition of severance.

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.

With regard to this proposal involving severances, the Planning Authority is the County of Elgin Land Division Committee, wherein the Municipality provides agency comments to the County of Elgin as part of their decision-making process.

PPS:

Lot creation is permitted within the Settlement Areas in accordance with Section 1.1 of the PPS.

The proposal appears to be consistent with the PPS.

CEOP:

The subject lands are designated Tier I Settlement Areas and Agricultural Area on Schedule 'A' Land Use in the CEOP. The proposed severed parcel is mostly within Tier I Settlement Areas with a small portion of the parcel within the Agricultural Area. Detailed land use designations are provided within the OP.

Section F10.2 Interpretation of Land Use Designation Boundaries states where the general intent of the document is maintained, minor adjustments to boundaries will not require an amendment to this Plan. The boundaries of the settlement areas identified on Schedule A of this Plan are representative of the boundaries as delineated in the local Official Plans. As a result, local Official Plans should be consulted for accurate settlement area boundaries. A minor adjustment to the Tier I Settlement Areas boundary for Rodney is appropriate for the creation of this lot as the majority of the parcel is within the settlement with a small portion outside in the Agricultural Area designation in order to meet the minimum lot area for the Residential First Density (R1) Zone of the West Elgin Zoning By-law.

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 fully serviced, will not affect drainage patterns in the area, and entrance access to the lands from Furnival Road.

Therefore, this proposal appears to conform to the CEOP.

OP:

The proposed severed parcel is designated as Residential, as shown on Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP, as shown on Figure Two, with the yellow and grey colour hatching being the Residential designation.

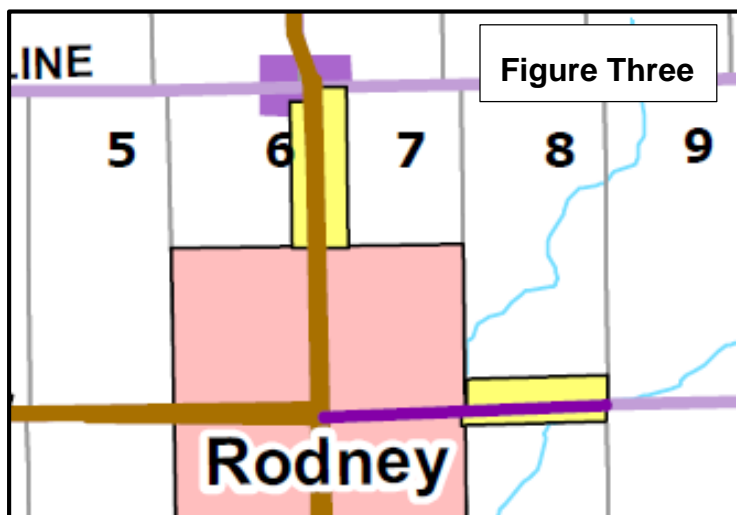
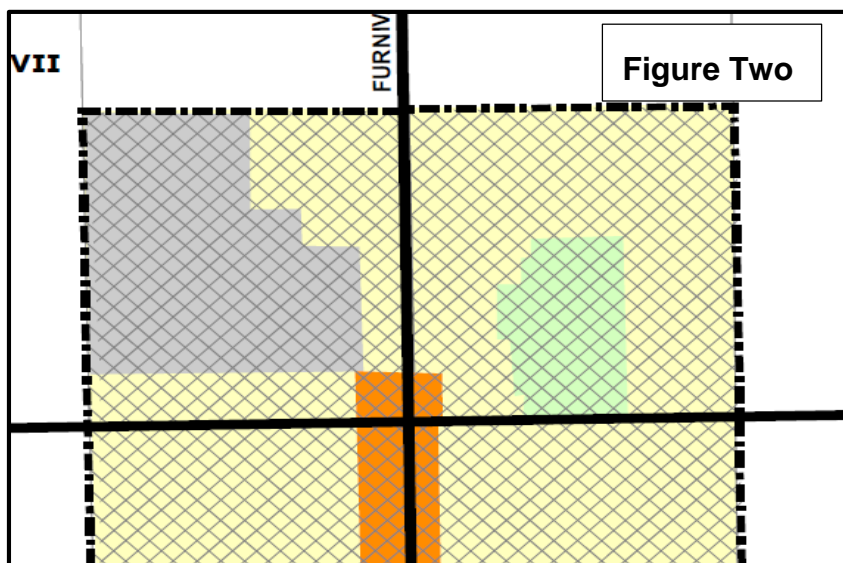
The proposed severed parcel is also designated Rural Residential, as shown on Rural Area Land Use & Transportation Plan Schedule 'E' of the OP, as shown on Figure Three, with the yellow colour being the Rural Residential designation. The proposed retained parcel is designated Rural Residential.

The Residential designation permits a variety of residential uses, with single detached dwellings being the predominant dwelling type. The Rural Residential designation permits single detached dwellings only.

Settlement Area Boundaries policies under Section 10.1.2 states the boundaries of settlement areas follow, wherever possible readily definable physical features or lot lines (or half lot lines) and are generally to be considered absolute. The proposed severed parcel is predominately within the Residential designation, with a small portion within the Rural Residential in order to meet the R1 Minimum Lot Frontage requirements.

Lot creation policies under Section 10.4.1 of the OP, allows for severance (consent) applications. The proposed severance application meets the policy of Section 10.4.1.

Therefore, this proposal appears to conform to the OP.



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

The proposed severed parcel is zoned Residential First Density (R1) on Schedule B, Map 2 of the ZBL, as depicted in Figure Three to the right. The proposed retained parcel is zoned Residential First Density (R1) on Schedule B, Map 2 and Rural Residential (RR) on Schedule A, Map 37 of the ZBL.

The R1 Zone permits a single detached dwelling. The proposed severed parcels meets the R1 Zone provisions. The proposed retained parcel meets the R1 and RR Zone provisions.



Therefore, it would appear that the proposal would comply with the ZBL.

Interdepartmental Comments:

The severance application was circulated to municipal staff for comment. The following comments were received:

Drainage:

Building:

Building Department noted the following:

- Shed needs to be removed from proposed severed parcel to be in compliance with R1 Zone

Utilities:

Utilities Department noted the following:

- Municipal water service and municipal sanitary service at the street;
- Existing curb stop; one new stub for each lot is required to service the lots

Public Works:

Public Works Department noted the following:

- Proposed retained parcel is connected to municipal water and municipal sanitary services through one stub for each service that crosses over the proposed severed parcel;
- Need to disconnect the proposed retained parcel from stub located on proposed severed parcel and install and pay for new stub for both services for proposed retained parcel;
- Entrance permit from County is required

At the time of submission of this report, no other comments or concerns were received from Administration.

Summary:

Therefore, it is Planning Staff's opinion that the proposed lot creation consent, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public through the public consultation process, as part of their decision-making on the planning application.

Respectfully Submitted,

Heather James, MES (Pl.), MCIP, RPP
Planner
Municipality of West Elgin

Report Approval Details

Document Title:	Severance Application E51-22 - Comments to Elgin County - 2022-24-Planning.docx
Attachments:	<ul style="list-style-type: none">- Planning Report 2022-24 Appendix One - Draft Survey for Severance.pdf- Planning Report 2022-24 Appendix Two - Comments to Elgin County.docx
Final Approval Date:	Jun 20, 2022

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

Jana Nethercott