



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2022-07-27
Subject: Consent Report – Gray Line (E60-22)

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding the severance application, E60-22 – Comments to Elgin County (Planning Report 2022-031).

And that West Elgin hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E60-22, subject to the Lower-Tier Municipal conditions in Appendix One 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 E60-22, as Elgin County is the planning approval authority for severances.

The purpose of the application is to sever and convey lands from the subject property to an abutting parcel to the west as a lot addition. The specific intent of the lot addition is to address existing encroachments.

Background:

Below is background information, in a summary chart:

Application	E60-22
Owners	Lou Nitra & Clayton Jones Morley
Applicant	Hickory Grove Campers Association
Legal Description	Part Lot of 4, Concession 14 & Part 1, RP 11R 5840 & Pt. 1, RP 11R 10300
Entrance Access	Gray Line
Existing Land Area	9.42 ha (23.3 ac.)
Proposed	Severed Parcel - 10 m x 654 m - 6,578 m ² Retained Parcel - 12.19 m x irregular - 87,700m ²

Figure One below, shows the location of the subject property (outlined in red) and receiving lot to the west (outlined in blue).



The Public Hearing is scheduled for August 24, 2022, at the Elgin County Land Division Committee Meeting.

Figure Two shows the survey sketch prepared as part of the application for severance. The severed portion will be transferred as a lot addition to the abutting campgrounds to the west to address existing encroachments onto the subject property.

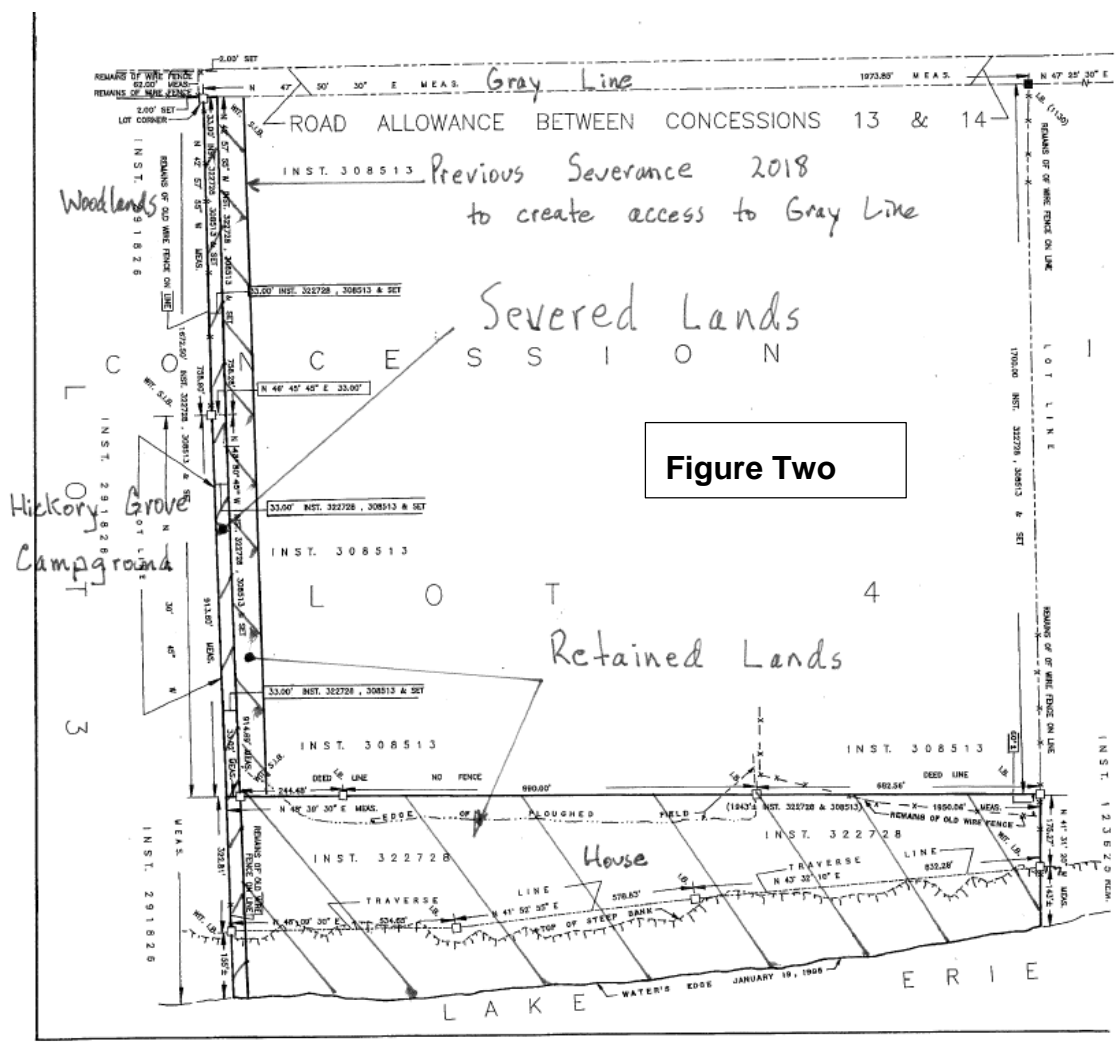


Figure Two

Financial Implications:

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time. The reconfiguration may result in a minimal change in assessment.

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 line adjustments such as that proposed raise no issue of Provincial significance. Development ability on the properties in question will remain subject to the same requirements including any limitation due to proximity to the bluffs along Lake Erie. The proposal is consistent with PPS.

CEOP:

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. The County has acknowledged the discrepancy between the County and West Elgin Official Plans. The intent is for the County to address this as part of the five year review process. Section E1.2.3.4 outlines that consents are permitted for legal or technical reasons including minor boundary adjustments which do not result in the creation of new lots. The existing narrow portion of the lot was actually added as a lot addition in 2017 (File E2-17) to provide access and frontage to the remaining lot at the south end. A portion of these same lands is now the subject of this application and being conveyed to the abutting campgrounds to the west to address encroachments onto the previously severed parcel. As such the proposed severance conforms with the policies of the County Official Plan.

WEOP:

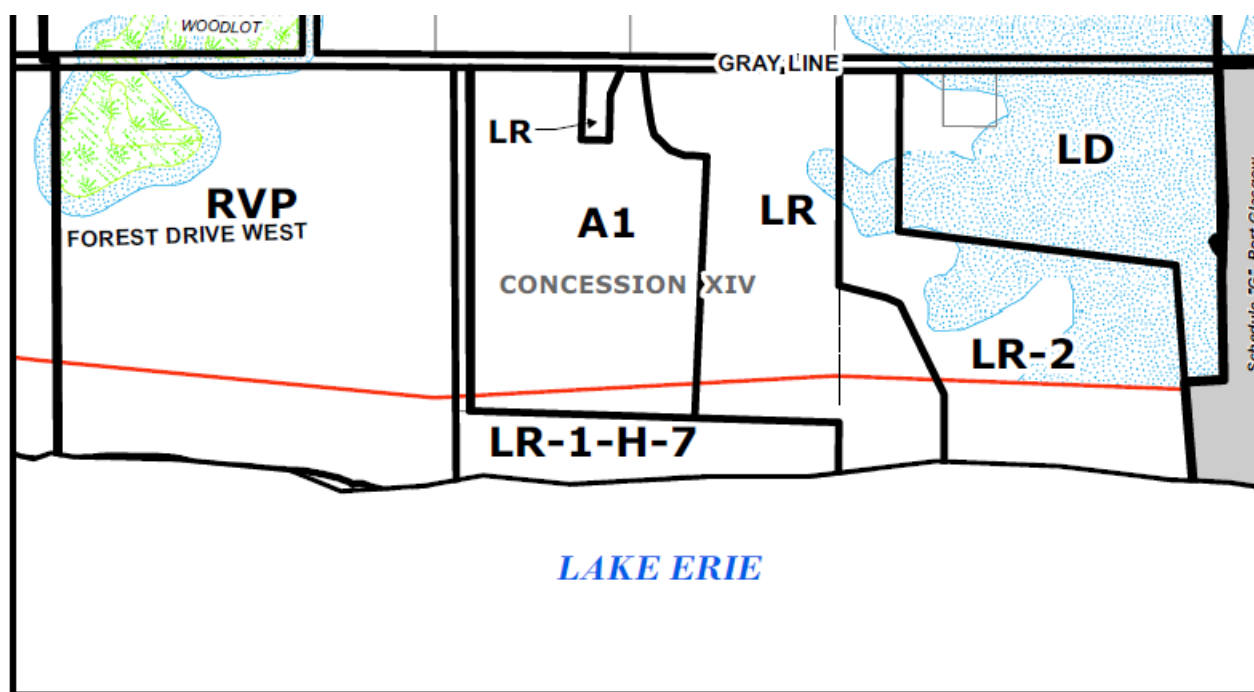
The subject lands are designated as Lakeshore Area, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. Section 10.4.3 permits lot line adjustments so long as they are undertaken in such a manner as to not create or worsen any existing deficiencies such as lot area, frontage access or building setbacks; that the lot addition lands are consolidated with the receiving lot and that future severances from the same parcel will require a new application for consent. The severed lands will be consolidated with the campground property to the west. The retained lands will have less frontage on Gray Line. This item is addressed under the zoning section of the report.

The use of the properties in question will not change and will continue to conform with the Lakeshore Area policies of the OP. Therefore, this proposal conforms to the OP.

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

The subject lands are zoned Lakeshore Residential Defined Area 1 – Holding (LR-1-H-7) on Schedule “A” Map 75 of the ZBL as depicted in Figure Three.

Figure Three



Municipality of WEST ELGIN: RURAL AREA

Schedule "A"

SCALE 1:10,000

0 50 100 200 300 400 500 Metres

Municipality of West Elgin Zoning By-Law



Map No. 75

The permitted use within the Lakeshore Residential Defined Area 1 (LR-1) are limited to a seasonal dwelling with site-specific regulations recognizing its location. The H-7 is a holding symbol which requires the establishment of permanent access and frontage and determination if the seasonal dwelling has been constructed in compliance with the Ontario Building Code. The access and driveway have been completed, the compliance item with OBC remains outstanding.

As a result of the proposed lot addition severance the undersized frontage of the retained parcel will be further undersized. The zoning on the severed parcel is also different from that of the receiving lot, Recreational Vehicle Park (RVP). In order to address both of these items a zoning amendment is recommended to amend the severed parcel zoning to RVP and to update the existing zoning on the retained lands to recognize the reduced frontage.

Interdepartmental Comments:

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

Drainage Department:

- No drainage reapportionment is required.

Building Department

- Confirmation of the location and condition of the septic system is required.
- It was also agreed that the zoning on the retained and severed parcels should be amended to address the frontage and mismatched zoning to avoid issues in the future with any proposed development.

Planning

- In reviewing the previous severance to establish frontage for the existing lot located along the lake bluff it was determined that the condition to consolidate the severed parcel (lot addition) with the larger lot has not been completed and the lot addition and receiving lot appear to still be separate parcels. It is recommended as a condition of this approval that the consolidation condition associated with File E2-17 be finalized.

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

Summary:

To proposed lot line adjustment/lot addition is consistent with the PPS, conforms to both the CEOP and West Elgin OP, complies with the ZBL; 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.

Prepared by:



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

Report Approval Details

Document Title:	Severance Application E60-22 - Comments to Elgin County - 2022-31-Planning.docx
Attachments:	- Planning Report 2022-31 Appendix One - Conditions.pdf
Final Approval Date:	Aug 8, 2022

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

Jana Nethercott