

## **LUCAN BIDDULPH COMMITTEE AGENDA**

TUESDAY, APRIL 16, 2019 6:00 PM Lucan Biddulph Township Office 270 Main Street P.O. Box 190 Lucan, ON

## **AGENDA**

# LAND DIVISION COMMITTEE / COMMITTEE OF ADJUSTMENT / PLANNING COMMITTEE

- 1. Call to Order
- 2. <u>Disclosure of Pecuniary Interest & Nature Thereof</u>
- 3. **Approval of Minutes**

Committee Minutes - Feb 5 2019

# 4. **Applications**

Ridge Crossing Subdivision
B-3-2019 (2219260 Ontario Inc) - south side of Nicholson Street

Olde Clover Village Subdivision
<a href="PLC-1-2019">PLC-1-2019</a> (2161453 Ontario Inc) - West side of Olde Clover Drive

# 5. Adjournment

Corporation of the Township of Lucan Biddulph Committee of Adjustment/Planning Minutes

February 5, 2019

# The Corporation of the Township of Lucan Biddulph Land Division Committee/Committee of Adjustment/ Planning Minutes

**Present:** Mayor C. Burghardt-Jesson, Deputy Mayor D. Manders, Councillor P.

Mastorakos, Councillor A. Westman

Also Present: CAO/Clerk R. Reymer, D. Kester-Manager of Public Works, L. deBoer-

EDC, M. Bancroft-Senior Planner

# **Call To Order**

Mayor C. Burghardt-Jesson called the meeting to order at 6:00 p.m.

# **Declaration of Pecuniary Interest & Nature Thereof**

None.

# 1/ Minutes - Jan 8, 2019

Moved by D. Manders Seconded by A. Westman

Resolved that the Committee of Adjustment meeting minutes of January 8, 2019 be approved as circulated.

**CARRIED** 

# B-1//2019 & B-2/2019 (Martens)

M. Bancroft presented the two Consent Applications B-1 & B-2/2019 and Zoning By-Amendment submitted by Gerald Martens & Gerald Kodde respectively for 15484 Elginfield Rd. & 15456 Elginfield Rd. M. Bancroft noted that the purpose of the consent applications is to facilitate the disposal of a dwelling surplus to a farming operation on a separate parcel of land and to allow the creation of a shared laneway for farm access through a right-of-way easement over the existing entrance used by Avonbank. The purpose of the rezoning application is to recognize the reduced parcel size associated with the dwelling and to prohibit the erection of a new dwelling on the balance of the farm consistent with the provincial policy.

Regarding B-1/2019, the subject property is a 31.27 ha (77.24 ac) farm parcel located on the north side of Elginfield Road (Highway 7) just east of Granton Line (County Road 59). The farm contains a single detached dwelling, accessory building, swimming pool and a ground mounted solar panel. The farm has a single access onto Highway 7 in the form of the residential driveway. The lands are designated Agricultural according to the Township Official Plan and zoned General Agricultural (A1) according to the Township Zoning By-law.

Application B-2/2019 proposes a right-of-way easement over lands owned by 2417530 Ontario Ltd. (Avonbank AG Solutions) to permit a shared access with the adjacent farm currently owned by Gerald Martens. The shared access would coincide with the existing Avonbank entrance on Highway 7. The easement would be approximately 6 m (20 ft) wide and approximately 47 m (154 ft) long and would extend along the Highway 7 road allowance.

M. Bancroft noted that the Chief Building Official has no objection to the Applications and reviewed the comments received from the Ministry of Transportation. The Decision for the Consents have been amended to reflect some of the comments received from the Ministry. Discussion arose regarding the right-of-way easement, future farm buildings and the solar panel distance. M. Bancroft explained that a survey will confirm the required distance setbacks and once the R-Plan is deposited at the Registry Office the Zoning By-law Amendment can be brought forward to Council for approval.

Corporation of the Township of Lucan Biddulph Committee of Adjustment/Planning Minutes

February 5, 2019

### 2/ B-5/2019 & B-2/2019

Moved by A. Westman

Seconded by P. Mastorakos

THAT Application for Consent B-1/2019 filed by Gerald Kodde on behalf of Gerald Martens to sever a farm parcel of approximately 30.27 ha (75 ac) with the effect of disposing a surplus farm dwelling on a separate lot from a property legally described as Part of Lots 14 and 15, South Boundary Concession (geographic Township of Biddulph) in the Township of Lucan Biddulph and known municipally as 15484 Elginfield Road; BE GRANTED subject to the following conditions:

- 1. That the Certificate of Consent under Section 53(42) of the Planning Act be issued within one year of the date of the notice of decision.
- 2. That the lands being conveyed be rezoned to a Surplus Dwelling (SD) Zone to permit their size and use for residential purposes.
- 3. That the lands being retained be rezoned to Agricultural (A3) to prohibit any new residential use.
- 4. That Consent B-2/2019, being a request for a right-of-way easement, to facilitate a shared access for the balance of the farm with the adjacent residential use be granted and finalized; or, alternatively, that a separate access be granted by the Ministry of Transportation for the balance of the farm to the satisfaction of the Township.
- 5. That the applicant confirm, to the satisfaction of the Township, that the septic system will be wholly contained on the lands being conveyed in accordance with Ontario Building Code requirements and that a 100 percent contingency area be shown to exist on same.
- 6. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of revised assessment schedule(s) for any municipal drain having jurisdiction in accordance with the Drainage Act, as amended, such costs to be paid in full to the appropriate engineering firm prior to submitting a registered copy of the transfer.
- 7. That the taxes on the subject lands are paid in full.
- 8. That the applicant obtain a new entrance permit from the Ministry of Transportation to reflect the residential use of the lands being retained known municipally as 15484 Elginfield Road.
- 9. That the applicant provide a 0.3 m reserve dedication to the Province of Ontario free and clear of all encumbrances and that the reserve extend across the entire frontage of the lands being severed and the lands being retained with the exception of the existing access for the residential use known municipally as 15484 Elginfield Road; all to the satisfaction of the Ministry of Transportation.
- 10. That the applicant's solicitor submits an Acknowledgment and Direction duly signed by the applicant.
- 11. That the applicant's solicitor submits an undertaking, in a form satisfactory to the Secretary-Treasurer, to register an electronic transfer of title consistent with the Acknowledgment and Direction and the decision of the Committee of Adjustment.
- 12. That a soft copy of the reference plan be submitted to the satisfaction of the Township and the Ministry of Transportation.

AND FURTHER THAT Application for Consent B-2/2019 filed by Gerald Kodde on behalf of 2417530 Ontario Ltd. (Gerald Martens) to create a right-of-way easement in favour of the farm; legally described as Part of Lots 14 and 15, South Boundary Concession (geographic Township of Biddulph) in the Township of Lucan Biddulph and known municipally as 15484 Elginfield Road; over Avonbank's existing driveway on lands legally described as Part of Lots 14, South Boundary Concession (geographic Township of Biddulph) and designated at Part 1 on Reference Plan 33R-15958 in the Township of Lucan Biddulph and known municipally as 15456 Elginfield Road; BE GRANTED subject to the following conditions:

- 1. That the Certificate of Consent under Section 53(42) of the Planning Act be given within one year of the date of the notice of the decision.
- 2. That subsection 50(3) or (5) of the Planning Act apply to any subsequent conveyance.
- 3. That the taxes on the subject lands are paid in full.
- 4. That the applicant provide a 0.3 m reserve dedication to the Province of Ontario free and clear of all encumbrances and that the reserve extend across the entire frontage of the Avonbank

Corporation of the Township of Lucan Biddulph Committee of Adjustment/Planning Minutes

February 5, 2019

- property known municipally as 15456 Elginfield Road with the exception of the mutual driveway access; all to the satisfaction of the Ministry of Transportation.
- 5. That, the applicant, if required, shift the existing gate located across the entrance of the Avonbank property known municipally as 15456 Elginfield Road to ensure a setback of at least 6.3 metres from the Highway 7 road allowance to the satisfaction of the Ministry of Transportation and the Township.
- 6. That the applicant provide confirmation that the ground mounted solar panel is setback at least 6.3 metres from the Highway 7 road allowance to the satisfaction of the Ministry of Transportation and the Township.
- 7. That the applicant obtain a new entrance permit from the Ministry of Transportation to reflect the mutual driveway access.
- 8. That the applicant's solicitor submits an Acknowledgment and Direction duly signed by the applicant.
- 9. That the applicant's solicitor submits an undertaking, in a form satisfactory to the Secretary-Treasurer, to register an electronic transfer of title consistent with the Acknowledgment and Direction and the decision of the Committee of Adjustment.
- 10. That a soft copy of the reference plan be submitted to the satisfaction of the Township and the Ministry of Transportation.

CARRIED

# 3/ Adjournment

Moved by A. Westman Seconded by P. Mastorakos Resolved that the meeting be adjourned at 6:28 p.m.

CARRIED

**CHAIR** 

SECRETARY-TREASURER



Planning Department County of Middlesex 399 Ridout Street North London, ON N6A 2P1 519.434.7321 www.middlesex.ca

April 11, 2019

#### **REPORT**

**TO:** Members

Committee of Adjustment / Council

Township of Lucan Biddulph

FROM: Marc Bancroft, Senior Planner

RE: Applications for Consent (B-3/2019) and Zoning By-law Amendment (ZBA-3/2019)

2219260 Ontario Inc. (Vito Campanale)

Dillon Consulting Ltd. c/o Jason Johnson (Agent)

South side of Nicholson Street, Lucan

#### **Purpose:**

The purpose and effect of these applications is to sever a parcel of land to support residential development in the form of a single unit dwelling and to also allow residential development on the balance of the lands in the form of townhouse dwellings.

#### **Background (see Figure 1):**

The subject property is a 1.06 hectare (2.65 ac) located on the south side of Nicholson Street and west of Miller Drive in the Ridge Crossing Subdivision. The lands are vacant and are designated Residential under the Official Plan and accordingly zoned site-specific Residential Third Density – Holding (R3-7-H). Currently, the zoning allows for low rise apartments which are no longer being contemplated given the subject proposal.

The developer is proposing to sever a parcel of land having a width of 13 metres (42.7 ft) along Nicholson Street and an area of 612 square metres (0.15 ac) to square off the balance of the lands. The developer is also seeking a change in zoning for this parcel to a site-specific Residential Second Density (R2-1) to allow the construction of a single unit dwelling which is otherwise not permitted under current zoning. The requested R2-1 Zone is consistent with the adjacent single unit lots. The lot to be retained would have a frontage of 102 metres (335 ft) and an area of 1 hectare (2.5 ac). The developer is also seeking a change in zoning to the site-specific Residential Third Density (R3-6) Zone to allow the construction of townhouse dwellings which is otherwise not permitted. To allow the construction of the townhouse dwellings, a concurrent application for site plan approval has been submitted and is currently being evaluated. As shown on the attached map, a total of 9 townhouse blocks are being proposed to accommodate a total of 44 two-storey units. Also shown, lands situated on the east side of Miller Drive and backing onto Saintsbury Line (County Road 47) are to accommodate another townhouse development comprised of 12 townhouse blocks with a total of 52 two-storey units. Those lands are zoned R3-6-H which permits townhouse dwellings. An application for site plan approval has been submitted and is currently being evaluated. It is understood that the townhouse units are to be "free-hold" in that each unit could be under separate ownership.

2

Applications for Consent (B-3/2019) and Zoning By-law Amendment (ZBA-3/2019) 2219260 Ontario Inc. (Vito Campanale) Dillon Consulting Ltd. c/o Jason Johnson (Agent)

#### **Analysis:**

The Provincial Policy Statement, the County of Middlesex Official Plan, and the Township Official Plan all encourage intensification in settlement areas on full municipal services provided the development is compatible with the surrounding area and represents an orderly and efficient use of land and infrastructure. The proposed building lot would be compatible with the adjacent lots in the Ridge Crossing Subdivision which support single unit dwellings and would be capable of meeting the lot frontage and lot area requirements of the R2-1 Zone. Services would need to be installed to the property line to allow connection to the Municipality's water supply system and sanitary sewage system. In all, these policies are satisfied or capable of being satisfied through conditions of consent.

The Provincial Policy Statement (PPS), the County Official Plan and the Township Official Plan all require significant development to occur within fully serviced settlement areas, to demonstrate efficient use of land and infrastructure subject to appropriate forms of density. Those policy documents also encourage a mix of housing types to accommodate a broader demographic. Municipal services are proposed to be extended at the south end of Miller Drive to support the townhouse development. The proposed townhouse development is capable of demonstrating the foregoing requirements.

In all, the subject applications are consistent with the Provincial Policy Statement and in conformity with the County and Township Official Plans.

#### **Comments:**

In the circulation of the notice to the public and prescribed agencies, the only comments received to date include:

Ausable-Bayfield Conservation Authority: no concerns.

Bell Canada: no concerns.

<u>Public Works Manager</u>: New lot will need to be fully serviced including water, sanitary and storm. The lot grading plan will need to be reflective of the subdivision grading plan.

#### **Recommendations:**

THAT **Application for Consent B-3/2019** filed by Dillon Consulting Ltd. (Jason Johnson) on behalf of 2219260 Ontario Inc. (Vito Campanale) to sever a parcel of land with a width of approximately 13 metres along Nicholson Street and an area of approximately 612 square metres; from a property legally described as Block 103 on Registered Plan 33M-739 (geographic Township of Biddulph). in the Township of Lucan Biddulph; **BE GRANTED** subject to the following conditions:

- 1. That the Certificate of Consent under Section 53(42) of the Planning Act be issued within one year of the date of the notice of decision.
- 2. That the applicant enter into a development agreement with the Township, and that the agreement be registered against the title of the subject lands, which addresses amongst other matters, servicing, building envelope locations, lot grading and drainage that ensures conformity with the adjacent subdivision, entrance locations, all to the satisfaction of the Township.
- 3. That the applicant pay any outstanding property taxes for the subject lands.
- 4. That the requested rezoning be approved and in full force and effect.

Applications for Consent (B-3/2019) and Zoning By-law Amendment (ZBA-3/2019) 2219260 Ontario Inc. (Vito Campanale) Dillon Consulting Ltd. c/o Jason Johnson (Agent)

- 5. That the applicant's solicitor submit an Acknowledgment and Direction duly signed by the applicant.
- 6. That the applicant's solicitor submit an undertaking, in a form satisfactory to the Secretary-Treasurer, to register an electronic transfer of title consistent with the Acknowledgment and Direction and the decision of the Committee of Adjustment.
- 7. That a soft copy of the reference plan be submitted to the satisfaction of the Township.

#### **Reasons:**

Consistency with the Provincial Policy Statement would be maintained;

Conformity with the County of Middlesex Official Plan would be maintained;

Conformity with the Township of Lucan Biddulph Official Plan would be maintained;

The requirements of the Township of Lucan Biddulph Zoning By-law would be satisfied through the rezoning of the lot to be severed.

THAT **Application for Zoning By-law Amendment ZBA 03/2019**, filed by Dillon Consulting Ltd. (Jason Johnson) on behalf of 2219260 Ontario Inc. (Vito Campanale) from a property legally described as Block 103 on Registered Plan 33M-739 (geographic Township of Biddulph) in the Township of Lucan Biddulph, <u>BE APPROVED</u> and that the implementing By-law be forwarded to Township Council for consideration once a deposited reference plan has been received.

# APPLICATIONS FOR CONSENT (B-3/2019) & ZONING BY-LAW AMENDMENT (ZBA-3/2019)

Owner: 2219260 Ontario Inc. (Vito Campanale) Agent: Dillon Consulting Ltd. (Jason Johnson)

Block 103 on Registered Plan 33M-739 South side of Nicholson Street, Lucan

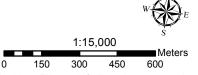


# **Township of LUCAN BIDDULPH**

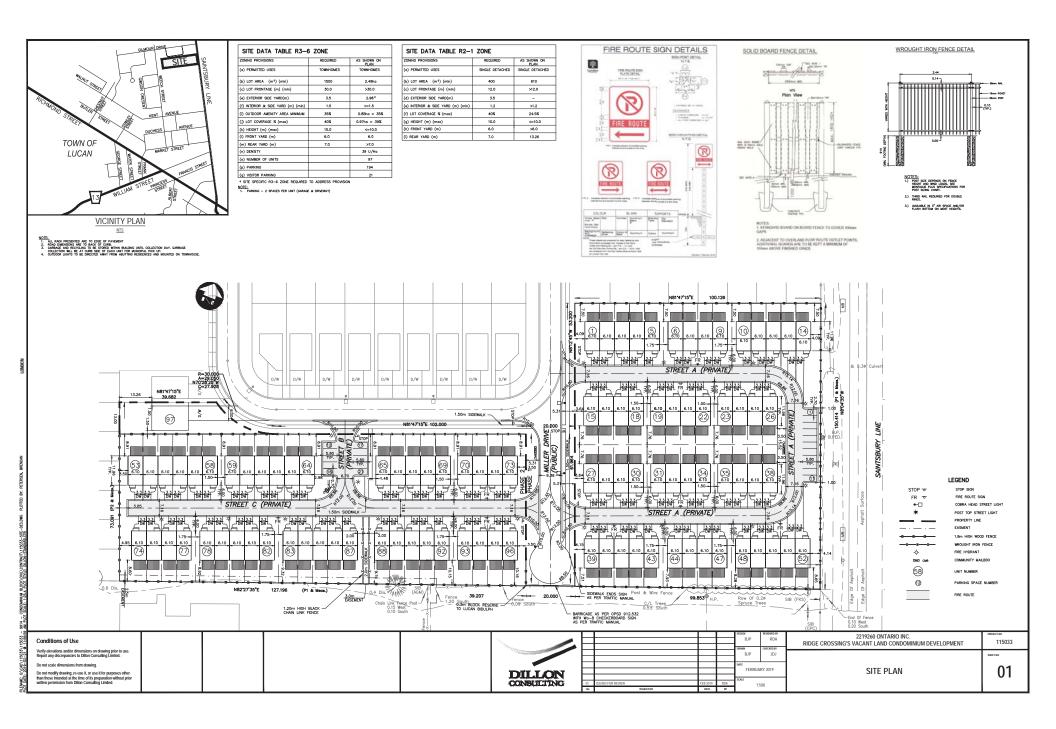




Published by the County of Middlesex Planning Department 399 Ridout Street North, London, ON N6A 2P1 (519) 434-7321 March 2019



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Planning Department County of Middlesex 399 Ridout Street North London, ON N6A 2P1 519.434.7321 www.middlesex.ca

April 11, 2019

#### **REPORT**

TO: Members of Council

Township of Lucan Biddulph

FROM: Marc Bancroft, Senior Planner

RE: Applications for Zoning By-law Amendment (ZBA-5/2019) and

Part Lot Control Exemption (PLC-1/2019) 2161453 Ontario Inc. (Howard Culligan)

Development Engineering c/o Jason Ross (Agent)

West side of Olde Clover Drive north of Richmond Street, Lucan

#### **Purpose:**

The purpose and effect of these applications is subdivide a parcel of land into multiple lots and to rezone to support residential development in the form of single unit dwellings.

#### **Background (see Figure 1):**

The subject property is a 0.44 hectare (1.1 ac) parcel located on the west side of Olde Clover Drive north of Richmond Street (Highway 4). The lands are vacant and designated Residential under the Official Plan and accordingly zoned site-specific Residential Third Density – Holding (R3-5-H) to allow single unit dwellings or townhouse dwellings. Although municipal services run along Olde Clover Drive, the lands are not serviced to the property line.

The subject lands being Block 30 on Registered Plan 33M-759 are located in Phase 3 of the Olde Clover Village Subdivision. The developer is seeking this approval to allow the Block to be reconfigured into 10 building lots to support single unit dwellings (see attached map). The proposed lots would have a lot frontage of at least 11.5 metres (37.7 ft) and a lot area of at least 402 square metres (0.1 ac).

The developer is also seeking a change in zoning to allow the following requirements: reducing the minimum lot frontage from 15 metres (49 ft) to 11.5 metres (38 ft); reducing the minimum lot area from 460 square metres (0.11 ac) to 400 square metres (0.1 ac); and, increase the maximum driveway from the lesser of 6 metres (20 ft) or 40% of the frontage of the lot to 50% of the frontage of the lot to a maximum of 6 metres (20 ft). Residential development is proposed in the form of support single unit dwellings.

2

Applications for Zoning By-law Amendment (ZBA-5/2019) and Part Lot Control Exemption (PLC-1/2019) 2161453 Ontario Inc. (Howard Culligan) Development Engineering c/o Jason Ross (Agent)

#### **Analysis:**

Section 50(5) of the <u>Planning Act</u> prevents part of a lot or block on a registered plan of subdivision from being conveyed without a consent approval. This is referred to as part lot control and prevents any division of land in a registered plan without further approvals being obtained unless one of the exceptions set out in Subsection 50(5) of the Act is met. Subsection 50(7) of the <u>Planning Act</u> enables a municipality to pass a bylaw to remove part lot control from all or part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of any portion of a lot or block. The County of Middlesex is the approval authority for part lot control.

The Provincial Policy Statement (PPS), the County Official Plan and the Township Official Plan all require significant development to occur within fully serviced settlement areas, to demonstrate efficient use of land and infrastructure subject to appropriate forms of density. Those policy documents also encourage a mix of housing types to accommodate a broader demographic. The proposed lots would provide for a more affordable housing option compared to other lots found in Lucan. The proposed lots would be serviced individually. The proposed lots are capable of conforming to the foregoing policy direction.

The lots would be capable of satisfying the requested minimum lot frontage and minimum lot area requirements. The increase in the maximum driveway size to 6 metres (20 ft) would allow for dwellings with a double car garage. To implement the foregoing requirements, an R1-9 Zone is being recommended along with a Holding (H) provision to be removed once the developer has entered into an agreement with the Township to allow the development of the lands including but not limited to the installation of services.

In all, the subject applications are consistent with the Provincial Policy Statement and in conformity with the County and Township Official Plans.

#### Comments:

In the circulation of the notice to the public and prescribed agencies, the only comments received to date include:

Ausable-Bayfield Conservation Authority: no concerns.

#### **Recommendations:**

THAT **Application for Zoning By-law Amendment ZBA-5/2019**, filed by Development Engineering (Jason Ross) on behalf of 2161453 Ontario Inc. (Howard Culligan) from a property legally described as Block 30 on Registered Plan 33M-759 (geographic Township of Biddulph) in the Township of Lucan Biddulph, <u>BE APPROVED</u> and that the implementing By-law be passed.

THAT **Application for Part Lot Control Exemption PLC-1/2019**, filed by Development Engineering (Jason Ross) on behalf of 2161453 Ontario Inc. (Howard Culligan) from a property legally described as Block 30 on Registered Plan 33M-759 (geographic Township of Biddulph) in the Township of Lucan Biddulph, <u>BE APPROVED</u> and that the implementing By-law be passed once a deposited reference plan has been provided with a valid legal description for the proposed lots.

# PAPPLICATIONS FOR ZONING BY-LAW AMENDMENT (ZBA 5/2019) & PART LOT CONTROL EXEMPTION (PLC 1/2019)

Owner: 2161453 Ontario Inc. (Howard Culligan)

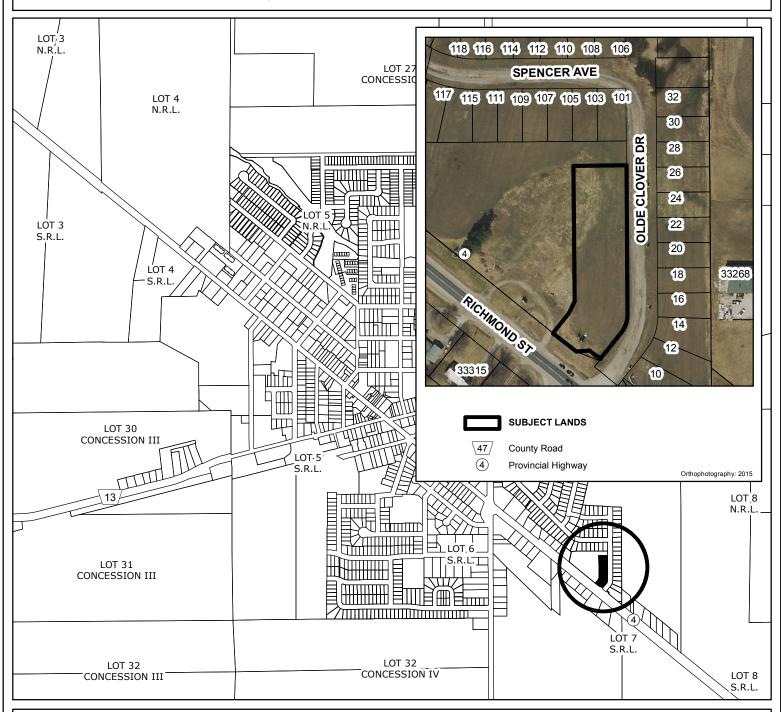
Agent: Development Engineering London Limited (Jason Ross)

Block 30 on Registered Plan 33M-759

West side of Olde Clover Drive south of Spencer Avenue, Lucan

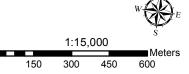


# **Township of LUCAN BIDDULPH**



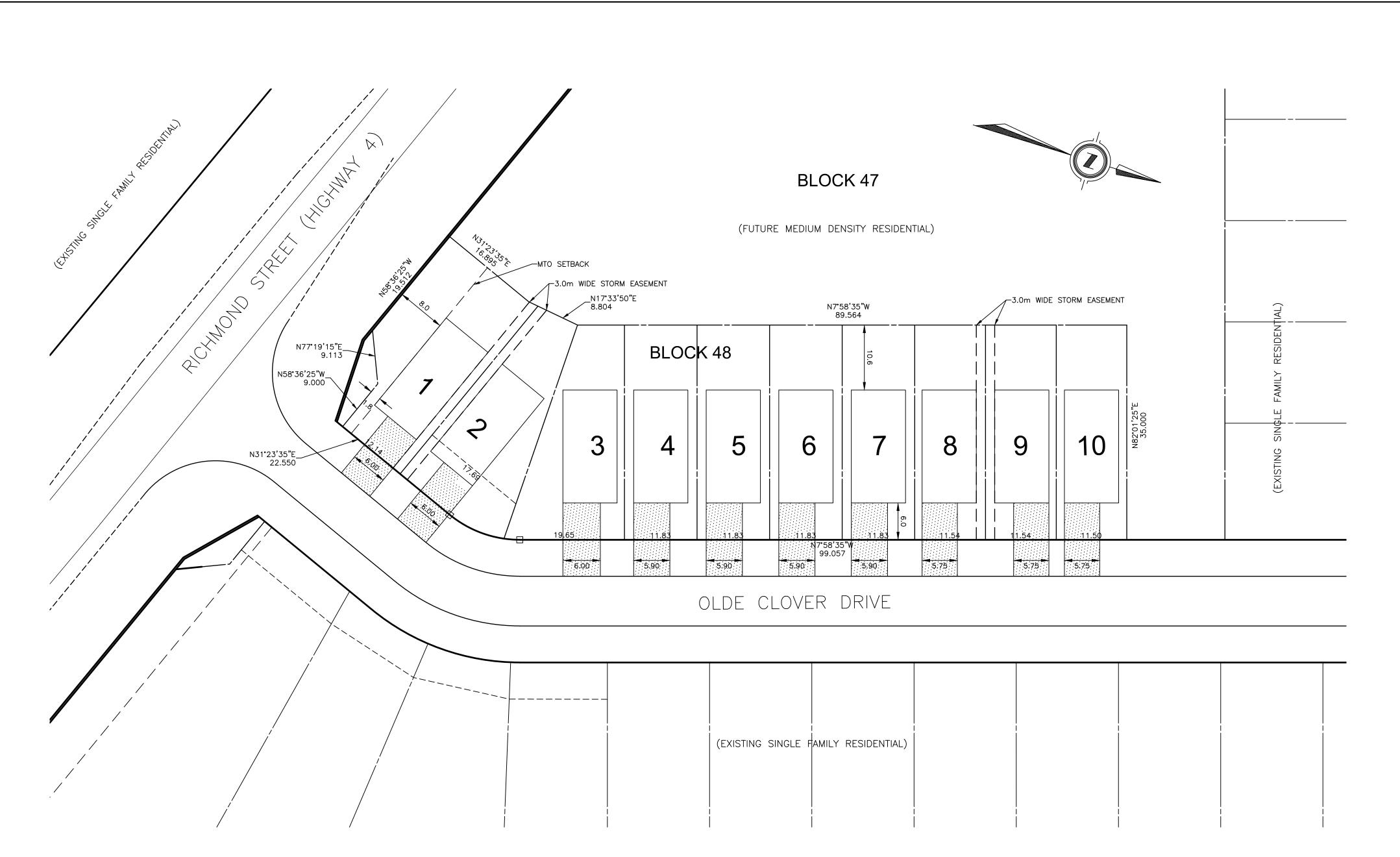


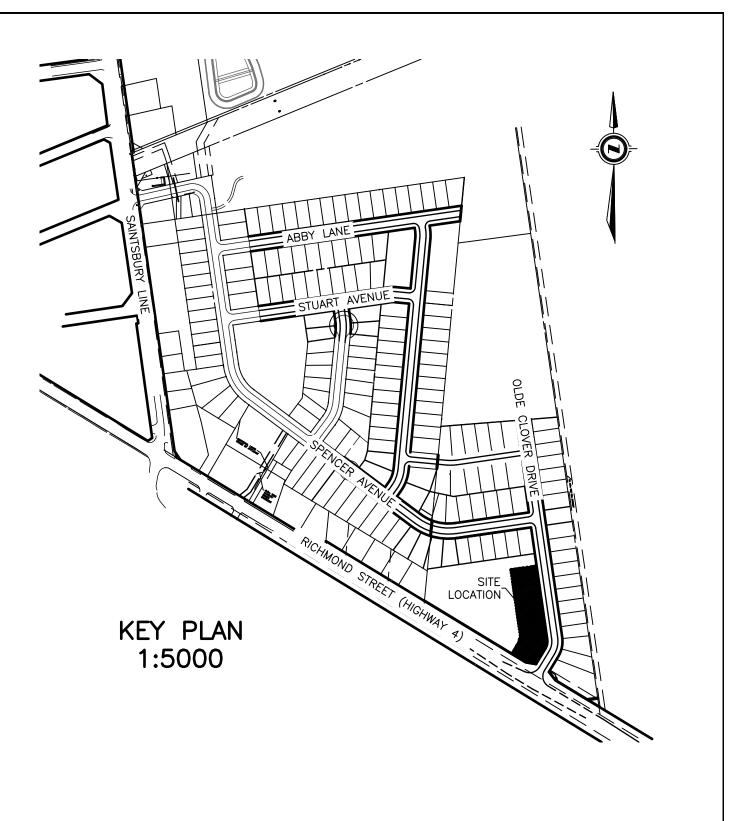
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SITE DATA (R1 ZONE)							
ZONING REGULATION	REQUIRED	PROPOSED					
SITE AREA (min.)	N/A	4464.7m²					
LOT FRONTAGE / UNIT (min.)	15m	11.5m					
FRONT YARD (min.)	6.0m	6.0m					
EXTERIOR YARD (min.)	3.5m	8.0m					
INTERIOR YARD (min.)	1.2m	1.2m					
REAR YARD (min.)	7.0m	10.6m					
LOT COVERAGE (max.)	40%	40%					
LANDSCAPE OPEN SPACE (min.)		60%					
BUILDING HEIGHT (max.)	10m						
UNITS	N/A	10					
LOT AREA / UNIT (min.)	460m²	402.5m²					

PLAN FILE No.

				DWC	ELLE, D7101DZE SITE DLAN I					
(519) 442–1441										
31 Mechanic St., Unit										
<u>Paris Office</u>										
D : 000										
(515) 672-8510										
(519) 672–8310										
41 Adelaide St. N., Un					CHECKED BY					
London Office					DRAWN BY JR/JC					
	DEVENG	MARCH 13/19	ZONING AMENDMENT APPLICATION	1	DESIGN BY JR					
CONSULTANT OR DIVISION	CONSULTANT	DATE	REVISIONS	No.	DETAILS	COMPLETION	AS CONSTRUCTED SERVICES	DATE	DRAWING #, SOURCE	EXISTING SERVICES

<u>London Office</u> 41 Adelaide St. N., Unit 71 (519) 672–8310 <u>Paris Office</u> 31 Mechanic St., Unit 301



ENGINEER'S STAMP

	SCALE
	SCA
	4

OLDE CLOVER VILLAGE LUCAN, ONTARIO D7101P3E CALE - 1:400 BLOCK 48 CONCEPT SKETCH