



## **LUCAN BIDDULPH PUBLIC MEETING AGENDA**

TUESDAY, FEBRUARY 5, 2019 6:00 PM  
Lucan Biddulph Township Office  
270 Main Street P.O. Box 190 Lucan, ON

## **AGENDA**

### **PUBLIC MEETING**

1. **Call to Order**
2. **Disclosure of Pecuniary Interest & Nature Thereof**
3. **Zoning By-law Amendment Applications**  
[ZBA-1-2019 Martens \(15484 and 15456 Elginfield Road\)](#)
4. **Adjournment**



Planning Department  
County of Middlesex  
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London, ON N6A 2P1  
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[www.middlesex.ca](http://www.middlesex.ca)

January 31, 2019

## REPORT

**TO:** Members  
Committee of Adjustment / Council  
Township of Lucan Biddulph

**FROM:** Marc Bancroft, Senior Planner

**RE:** **Applications for Consent (B-1/2019 & B-2/2019) and Zoning By-law Amendment (ZBA-1/2019)**  
**Owner: Gerald Martens – 15484 Elginfield Rd.**  
**Owner: 2417530 Ontario Ltd. (Avonbank AG Solutions) c/o Gerald Martens – 15456 Elginfield Rd.**  
**Applicant: Gerald Kodde (BaconAcre Farm Inc.)**

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### Purpose:

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.

### Background (see Figure 1):

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.

BaconAcre Farm Inc. has a conditional offer to purchase the subject farm provided the dwelling is located on a separate parcel of land to be retained by Mr. Martens. This consent proposes to convey a farm parcel having an area of approximately 30.27 ha (75 ac) and used for the cultivation of field crops. The lands to be retained would have an area of approximately 0.99 ha (2.5 ac). These lands contain a single detached dwelling, a swimming pool and an accessory building. The balance of the farm is vacant with the exception of a ground mounted solar panel located approximately 20 m (66 ft) north of the proposed residential lot. All hydro wires associated with the solar panel are wholly contained on the balance of the farm and would not encroach onto the proposed residential lot.

The second consent 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.

To prohibit any new residential use on the remnant farm parcel, the balance of the farm is to be rezoned to Agricultural Purposes Only (A3). The proposed residential lot is to be rezoned to a Surplus Dwelling (SD) Zone to reflect its size and use for residential purposes.

**Analysis:**

The Provincial Policy Statement (PPS), County Official Plan and Township Official Plan generally permit lot creation in agricultural areas for a dwelling surplus to a farming operation as a result of farm consolidation subject to criteria including but not limited to the dwelling being habitable and in existence as of January 1, 1999. Consolidation means the acquisition of additional farm parcels to be operated as one farming operation. The applicant owns and operates 2 farms totaling approximately 91 hectares (225 ac). The existing dwelling was constructed in 1995, is structurally sound and is currently occupied by Mr. Martens. In all, staff is satisfied that the foregoing tests have been satisfied. Issues related to the location of the septic system and potable well, etc. are capable of being addressed as conditions of consent.

The PPS, the County and the Township Official Plans all permit consents for legal or technical matters including easements. The requested easement would comply with those policies. The proposed easement offers no implications relative to the Zoning By-law. From a public safety standpoint, it would be appropriate for the new farm access to be available through Avonbank's existing entrance rather than relying on the existing arrangement of sharing the residential driveway with the farm.

To prohibit a new residential use on the balance of the farm consistent with the PPS and the Township Official Plan, the applicant has requested an A3 Zone for those lands. The rezoning application also proposes a Surplus Farm Dwelling (SD) Zone to recognize the residential use and reduced parcel size. This rezoning is appropriate in that the lots resulting from the consent are capable of conforming to all zoning requirements. A deposited reference plan will be required to accurately describe the limits of the lands being rezoned. Once the reference plan particulars are obtained, only then would it be appropriate for Council to pass the implementing by-law.

**Comments:**

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

Chief Building Official: no objection.

**Recommendations:**

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'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 two copies of the reference plan are 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 and the Township of Lucan Biddulph Official Plan would be maintained;

The requirements of the Township of Lucan Biddulph Zoning By-law are capable of being satisfied through an amendment thereto.

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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's solicitor submits an Acknowledgment and Direction duly signed by the applicant.

5. 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.
6. That two copies of the reference plan are 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 and the Township of Lucan Biddulph Official Plan would be maintained;

The requirements of the Township of Lucan Biddulph Zoning By-law would be satisfied.

**Rezoning Recommendation:**

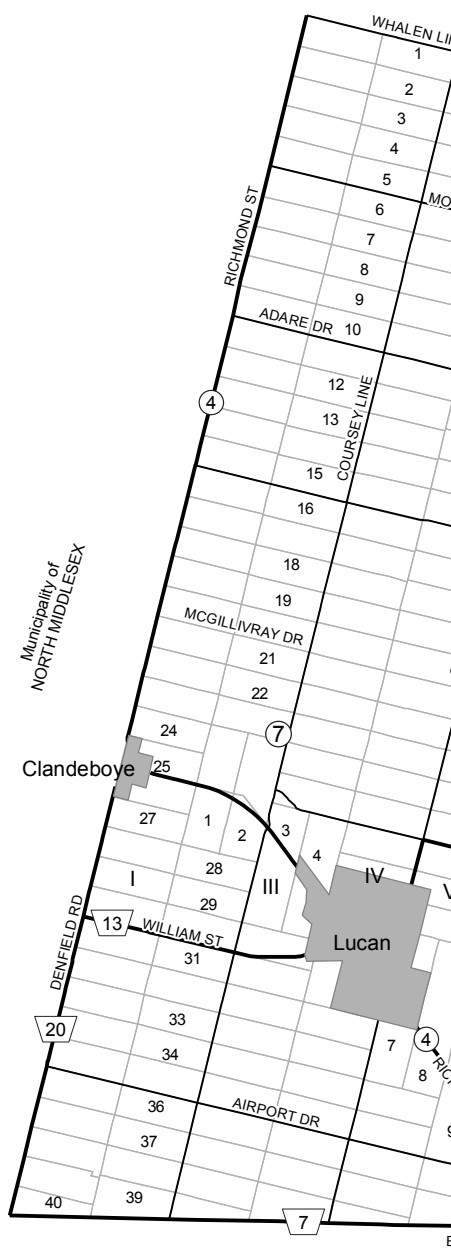
THAT **Application for Zoning By-law Amendment ZBA 1/2019**, for lands owned by Gerald Martens and legally described as part of Lots 14 and 15, South Boundary Concession (geographic Township of Biddulph), in the Township of Lucan Biddulph, be approved and that the implementing By-law be forwarded to Township Council for consideration once a deposited reference plan has been provided to the satisfaction of the Township.

# APPLICATIONS FOR CONSENT AND ZONING BY-LAW AMENDMENT: B-1/2019, B-2/2019 & ZBA-1/2019

Gerald Martens, 15484 Elginfield Road  
2417530 Ontario Ltd, 15456 Elginfield Road  
Part of Lots 14 & 15, Concession SBC  
Township of Lucan Biddulph



**Township of LUCAN BIDDULPH**



**LANDS PROPOSED TO BE CONVEYED  
AND REZONED**



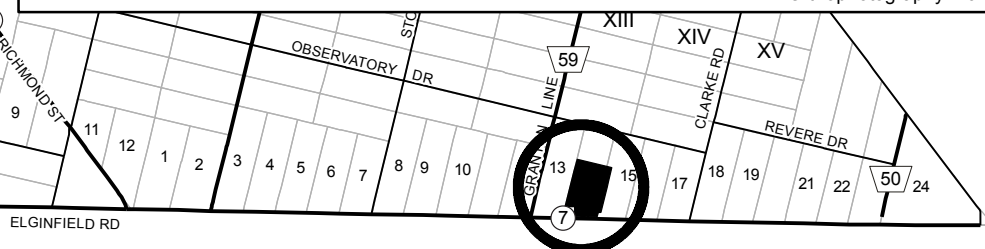
**LANDS PROPOSED TO BE RETAINED  
AND REZONED**



Provincial Highway

1:8,000

Orthophotography: 2015



Municipality of MIDDLESEX CENTRE



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



1:100,000

0 1,250 2,500 3,750 5,000 Meters

Disclaimer: This map is for illustrative purposes only.  
Do not rely on it as being a precise indicator of routes,  
locations of features, nor as a guide to navigation.