



Meeting Date: June 21, 2023

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-44-2023

Subject: Application for Zoning By-law Amendment (ZBA-03-2023) for 3611 Woodhull Road; Filed by Sayed Shahabi on behalf of Sharon and Mark LaPointe

Recommendation:

THAT Zoning By-law Amendment application (File: ZBA-03-2023), filed by Sayed Shahabi on behalf of Sharon and Mark LaPointe, to rezone lands from “Agricultural (A1)” to “Agricultural exception 11 (A1-11)” for lands known as 3611 Woodhull Road, be APPROVED.

Purpose:

The purpose and effect of the Zoning By-law Amendment application is to rezone a 1.6 acre (0.65 hectare) severed parcel of land to fulfill a condition of severance (File: B-23-2021) to sever parcel from 3611 Woodhull Road and add it to 3657 Woodhull Road.

The Zoning By-law Amendment application would rezone the parcel from ‘Agricultural (A1)’ to ‘Agricultural exception 11 (A1-11)’ to ensure the zoning is consistent with the receiving lot at 3657 Woodhull Road.

Background:

The subject property is located on the west side of Woodhull Road, north of the intersection at Woodhull Road and Longwoods Road. Surrounding land uses are predominantly large lot rural residential dwellings, a golf course to the north, employment lands to the south, and agricultural lands within the surrounding area.

A location map is included as Attachment 1.

In February 2022 Council granted conditional approval for Consent (File No.: B-23/2021) to sever a parcel of land for lot addition purposes having an area of approximately 1.6 acres (0.65 hectares) to be merged with an abutting lot known municipally as 3657 Woodhull Road. Condition #10 required “That the lands being severed and merged onto the abutting lands at 3657 Woodhull Road be rezoned to the same zone as the existing parcel”.

The “Agricultural exception 11 (A1-11)” zone that applies to 3657 Woodhull Road and would apply to the parcel limits the lot coverage to 10% for dwellings and buildings accessory to dwellings. No further changes to the zoning provisions are proposed as a result of this application.

Policy Regulation:

The subject lands are designated Agricultural within the County of Middlesex and Middlesex Centre Official Plans, and are zoned “Agricultural (A1)” within the Middlesex Centre Comprehensive Zoning By-law. As such, the policies and provisions below are applicable to the land.

Provincial Policy Statement, 2020:

The Planning Act states that all decisions made by planning authorities “shall be consistent with the policy statements issued” under subsection 3. The Provincial Policy Statement, 2020 (PPS) document is comprised of several policy statements and summary of those that are applicable to the proposed development are noted below.

Section 2.3 – Agriculture directs that prime agricultural areas shall be protected for long-term for agriculture. Permitted uses include agricultural uses, agriculture-related uses and on-farm diversified. These uses allow for farm buildings and structures including a farm residence.

County of Middlesex Official Plan:

The County of Middlesex Official Plan (County Plan) identifies the subject land within the Agricultural Area.

Section 2.2.2 – Agriculture and Section 3.3 – Agricultural Areas of the County Plan recognizes the importance of agricultural areas to the local and regional economy of the County and the policies are intended to protect agricultural lands from incompatible land uses. Permitted uses within Agricultural Areas include normal farm practices and related uses, and farm residences. New estate residential development is prohibited in the Agricultural Area but existing estate residential lots and uses may continue to exist.

Middlesex Centre’s Official Plan:

The Middlesex Centre Official Plan (Official Plan) designates the subject lands as ‘Agriculture’.

Section 2.0 – Policies for Agricultural Areas recognizes the importance of agricultural lands in the Municipality and encourages the protection of agricultural areas from interference or encroachment from conflicting land uses, or uses which would negatively impact the future flexibility or efficiency of agricultural operations.

Middlesex Centre Zoning By-law:

The subject parcel is currently zoned ‘Agricultural (A1)’ and permits a variety of agricultural uses and a single family home. The requested ‘Agricultural exception 11 (A1-11)’ continues to apply the provisions of the ‘Agricultural (A1)’ zone except it limits the lot coverage to 10% for dwellings and buildings accessory to dwellings

Consultation:

Notice of the application was posted on the property and circulated to agencies, and property owners in accordance with the *Planning Act* and Ontario Regulation 545/06.

Public Comments:

At the time of writing this report, staff did not receive comments from the public.

Agency Comments:

The Municipality's Chief Building Official did not provide comments at the time of writing this report.

The Municipality's Public Works and Engineering Department did not provide comments at the time of writing this report.

The County Engineer reviewed the application and has no concerns.

Analysis:

To consider the appropriateness of the requested Zoning By-law Amendment it must conform to the Official Plan and maintain the intent of its policies. Staff consider the requested Amendment appropriate for the lands as the requested rezoning does not amend or change the use of the land, and identify that the request is being completed to fulfill a condition of consent to ensure consistency between the severed parcel and the receiving lot. Further, the Amendment does not negatively impact the agricultural area or create an incompatible use.

Given the above, staff recommend to approve the Zoning By-law Amendment to rezone the lands from 'Agricultural (A1)' to 'Agricultural exception 11 (A1-11)'. Planning staff determined that the amended Zoning By-law Amendment is consistent with the Provincial Policy Statement, 2020, the County of Middlesex Official Plan, Middlesex Centre's Official Plan, and Middlesex Centre's Zoning By-law.

This opinion is provided prior to a public meeting. Should new information arise regarding this proposal, Council is advised to take such information into account when considering the application.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map