



**Meeting Date: November 20, 2024**

**Prepared By: Marion-Frances Ramos Cabral, Planner**

**Submitted by: Marion-Frances Ramos Cabral, Planner**

**Report No: PLA-58-2024**

**Subject: Application for Zoning By-law Amendment (ZBA-15-2024) for 9787 Ivan Drive; Filed by Lerner's LLP on behalf of Ross James McLachlan, Katherine McLachlan & Stuart Donald McLachlan**

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**Recommendation:**

THAT Zoning By-law Amendment Application (ZBA-15-2024), filed by Lerner's LLP on behalf of Ross James McLachlan, Katherine McLachlan & Stuart Donald McLachlan, to rezone the lands known as 9787 Ivan Drive from 'Agricultural (A1)' to 'Surplus Residence exception 13 (SR-13)' and 'Agricultural – No Residences (A3)' for the severed and retained lands of consent application B-23/23, be APPROVED;

AND THAT the implementing By-law be forwarded to Council for consideration once a deposited reference plan has been provided to the satisfaction of the Municipality.

**Purpose:**

The purpose of this report is to provide Council with a recommendation regarding a rezoning application for a property located on the south side of Ivan Drive, south of the intersection at Ivan Drive and Komoka Road. The land is legally described as Part of Lot 3, Concession 7 North, in the Municipality of Middlesex Centre, County of Middlesex, and is municipally known as 9787 Ivan Drive.

A location map is included as Attachment 1.

**Background:**

The purpose of the subject rezoning application is to implement a condition of severance imposed by Middlesex Centre's Council for Consent B-23/23, which conditionally severed a lot with a frontage of 10.4 m (32 ft) and an area of approximately 0.4 ha (1.0 ac) in order to accommodate a surplus farm residence. The retained parcel is proposed to be approximately 40 ha (98.8 ac) with a frontage of approximately 594.6 m (1,950.7 ft) on Ivan Drive.

The effect of the subject application is to rezone the severed lot from the 'Agricultural (A1)' zone to the 'Surplus Residence (SR)' zone to permit the non-farm dwelling, and the retained lot from the 'Agricultural – No Residences (A3)' to prohibit new residential uses from establishing on the agricultural parcel.

### **Policy Regulation:**

The property is designated as 'Agricultural Area' by Middlesex County's Official Plan and designated as 'Agriculture' by Middlesex Centre's Official Plan. The property is zoned 'Agricultural (A1)' by Middlesex Centre's Comprehensive Zoning By-law. As such, the policies and provisions below are applicable to the lands.

### **Provincial Planning Statement, 2024:**

Section 3 of the *Planning Act* requires all decisions made under the Act "to be consistent with" the Provincial Planning Statement, 2024 (PPS). The PPS contains policies that address the protection of agricultural uses for the long-term including permitting limited non-agricultural development and lot creation.

For the purpose of this application section 4.3.3 of the PPS speaks to lot creation in prime agricultural areas, stating that lot creation is discouraged and may be permitted to create one new residential lot per farm consolidation for a residence surplus to an agricultural operations provided that the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective.

### **Middlesex County's Official Plan:**

The County of Middlesex Official Plan (County Plan) designates the subject property as 'Agricultural Area'. The County Plan recognizes agriculture as the predominant land use outside of settlement areas or natural environment areas. The Agricultural Area policies are intended to protect agricultural lands from conflicting land uses that are not compatible with agricultural uses and practices.

As a way to protect agricultural lands, the County Plan (section 4.5.3.4) limits the severance of agricultural lands for limited reasons. However, the County Plan permits severances where a residence is surplus to a farming operation as a result of farm consolidation provided that the residence was built at least 10 years prior and that new residential dwellings are prohibited on any vacant retained lot of farmland created by the severance.

Additionally, new farm lots are discouraged to be less than a typical township lot of about 40 hectares in area. Farm lot sizes shall be sufficiently large farming blocks to maintain flexibility to adapt to future changes in agriculture and to avoid the fragmentation of farmland.

### **Middlesex Centre's Official Plan:**

The intent of the Agricultural designation within Middlesex Centre's Official Plan is to preserve agriculture as the primary use outside of Settlement Areas and enhance the viability of agricultural operations, wherever possible. In order to achieve this intent, the plan contains policies pertaining to severances in agricultural areas and discouraging the fragmentation of farm lots.

Consistent with the PPS and the County Plan, Middlesex Centre's Official Plan permits the severance of a residence surplus to a farming operation subject to conditions that need to be satisfied (section 10.3.2.1).

Conditions include prohibiting livestock on the severed lot; prohibiting any new residences on any retained lot resulting from the severance; and recognizing the minimum lot area and frontage of the retained lot where it does not meet the provisions of the zoning by-law.

### **Middlesex Centre Zoning By-law:**

The requested amendment would facilitate a consent for severance that was conditionally approved by Council in November 2023. The application for rezoning would rezone the provisionally granted severed lot from the 'Agricultural (A1)' zone to the 'Surplus Residence (SR)' zone to recognize the existing, non-farm residential use and reduced lot frontage.

Further, the amendment would rezone the proposed retained lot from the 'Agricultural (A1)' zone to the 'Agricultural – No Residences (A3)' zone to prohibit any new residential uses on the agricultural parcel.

### **Consultation:**

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

### **Public Comments:**

Staff did not receive comments from area residents or stakeholders at the time of writing this staff report.

### **Agency Comments:**

At the time of writing this report the following comments had been received:

The Municipality's Chief Building Official reviewed the application and did not have any comments related to the rezoning application. All requests have been included as conditions of the severance application.

The Municipality's Public Works and Engineering Department reviewed the application and did not have any comments related to the rezoning application. All requests have been included as conditions of the severance application.

### **Analysis:**

As a result of the severance for a surplus farm dwelling (File: B-23/23), the application requests to rezone the severed lot to 'Surplus Residence (SR)' and the retained lot to 'Agricultural – No Residences (A3)'. The subject lands are currently designated 'Agricultural' within the County of Middlesex and Middlesex Centre official plans, and zoned 'Agricultural (A1)'.

The policies of the PPS and official plans are intended to preserve agricultural lands and the overall agricultural area from fragmentation and incompatible or non-agricultural uses such as residential dwellings. The requested re-zoning application to maintain a minimum size and prohibit new residential development on the proposed retained lot, and limit the use and size of the provisionally granted severed residential lot is consistent with the PPS, County of Middlesex Official Plan and Middlesex Centre Official Plan.

Additionally, the Municipality's Comprehensive Zoning By-law requires a minimum lot area of 0.2 ha (0.5 ac) and a minimum lot frontage of 30 m (98 ft) in the 'Surplus Residence (SR)' zone. The 'Surplus Residence (SR)' zone references Section 4.16 of the Zoning By-law to establish a minimum front yard setback. Section 4.16 requires that buildings and structures for residential uses must be setback a minimum of 15.0 m (49 ft) from the streetline. The general 'Agricultural (A1)' zone requires a minimum lot area 40 ha (99 ac) and a minimum lot frontage of the lesser of 300 m (984 ft).

The proposed severed parcel has a frontage of approximately 10.4 m (32 ft). As a result, Planning Staff recommend that the severed parcel be rezoned to a site-specific "Surplus Residence exception 13 (SR-13)" zone to recognize the undersized lot frontage.

The retained parcel appears to meet the provisions of the requested 'Agricultural – No Residences (A3)' zones.

Given the above, Planning Staff recommend that the subject application be approved, as the proposal is consistent with the Provincial Planning Statement, 2024, the County of Middlesex Official Plan and Middlesex Centre's Official Plan.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, 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

Attachment 2 – Applicant's Sketch