



Meeting Date: February 26, 2025

Prepared By: Marion-Frances Ramos Cabral, Planner

Submitted by: Marion-Frances Ramos Cabral, Planner

Report No: PLA-13-2025

Subject: Applications for Consent (B-1/2025) and Zoning By-law Amendment (ZBA-1-2025), filed by Perry Buren on behalf of Maria Buren

Recommendation:

THAT Consent Application B-1/2025 filed by Perry Buren on behalf of Maria Buren in order to sever a lot with a frontage of approximately 20 m (65.6 ft) on Harris Road, and an area of approximately 0.67 ha (1.65 ac), and the retained frontage of approximately 34 m (111.5 ft) on Harris Road, and an area of approximately 0.2 ha (0.5 ac), for a property legally described as Plan 305 Pt Lot 2 RP 34R833 Part 1, in the Municipality of Middlesex Centre (former Township of Delaware), County of Middlesex, and is municipally known as 92 Harris Road; be **GRANTED** subject to conditions.

AND THAT Consent B-1/2025 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within two years of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-1/2025, and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner's solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.

5. That the Owner's solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That the severed lot shall be serviced with Municipal water at the expense of the Owner prior to consent being granted to the satisfaction of the Municipality
7. That the Owner provide confirmation that all services and the private sewage disposal system that services the residence on the retained and severed lots of Consent B-1/2025 is wholly contained on the said lot and that a 100% contingency area exists, to the satisfaction of the Municipality.
8. That any outstanding property taxes for the severed and retained lots of Consent B-1/2025 be paid in full.
9. That, if necessary a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.
10. That the owner pay a cash-in-lieu of parkland dedication in the amount consistent with Municipalities Fee By-law.
11. That the owner be required to pay \$17,297.93 for future road upgrades.
12. That, if necessary, the owner will be required to dedicate lands up to 10 m from the centerline of construction of Harris Road of the retained and severed parcels to the Municipality of Middlesex Centre for the purposes of road widening if the right of way is not already to that width.
13. That a Zoning By-law Amendment that recognizes the residential use of the severed and retained parcels, and the reduced lot frontage of the severed parcel of Consent B-1/2025, including applicable holding provisions requiring a development agreement be in full force and effect.

AND FURTHER THAT the reasons for granting Consent application B-1/2025 include:

- The proposal is consistent with the Provincial Planning Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- The proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

THAT Zoning By-law Amendment application ZBA-1-2025, as amended, filed by Perry Buren on behalf of Maria Buren, to rezone the subject land from the 'Existing Use (EU)' Zone to the 'Community Residential First Density (CR1)' and 'Existing Use exception 5 (EU-5)' Zones for the land legally described as Plan 305 PT Lot 2 RP 34R833 Part 1 and known as 92 Harris Road, Municipality of Middlesex Centre (former Township of Delaware), 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;

AND THAT holding symbol (h-4) be applied to the lands zoned "Community Residential First Density (CR1)" of the severed lands of Consent application B-1-2025 to require a development agreement be entered into with the Corporation of the affected lands, be **APPROVED**.

Purpose:

This report is to provide Council with a recommendation regarding a proposal to sever a parcel of land for future residential uses, and to rezone the lands for residential uses.

The property is located south side of Harris Road, and east of the intersection of Harris Road and Victoria Street in the community of Delaware. The land is legally described as Plan 305 PT Lot 2 RP 34R833 Part 1, Municipality of Middlesex Centre, and is municipally known as 92 Harris Road.

A location map is included as Attachment 1.

Background:

The purpose and effect of the Consent application would sever a parcel of land for residential use. The severed parcel will have an area of approximately 0.63 ha (1.55 ac) in area with frontage of 12 m (39.3 ft) on Harris Road. The retained parcel would be approximately 0.25 ha (0.61 ac) with a frontage of approximately 42 m (137.8 ft.) on Harris Road.

The purpose and effect of the Zoning By-law Amendment application is to rezone the severed land from 'Existing Use (EU)' Zone to a new 'Community Residential First Density exception (CR1-x)' Zone to recognize a reduced lot frontage of 12 m. The retained parcel is proposed to be rezoned from the 'Existing Use (EU)' Zone to the 'Community Residential First Density (CR1)' Zone.

The subject land is approximately 0.88 ha (2.17 ac) in area and has a frontage of 54 m (177.1 ft) on Harris Road. The land contains a single detached dwelling and an accessory building. The property partially contains regulated area on the north-east corner due to Natural Heritage Features and a creek located on the north side of Harris Road.

The applicant prepared a concept plan depicting the severed parcel and retained parcel and proposed residential use of the severed parcel (Attachment 2). The severed parcel shows 5 “lots” and an internal private road. At this time, the applicant would develop the severed lot with 1 single detached dwelling at the rear of the property within the confines of a future “Lot 1”. The intent is to allow for infill development now, and when full municipal services are installed in Delaware, the severed parcel would accommodate 4 more single detached dwellings based on the concept plan.

Policy Regulation:

The lands are identified within the Delaware Settlement Area (Community Area) in the Middlesex County Official Plan, designated ‘Residential’ and subject to Special Policy Area #3 in the Middlesex Centre Official Plan, and zoned ‘Existing Use (EU)’ in the Middlesex Centre Zoning By-law. As such, the following policies apply:

Provincial Planning Statement, 2024:

The Planning Act states that all decisions made by planning authorities “shall be consistent with the policy statements issued” under subsection 3. The Provincial Planning Statement, 2024 (PPS) document is comprised of several policy statements and those that are applicable to the proposed development are noted below:

Generally, the PPS promotes healthy, liveable and safe communities by supporting efficient land use patterns that facilitate economic growth, create liveable communities, and protect the environment and public health and safety.

Section 2.1 – Planning for People and Homes directs planning authorities to forecast growth and determine land needs accordingly. Planning authorities should support the achieve of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options, recreation, parks and open space and other uses to meet long-term needs. This also includes improving social equity and overall quality of life for people of all ages, abilities and incomes, and improving the accessibility for people of all ages and abilities by addressing land use barriers.

Section 2.2 – Housing states that planning authorities shall provide for appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area. This can be fulfilled by establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households; and, by permitting and facilitating all housing options and all types of intensification including new housing options within previously developed areas. Planning Authorities shall also promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation.

Section 2.3.1 – General Policies for Settlement Areas establishes settlement areas shall be the focus of growth and development. Land use patterns within settlement areas should be based on densities and a mix of land uses which efficient use land and resources; optimize existing and planning infrastructure and public service facilities; support active transportation; are transit-supportive (as appropriate); and are freight-supportive.

Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities. Additionally, planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

Section 3.6 – Sewage, Water and Stormwater states that forecasted growth should be accommodated in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services. These services should be provided in a manner that can be sustained by water resources, are feasible and financially viable, protects the quality and quantity of water, and aligns with comprehensive municipal planning for these services. Planning authorities should integrate servicing and land use considerations at all stages of the planning process.

Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Partial services shall only be permitted in the following circumstances: a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for long-term provision of such services with no negative impacts; or within rural settlement areas where new development will be serviced by individual on-site water services in combination with municipal sewage services with no negative impacts.

Middlesex County's Official Plan

The County of Middlesex Official Plan (County Plan) identifies the subject property as within the Delaware as a Settlement Area (Community Area).

Section 2.3.8 – Settlement Areas of the County Plan recognizes that Settlement Areas will be the focus for future growth including residential uses. These areas are intended to have a wide range of land uses and full municipal servicing in conjunction with 2.4.5 of the County Plan. Section 2.3.8.2 – Community Areas acknowledges that Community Areas are intended to serve the surrounding Agricultural Areas as well as provide an alternative to city or Urban Area living. The concentration and intensity of development is intended to be lower than Urban Areas. New Development in Community Areas is intended to take place on municipal or communal services; however, in areas where new development is proposed and municipal or communal services are not currently available

or will not be available in the immediate future, development may proceed on other than full municipal services, on an interim basis, where provided for in a master servicing strategy component of a Settlement Capability Study or Environmental Assessment. Such development should not preclude the efficient use of land should full services become available in the future and all servicing studies shall consider all servicing options. In considering development applications in Community Areas, the local municipality shall ensure that the character of the Community Area and cultural heritage resources of the area is protected.

Additionally, Section 2.3.7 – Housing Policies encourages a wide variety of housing types, sizes and tenure to meet market requirements and demand for current and future residents. The County supports intensification and redevelopment within Settlement Areas where there is an appropriate level of physical services.

With regard to municipal sanitary sewers and water services, Section 2.4.5 - Sanitary Sewers and Water of the County Plan promotes efficient and environmentally responsible development that can be supported by full municipal systems servicing.

Section 4.5.3.3. – Settlement Areas provides guidance on how the division of land within Settlement Areas represents infilling where the proposed lots are compatible with the surrounding areas and that the approval would not hinder future development.

Middlesex Centre’s Official Plan

Middlesex Centre’s Official Plan designates the subject lands as ‘Residential’ and subject to Special Policy Area #3. Within this designation residential dwellings are permitted in a variety of forms, including single detached dwellings.

Section 9.3 of the Local Official Plan speaks to municipal infrastructure and servicing policies. These policies have a similar hierarchy as the PPS and the County Official Plan.

Section 10.3 of Middlesex Centre’s Official Plan speaks to lot creation and states,

- a) Severances shall only be granted if a plan of subdivision is not necessary for the proper and orderly development of the land. Plans of subdivision will not be required where three or fewer new lots are proposed to be created, or where circumstances exist where a plan of subdivision is not considered by the Municipality to be necessary. Where more than three new lots are proposed to be created, the Municipality may exercise flexibility in determining whether a plan of subdivision process is required for the orderly development of the land. Notwithstanding the above, in all cases where the creation or extension of municipal streets and/or services is proposed, a plan of subdivision process will be required.

- b) Where individual wells and septic systems are proposed, lot areas must be of a size and configuration to accommodate an appropriate septic system, sewage envelope and contingency area. For a conventional septic system, a storage envelope consists of the area occupied by the tile bed and mantle. The size of the storage envelope will vary depending on the projected water use of the anticipated use and the soils and slope of the subject site. The contingency area will be equal in size to the tile bed and sewage mantel.
- c) All lots must front on and have access to an existing public road maintained on a year round basis and at a reasonable standard of construction. Direct access to and from County or Provincial roads will be limited in accordance with the policies and regulations established by the agencies having jurisdiction over these roads.
- d) An adequate and potable water supply must be available for any proposed lots created by consent. An exception to this policy may be made if it can be shown that the purpose for which the lot(s) in question is to be used does not require a water supply.
- e) All lots created by severance must be suitable or capable of being made suitable to support a sewage disposal system.
- f) Severances may be permitted for the purposes of making a lot boundary correction provided that such corrections are minor in nature.

Section 11.0 of Middlesex Centre's Official Plan speaks to Special Policy Areas. The subject lands are located in Special Policy Area #3. As such the following policies are applicable:

For lands so identified on the Delaware Community Settlement Area (Schedule A-4), notwithstanding the residential policies of this Plan, are subject to the following policies:

- a) The Municipality is committed to the provision of municipal sewage services to service existing and future development in this area in the long term as indicated in the Delaware Water and Wastewater Servicing Study prepared by Dillon Consulting dated May 31, 2005, being Phases 1 and 2 of the Municipal Class Environmental Assessment. In this regard, the Municipality shall move forward with the subsequent phases of the full Class Environmental Assessment process.
- b) Development within this area on municipal water and private on-site septic systems shall be restricted to lands located on existing road right-of-ways, being Harris Road, Martin Road and Wellington Street. Such development should not preclude the efficient use of land should municipal sewage services become available.

- c) Development shall adhere to the extent feasible and practicable with the conceptual area plan as described in the August 1997, "Delaware Village Area Plan and Environmental Management Study" prepared by Delcan Corporation which includes new road allowances to ultimately provide access for the internal lands namely those not situated on existing road right-of-ways and areas suitable for stormwater control structures.
- d) The development restrictions which limit development to lands located on existing road right-of-ways shall be removed upon this area being serviced by municipal sewage services. The development of the internal lands, being those not located on existing road right-of-ways, shall adhere to the extent feasible and practicable to the generalized street pattern as outlined to in the August 1997, "Delaware Village Area Plan and Environmental Management Study" prepared by Delcan Corporation.
- e) The creation of lots which do not extend along the entire frontage of a property on existing road right-of-ways (with the exception of new road allowances to ultimately provide access for the internal lands) shall be prohibited.
- f) No lots may be developed on existing right-of-ways without confirmation that the lots can accommodate an appropriate septic system, sewage envelope and contingency area as outlined in Section 10.3.1b) of this Plan.
- g) The lands must be graded to control storm water run-off quantity and quality in accordance with a grading plan approved by the Municipality. No lots may be developed without confirmation that the creation of the lots will not prejudice future storm water management efforts of the area and depending on the scale of the development, the Municipality may request the preparation of a Storm Water Management Study to be completed to the satisfaction of the Upper Thames River Conservation Authority prior to development preceding.
- h) The Municipality shall initiate a groundwater monitoring program to determine the impacts of existing septic systems on ground and surface water. Notwithstanding the other policies of SPA #3, development within this area may be prohibited if ground water nitrate levels are found to be at an unacceptable level by the Ministry of Environment and the Municipality.

Middlesex Centre's Zoning By-law

The property is zoned 'Existing Use (EU)' in Middlesex Centre's Zoning By-law. The 'Existing Use (EU)' zone generally applies to undeveloped lands located in settlement areas, villages and hamlets of the Municipality. The zone does not permit any new buildings or structures to be erected, used or altered, and requires a Zoning By-law Amendment to permit any new development.

The applicant requests to rezone the retained parcel from 'Existing Use (EU)' to 'Community Residential First Density (CR1)' to reflect the existing residential use, and the severed parcel from 'Existing Use (EU)' to a new site-specific zone 'Community Residential First Density exception (CR1-x)' to permit residential uses on the land and a reduced lot frontage of 12 m (39.3 ft).

A summary of the requested zones is noted in the table below:

| | Current Property EU Zone | Requested Retained Parcel CR1 Zone | Requested Severed Parcel CR1-x Zone |
|----------------------|---|--|--|
| Permitted Uses | No land shall be used and no buildings or structures shall be erected, use, or altered in the Existing Use (EU) Zone except for the following purposes: any use existing as of the date of the passing of this by-law | accessory use home occupation single detached dwelling | accessory use home occupation single detached dwelling |
| Minimum Lot Frontage | - | 20.0 m (65.6 ft) | 12.0 m (39.3 ft) |

Consultation:

Notice of Complete Application and Public Meeting were circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 545/06.

At the time of writing this report, staff did not receive any correspondence from members of the public or neighbouring land owners.

Agency Comments:

The Public Works and Engineering Department reviewed the applications and provided the following comments: The frontage of the consent be widened so that the new structure will front Harris Road. No access road is provided to the rear. Future development of the rear portion of the lot can be in conjunction with infill development on other properties; The frontage of the consent be widened to 20m to allow for a full municipal right of way that can then be incorporated into a future plan of subdivision. The road concept road between lots 3 and 1/2 be widened to 20m. That any proposed structure be located on what is shown as unit 5 (this can be resized) to allow for maximum flexibility for future development with adjacent lands. Both the newly created and retained lot should be of sufficient size to a septic bed and an area for a replacement bed; The proponent will be required to enter into a development agreement which will include limitations on the building location; The new lot must be serviced by municipal water; The proponent will be required to pay a future road upgrade fee of \$17,297.93 (cost to urbanize the road along the 20 m frontage of the severed parcel); There is no storm sewer along this section of Harris. The proponent will be required to provide a stormwater management report and grading plans demonstrating how stormwater will be controlled to existing levels up to the 250 year 24 hour storm event.; Grading and servicing plans will be required as part of the development agreement; A reference plan will be required for to both identify the parcel to be severed as well as to identify the area to be treated like a unit/internal lot to determine placement of the building; There shall be no permanent structures (anything requiring a building permit) placed on the property outside of the building unit/lot; The property will be required to connect to future sanitary sewers when available; A road widening of 10 m from center line is required (20 m ROW width), the current ROW is approximately 15m in width; A permit and fees are required for any municipal tree required for removal to support this development based on the fees and charges by-law.

The Municipality's Chief Building Official reviewed the applications and provided the following comments related to the consent application: The applicant must confirm the existing sewage system, contingency area and well locations on severed and retained lands; The concept plan (that was circulated with the application) includes layout for future development. This is confusing and misleading. Not sure how much value, recognition or acceptance this should receive.

The Director of Emergency Services/Fire Chief reviewed the applications and did not have any comments.

Upper Thames River Conservation Authority did not provide any comments at the time of writing this report.

Lower Thames Valley Conservation Authority did not provide any comments at the time of writing this report.

Analysis:

Planning Staff have reviewed the Consent and Zoning By-law Amendment applications against all relevant planning policies and guidelines.

As noted, the subject property is located within a Settlement Area (Community Area) according to the Middlesex County Official Plan. More specifically, the land is situated in the Delaware Settlement Area and is designated 'Residential' by the Middlesex Centre Official Plan and located in Special Policy Area #3. It is zoned 'Existing Use (EU)' Zone in the Middlesex Centre Comprehensive Zoning By-law.

The intent of the Special Policy Area #3 and the 'Existing Use (EU)' Zone is to ensure the orderly and efficient use of land when considering future development due to current servicing constraints in Delaware. Special Policy Area #3 contemplates the provision of full municipal services to accommodate future development. However, Special Policy Area #3 makes an exception that development may occur in the interim on municipal water and private on-site septic systems (partial servicing) when it is located on existing municipal rights-of-way such as Harris Road. Such development should not preclude the efficient use of land in the event that full municipal services become available.

The subject property fronts onto a municipal road, therefore, no road extension is required for the severed parcel. Generally, local and provincial planning policies have a servicing hierarchy in which the preferred option for new development within settlement areas is full municipal servicing. The proposed lot to be severed and the lot to be retained will be partially serviced by municipal water and private on-site septic systems on an interim basis. Existing water service is available along the frontage of Harris Road to accommodate a single detached dwelling. Further, as a condition of consent the applicant will be required to confirm that the existing septic system and contingency area can be wholly contained in the retained and severed parcels. The applicant has not submitted preliminary servicing reports for the severed parcel, however, it will be required prior to any development on the severed parcel and will be enforced through a development agreement with the landowner.

Infill development is supported by the policies of the Provincial Planning Statement, the Middlesex County Official Plan and the Middlesex Centre Official Plan. The proposed infill development represents a more efficient use of land in a Settlement Area of the Municipality that will utilize municipal water. Additionally, intensification through infill is encouraged by provincial policy as well as the County and Middlesex Centre Official Plans and is the preferred form of development because it promotes more efficient use of infrastructure and reduces the need for expansion of settlement area boundaries.

To accommodate future development on the severed parcel, the applicant provided a concept plan which shows the provision of 5 lots for single detached dwellings. In pre-consultation discussions, the applicant advised they would build 1 single detached dwelling on one of these future lots and the rest of the parcel will remain vacant to accommodate future development on full municipal services when available. As mentioned above, the preliminary servicing reports and a development agreement will be

required to develop 1 single detached dwelling on the severed lot to ensure the efficient use of land.

Municipal Staff reviewed the proposal and request that the severed parcel have a lot frontage of 20 m instead of 12 m to accommodate a future public right-of-way designed to municipal standards and ensure connectivity to adjacent parcels. Additionally, a 20 m frontage for the severed lot will provide the space needed for the installation of municipal services for this property and adjacent properties.

Planning Staff evaluated the rezoning request and found it appropriate to recognize the existing residential use of the retained parcel. In an effort to accommodate new development on the severed parcel and also ensure the balance of the parcel is retained for future development, Planning Staff recommend that the severed parcel be split-zoned to the 'Community Residential First Density (CR1)' Zone to permit 1 single detached dwelling and 'Existing Use exception 5 (EU-5)' Zone to prevent premature development along the frontage of the parcel and recognize a minimum frontage of 20 m. A zoning map showing the proposed zone boundaries are included as Attachment 3.

To prevent premature development of the severed parcel, Planning Staff recommend that a holding symbol (h-4) be applied to require a development agreement to be entered into with the Municipality.

A number of technical items have been identified through the review of the applications and Staff recommend that these be addressed through conditions of approval. The items include, among others, the provision a municipal water service, urbanizations costs, confirming the location of existing sanitary servicing, and road widening dedication.

Given the above, Planning Staff recommend that the subject applications be approved as the applications are consistent with the PPS, 2024, and conform to the Middlesex County and Middlesex Centre Official Plans.

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 applications.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 – Applicant’s Sketch

Attachment 3 – Zoning Map (as proposed by Staff)