



Meeting Date: October 13, 2021

Submitted by: Tim Williams, Senior Planner

Report No: PLA 86-2021

Subject: Information Report – for Ontario Land Tribunal Files PL200502 and PL200503 for Applications for Consent B-32/19 and Zoning By-law Amendment ZBA 29 2019 relating to the property municipally known as 14378 Ilderton Road & 22740 Richmond Street

Recommendation:

THAT Report PLA 86-2021 re: 'Information Report – for Ontario Land Tribunal Files PL200502 and PL200503 for Applications for Consent B-32/19 and Zoning By-law Amendment ZBA 29 2019 relating to the property municipally known as 14378 Ilderton Road & 22740 Richmond Street' be received;

AND THAT the Clerk assign a by-law number to the Ontario Land Tribunal approved Zoning By-law Amendment;

AND THAT on January 6, 2021, Council for the Municipality of Middlesex Centre provided the Chief Administrative Officer with direction and authority to endorse Minutes of Settlement in PL200502 and PL200503 in the event the particulars set out in the Minutes of Settlement dated April 16, 2021 were agreeable with the Appellant;

AND FURTHER THAT Council approves the Severance Agreement and directs for it to be endorsed by the Municipality.

Purpose:

To inform Council of the decision of the Ontario Land Tribunal matters (PL200502 and PL200503) including the details of the Minutes of Settlement, the conditions of consent and the zoning by-law amendment details;

The report also addresses the administrative matters of; directing the Clerk to assign a by-law number to the zoning by-law amendment for administrative purposes; and Council authorizing the Chief Administrative Officer to endorse the Minutes of Settlement.

Background:

On November 26, 2019, the Municipality confirmed a complete Application for a surplus farm dwelling severance (B-32/19) and an accompanying Zoning By-law Application (ZBA 29-2019) were received. The subject property is a farm that is located on the north side of Ilderton Road (County Road 16) and the east side of Richmond Street (Highway 4). Staff worked with the applicant to refine the application; however, ultimately the matter was placed on the June 24, 2020 Council agenda and Council decided to deny the Consent and Zoning by-law Amendment. The decisions were appealed by the owner of the property. Following this, legal representation was secured and direction provided by Council to resolve the matter with the appellants. On January 6, 2021, direction was issued to staff and legal to implement the settlement including negotiate the terms of the Minutes of Settlement. As part of the completion of the appeal the Ontario Land Tribunal (OLT) has requested that the OLT decision including Minutes of Settlement and the zoning by-law amendment be brought to Council in open session of Council so that a resolution confirm Council's direction can be made, as the January 6, 2021 resolution was in closed session.

Analysis:

The Minutes of Settlement reviewed and includes details on how the owners have met all of the conditions noted in the Official Plan.

The zoning by-law amendment and conditions of consent (attached hereto) both address the criteria set out in the Official Plan for a surplus farm dwelling severance. The appellant's planner reviewed the Minutes of Settlement and rezoning and advised the OLT that it represented good planning and this was accepted by the member of the OLT and was reflected in the decision.

The final zoning by-law amendment rezoned the severed from Agricultural (A1) zone to Surplus Residence (SR) zone while the retained parcel was rezoned from Agricultural (A1) zone to site specific Agricultural – No Residences (A3-4) zone. The result is that the newly created rural residential parcel will have zoning that is inline with the use and size of the lands and the retained parcel will be permitted to continue with no residential dwellings permitted. So that the legacy single detached residential dwelling on the retained lands is not a permitted use in an Agricultural – No Residences (A3-4) zone under Zoning By-law No. 2005-005 and the re-zoning of the Subject Lands renders it a legal non-conforming use.

The May 12, 2021 decision of the OLT also outlines in attachment 2 the Consent Conditions surplus farm dwelling severance. The conditions have been crafted to address the criteria of the Official Plan for surplus dwelling severances. The request of the OLT is to have an open session resolution confirming that Municipal Council is aware of and agrees to the conditions.

With these actions completed the OLT is prepared to close the file.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth
- Vibrant Local Economy

Attachments:

Attachment 1 - OLT Decision

Attachment 2 – Severance Agreement