



Staff Report

Meeting Date: February 22, 2017
Submitted by: Ben Puzanov, RPP, Senior Planner
Number: PLA-15-2017
Subject: Applications for Consent B-6/17 and Zoning By-law Amendment; Liahn Farms Limited; 3829 Springer Road

Recommendation:

THAT Consent application B-6/17, as filed by Liahn Farms Limited and recommended for amendment by staff in order to sever a surplus farm residence and two accessory buildings on a lot with a lot frontage of approximately 57.16 metres along Springer Road and an area of approximately 0.688 hectares; from a property legally described Part of Lots 6, 7 and 8, Concession D (geographic Township of Delaware), Municipality of Middlesex Centre and known municipally as 3829 Springer Road; be granted.

FURTHER THAT Consent B-6/17 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year 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-6/17 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, if necessary, a revised assessment schedule in accordance with the *Drainage Act*, as amended, be commissioned and paid for by the Owner.
7. That a Zoning By-law Amendment that recognizes the residential use of the severed lot of Consent B-6/17 and prohibits new dwellings on the retained lot of Consent B-6/17 be in full force and effect.
8. That the Owner enter into a severance agreement with the Municipality in order to advise future owners of the severed lot of Consent B-6/17 of normal farm practices occurring in the area as outlined in the *Farming and Food Production Protection Act, 1998*, as amended.
9. That any outstanding property taxes for the severed and retained lots of Consent B-6/17 be paid in full.
10. That the Owner obtain the necessary permits and install a new farm entrance in order to provide access to the agricultural storage buildings on the retained lot of Consent B-6/17.
11. That the retained lot of Consent B-6/17 be provided with an address to the satisfaction of the Municipality and with all signage costs being borne by the Owner.
12. That the Owner dedicate land to 10 metres from the centreline of Miller Road along the retained lot of Consent B-6/17 to the Municipality for road widening purposes if the right-of-way is not already to that width.
13. That the private laneways between the severed and retained lots of Consent B-6/17 be removed to the satisfaction of the Municipality.
14. That all private electrical services be wholly contained on the severed and/or retained lot of Consent B-6/17 or that the appropriate easements be established by the Owner to the satisfaction of the Municipality.
15. That the severed and retained lots of Consent B-6/17 be cleared of derelict motor vehicles to the satisfaction of the Municipality.

FURTHER THAT the reasons for granting Consent application B-6/17 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- Subject to the Zoning By-law Amendment required by Condition 7, the proposal would comply with the Middlesex Centre Comprehensive Zoning By-law.

AND FURTHER THAT the Zoning By-law Amendment application, filed by Liahn Farms Limited for the severed and retained lots of Consent B-6/17 in order to implement the severance of a surplus farm residence, be approved.

Purpose:

The purpose of this report is to provide Council with recommendations regarding surplus farm residence severance and rezoning applications for a property that is located at the southwest corner of the intersection of Springer Road and Miller Road.

A location map is included in Attachment 1.

Background:

The purpose and effect of the consent application is to sever a surplus farm residence and two detached garages on a lot with a lot frontage of approximately 60.96 metres (200 ft) along Springer Road and an area of approximately 0.74 hectares (1.8 ac) from a farm holding with a lot area of approximately 58.9 hectares (145.5 ac). The farm proposed to be retained contains three agricultural storage buildings.

The subject zoning by-law amendment application seeks to rezone the severed lot of Consent B-6/17 from Restricted Agricultural (A2) to Surplus Residence (SR) in order to recognize its residential use and prohibit livestock. The application also seeks to rezone the retained lot of Consent B-6/17 from Agricultural (A1) and Restricted Agricultural (A2) to the Agricultural – No Residences (A3) zone in order to prohibit new dwellings from being constructed on the land.

An illustration of the proposal is included in Attachment 2.

Analysis:

The subject land is designated Agricultural Area according to the County of Middlesex Official Plan and Agriculture by the Middlesex Centre Official Plan. The land is zoned Restricted Agricultural (A2) and Agricultural (A1) by the Middlesex Centre Comprehensive Zoning By-law.

The criteria for proposals to sever surplus farm residences, as noted in Middlesex Centre's Official Plan, are as follows:

"10.3.2.1...

- d) Consent to sever a residence surplus to a farming operation as a result of farm consolidation may be permitted, provided the following conditions are satisfied:
 - i. Farm consolidation occurs or has occurred through the acquisition of an additional farm property.
 - ii. The farming operation consists of at least two farms. The farms may be located in different municipalities and the registered ownerships of the farms

- need not necessarily be identical provided it is demonstrated that the farms are operated as a single operation.
- iii. The farming operation demonstrates that the acquired farm has rendered a residence surplus to the needs of the operation.
 - iv. The residence was constructed prior to January 1, 1999.
 - v. The residence is habitable, as determined by the Municipality's Chief Building Official.
 - vi. The lot for the surplus farm residence is limited to the minimum size needed to accommodate the use and appropriate sewage and water services, including contingency areas. The loss of agricultural land shall be avoided wherever possible when determining an appropriate lot size. Environmental features, including but not limited to natural heritage features and natural hazards, will also be avoided when determining an appropriate lot size.
 - vii. That safe ingress/egress for vehicles is possible for both resulting lots, which may necessitate new road entrances or road upgrades to be undertaken at the expense of the applicant. Environmental features, including but not limited to natural heritage features and natural hazards, will be avoided when considering new road entrances or road upgrades.
 - viii. If required, a revised assessment schedule in accordance with the *Drainage Act*, as amended, is commissioned and paid for by the applicant.
 - ix. The lot creation for the surplus farm residence is to comply with the Minimum Distance Separation I formula if there are livestock buildings on the remnant farm.
 - x. Livestock are prohibited on the residential lot, specifically through the Municipality's Comprehensive Zoning By-law.
 - xi. A notice is registered on the title of the lot that is to accommodate the surplus farm residence; specifically notifying future owners of normal farm practices, as outlined in the *Farming and Food Production Protection Act, 1998*, as amended.
 - xii. New residences are prohibited on any remnant farm lot resulting from the severance, specifically through the Municipality's Comprehensive Zoning By-law.
 - xiii. If the remnant farm lot does not meet the minimum lot area and lot frontage standards of the Comprehensive Zoning By-law, the new minimum lot area and lot frontage that result are to be recognized through an implementing zoning by-law amendment. This requirement shall not apply if the remnant farm is merged in title with an abutting farm.
 - xiv. There are no negative impacts on natural and built heritage features as a result of the severance.
 - xv. Natural hazard concerns relating to the severance are addressed to the satisfaction of the conservation authorities that have jurisdiction in the area."

Planning staff is satisfied that the criteria for the severance of the surplus farm residence have been met or can be appropriately addressed via conditions of consent.

The southerly boundary of the lot proposed to be severed encroaches into the cultivated field by as much as 8.2 metres (26.9 ft). Staff recommend that the lot width be reduced by shifting the southerly side lot line to the north in order to avoid encroaching into the area that is being farmed. In addition, it is recommended that the farm proposed to be retained be provided with a separate entrance and a municipal address because it contains three agricultural storage buildings. Given that the farm buildings are currently being accessed via driveways on the lot proposed to be severed, it is recommended that these be terminated east of the rear lot line being proposed for the residential lot.

Staff recommend that a road widening dedication to 10 metres (32.8 ft) from the centreline of construction of Miller Road be required of the applicant along the retained lot's frontage along Miller Road. In addition, staff identified a number of derelict motor vehicles through the completion of a site inspection. It is recommended that the applicant be requested to remove the vehicles from the site.

Financial Implications:

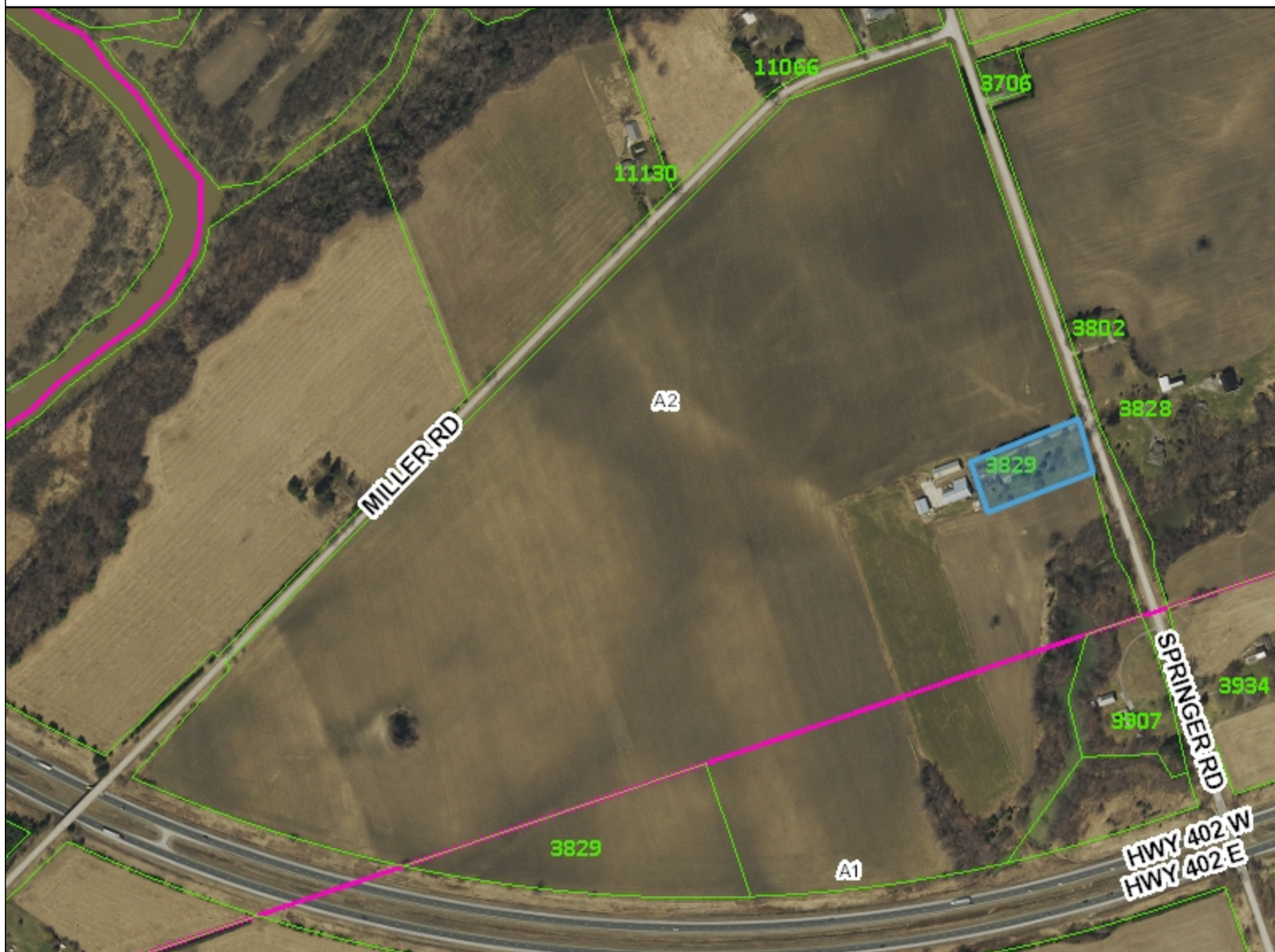
None

Strategic Plan:

N/A



Location Map

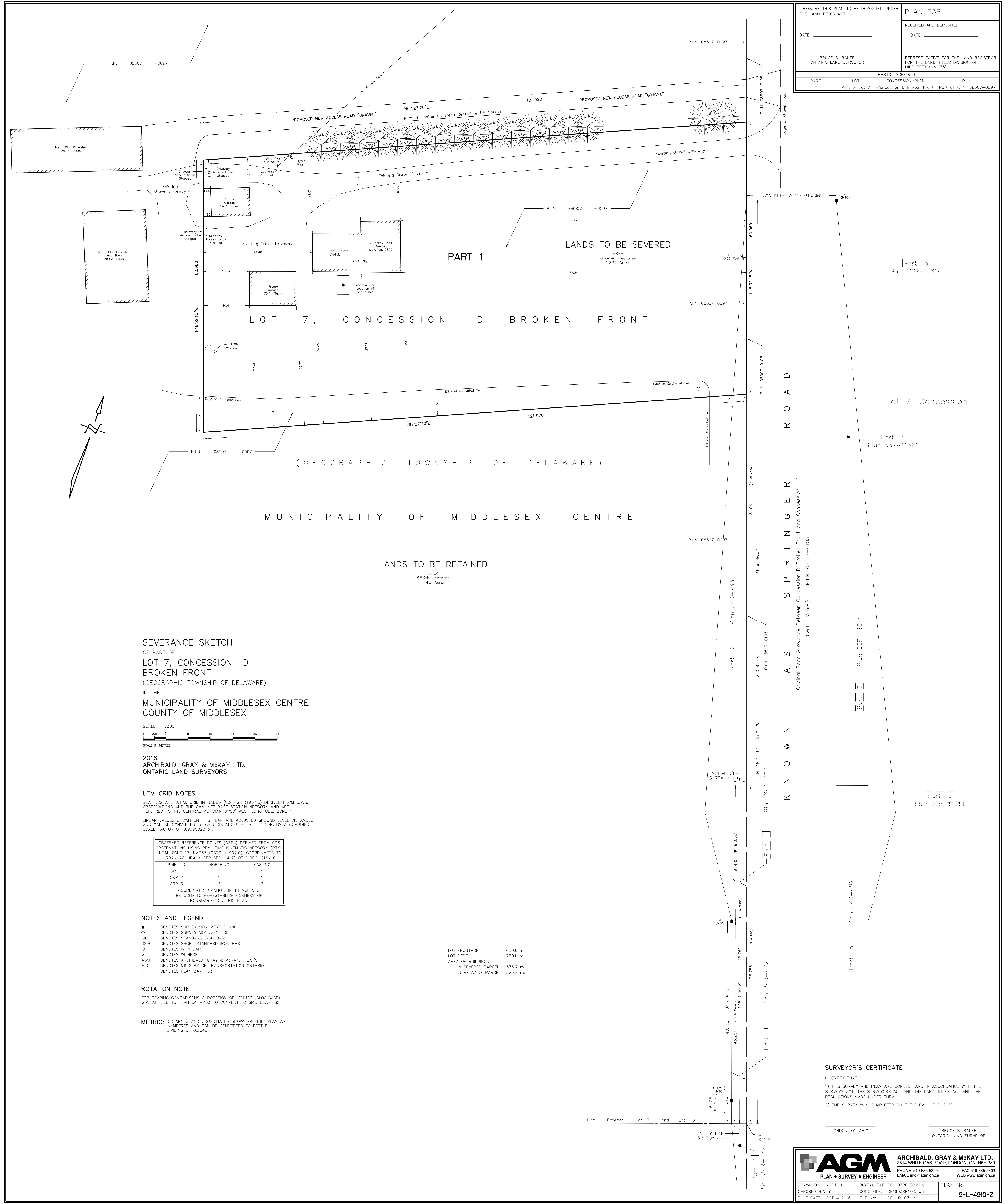


Description: Liahn Farms Limited
 File Number: Consent B-6/17 and ZBA
 Created By: Ben Puzanov
 Date: 1/30/2017
 Scale: 1: 8,948

Legend

- Assessment Parcels
- Middlesex Centre Zoning

Attachment 2: Proposal



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 33R-	
DATE		RECEIVED AND DEPOSITED	
		DATE	
BRUCE S. BAKER ONTARIO LAND SURVEYOR		REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF MIDDLESEX (No. 33)	
PARTS	SCHEDULE	CONCESSION/PLAN	P.I.N.
1	Part of Lot 7	Concession D Broken Front	Part of P.I.N. 08507-0097

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PLAN No: 9-L-4910-Z
DRAWN BY: HORTON DIGITAL FILE: DE1603RPIEC.dwg
CHECKED BY: ? COORD FILE: DE1603RPIEC.dwg
PLOT DATE: OCT 4 2016 FILE No: DEL-D-07-2