



## Staff Report

**Report No.** PDS-030-25

**To:** Mayor and Members of Council

**From:** E. Besch, Planner

**Meeting Date:** June 23, 2025

**Subject:** Applications for Consent (B8-25) and Zoning By-Law Amendment (Z14-25); Daniel & Heather Monteith (Applicants); Stewart Findlater (Agent); 21584 Fairview Road

### Recommendations:

**THAT** Application for Consent B8-25 requested by Daniel and Heather Monteith for lands legally described as Part of Lot 14, Concession 4 (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 21584 Fairview Road be **APPROVED**, subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act 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 consent has been fulfilled and the required fee.
2. That the applicant obtains a rezoning approval to prohibit any new residential use on the lands to be retained being the remnant farm parcel.
3. That the severed lands be transferred to Elliott Grain Ltd. or another farming operation that qualifies for a surplus farm dwelling severance, to the satisfaction of the Municipality.
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with such costs to be paid in full to the appropriate engineering firm, all to the satisfaction of the Drainage Superintendent.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality.
6. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official.
7. That the proponent provide evidence from an Ontario Land Surveyor which confirms that

all structures will be compliant with applicable zoning by-law provisions on the lands to be severed.

8. That the proponent provide evidence from an Ontario Land Surveyor which confirms that the existing onsite sewage system and well are wholly contained and compliant with applicable setbacks from property line, as required by the Ontario Building Code, on the lands to be severed.
10. That the necessary deeds, transfers and charges for certificates and /or instruments necessary for registration be submitted electronically to the Municipality, all of which are to be fully executed.
11. That an electronic version of a deposited reference plan be submitted to legally describe the lands affected and in general conformity with this decision, all to the satisfaction of the Municipality.

## **REASONS**

- The application is consistent with the Provincial Planning Statement.
- Conformity with the County Official Plan and Municipal Official Plan would be maintained.
- The requirements of the Zoning By-Law are capable of being satisfied through the requested rezoning.

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**THAT** Application for Zoning By-law Amendment Z14-25 requested by Daniel and Heather Monteith for lands legally described as Part of Lot 14, Concession 4 (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 21584 Fairview Road be **APPROVED**;

**AND THAT** the implementing by-law be **CONSIDERED** as included in the by-law portion of the agenda.

## **Purpose:**

The purpose and effect of the consent application is to sever a parcel of land to facilitate the disposal of a residence surplus to a farming operation as a result of a farm consolidation. The purpose of the zoning by-law amendment application is to rezone the balance of the farm to prohibit any new residential use consistent with provincial and local planning policy.

## **Background:**

The subject property is a 21 hectare (51.9 acre) farm situated on the east side of Fairview Road, just south of Thorndale. The farm contains a single detached dwelling serviced by a private well and septic system, as well as a detached garage and silo. The remainder of the

lands are primarily used for field crop cultivation.

According to the Thames Centre Official Plan and Zoning By-law, the subject lands are designated Agricultural and zoned Agricultural (A). Surrounding land uses are predominantly agricultural and rural residential, with the Thorndale settlement boundary located approximately 300 metres to the north of the subject lands.

This application is what staff refer to as a 'reverse' surplus dwelling severance in that the owners are proposing to retain the existing dwelling and sell the farmland. The lands to be retained would have frontage of approximately 57 m (201.67 ft) along Fairview Road, an area of approximately 0.6 ha (1.5 ac) and would contain the single detached dwelling and accessory structures. The house is serviced by a private well and septic system and has an existing access off Fairview Road.

The lands to be severed, being the remnant farm parcel, would have a frontage of approximately 242 m (794 ft) and an area of approximately 20.4 ha (50.4 ac). The lands are vacant of buildings or structures.

The applicants are also proposing to rezone the lands to be retained, being the farmland from the Agricultural (A) Zone to the site-specific Agricultural (A-45) Zone to prohibit any new residential use.

## **Analysis:**

The Provincial Planning Statement (PPS), the County of Middlesex Official Plan and the Thames Centre Official Plan generally permit lot creation in agricultural areas for a dwelling surplus to a farming operation as a result of a pending farm consolidation subject to criteria including but not limited to the dwelling being habitable; at least 10 years old; the residential parcel is to be the minimum size need to accommodate the residential use and private servicing. Consolidation means the acquisition of additional farm parcels to be operated as a single farming operation.

The dwelling is habitable and constructed in 2011; the purchasers' home farm is located within the Municipality and the purchasers own and operate at least 10 farms totaling approximately 285 ha (704 ac). In all, staff are satisfied that the foregoing criteria have been satisfied. Issues including the location of the septic system and potable well, etc. are capable of being addressed through conditions of consent.

The land to be retained, which would contain the single detached dwelling and accessory structures, would comply with the undersized lot provisions of the Agricultural (A) Zone. To prohibit any new residential use on the balance of the farm and to be consistent with provincial and local policy, a site-specific Agricultural (A-45) Zone is requested for the land to be retained. In all, this rezoning is appropriate and represents good planning.

Based on the foregoing, the subject applications are consistent with the Provincial Planning Statement and in conformity with the Middlesex County and Thames Centre Official Plans.

## Circulation Comments:

In the circulation of the notice of public hearing to prescribed agencies, the following comments were received:

### Director of Public Works:

A separate entrance already exists to the A zone portion of the property. An entrance permit will be required if a second field entrance is anticipated.

### Drainage Superintendent:

Drainage reassessment is required.

### Chief Building Official:

The proponent shall provide sufficient documentation from an Ontario Land Surveyor to demonstrate compliance of all buildings on the parcel to be retained (including septic tank, septic bed and well) with applicable zoning by-law setbacks and building code setbacks.

In the circulation of the notice of public hearing to surrounding property owners, no responses have been received from the public as of the date of this report.

## Financial Implications:

**None.**

## Strategic Plan Link:

**Pillar:** *Smart Planning*

**Goal:** *Make smart planning decisions to grow the community, while maintaining a "hometown feel"*

## Attachments:

Location Map

Prepared by: E. Besch, Planner

Reviewed by: A. Storrey, Director of Planning and Development Services

Reviewed by: D. Barrick, Chief Administrative Officer