

EVALUATION REPORT

PLANNING DEPARTMENT

To: Chair and Members of the Committee of Adjustment (Consent)

From: Ashley Sawyer, Planner, County of Middlesex

Date: July 16th, 2025

Re: RECOMMENDATION REPORT – CONSENT

Application for Consent – B5-2024

Application for Lot Addition – B11-2025

Part of Lot 21, Concession 7, being Parts 1 to 4 on 33R-22047, in the geographic Township of West Williams, Municipality of North Middlesex, County of Middlesex

30458 Sylvan Rd

Owners/Applicants: Anita Spence & Robert Creighton

Agent: Skylar Oldreive, Bezaire Hemeryck McAllan Professional Corporation

Purpose

Consent B5-2024 was conditionally approved by the Municipality's Committee of Adjustment (the 'Committee') on April 3rd, 2024 to sever approximately 1,615.0 m² (0.40 ac) from an existing 22,187.1 m² (5.48 ac) parcel of land (the 'Severed Lot') to facilitate the creation of one (1) new residential infill lot within the Hungry Hollow Settlement Area. The application was filed concurrently with Consent B4-2025 which also proposed to create one (1) new residential infill lot within the Hungry Hollow Settlement Area, in which the conditions of this Consent have been completed and the Certificate of Consent has been issued by the Municipality.

At the time of application for Consent B5-2024, staff noted the existing topography of the 'Severed Lot' may be challenging to provide a safe access from Townsend Line (County Road No. 12) that meets the sightline requirements of the County of Middlesex (the 'County'). As such, a condition of approval was included that required an Entrance Permit be issued by the County. The owner has since confirmed that they are not able to obtain the necessary Entrance Permit due to sightline issues. As a result, the owner now wishes to merge the 'Severed Lot' with the lot created in B4-2024 (30458 Sylvan Road), thereby addressing the access issue. For clarity, staff are recommending that this lot addition (merger) be processed as a new application under a new file number (B11-2025), as the original Consent B5-2024 decision approved a severance. Processing the lot addition as a new application ensures proper review and approval under the Planning Act. This does not change the purpose or intent of the public notice for the lot addition, it is largely administrative in nature and simply clarifies the process by assigning a new application number.

The '**Added Parcel**', otherwise known as the 'Severed Lot', is proposed to be merged with the abutting parcel at 30458 Sylvan Road. The 'Added Parcel' has a frontage of

approximately 37.235 m (122.16 ft) on Townsend Line (County Road No. 12) and an area of approximately 1,615.0 m² (0.40 ac). It will merge with 30458 Sylvan Road which has a frontage of approximately 25.99 m (85.27 ft) on Sylvan Road and 60.99 m (200.11 ft) on Townsend Line (County Road No. 12) and has an area of approximately 2,979.3 m² (0.74 ac). This will result in 30458 Sylvan Road being approximately 4,594.3 m² (1.14 ac) in size with a frontage on Townsend Line (County Road No. 12) of 98.22 m (322.37 ft). The frontage on Sylvan Road will remain unchanged. No change of use is currently proposed. There is currently no municipal water connection or privately owned septic system on the 'Added Parcel', but there is an existing municipal water connection, septic system and driveway access to Sylvan Road on 30458 Sylvan Road. No new access is proposed. The 'Added Parcel' is not regulated by the Ausable Bayfield Conservation Authority.

The '**Retained Parcel**' (30468 Sylvan Road) is proposed to have a frontage of approximately 88.75 m (291.15 ft) on Townsend Line (County Road No. 12) and will maintain the existing frontage of 72.75 m (231.68 ft) on Sylvan Road. The 'Retained Parcel' will be approximately 17,592.8 m² (4.35 ac) in size and is currently vacant of any buildings or structures but is proposed to have one (1) single-detached dwelling and (1) accessory structure (detached garage) constructed on it (not the subject of this application). The 'Retained Parcel' is currently serviced by the municipal water service and will be serviced by a privately owned septic system. There is an existing access to Sylvan Road and no new access is proposed. A portion of the 'Retained Parcel' is regulated by the Ausable Bayfield Conservation Authority. The 'Retained Parcel' is also encumbered by a hydro easement in favour of Hydro One that runs parallel to the front lot line abutting Sylvan Road, with an area of approximately 412.4 m² (0.10 ac).

Background

The subject lands have municipal addresses of 30458 Sylvan Road and 30468 Sylvan Road and are located at the northeast intersection of Townsend Line (County Road No. 12) and Sylvan Road. The lands are located in the 'Hamlet Settlement Area' of Hungry Hollow. Surrounding uses are predominantly rural residential in nature, with lands to the south being agricultural in nature. The lands are legally described as Part of Lot 21, Concession 7, being Parts 1 to 4 on 33R-22047, in the geographic Township of West Williams, Municipality of North Middlesex, County of Middlesex.

As noted above, the applicant has indicated that the intent of the lot addition is to amend the conditions of Consent B5-2024 to now merge the 'Added Parcel' with 30458 Sylvan Road, as a result of the inability to provide safe access that meets sightline requirements to the lot that was originally proposed to be created with the Consent.

A key map illustrating the subject lands and proposed consent is attached.

Policy and Regulation Background

The subject lands are within the 'Hamlet Settlement Area' land use designation and contains 'Hazard Lands' per 'Schedule A' of the North Middlesex Official Plan. The subject lands are identified as containing a 'Mineral and Aggregate Resource' feature per 'Schedule C' of the North Middlesex Official Plan. The subject lands are zoned 'Hamlet Residential (RH) Zone' within the North Middlesex Zoning By-law No. 35 of 2004, as amended. In the 'Hamlet Residential (RH) Zone' where a public water supply is available, the minimum lot frontage is 25.0 m and the minimum lot area is 1,000 m². The 'Retained

Parcel' (30468 Sylvan Road) and the parcel to the west that the 'Added Parcel' will merge with (30458 Sylvan Road) both exceed these minimum requirements, therefore zoning relief is not required based on the proposal at this point in time.

Provincial Planning Statement (2024)

The Provincial Planning Statement is issued under the authority of Section 3 of the *Planning Act* which came into effect on October 20th, 2024. According to Section 3 of the *Planning Act*, as amended, decisions made by planning authorities "shall be consistent with" the PPS. The policy is intended to be read in its entirety, and the principal policies applicable to each proposal is to be applied.

County of Middlesex Official Plan

Section 4.5.3 – Consent

Consents for lot additions/adjustments shall be evaluated on site specific considerations established in local official plans provided such policies maintain the minimum standards set out in this Plan.

North Middlesex Official Plan

Section 9.6.4 – General Consent Policies

Consents may be permitted for the purposes of making lot boundary corrections, provided that such matters are either administrative or minor in nature.

North Middlesex Zoning By-law

The subject lands are zoned 'Hamlet Residential (RH) Zone'. No change of zoning is required to accommodate the Consent. Key zoning provisions are outlined in the table below.

Hamlet Residential (RH) Zone		
Section 13.2 – Zone Requirements	Required	Proposed
Lot Frontage Minimum where a public water supply is available	25.0 m	Retained – 72.75 m Parcel Once Merged – 98.22 m
Lot Area Minimum where a public water supply is available	1,000 m ²	Retained – 17,592.80 m ² Parcel Once Merged – 4,594.3 m ²

Consultation

Notice of the application has been circulated to required agencies, as well as property owners within 60 m of the subject lands, and was posted on the subject lands in accordance with the requirements of the Planning Act. Comments submitted prior to the submission of this report are summarized below.

Agency	Comments
Ausable Bayfield Conservation Authority	<p>“From the information submitted it appears that the regulated area will remain entirely on the land to be retained. As such, The Ausable Bayfield Conservation Authority (ABCA) does not have a natural hazard concern with the requested Severance.”</p> <p>The ABCA comments are attached for review.</p>
Canada Post	No concerns.
County of Middlesex Emergency Services	No concerns.
County of Middlesex Engineer	No concerns.
Entegrus	No concerns.
North Middlesex Chief Building Official	No concerns.
North Middlesex Director of Infrastructure and Operations	No concerns.
Thames Valley District School Board	No concerns.
Public Comments	No comments were submitted prior to the submission of this report.

Analysis

The Provincial Planning Statement (PPS), Middlesex County Official Plan and North Middlesex Official Plan generally recognize lot line adjustments as minor boundary adjustments which do not result in the creation of a new lot. The Middlesex County Official Plan and North Middlesex Official Plan note that consents for lot additions/adjustments shall be evaluated on site-specific considerations and are generally considered either administrative or minor in nature.

As noted above, the subject lands are within the ‘Hamlet Settlement Area’ land use designation and contains ‘Hazard Lands’ per ‘Schedule A’ of the North Middlesex Official Plan. The subject lands are identified as containing a ‘Mineral and Aggregate Resource’

feature per 'Schedule C' of the North Middlesex Official Plan. Staff note that the 'Added Parcel' entirely avoids these areas and are in concurrence with the Ausable Bayfield Conservation Authority that there are no concerns.

It is staff's opinion that the lot addition is appropriate and minor in nature. The amendment does not result in the creation of an additional lot or introduce a new land use but rather allows for the 'Added Parcel' to merge with the residential lot at 30458 Sylvan Road (Consent B4-2024) due to sightline constraints along Townsend Line that prevents the issuance of an Entrance Permit by the County of Middlesex. The proposed merger provides a solution that maintains the residential infill objectives of the original application while addressing public safety concerns. The adjustment is not anticipated to negatively impact the existing streetscape, character, or function of the surrounding area.

In conclusion, staff are of the opinion that the proposed lot line adjustment is appropriate and minor in nature, is consistent with the Provincial Planning Statement and in conformity with the County of Middlesex and North Middlesex Official Plans provided the recommended conditions are addressed.

Attachments

1	Public Meeting Notice and Location Map
2	Request for Amendment
3	ABCA Comments

Recommendation

THAT the application for Consent B11-2025, submitted under Section 53 of the Planning Act be **GRANTED** by the Committee of Adjustment subject to the following conditions:

1. That pursuant to Section 53(41) of the *Planning Act* all conditions imposed shall be completed to the satisfaction of the Municipality of North Middlesex within a maximum period of two (2) years after the Notice of Decision was issued.
2. That pursuant to Section 53(42) of the *Planning Act*, the Municipality of North Middlesex shall issue a Certificate of Consent to the owner/applicant's solicitor stating that the Consent has been given, and the certificate is conclusive evidence that the Consent was given and that the provisions of the *Planning Act* leading to the Consent have been complied with.
3. That pursuant to Section 50(3) or Section 50(5) of the *Planning Act*, the Owner's Solicitor shall provide confirmation, to the satisfaction of the Municipality of North Middlesex, that the 'Added Parcel' will merge in title with the abutting parcel with a municipal address of 30458 Sylvan Road, legally described as Part of Lot 21, Concession 7, being Part 3 on 33R-22047, in the geographic Township of West Williams, Municipality of North Middlesex, County of Middlesex. and that any necessary legal or conveyancing work shall be completed to ensure such merger occurs and is reflected in the Land Registry Office.

4. That the applicant shall provide a written submission and supporting documentation to the satisfaction of the Municipality of North Middlesex detailing how each condition of consent has been fulfilled, prior to the issuance of the Certificate of Consent.
5. That the owner/applicant's solicitor shall submit an undertaking, in a form satisfactory to the Municipality of North Middlesex, to register an electronic transfer of title consistent with the Consent decision.
6. That the owner/applicant's solicitor shall provide to the Municipality of North Middlesex, a draft transfer a minimum of three (3) business days before the expected transfer.
7. That the fee for the Certificate of Consent shall be paid in accordance with the Municipality's Fees and Charges By-law.
8. That all financial requirements of the Municipality of North Middlesex which may be deemed necessary for the proper and orderly development of the subject lands, including but not limited to, the payment of any monies owed to the Municipality of North Middlesex for taxes and water, shall be satisfied.
9. That the owner shall provide one (1) digital PDF copy of the deposited Reference Plan to the satisfaction of the Municipality of North Middlesex.