

18 June 2025

24035

Kevin McClure  
Planner  
450 Sunset Drive,  
St. Thomas, Ontario  
N5R 5V1

RE: PLANNING JUSTIFICATION LETTER  
MICHAEL MESICA  
396 EDITH CAVELL BOULEVARD  
PORT STANLEY

---

Dear Sir,

This letter provides a review of consent to sever land and zoning by-law amendment applications submitted on behalf of Michael Mesica, owner of the Subject Property located at 396 Edith Cavell Boulevard, Port Stanley. The general location of the Subject Property and the surrounding land uses are depicted in Figure 1. Cyril J. Demeyere Ltd. (CJDL) has been retained by the applicant to provide planning services in support of these applications. A pre-consultation meeting took place on May 15, 2025, with members of the Elgin County Planning Office, the Central Elgin Planning Office, and the Kettle Creek Conservation Authority.

## 1.0 Subject Property and Surrounding Land Uses

The subject property is located on Edith Cavell Boulevard in the Community of Port Stanley in the Municipality of Central Elgin in Elgin County. The front of the property has a front lot line on Edith Cavell Boulevard that is approximately 21.2 metres long (a lot frontage of approximately 20.6 metres, as defined by the Port Stanley Zoning By-law). It also has approximately 9.1 metres of frontage along the shoreline of Lake Erie. The total area of the subject property is 2,395.51 square metres, of which approximately 1,122.8 square metres is located outside of the Dynamic Beach Hazard Zone. The land is relatively flat, with a gentle slope towards the shoreline. The subject property currently contains two existing single-detached dwellings and a wood-frame shed. A chain link fence runs along a portion of the eastern property line and a board fence runs along a portion of the western property line.

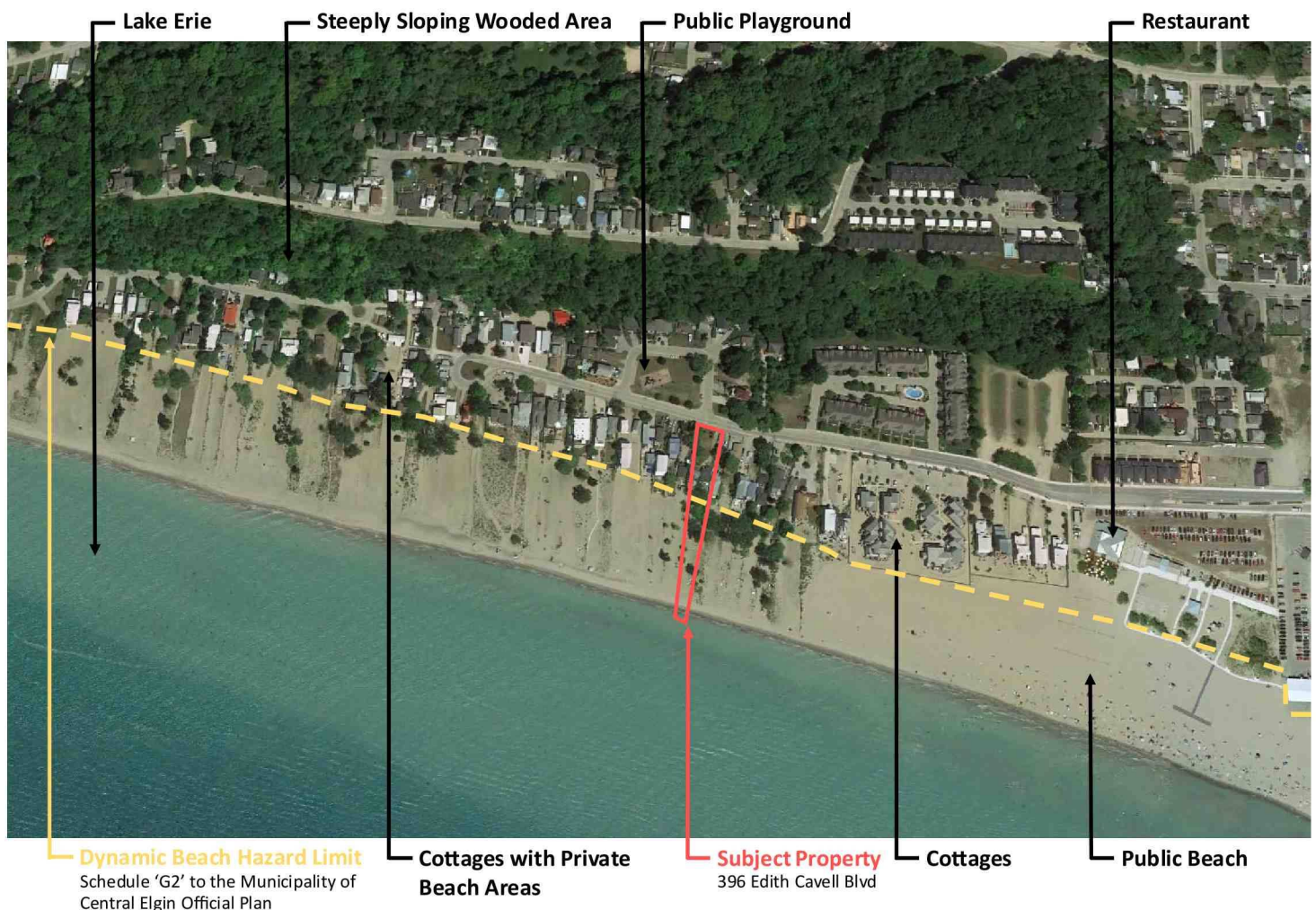
The subject property is municipally known as 396 Edith Cavell Boulevard, Port Stanley and legally described as Part Lot 25, North Side of Lake Erie, Plan 117 Port Stanley, as in E390664; Central Elgin.

The subject property is designated Residential and Dynamic Beach in Schedule "G": Community of Port Stanley Land Use Plan, to the Official Plan of the Municipality of Central Elgin. It is located on Edith Cavell Boulevard, designated a Municipal Collector Road in Schedule 'G1': Community of Port Stanley Roads Classification and Widening, to the Official Plan of the Municipality of Central Elgin. The proposed development is outside of the dynamic beach hazard as depicted in Schedule "G2": Community of Port Stanley Natural Hazards to the Official Plan of The Municipality of Central Elgin. The subject property is fully located within the Flood Hazard Area, which includes lands along the shoreline below an elevation

of 177.15 m, based on the flood hazard elevation limit as specified by the Port Stanley Coastal Risk Assessment, Appendix B (2021). The subject property is in a regulated area for Kettle Creek Conservation Authority (KCCA) based on its location within the Dynamic Beach Hazard Limit and Shoreline Flood Hazard Limit

The surrounding lands are characterized by cottages that back onto Lake Erie. These cottages are located in close proximity to each other, with varying setbacks from Edith Cavell Boulevard. Lake Erie is located directly to the south, and the shoreline defines the southern property line. Located east of the adjacent cottages is the Port Stanley public beach, along with associated parking areas and a restaurant. The location of the subject property and the surrounding land uses are depicted in Figure 1.

Figure 1: Subject Property and Surrounding Land Uses





## 2.0 Proposal

The applicant is proposing to redevelop the subject property by replacing two existing residential dwellings on the lot with two new residential dwellings that would be on separate lots. To facilitate this, applications for Consent to Sever and Zoning By-law amendment have been prepared.

### 2.1 Application for Consent to Sever

The proposed severance would evenly divide frontage of the subject property to create two separate lots but, since lot creation isn't permitted within hazardous areas, the portion of the subject property within the Dynamic Beach Hazard would be retained by the proposed easterly lot, with the rear lot line of the westerly lot lying just inside the hazard limit.

The consent application also seeks to create an easement on a portion of the retained lands within the dynamic beach hazard. This easement will provide the owners of the severed lands with exclusive use of the easement area, and place all maintenance obligations on them. A sketch of the proposed severance and associated easement is provided in Figure 2.

### 2.2 Application for Zoning By-law Amendment

The proposed Zoning By-law amendment would rezone the Subject Property from Open Space 3 (OS 3) to a special Residential Zone 1 (R1-\_\_\_) zone with reduced requirements for minimum lot frontage, minimum rear yard, and minimum side yard in the Town of Port Stanley Zoning By-law No. 1507.

The proposed amendment would reduce the minimum lot frontage from 40 feet (12.2 metres) to 10.3 metres (34 feet), to allow the existing lot to be divided into two lots with equal frontage. The smaller frontage requirement reflects the existing use of the property (two side-by-side dwellings) and the character of the area.

The proposed amendment would effectively eliminate the rear yard requirement by reducing it from a distance "equal to the height of the main building" to 0 metres. This would allow the new dwelling on the westerly lot to be located an equal distance from the beach as the easterly lot, for which this limit is effectively set by the Dynamic Beach Hazard Zone. Even though the area to the rear of the westerly lot would be owned by the easterly lot, the westerly lot would enjoy exclusive use of it, so no negative impacts would result from the rear yard reduction.

The proposed amendment would also reduce the minimum interior side yard requirement from "4 feet plus 2 feet for each storey or part thereof above one storey on one side, and 10 feet on the other side" to 1.2 metres (3.9 feet). Existing buildings on the site currently have a setback configuration of 0.25 metres (0.82 feet) from the western side lot line and a setback of 0.56 metres (1.84 feet) from the eastern side lot line. The 1.2 metres proposed is consistent with Ontario Building Code requirements, accommodates building maintenance, and is consistent with the general pattern of development along Edith Cavell Boulevard.

### 2.3 Proposed Servicing

In support of the proposed development, Engineering Services at Cyril J. Demeyere Ltd. (CJDL) have developed a preliminary servicing concept. Currently, the residential dwellings at 396 Edith Cavell Boulevard are serviced with municipal water and sanitary sewers. The two residences share a single water service and a single sanitary service.

### 2.3.1 Water Servicing:

A municipal water service is located near the east lot line of the retained lot. This service will be utilized for the retained parcel. The applicant proposes a new dedicated water service to be constructed for the severed parcel. Currently, there is a 250 mm diameter PVC watermain located in the southerly boulevard of Edith Cavell. A new service to the lot to be retained would be provided by live tapping a service to this main.

### 2.3.2 Sanitary Sewer Servicing:

Sanitary sewer service is currently provided to the existing dwellings on 396 Edith Cavell Boulevard via a single sanitary service which enters the property near the proposed property line between the severed and retained parcels. This service would be used for both the severed and retained parcels.

The Sanitary Sewer Main is located in the Eastbound Lane (near the centreline of the road) of Edith Cavell Boulevard. The sanitary sewer main invert in Edith Cavell Boulevard, where it fronts the property, is approximately 2.7 metres BGS (Elevation 173.62). Given the open graded sand native to the area, combined with the close proximity to Lake Erie, the groundwater table is highly influenced by the level of Lake Erie. On June 4, 2025, the elevation of Lake Erie was 174.45. The elevation of the existing sanitary sewer main is well into the groundwater table (+/- 0.8m), and with the close proximity to Lake Erie, it will be difficult to install a new service into the existing main and keep one lane of traffic open. This will be problematic since Edith Cavell Boulevard to the west is a dead-end street with no other means of access for the residents (approximately 49) or emergency services.

A new 1200mm diameter concrete manhole is proposed to be placed on the existing service within the southerly boulevard of Edith Cavell Boulevard. From this manhole, new separate services would be constructed to each of the proposed lots. There will be no need for easements to accommodate the sanitary sewer servicing. This approach was approved by the Municipality of Central Elgin in 2024 for a similar situation at 382 Edith Cavell Boulevard.

### 2.3.3 Storm Sewer Servicing:

On-site stormwater management will be implemented for both the severed and retained parcels by utilizing LID principles and infiltrating increased stormwater runoff from the proposed development into the existing open graded sand on the lots. A similar approach was utilized by the Municipality of Central Elgin as recently as 2024 when an already existing Stormceptor unit located in Stanley Park was expanded to address increased runoff from Front Street to the north.



## 3.0 Planning Analysis

The proposed severance and Zoning By-law amendment are supported by the existing framework of the policy-led planning system provided by the Provincial Planning Statement (PPS), the Elgin County Official Plan, and the Central Elgin Official Plan.

### 3.1 Provincial Planning Statement

The Provincial Planning Statement (PPS) is a policy statement issued under Section 3 of the *Planning Act* (RSO 1990). This policy came into effect on October 20, 2024, and contains policies for matters of provincial interest related to land use planning and development.

This planning analysis has not been formatted to include a detailed examination of the PPS, since no changes to the relevant Official Plan documents are proposed, and a detailed review of conformity with their policies is included. The applications do meet the relevant PPS policies governing homes and housing (Sections 2.1 and 2.2), settlement areas (Section 2.3), servicing (Section 3.6), and natural hazards (Section 5.1).

The applications for Zoning By-law Amendment and Consent to Sever are consistent with the PPS.

### 3.2 Elgin County Official Plan (2013)

The County of Elgin adopted a new Official Plan in 2024. This Plan is pending approval from the province and has yet to take effect. The redevelopment facilitated by the proposed applications complies with both the Plan that is currently in effect and the Plan that was adopted in 2024.

The Official Plan (2013) currently in effect, is issued in accordance with the *Planning Act* and includes goals, objectives, and policies that guide land use and development in the county. Section A3 of the Official Plan (2013) states that it is the county's goal *"to protect and enhance the character of existing settlement areas, and to maintain them as diverse, livable, safe, thriving and attractive communities."*

In addition to this, Section A4 outlines objectives intended to implement these goals. Objectives include:

*"To create compact communities with a range of services that includes necessary amenities and transportation options and affords equitable access to a range of local economic and social opportunities.*

*...*

*To encourage the efficient use of land to make the best use of infrastructure and services."*

The proposed zoning by-law amendment facilitates a reduction in lot frontage and side yard extents, enabling a compact development form while maintaining considerations of flooding hazards. For this reason, the proposed re-development contributes to creating a compact community that optimizes use of land along the Lake Erie shoreline where the existing use is residential. This supports the efficient utilization of lands in the County and makes the best use of infrastructure and services, contributing to the goals and objectives of the current Official Plan (2013).

Section C1.3.2 outlines general policies related to housing in the County of Elgin. This section states:

*"The County supports:*

- a) *residential intensification and redevelopment within settlement areas, where an appropriate level of physical services is or will be available in the immediately foreseeable future and subject to the policies of this Plan. In this regard, the County will require that 15 percent of all development occur by way of residential intensification and redevelopment;*

Re-development, defined in the Official Plan (2013), *“means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.”* The development facilitated by the consent and Zoning By-law amendment applications constitutes re-development.

Section D of the plan includes policies related to natural heritage, water, and natural hazards. Section D.3 states:

*“It is the objective of this plan to:*

*...*

*Direct development and site alternation to areas outside hazardous lands adjacent to the shorelines of Lake Erie which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards; hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and hazardous sites.”*

Additionally, Section D3.2 includes policies related to development along the shoreline of Lake Erie states:

*“The Conservation Authorities have commissioned Shoreline Management Plans for the Lake Erie shoreline within the boundaries of the County of Elgin.*

*...*

*The recommendations of these Shoreline Management Plans and the Conservation Authority regulations have resulted in development design standards and/or prohibition within the established shoreline hazard lands.*

*The shoreline hazard lands is not shown on this Plan. Instead, it is a policy of this Plan that this area be delineated in lower tier Official Plans and Zoning by-laws.”*

Hazard areas are described in the Central Elgin Official Plan and delineated in Port Stanley Zoning By-law No. 1507. Conformance with these plans is detailed in later sections of this letter related to the Municipality of Central Elgin Official Plan and Port Stanley Zoning By-law No. 1507.

Section E.1.2.3.1 includes policies regarding consent to sever land applications and includes criteria that the retained and severed lots must comply with. These criteria and the severed and retained lots compliance with each criterion are detailed in the table below.

<b>Policy E.1.2.3.1</b>	<b>Proposal Compliance</b>
<i>a) fronts on and will be directly accessed by a public road that is maintained on a year-round basis;</i>	Edith Cavell Boulevard is a public road maintained year-round.
<i>b) does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;</i>	Edith Cavell Boulevard is not a Provincial Highway or County Road.
<i>c) will not cause a traffic hazard;</i>	The existing use of the lot is two residential dwellings. The proposed use following the severance is also two residential dwellings. This suggests there will be no significant change in traffic levels.
<i>d) has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;</i>	The applicant is proposing a Zoning By-law amendment.
<i>e) notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;</i>	A Zoning-by-law amendment is required. This amendment is described above under the heading "Development Applications."
<i>f) can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;</i>	There is appropriate servicing capacity available to service the severed and retained lots. The proposed preliminary servicing concept is described above under the heading "Proposed Servicing."
<i>g) will not have a negative impact on the drainage patterns in the area;</i>	Given the size and form of the re-development, it is not likely to have a significantly negative impact on drainage.
<i>h) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;</i>	The re-development of both lands is facilitated by the proposal. Additionally, the reduction in side yard extents does not restrict development on adjacent lands. The proposed use will increase the side yard extents from what currently exists, reducing development restrictions for adjacent properties.
<i>i) will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;</i>	There are no significant natural heritage features nearby that would be susceptible to negative impacts of the proposed re-development.
<i>j) will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;</i>	The proposed re-development is not located in a intake protection sone representing a sensitive groundwater recharge area as defined by Schedule "SW2" of the Official Plan of the Municipality of Central Elgin: Community of Port Stanley Primary Water Supply Intake Protection



	Zones. This suggests that the development will not impact groundwater quality or availability.
<i>k) will not have an adverse effect on natural hazard processes such as flooding and erosion;</i>	The proposed re-development is located outside of the dynamic beach hazard, as defined in Schedule “G2”- Community of Port Stanley Natural Hazards, in the Official Plan of the Municipality of Central Elgin, which was developed in regard to provincial standards.
<i>l) conform with the local Official Plan; and,</i>	This letter reviews the conformity of the proposed re-development with the Official Plans.
<i>m) will conform to Section 51 (24) of the Planning Act, as amended.”</i>	This application includes all contents required in the Section 51 (24) of the <i>Planning Act</i> .

### 3.3 Elgin County Adopted Official Plan (2024)

The County of Elgin adopted a new Official Plan on May 14<sup>th</sup>, 2024. This plan was submitted to the province for final approval, but has yet to take effect.

The new Plan deviates from previous versions in its policies related to approvals from Conservation Authorities. These changes to the Plan are based on amendments to the *Conservation Authorities Act* (RSO. 1990), which newly provides that developments subject to a *Planning Act* approval may be exempt from the conservation authority regulatory process. Section 10.13 outlines policies related to development subject to a *Planning Act* approval. This section states that:

*“Where development is subject to a Planning Act approval, it may be exempted from the regulatory process of a conservation authority under provincial legislation. If this is the case, the County shall be satisfied that all planning, development, and site alteration considerations regarding any proposed development or site alteration of hazardous lands and sites shall be incorporated into the conditions of approval or through a development agreement, in consultation with the conservation authority having jurisdiction prior to the granting of any approval for which the County is approval authority.”*

As the applications for consent and Zoning By-law amendments are prescribed under the *Planning Act*, they may be exempt from the regulatory process of the Conservation Authority, with approval conditional to considerations of the Lake Erie Regulatory Flood Uprush.

### 3.4 Central Elgin Official Plan

The Central Elgin Official Plan is issued under the *Planning Act* (RSO 1990) and outlines goals, objectives, and policies for land use and development in the Municipality of Central Elgin.

Schedule A of the Central Elgin Official Plan depicts the limits of natural hazards, including the dynamic beach hazard and shoreline erosion hazard, consistent with the Elgin County Official Plan and in regard to provincial standards.

Section 3.2 of the Central Elgin Official Plan includes policies related to Natural Hazards including the dynamic beach hazard. This section states:

*“Where development and/or site alteration is proposed on lands adjacent to the Natural*



*Hazard designation, the site-specific limits of the natural hazard(s) shall be determined through relevant studies prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies to the satisfaction of the Municipality and the conservation authority having jurisdiction in the area. Those limits shall be interpreted as the correct limits of the Natural Hazard designation and include potential risks that may be associated with the impacts of a changing climate. Such interpretation shall not require amendment to this Plan.”*

This section also includes regulations related to the Lake Erie Regulatory Flood Uprush:

*“a) All development on the lands within the Lake Erie Regulatory Flood Uprush as shown on Schedule G2 to this Plan shall incorporate floodproofing standards to the satisfaction of the Municipality and Kettle Creek Conservation Authority.*

*b) The flood uprush elevation shall be determined by the most current technical study for the Port Stanley Flood Uprush as approved by the Municipality and Conservation Authority.*

*c) Updates to the flood uprush elevation resulting from an approved study shall be interpreted as the correct elevation and such interpretation shall not require amendment to this Plan.*

*d) The Regulatory Flood Uprush shall be recognized in a separate category in the Zoning By-law.”*

No development is proposed to occur within the beach hazard limit as depicted in Schedule “G2”- Community of Port Stanley Natural Hazards, in the Official Plan of the Municipality of Central Elgin (2023) which was developed in accordance with provincial standards. This delineation is based on the most current technical study for the Port Stanley Flood Uprush, as specified in the Port Stanley Coastal Risk Assessment prepared in 2021. The proposal considers conformance with floodproofing standards, including the ability of all openings, including windows and doors, to remain above an elevation of 177.15 m, based on the flood hazard elevation limit specified in the Port Stanley Coastal Risk Assessment, Appendix B (2021). The applicant will undertake additional studies to ensure that floodproofing standards are satisfied prior to the receipt of building permissions.

Section 4.7.6.3 contains policies related to the use of the Port Stanley Waterfront, stating:

*“Where areas of the waterfront are also within a Natural Hazards designation as shown on the Schedule G2, development and site alteration shall be in accordance with the policies of Subsection 3.2 of this Plan.”*

## 4.0 Summary Statement

The applications for Consent to Sever and Zoning By-law Amendment submitted in support of the proposed redevelopment of 396 Edith Cavell Boulevard are consistent with the Provincial Policy Statement and are in conformity with the Official Plans of Elgin County and Central Elgin.

In support of the consent application and Zoning By-law amendment application, in addition to this letter, the following material has been submitted:

- Application forms;
- Cheque for the severance application fee (\$2,675);
- Cheque for the Zoning By-law application fee (\$830.50)

If you have any questions or concerns, please do not hesitate to contact the undersigned.

\*\*

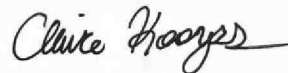
\*\*

\*\*

All of which is respectfully submitted by,



Stephen Cornwell, RPP, MCIP



Claire Koops, Junior Planner