



PLANNING & DEVELOPMENT

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Consent Application Report – File # B95/2017

Owner: Valerie Scatcherd for the Estate of David Scatcherd	Date: February 23, 2018
Applicant: Valerie Scatcherd	
Property Address: 401004003400300	
Property Description: Plan 125 Lot 5 Lot 41 S PT Lot 40	

Recommendation:

That provisional consent be:

- √ granted with conditions (attached)
- deferred (for ...)
- denied (referred to the Committee of the Whole, for a decision)

Purpose:

- √ enlarge abutting lot
- create new lot
- surplus farm dwelling
- right-of-way / easement
- other:

Area:	Official Plan Designation	Zoning
Severed: 42.2 sqm	Lakeshore Residential	RC1-2
Retained: 2,223 sqm	Lakeshore Residential	RC1-2

Review: This application:

- √ Is consistent with the Provincial Policy Statement (s. 3(5) Planning Act);
 - √ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) Planning Act);
 - √ Conforms with section 51(24) of the Planning Act;
 - √ Conforms with the Huron County Official Plan;
 - √ Conforms with the South Huron Official Plan;
 - √ Complies with the municipal Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance);
- n/a Has been recommended for approval by the local municipality; and
- √ Has no unresolved objections/concerns raised (to date) from agencies or the public.

(Applications that do not meet all of the foregoing criteria will be referred to the Committee of the Whole for a decision)

Agency/Public Comments:

	Not Received or N/A	No Concerns	Comments/Conditions
Conservation Authority (ABCA)	N/A		
Neighbours/Public			One letter received from a neighbor noting they have no objection to the proposed consent.
Huron County Highways	N/A		
Huron County Health Unit		√	Huron County Health Unit noted no conditions for consent.
South Huron Staff			See conditions.

Figure 1: Aerial of Subject Property. Severed Parcel identified in Red. Retained Parcel identified in Yellow. Lands to be enlarged identified in Blue.



Figure 2: Photo of subject lands. Approximate severed area identified in red.



Purpose

The purpose of this application is for boundary adjustment to enlarge an existing residential lot in the Oakwood Park, Port Blake Planning Area area of South Huron. The vacant strip of land to be severed from parcel at Plan 125 Lot 5 Lot 41 S PT Lot 40 (“Parcel A”) is approximately 42.2sqm in size (based on applicant measurements). If approved, the severed lands would be added to the abutting lands described as PLAN 125 LOT 3 LOT 4 LOT 42; LOT 43 PT LOT 2 PT LOT 44, owned by Scatcherd David Allan (the Estate of), municipally known as 5 Lakeshore Drive. The severance will provide additional side yard to the existing residential dwelling located at 5 Lakeshore Drive “Parcel B” for access and improvement of an existing porch that encroaches on the property line.

South Huron Official Plan

The subject lands being Parcel A, are currently designated Lakeshore Residential in the South Huron Official Plan. The lands to which the severed parcel will be added, 5 Lakeshore Drive, are also designated Lakeshore Residential in the South Huron Official Plan. The Oakwood Park area is located with the Port Blake Planning Area, which is identified as a Primary II Settlement Area. Under the Land Division Policies Section 13.3.4.3.1 specific provisions are outlined for severance in the Port Blake Planning Area including “for lot enlargement purposes, lot boundary adjustments and title correction purposes”.

The proposed minor boundary lot adjustment is in line with policies for consent in the Port Blake Settlement Area as the consent is for servicing purposes and access. Further, no new lot is proposed, both lots retain frontage on an open and maintained road, no additional traffic hazards will result, and this severance should not hinder or restrict existing and/or future development.

Township of Stephen Zoning By-law 12-1984

Both Parcel A being the subject parcel, and Parcel B the lands to be enlarged, are zoned RC1-2 (Recreational Residential Special Provisions) in the Township of Stephen Zoning By-law. The retained lands will maintain their current zoning, as will the lands to which the severed parcel is to be added after this consent. No change in zoning will result on either Parcel A or Parcel B.

Lot frontages for Parcel A and Parcel B are existing, and will maintain minimum zone requirements after this consent. The proposed consent does propose to take land area from Parcel A, but the retained parcel will still maintain minimum required lot area after this consent application.

Additional Comments:

This application has been circulated to municipal agencies for review and comment; agency comments are addressed in the report and conditions. At the time of writing this report, one letter was received from a member of the public but they noted no concern with the application.

Summary:

As this application represents a minor boundary adjustment which meets the intent of the South Huron Official Plan and Township of Stephen Zoning By-law, it is recommended it **be approved**.

Sincerely,

'Original signed by' _____

Sarah Smith

February 23, 2018

Date

Should Council choose to recommend this application for approval by the County of Huron, the conditions below are recommended. The application would be approved, on the condition that:

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Municipal Requirements

2. Any and all monies owed to the Municipality must be paid in full, which may include but are not limited to servicing connections, cash-in-lieu of park dedication, property maintenance, water and wastewater charges, garbage and recycling charges, property taxes, compliance with zoning by-law provisions for structures etc.
3. 911 addressing for the subject lands be dealt with to the satisfaction of the Municipality.

Survey/Reference Plan or Registerable Description

4. Provide to the satisfaction of the County and the Municipality:
 - a) a survey showing the lot lines of the severed parcel and the location of any buildings thereon, and

- b) a reference plan based on the approved survey;

Zoning

- 5. Where a violation of any municipal zoning by-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

Merging

- 6. The severed land merge on title with the abutting property to the south (5 Lakeshore, Township of Stephen, currently in the ownership of Valerie Scatcherd for the Estate of David Scatcherd) upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended.
- 7. A firm undertaking is to be provided from the solicitor acting for the parties indicating that the severed land and the abutting property to the south (5 Lakeshore Drive) be consolidated into one P.I.N. under the Land Titles system. Note: in the case where a title search has been completed and it has been determined that the severed/retained lands are registered in two different systems (e.g. the Registry or Land Titles system) and a consolidation is not possible then notice will be required to be registered in both systems indicating that the parcels have merged with one another and is considered to be one parcel with respect to Section 50 (3) or (5) of the Planning Act, R.S.O. 1990, C P.13 as amended.
- 8. Section 50(3) of the Planning Act, RSO 1990, as amended, applies to any subsequent conveyance or transaction of the retained land.

Note: If development is proposed on either Parcel A or Parcel B, all municipal requirements for servicing and development of each lot individually must be met to municipal standards.