



PLANNING & DEVELOPMENT

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Consent Application Report – File # C55/2018

Owner: Brian and Helen Hardeman	Date: September 24, 2018
Applicant: Kim De Groot	
Property Address: 42546 Kirkton Road	
Property Description <i>Parcel to be retained</i> – Conc Southeast Boundary Pt Lot 8; Subject to ROW (42546 Kirkton Road) <i>Parcel to which severed will be added</i> – Conc Southeast Boundary PT Lot 8; as RP 22R783 Part 1 to 2 (42544 Kirkton Road)	

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: 4,250 square feet	Natural Environment	VR1
Retained: 93,206 square feet	Natural Environment, Urban, Floodline	VC1

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 (UTRCA)		√	
Neighbours/Public	√		None received.
Huron County Highways		√	
Huron County Health Unit	N/A		
South Huron Staff			See conditions.

Figure 1: Aerial of subject property. Retained parcel identified in yellow. Severed parcel identified in red. To be added to lands to west, identified in green being an existing Residential parcel.



Figure 2 and 3. Photos of lands proposed to be severed.



Purpose

The purpose of this application is for an addition to a lot. The lands to be severed are approximately 4,250 square feet and consist of an existing shed. This shed is used by the owner of the abutting parcel, but was historically built across the property line. The result of this consent will transfer an area of land with a shed to the property that uses this structure ensuring the accessory structure is within the property boundaries to the parcel it serves. The applicant has noted there is no hydro or water to the shed. The lands to be retained are approximately 93,206 square feet and consist of a house and shed.

Review

South Huron Official Plan

The subject lands are located in the Kirkton Settlement Area Boundary, designated Urban, Natural Environment, and Floodline. The area of proposed severance is designated Urban and Natural Environment. Under the South Huron Official Plan consents are permitted in Tertiary Settlement areas for lot enlargement purposes. General consent policies in the South Huron Official Plan also permit severances for lot enlargement purposes on lands designated Natural Environment.

As noted in the purpose, the proposed lot enlargement is being requested to include an existing shed within the property boundaries of the residential parcel that utilizes it. This consent constitutes a lot enlargement, and will correct an existing situation where an accessory structure crosses a property line. The request meets the policies for severance for servicing purpose and is in compliance with the South Huron Official Plan.

Township of Usborne Zoning By-law 13-1984

The proposed severed parcel is zoned VC1 (Village Commercial) and will be added to a parcel zoned VR1 (Village Residential). The existing VR1 parcel meets minimum zone provisions,

and with the additional land proposed under consent, will continue to meet zone provisions. The consent will also alter a property line and include an accessory shed fully in the lot boundaries. The distance between the accessory structure and proposed rear lot line will meet zone provisions based on the sketch submitted by the applicant.

The lands to be retained are currently zoned Village Commercial (VC1) and will remain under this zone. Following consent, the retained parcel will still maintain VC1 zone provisions for area and frontage, and the newly created interior lot line also meets minimum yard provisions to the existing dwelling on the retained lands. The provisions of the Township of Usborne Zoning By-law are met through this consent.

Additional Comments:

This application has been circulated to agencies and public. No formal comments were received from the public at time of writing this report. Comments were received from South Huron Staff, Huron County Public Works and Upper Thames Region Conservation Authority; comments are included in agency comments summary.

Summary:

As this application represents a lot enlargement that will ensure an accessory shed is within the boundaries of one parcel, and meets the intent of the South Huron Official Plan and Township of Usborne Zoning By-law it is recommended it **be approved**.

Sincerely,

'Original signed by'

Sarah Smith

September 24, 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.

Survey/Reference Plan or Registerable Description

3. 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

4. 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

5. The severed land merge on title with the abutting property (42544 Kirkton Road) to the south upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended.
6. A firm undertaking be provided to the satisfaction of the County from the solicitor acting for the parties, indicating that:
 - a. the severed land and the abutting property to the south will be consolidated into one P.I.N. under the Land Titles system; or
 - b. where consolidation is not possible as the parcels to be merged are registered in two different systems (e.g. the Registry or Land Titles system), a notice will be registered in both systems indicating that the parcels have merged with one another and are 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.
7. Section 50(3) or (5) of the Planning Act, RSO 1990, as amended, applies to any subsequent conveyance or transaction of the severed land.

8. The applicant confirm there are no hydro or water connections to the shed that run from the retained parcel. If services are provided to the shed from the retained parcel the applicant must ensure new connections are provided from the lands the severed parcel is to be added to (i.e. the VR1 parcel identified as 42544 Kirkton Road) to the satisfaction of the Municipality of South Huron.