



PLANNING & DEVELOPMENT

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Consent Application Report – File # C78/2018

Owner: Canba Investments	Date: December 7, 2018
Applicant: Zelinka Priamo Ltd.	
Property Address: 456 Main Street	
Property Description: Plan 376 Pt Lots 31,32 AS RP 22R1651 Parts 2,3,4 with and Subject to ROW and Plan 376 Lots 30,33,34, PT Lot 31 as RP 22R1651 Parts 5 to 13 with and Subject to ROW	

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: Recreation of Parcel. Correction of Title.

Area:	Official Plan Designation	Zoning
Severed: 4,341.9 square metres	Historic Core	C5
Retained: 621.8 square metres	Historic Core	C5

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	√		Planning staff received calls asking for additional information on the purpose of the application but no formal comments were received.
Huron County Highways	N/A		
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.



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



Purpose:

This purpose of this application is for the recreation of two existing lots under the South Huron Official Plan Land Division policies. This consent will recreate two existing commercial parcels in the downtown core of Exeter that have merged together based on title. The applicant's lawyer has confirmed that both properties are under same ownership, and as a result have merged.

The land to be severed is approximately 4,341.9 square metres and contains an existing vacant commercial building and parking area. The land to be retained is approximately 621.8 square metres and is a vacant parking area.

Review:

The subject lands are designated Historic Core within the Exeter Settlement Area of the South Huron Official Plan. Under Historic Core policies in Section 7.5.3.4, this area is recognized as the original business district of Exeter with the highest concentration of retail commercial uses. The Plan states that this area will continue to be the focus of retail commercial activities for Exeter.

Section 13.2 of the Official Plan speaks to Land Division Policies, and permits consents for technical reasons such as a mortgage discharge, title correction, or validation of title. When reviewing specific policies for Land Division in Settlement Areas, Section 13.3.4 permits consents for lot enlargement, lot boundary adjustments and title correction purposes. The proposed severed and retained parcels follow the existing lot boundaries that existed prior to the merger, and following consent both parcels will still remain under the Historic Core Designation. At the time of the application the subject lands were zoned under Town of Exeter Zoning By-law C1 General Retail Commercial zone. The subject lands are currently zoned C5 Mixed Use Commercial in the South Huron Zoning By-law 69-2018; no change to zoning is proposed as a result of 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 which helped form the proposed conditions of severance.

Summary:

It is recommended that this consent for correction of title be **approved** because it meets the requirements of the South Huron Official Plan and will re-create two existing parcels that merged based on title.

Sincerely,

'Original signed by'

Sarah Smith

December 6, 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 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;

OR

- a) a registerable description of the severed parcel,
- b) a copy of an application for exemption from a reference plan, and
- c) a copy of an Order endorsed by the Land Registrar providing an exemption from the requirement for a reference plan for the severed parcel.

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.