

Consent Application Report – File # B57/2015

Owner: Oakwood Inn Golf and Country Club (Grand Bend) Inc.	Date: October 6, 2017
Applicant: Michael Forrester	
Property Address: 70671 Bluewater Highway	
Property Description: <i>Parcel to be retained:</i> Stephen Con LRW Pt Lots 2; and 3 Plan 125 PT Lots 143; to 145 187 188 196 to 200; Plan 127 PT BLK C Plan 129; PT BLK a RP 22R2797 Parts 3 (70671 Bluewater Highway) <i>Parcel to be severed:</i> Part of Block A, Plan 129, Stephen Ward, being Pts 1 and 2, Plan 22R-6094 (70671 Bluewater Highway) <i>Parcel to which severed will be added:</i> Plan 127 S Pt Lot 21 (34 Forest Avenue)	

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:	426.12 sqm	Recreational	RC3
Retained:	34 acres	Recreational	RC3

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/See Conditions
Conservation		√	

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Authority			
Neighbours/Public	√		
Huron County Health Unit	√		
South Huron Staff			√

Purpose:

The purpose of this application is for an addition on a lot located at 34 Forest Avenue. Parts 1 and 2, PL 22R-6094 include a vacant bushed areas of land the current owner has no intention to retain. The owner/applicant is seeking a boundary adjustment to sever this area of land off the larger parcel and add the severed lands to the abutting property located at 34 Forest Avenue. The lands to be severed are approximately 1.6 metres by 40.2 metres in size. If approved the severed lands would be added to the abutting lands described as Plan 127 S PT Lot 21, owned by Lesley Lightfoot. The owner of the proposed severed parcel has noted they have no desire to retain this land for future development, and have offered same to the abutting owner to enlarge her existing lot.

Figure 1: Aerial of Subject Property. Retained Parcel identified in Yellow. Severed Parcel identified in Red.



Figure 2: Aerial of land to be severed, retained and lands which severed will be added.

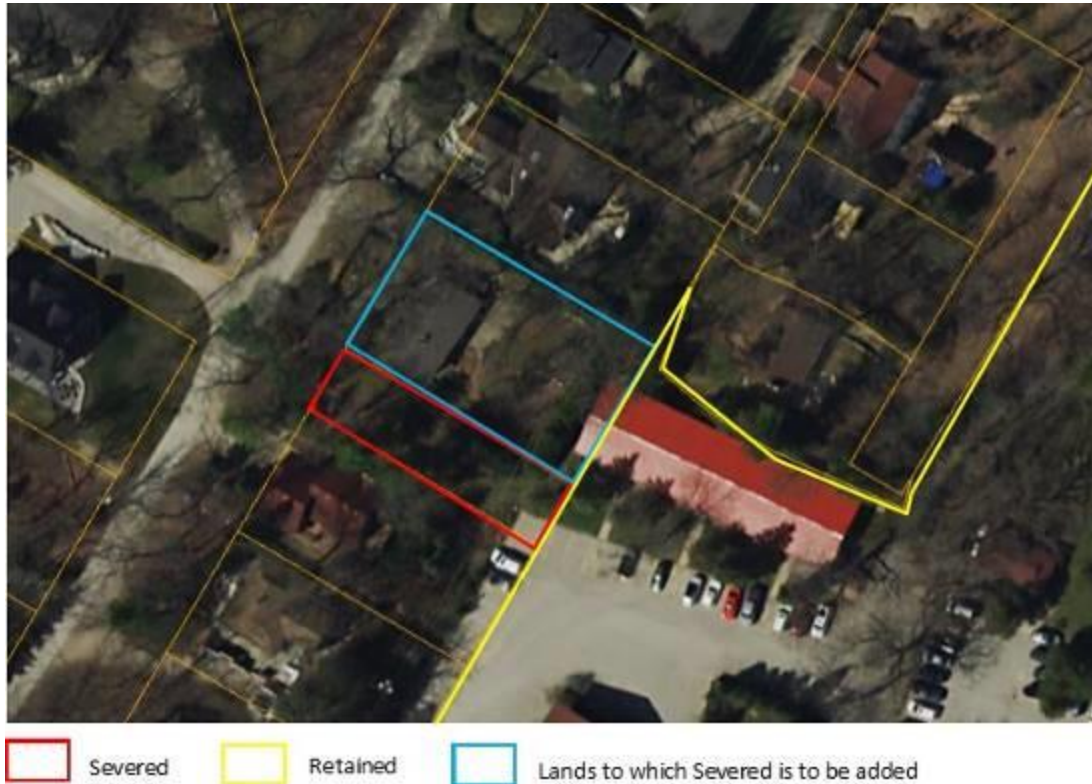


Figure 2: View of Subject Lands. Severed Parcel. View taken facing west from retained parcel.



Figure 3 and 4: View of Subject Lands/severed parcel facing east. Lands severed parcel is to be added to on left of image.



South Huron Official Plan Policies

The subject lands at 70671 Bluewater Highway are currently designated Recreational in the South Huron Official Plan. The lands to which the severed parcel will be added, 34 Forest Avenue are designated Lakeshore Residential in the South Huron Official Plan. The subject lands are subject to policies that cover the Port Blake Planning Area. Land division in the Lakeshore Residential area and Recreational area are permitted for a number of scenarios, including Section 13.3.4.3.3 and Section 13.3.6 respectively which allows for lot enlargement purposes, lot boundary adjustments and title correction purposes. The purpose of this application is for a minor lot boundary adjustment to enlarge the abutting lot at 34 Forest Avenue.

The proposed minor lot boundary adjustment is in line with general Lakeshore Residential and Recreational policies in the South Huron Official Plan. Through this consent no new lots are proposed, and the resultant transfer of land will not cause issues for future development on the severed or retained parcels. The application also proposes no changes or extensions to existing services, will have no impact on existing road networks, poses no additional traffic hazards, and no buildings or structures are proposed at this time. This development should also not hinder or restrict existing development in this area.

Under General Interpretation Section 14.3.1 of the South Huron Official Plan, the lands to be severed can automatically be changed to the Lakeshore Residential designation to match the designation of the parcel the severed piece is to be added to. This will not require a formal application to amend the South Huron Official Plan, and can be addressed in a future update to the Plan under this section as the General Intent of the Official Plan is maintained.

Township of Stephen Zoning By-law 12-1984

The subject lands at 70671 Bluewater Highway are currently zoned RC3 (Recreational Commercial). The lands to which the severed parcel are proposed to be added to are zoned Recreational Residential Special Provisions (RC1-2). The existing recreational residential dwelling

at 34 Forest Avenue is permitted in the Recreational Special Provision zone and the lot is an existing lot of record. The proposed consent will not reduce the existing lot provisions of the current residential parcel. Zoning for the severed parcel must be addressed through a Zoning By-law Amendment application to the Municipality so the lands to be severed are under the same zone as the lands to which the severed parcel is proposed to be added. This has been made a condition of consent.

The proposed consent will take land area from 70671 Bluewater Highway, but on review of the proposal minimum RC3 zone provisions will still be met for the retained parcel. A retained lot area of 34 acres is proposed when the minimum required is 1,850 square metres/0.45 acres. The frontage of the retained lands will not change as a result of this consent, but currently exceeds the minimum 22 metre required lot frontage in the RC3 zone. Therefore zone provisions are maintained.

Additional Comments:

This application has been circulated to municipal agencies for review and comment. Ausable Bayfield Conservation Authority has provided correspondence noting no concerns from a natural hazard or natural heritage perspective with the requested severance. No further comments were received at the time of writing this report.

Summary:

As this application represents a minor boundary adjustment which meets the intent of the South Huron Official Plan it is recommended it **be approved**.

Sincerely,

“original signature in file”

Sarah Smith, B ES

October 6, 2017

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 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.
6. The severed parcel be rezoned through application to match the current zoning of the lands to which the severed parcel is to be added (i.e. RC1-2), to the satisfaction of the Municipality.

Merging

7. The severed land merge on title with the abutting property to the north (34 Forest Avenue, Stephen Ward, currently in the ownership of Lesley Lightfoot) upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended.
8. 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 north (34 Forest Avenue) 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.
9. Section 50(3) of the Planning Act, RSO 1990, as amended, applies to any subsequent conveyance or transaction of the retained land.

Note: The applicant is hereby advised that the severed parcel will be automatically designated Lakeshore Residential in the South Huron Official Plan to be reflective of the designation on the lands to which the severed parcel is to be added.