



PLANNING & DEVELOPMENT

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To: Municipality of South Huron
From: Craig Metzger, Senior Planner
Date: August 30, 2022

Re: Application DB01-2022

Plan 125, Lots 67-69, Stephen Ward, Municipality of South Huron
Address: 2 St. Clair Avenue, Oakwood Park
Owner/Applicant: Nancy Joyal

RECOMMENDATION

It is recommended that application DB01-2022 be **approved** and as a result, the corresponding by-law under Section 50(4) of the Planning Act to deem Lots 67-69, Plan 125 not a plan of subdivision be passed and the by-law be registered on title of the subject lots.

BACKGROUND

Section 50(4) of the Planning Act gives Council the ability by by-law to designate any plan of subdivision or part of a plan of subdivision that has been registered for eight years or more to be deemed not to be a plan of subdivision for subdivision control purposes (this is commonly referred to as a deeming by-law). The effect of the deeming by-law results in abutting lots in the same ownership merging and no longer being able to be sold separately. The deeming by-law needs to be registered on title for it to take effect.

There are no notice requirements for a deeming by-law before Council passes the by-law; although the owner of the lands is required to be informed once the by-law is passed and must be given the opportunity to address Council regarding the by-law, if such a request is received within twenty days of the notice of passing being sent.

REVIEW

The subject property is designated *Lakeshore Residential* on Schedule "H" of the South Huron Official Plan and zoned "Lakeshore Residential – Special Zone (LR1-2)" in the South Huron Zoning By-law (Zone Map 1A). The LR1-2 zone permits a single detached dwelling and accessory uses/structures on properties with a minimum area of 1,400 square metres.

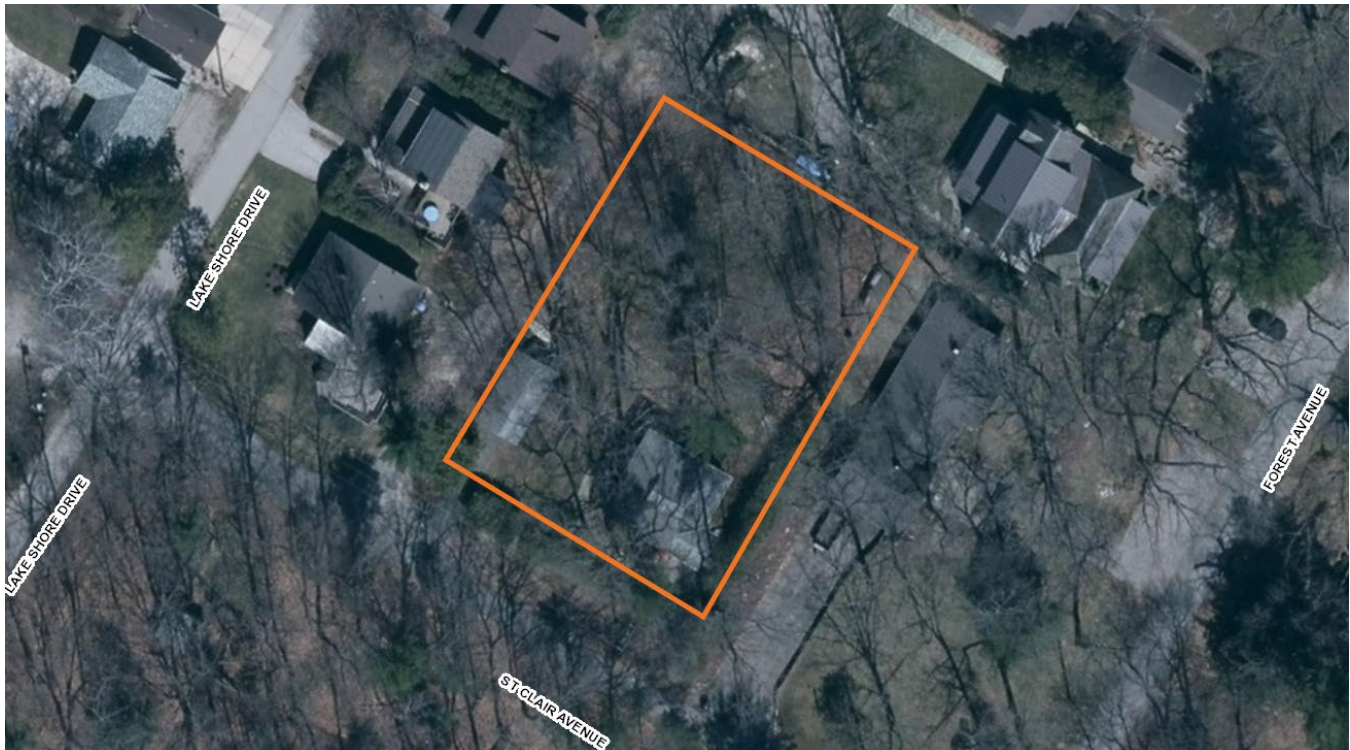
Figures 1 and 2 on the following pages contain a 2020 air photo and as well as applicant-provided site sketch of the subject lands.

Although all three lots comprising the subject lands are currently separately conveyable lots, they have been developed and continue to be used as a single residential property. The property currently contains a dwelling and detached garage.

The deeming is required due to a proposed exterior staircase to access a planned second storey for the detached garage being too close to the property line between Lots 67 & 68. These two lots need to be deemed so lot line between these two lots would no longer be a property line. In addition, since the applicant may wish to have shed on Lot 69 at some future point, Lot 69 is to be deemed as well so the shed could be considered accessory to the existing dwelling on Lot 67.

Deeming by-law applications, whether to pass a deeming by-law or rescind it, do not require circulation to the neighbours, public or agencies and so no such circulation occurred. Municipal staff were circulated on the application and have no objections.

Figure 1. Subject Parcel – 2020 Air Photo (subject lands outlined in orange)



The proposed deeming by-law is to reflect both the historic and current use of the lots as a single combined residential property and the applicant's intention for that use to continue into the future.

As shown on the site plan in Figure 2 on the following page, there is an unopened road allowance (Sable Place) along the west side of the property that is used as a laneway. However, this road allowance has a reduced width (10 metres) and existing structures on its east and west sides built right to the property line. As such, it is unsuitable to form the primary access to Lots 68 & 69 if they were proposed to be developed as separate lots. At best, it could continue as a secondary means of access. Instead, it is appropriate that the three lots be deemed to remove any requirement for Sable Place to be improved and used as the main property access for these lots.

Each of the existing lots has an approximate area of 450 square metres which is significantly undersized. Merging the three lots together through the deeming by-law will bring the property much closer to the 1,400 square metres of the Zoning By-law's LR1-2 zoning for this property and also closer to the Official Plan's 1,400 square metres standard for new lots. Deeming the three lots will eliminate pressure for them to be individually developed in the future.

Sables Place

Place
Sables

10.058 Wide By Registered Plan No. 125
Right of Way as in Inst. No. R134256 & R130743
Easement as in Inst. No. R296861

St. Clair Avenue

(Established By Registered Plan No. 125)
20.117 Wide By Registered Plan No. 125
Easement as in Inst. No. R296861
Right of Way as in inst. No. R134256 & R130743

Subject to
Subject to

Sincerely,

Craig Metzger, Senior Planner