

Staff Report to Council



Report From: Mike Rolph, Building and Planning Services Director/Chief Building Official

Meeting Date: December 2 2024

Report: BPS- 12-2024
Limiting Distance Agreement – CJC Investments Inc. and Cory Bilcke

Recommendation

That South Huron Council receives the Staff Report BPS-12-2024 – Limiting Distance Agreement - CJC Investments Inc. and Cory Bilcke; and

That the By-Law authorizing the Agreement be brought back for the required three readings.

Report Overview

Purpose of Report	For Approval
Council Priority Alignment	Planning For and Managing Sustainable Growth
Attachment(s) to Report	Spatial Separation Agreement

Report Highlights

- This is a Limiting Distance Agreement between three parties: Two adjacent property owners and the Municipality
- The Agreement is registered on the titles to which it applies.
- The Agreement will allow the Limiting Distance to be measured 2 metres south of the south exposing building face of 424 Main St S.

- A building permit was issued to convert a portion of an existing building to three residential dwelling units.

Context and Background

Building permit No. 2024-35 was issued May 31, 2024, for the construction/renovation of a portion of an existing commercial building into three residential units located at 424 Main St S.

The building permit was approved with a 0 metre setback to the south property line. Due to the proximity to the property line the exterior wall is required to be constructed with a fire resistance rating and all openings (doors and windows) are required to be equipped with closures with the appropriate fire protection rating.

The owner of the building at 424 Main St S is requesting a Limiting Distance Agreement be entered into between themselves, the property owner to the south (428-430 Main St S) and the Municipality. The agreement will allow the limiting distance to be measured to a point 2 metres south of the south building face of 424 Main St S. With this agreed upon limiting distance, the requirements for closures on the unprotected windows would not be required to be installed; the exterior wall still requires a fire resistance rating and the doors a fire protection rating.

Further to this agreement, an easement is required to be obtained and registered on title to allow the occupants to utilize a portion of 428-430 Main St S property for exiting/entrance the residential units. This easement is between the two property owners and will be registered on title.

Below is reference from the Ontario Building Code:

OBC – Div. B., Part 9, Sentence 9.10.14.2.(4):

(4) The required limiting distance for an exposing building face is permitted to be measured to a point beyond the property line that is not the centre line of a street, lane or public thoroughfare if,

(a) the owners of the properties on which the limiting distance is measured and the municipality enter into an agreement in which such owners agree that,

(i) each owner covenants that, for the benefit of land owned by the other covenantors, the owner will not construct a building on his or her property unless the limiting distance for exposing building faces in respect of the proposed construction is measured in accordance with the agreement,

(ii) the covenants contained in the agreement are intended to run with the lands, and the agreement shall be binding on the parties and their respective heirs, executors, administrators, successors and assigns,

(iii) the agreement shall not be amended or deleted from title without the consent of the municipality, and

(iv) they will comply with such other conditions as the municipality considers necessary, including indemnification of the municipality by the other parties, and

(b) the agreement referred to in Clause (a) is registered against the title of the properties to which it applies.

(5) Where an agreement referred to in Sentence (4) is registered against the title of a property, the limiting distance for exposing building faces in respect of the construction of any buildings on the property shall be measured to the point referred to in the agreement.

For Clarity:

Exposing Building Face means that part of the exterior wall of a building that faces one direction and is located between ground level and the ceiling of its top storey or, where the building is divided into fire compartments, the exterior wall of a fire compartment that faces one direction.

Limiting Distance means the distance from an exposing building face to a property line, to the centre line of a street, lane or public thoroughfare or to an imaginary line between two buildings or fire compartments on the same property, measured at right angles to the exposing building face.

Discussion and Staff Recommendation(s)

South Huron has been a third party to multiple limiting distance agreements in the past. The agreement is registered on title and is not permitted to be removed without approval from all three parties.

Impact Analysis

There are no legal implications in the writing of this report. Any legal fees will be at the cost of the party requesting the agreement. There are no communication or staffing impacts with the writing of this report or execution of the agreement.

Linkages

- None.

Respectfully submitted,

Mike Rolph, Building and Planning Services Director/Chief Building Official

Report Approval Details

Document Title:	BPS-12-2024 Limiting Distance Agreement - CJC Investments and Cory Bilcke.docx
Attachments:	- Limiting Distance Agreement.docx
Final Approval Date:	Nov 28, 2024

This report and all of its attachments were approved and signed as outlined below:

Alex Wolfe - Nov 25, 2024 - 10:37 AM

Erin Moore - Nov 25, 2024 - 12:51 PM

Rebekah Msuya-Collison - Nov 28, 2024 - 8:48 AM