

**Consent Application Report – File # B16/2017**

Owner: 2422579 Ontario Inc.	Date: August 21, 2017
Applicant: Keith I. McLean, Solicitor	
Property Address: 70732 London Road, Usborne Ward	
Property Description: <i>Parcel to be retained: Usborne Con 1 PT Lot 14 and RP 22R66 Parts 3 to 5</i> <i>Parcel to be severed: North part of Usborne Con 1 PT Lot 14 and RP 22R66 Parts 3 to 5</i> <i>Parcel to which severed will be added: Conc 1 Pt Lot 14 as RP 22R66 Parts 6 to 15 (70740 London Road)</i>	

**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: Validation Certificate

	Area	Official Plan Designation	Zoning
Severed:	231.8 sq.m	Highway Commercial	HC1-2
Retained:	3820.63 sq.m	Highway Commercial	HC1-2

**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 to enlarge 70740 London Road, an existing Highway Commercial lot in the south of Exeter, Usborne Township, Municipality of South Huron. The proposed severed portion of land is currently vacant and is approximately 231.8 sq.m in area. The proposed severed parcel is approximately 4.93m x 46.93m (based on applicant measurements). If approved the severed lands will be added to the abutting lands described as Con 1 Pt Lot 14 AS RP 22R66 Parts 6-15, municipally known as 70740 London Road. The lands to which the severed parcel are proposed to be added to currently operate as part of the Hamather Motor Products automobile dealership. The intent of this consent is to square up property boundaries between the existing lots in this area of town.

This consent application was submitted concurrently with files B15, B17 and B18 of 2017. These applications are proposed to square up the rear lot lines of the automobile dealership lots and bring them into conformity with the South Huron Official Plan for lands designated Highway Commercial.

### Official Plan Policies:

The subject lands are designated Highway Commercial, in the South Huron Official Plan. Highway Commercial uses are meant to serve the travelling public and include auto dealers, and other commercial services. The proposed severed parcel will be added to an existing Highway Commercial use that functions as an automobile dealer. The retained lands will also function as a part of the existing auto dealer under the Highway Commercial designation.

The subject lands are included in the Exeter Settlement area in the South Huron Official Plan. Land division in Settlement Areas is subject to Section 13.3.4.1 of the South Huron Official Plan, which permits severances for lot enlargement purposes. No new lots are proposed in this application, and the lands will continue to be used for Highway Commercial uses. The application proposes no changes or extensions to existing services, the lot to be enlarged fronts on an open and maintained road, no additional traffic hazards will result, and this severance does not hinder or restrict existing and/or future development. Highway Commercial lands are subject to Site Plan Control; any works on the lands to be enlarged will be required to go through the formal Site Plan Control process.

### Zoning By-law

The area proposed to be severed is zoned HC1-2 (Highway Commercial Special Provisions) in the Township of Usborne Zoning By-law. The lands to which the severed parcel are to be added are zoned HC1 (Highway Commercial) which permit the existing automobile dealership. The proposed severed parcel is vacant, but a condition of consent to rezone the severed parcel to HC1 will be

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required to match the existing zoning and intended use of the parcel. The retained lands are zoned and will remain HC1-2; no zoning changes are required for the retained lands.

Based on the figures submitted by the applicant, the exact changes would be as follows:

### Parcel A – To be enlarged (70740 London Road)

	HC1 Zone Requirements	Before Severance	After Severance
Lot Area	1400 sq.m	5,989.34 sq.m (1.48 ac)	6,215.14 sq.m (1.53 ac)
Lot Frontage	23 m	50m	50m
Side Yard (South)	4.5 m	0m to existing building	4.93 m bringing lot into conformity with ZBL

### Parcel B – To be retained (70732 London Road)

	HC1-2 Zone Requirements	Before Severance	After Severance
Lot Area	1400 sq.m	4,046.85 sq.m (1 ac)	3815.05 sq.m (0.94 ac)
Lot Frontage	23 m	38m	38m
Side Yard	4.5 m	N/A no buildings or structures	N/A no buildings or structures

**Figure 1. Aerial View of Subject Lands**



**Figure 2 and 3. View of Lands to be severed**



**Summary:**

It is recommend that this lot enlargement severance application be **approved** because it meets the intent of the Provincial Policy Statement, South Huron Official Plan and Township of Usborne Zoning By-law.

Sincerely,

“original signature in file”

August 21, 2017

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Sarah Martin, B ES

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Date

Date of Site Inspection: August 4, 2017

**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.
  - a) All property taxes be paid in full up to the date of the granting of this consent.

**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.
  - a) Severed parcel must be rezoned to reflect current zoning on lands severed parcel is to be added to.

**Storm Water and Drainage**

5. Any tile drains crossing between the severed and retained parcel be cut and re-routed to the satisfaction of the Municipality of South Huron.

**Merging**

6. The severed land merge on title with the abutting property to the north (70740 London Road, Osborne Ward) currently in the ownership of Hamather Motor Products Ltd. upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended.
7. A firm undertaking is to be provided from the solicitor acting for the parties indicating that the severed land and the abutting properties to the North (70740 London Road) and North (70736 London Road) 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.
8. Section 50(5) of the Planning Act, RSO 1990, as amended, applies to any subsequent conveyance or transaction of the retained land.