

# Consent Application Report – File # 58-2017

Owner: Lindsay and Andrew Kuiack	Date: September 22, 2017
Applicant: Lindsay and Andrew Kuiack	
Property Address: 145 Victoria Avenue E, Crediton	
Property Description: Part Lot 10, Concession 6, Stephen Ward	

## 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 Severed: 1960 sq.metres	Official Plan Designation: Urban	Zoning: VR1
Area Retained: 2072 sq.metres	Official Plan Designation: Urban	Zoning: VR1

## 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	N/A		
Neighbours/Public			<ul style="list-style-type: none"> <li>• Letter received noting no objection</li> <li>• Letter received from abutting neighbor regarding site characteristics in area, fencing</li> </ul>

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			and survey requirements. On discussions determined neighbor has no objection to consent and provided written letter in County file.
Huron County Highways		√	No concerns, severed will require new access. See conditions.
South Huron Staff			See conditions

### Background:

The purpose and effect of this application is for the creation of a new lot for residential infill development. The subject lands are within an existing urban area with surrounding residential uses. There is currently a residence on the far west portion of this property, and the area on the east is currently vacant. The applicant proposed to sever the vacant parcel for a future residential dwelling.

The existing parcel is approximately 1.13 acres in size. The proposed consent is for creation of a new lot at an area of approximately 1960 sqm with a frontage of 28 metres. The retained parcel is proposed to have an area of 2072 square metres with a frontage of 28 metres.

### Figure 1: Aerial of Subject Property



### Comments:

#### Provincial Policy Statement (PPS):

The PPS encourages development that represents residential intensification as well as redevelopment of existing sites for the efficient utilization of infrastructure, and public service facilities. The proposed infill consent is in an urban area with surrounding residential uses; the proposed consent is aligned with the direction of the PPS to provide for a range of housing types and densities.

#### Huron County Official Plan:

The County Official Plan promotes opportunities for residential developments that are located where services are available and sprawl is minimized. Future development will be directed to

include mixed uses, more compact forms of housing with increased densities and a range of affordability to promote development that is compatible with the County's goals for sustainability.

South Huron Official Plan:

The South Huron Official Plan designation for the subject lands is Urban within the Crediton Primary II Settlement Area (full services). The goals for urban development in Crediton allow for a range of uses and a wide variety to housing types, Crediton is recognized as a Primary II area and has the potential to accommodate growth.

The land division policies of the South Huron Official Plan permit the creation of new lots in already developed areas via consent for purposes of infilling where the newly created property is in an area with services and the land abuts an open public road. This development can obtain access on an existing County road, and Crediton has full services. The plan also specifies that the size of the new parcel is appropriate for the intended use and provides for compliance with the Zoning By-law unless the By-law is duly amended or a variance granted.

In this case the proposed severed and retained parcels will maintain minimum zone provisions for lot area, depth and frontage. Further minimum setbacks to the proposed retained parcel and existing dwelling will maintain minimum side yard setbacks under the Township of Stephen Zoning By-law.

Township of Stephen Zoning By-law:

The subject lands at 145 Victoria Avenue E are zoned Village Residential Low Density (VR1) in the Township of Stephen Zoning By-law. The proposed consent will create two lots as a form of infill development. In review of the requested severance the proposed lot sizes are compared to minimum requirements in the Township of Stephen Zoning By-law in the following table. Where a measurement meets the minimum zone requirement, a ✓ is denoted.

	Requirements in Zoning By-law	Current Lot	Proposed Severed Parcel		Proposed retained Parcel	
<b>Lot Area</b>	760 square metres	3762 square metres	1960 square metres	✓	2072 square metres	✓
<b>Lot Frontage</b>	20 metres	56 metres	28 metres	✓	28 metres	✓
<b>Lot Depth</b>	37 metres	70 metres (irregular)	70 metres (irregular)	✓	70 metres (irregular)	✓

Based on the information above, both the proposed severed and retained parcels will meet minimum zone provisions required in the Township of Stephen Zoning By-law. The existing dwelling on the proposed retained parcel will also maintain minimum side yard setbacks in the VR1 zone as a result of a new lot line created on the east of the dwelling.

Under the Township of Stephen Zoning By-law VR1 zone, the severed parcel would permit construction of a single detached dwelling similar to the existing dwelling on the proposed retained parcel. This use would be complimentary to existing residential uses in this area and the proposed parcel size is similar to existing residential lot fabric area in this neighbourhood. It is the intention that the proposed severed parcel be used for future residential uses; any development proposed on this site will have to meet related zone provisions set out in the Township of Stephen Zoning By-law.

**Figure 4: Photos of Subject Property. Vacant lands proposed to be severed and existing house on retained lands.**



***Additional Comments:***

This application has been circulated to municipal agencies for review and comment. Comments are highlighted in this report and included as conditions as applicable.

A letter was received on the submitted application from a neighbor noting no concern on the application. A second letter was received from a neighbor asking for clarification on the purpose of the consent. After discussions with the neighbor and the owner of the subject lands, the neighbor has provided written confirmation that they have no objection to the proposed consent.

***Summary:***

It is recommend that this severance application for creation of a new infill lot **be approved** as it meets the requirements of the Provincial Policy Statement, and Huron County and South Huron Official Plans. The size of the severed parcel will result in a buildable lot that can meet zone provisions for frontage, depth and area.

Sincerely,

‘Original signed by’

Sarah Martin, B ES

September 22, 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.
4. The sum of \$500.00 be paid to the Municipality as cash-in-lieu of parkland.
5. The applicant must enter into a development agreement with the Municipality addressing issues arising from development of the severed lot such as but not limited to lot grading and drainage, storm water management, provision of services and related hookups/services (i.e. water and sewer), privacy fencing or plantings as required, sidewalks, placement of driveway and parking space.
6. The well on the severed parcel shall be decommissioned and a record of the decommissioning be provided to the Municipality.
7. Water services must be installed to the severed parcel to the satisfaction of the Municipality of South Huron.

**Survey/Reference Plan or Registerable Description**

8. 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**

9. 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.

**Storm Water and Drainage**

10. A lot grading and drainage plan to be completed to the satisfaction of the Municipality.

**Note:** An application for a new entrance permit to the subject lands will have to be submitted to Huron County Public Works prior to constructing a new entrance.

**Note:** Sewer connection charge of \$10,759.99 is due and payable prior to issuance of a building permit as per By-law #49-2008 to the satisfaction of the Municipality.