



Meeting Date: March 15, 2023

Submitted by: Dan FitzGerald MPI MCIP RPP, Planner

Report No: PLA-18-2023

Subject: Consent Application (B-1/2023), 16 Victoria Street

Recommendation:

THAT Consent Application B-1/2023, filed by Jeff Crosby on behalf of Yolande McIntosh, in order to permit the adjustment of a boundary by conveying approximately 733.12 square metres from Part of Park Lot 9 Plan 47, Part 1 on Reference Plan 34R2205 to be merged with an abutting lot legally described as Part of Park Lot 9 Plan 47, Part 2 on Reference Plan 34R2205, in the Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 16 Victoria Street, be GRANTED;

AND THAT Application for Consent B-1/2023 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within two years of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-1/2023, and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owners' solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred for each parcel, for the purposes of the issuance of a Certificate of Consent.
5. That the Owners' solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.

6. That any outstanding property taxes for the subject parcels are described in the decision of Consent B-1/2023 be paid in full.
7. That, if necessary a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.
8. That the lands to be adjusted be severed and merged in the same name and title as the adjacent property's receiving lands as a result of the adjustment, and that subsection 50(3) or (5) of the Planning Act apply to any subsequent conveyances involving the enlarged parcel, and that any mortgages that may be required take into the account the parcel as enlarged.
9. That the adjusted lands be confirmed to meet all applicable zoning by-law provisions and that if necessary, the lands be subject to a minor variance.
10. That the septic system servicing 16 Victoria Street be wholly located within the remnant lands to the satisfaction of the Chief Building Official.

AND FURTHER THAT the reasons for granting Consent Application B-1/2023 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- Subject to the conditions, the proposal would comply with the Middlesex Centre Comprehensive Zoning By-law.

Purpose:

The purpose of this report is to provide Council with a recommendation in regards to an application to adjust existing boundaries between an existing large residential parcel and a neighbouring residential parcel, which would be merged on title with the abutting lands and normalize the lots.

A location map is included as Attachment 1.

Background:

The purpose and effect of the Application for Consent (File No.: B-1/2023) is to convey a parcel of land for lot addition purposes having an area of approximately 733.12 square metres to be merged with an abutting lot legally described as part of park lot 9, Plan 47 and municipally known as 12 Victoria Street. The lot addition would add to an existing lot with an area of approximately 2,086 square metres (0.52 acres), making the combined lot area approximately 2819.12 square metres (0.69 acres). The remnant lands would be reduced to an area of 3064.85 square metres (0.75 acres). The remnant lands contain an existing single detached dwelling, the lands receiving the addition contain an existing single detached dwelling and accessory uses, and the lands being transferred are vacant.

The lands are located within the settlement area of Delaware. They are located on the east side of Victoria Street, south of the intersection at Prince of Wales Street and Victoria Street. The land is legally described as Part of Park Lot 9, Plan 47, Part 1 on Reference Plan 34R2205, in the Municipality of Middlesex Centre, County of Middlesex.

A copy of the proposed severance sketch is attached.

Policy Regulation:

The subject lands are designated Settlement Area in the County of Middlesex Official Plan, Residential in Middlesex Centre's Official Plan, and zoned Community Residential First Density (CR1) Zone in Middlesex Centre Comprehensive Zoning By-law.

Provincial Policy Statement (PPS)

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities "shall be consistent with" the PPS.

County of Middlesex Official Plan:

Section 4.5.3.2 of the County Official Plan speaks to general policies applicable to consent applications and states that; the severed and retained lots, when proposed to be used for residential, commercial or industrial uses, shall front on an existing road allowance which is opened and maintained on a year round basis and is constructed to a standard of construction adequate to provide for the additional traffic generated by the proposed use.

Middlesex Centre's Official Plan

Section 10.3 of Middlesex Centre's Official Plan speaks to lot creation and states,

- a) Severances shall only be granted if a plan of subdivision is not necessary for the proper and orderly development of the land. Plans of subdivision will not be required where three or fewer new lots are proposed to be created, or where circumstances exist where a plan of subdivision is not considered by the Municipality to be necessary. Where more than three new lots are proposed to be created, the Municipality may exercise flexibility in determining whether a plan of subdivision process is required for the orderly development of the land.

Notwithstanding the above, in all cases where the creation or extension of municipal streets and/or services is proposed, a plan of subdivision process will be required.

- b) Where individual wells and septic systems are proposed, lot areas must be of a size and configuration to accommodate an appropriate septic system, sewage envelope and contingency area. For a conventional septic system, a storage envelope consists of the area occupied by the tile bed and mantle. The size of the storage envelope will vary depending on the projected water use of the anticipated use and the soils and slope of the subject site. The contingency area will be equal in size to the tile bed and sewage mantel.
- c) All lots must front on and have access to an existing public road maintained on a year round basis and at a reasonable standard of construction. Direct access to and from County or Provincial roads will be limited in accordance with the policies and regulations established by the agencies having jurisdiction over these roads.
- d) An adequate and potable water supply must be available for any proposed lots created by consent. An exception to this policy may be made if it can be shown that the purpose for which the lot(s) in question is to be used does not require a water supply.
- e) All lots created by severance must be suitable or capable of being made suitable to support a sewage disposal system.
- f) Severances may be permitted for the purposes of making a lot boundary correction provided that such corrections are minor in nature.

Middlesex Centre Comprehensive Zoning By-law

As noted, the lands are zoned Community Residential First Density (CR1) Zone. The CR1 zone requires a minimum lot area of 700 square metres (7,535 square feet) and a minimum frontage of 20 metres.

Consultation:

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

Public Comments:

At the time of writing the subject report, no comments or concerns had been received from the public regarding this proposal.

Agency Comments:

The following comments were received at the time of writing this report;

The Municipality's Chief Building Official has reviewed the subject application and has no comments.

Analysis:

The Provincial Policy Statement (PPS), County Official Plan and Municipality's Official Plan permit minor boundary adjustments within settlement areas subject to local considerations. The applicant is intending to normalize the lot boundary fabric between to existing residential lots by transferring a portion of one lot which extends behind the neighbouring residential lot.

The severed and retained lands, based on the applicants intended minor boundary adjustment, create two residential lots with a more uniform boundary. As a condition of the severance, the applicant will be required to merge the lands under the same name and title as 12 Victoria Street.

As no new lot is being created, I am satisfied that the proposed adjustment can be adequately addressed through conditions of approval; thus ensuring that the development would be consistent with the Provincial Policy Statement, conform to the Middlesex Centre and County of Middlesex official plans, comply with the Middlesex Centre Comprehensive Zoning By-law and represent sound land use planning.

Given the above, planning staff are recommending that the subject applications be approved.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, Council is advised to take such information into account when considering the application.

Financial Implications:

None.

Attachments:

1. Location Map
2. Revised minor boundary adjustment plan