



Meeting Date: May 17, 2023

Submitted by: Dan FitzGerald MPI MCIP RPP, Planner

Report No: PLA-42-2023

Subject: Consent for Severance Application B-08/2021, 115 Huron Ave, Komoka

Recommendation:

Consent Applications B-08/2021, filed by Albert Keith Brown and Dorothy Anne Brown, in order to sever a residential lot with a frontage of approximately 15.8 metres (52 feet) on Delaware Street Central with an area of approximately 580 square metres (6220 square feet), and the retained parcel a frontage of approximately 36.58 metres (120 feet) on Huron Ave with an area of 1427 square metres (15,360 square feet), on a property legally described as Lots 17 to 18, Block O, Plan 76, in the County of Middlesex, Municipality of Middlesex Centre, and municipally known as 115 Huron Ave; be **GRANTED**.

FURTHER THAT Consent B-08/2021 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year 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-08/2021 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 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 severed and retained lots of Consent B-08/2021 be paid in full.
7. That the Owner enter into a Development Agreement with the Municipality, and that the Agreement be registered against the title of the subject land, to address among other matters: all financial, legal, planning and engineering matters including but not limited to payment of the Municipality's engineering, legal and planning review costs, entrance locations and construction, works within the road allowance, lot grading and drainage plans, and building envelopes, all to the satisfaction of the Municipality.
8. That the owner install separate water and sanitary service connections to the severed parcel prior to consent being granted to the satisfaction of the Municipality.
9. That if necessary, the owner relocate the existing water and sanitary services to be wholly contained on the retained lands to the satisfaction of the municipality.
10. That the Owner provide a lot grading plan for the severed lands showing a proposed building envelope and grading information to the satisfaction of the Municipality.
11. The Owner be required to complete a Stormwater Management Report to the satisfaction of the Municipality.
12. That the Owner be required to pay fifty percent (50%) of future road upgrades in the amount of \$9,336.25.
13. That the Owner be required to dedicate lands up to 10 metres from the centerline of construction of Delaware Street Central to the Municipality of Middlesex Centre for the purposes of road widening across the severed and retained parcels if the right of way is not already to that width.
14. That the accessory building on the retained lands meet the minimum interior side yard setback provisions in relationship to the severed lands or seek permission to reduce the setback if necessary.
15. That the Owners pay \$1,000 cash-in-lieu of parkland dedication for the proposed lot of Consent B-08/2021.

16. That the Owner enter into a cost sharing agreement with the Owner at 116 Delaware Street Central to pay for the extension of municipal services for the severed lots provisionally approved in Consent applications B-03/2022, B-04/2022, and B-08/2021, to the satisfaction of the Municipality.

AND FURTHER THAT the reasons for granting Consent application B-08/2021 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

The proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

Purpose:

The purpose of this report is to provide Council with an updated recommendation regarding a proposal to create a new residential lot along Delaware Street Central.

A location map is included as Attachment 1.

Background:

The purpose and effect of the consent application is to create a new residential lot for the purpose of constructing one single-detached dwelling. The lands to be severed are proposed to have a frontage of approximately 15.8 metres (52 feet) on Delaware Street Central with an area of approximately 580 square metres (6220 square feet). The retained parcel is proposed to have a frontage of approximately 36.58 metres (120 feet) on Huron Ave with an area of 1427 square metres (15,360 square feet).

An illustration of the proposal is included as Attachment 2.

The subject property is located on the north side of Huron Ave, on the north east corner of the intersection at Huron Ave and Delaware Street Central. The subject land currently contains a single detached dwelling, a detached garage, and is on full municipal services. The lands are surrounded by residential development in the form of single detached dwellings on all sides.

As Council may recall, the application was heard at a public meeting on May 26, 2021. The applicant received provisional consent, subject to the recommended conditions. Upon further detailed review of the requested consent, it became apparent that servicing the new lot, as well as a neighbouring lot, would be able to be completed at the same time. As such staff are recommending an amendment to the original recommended condition to include a requirement for the owner to enter into a cost share agreement with the neighbouring land owners; whereby each party is responsible for fifty percent of the

costs associated with the required extension of municipal services. All other aspects of the consent remain the same.

Analysis:

The Provincial Policy Statement, County Official Plan and the Municipality's Official Plan generally permit lot creation within Settlement Areas, subject to servicing and compatibility.

As establishing in the original planning report, the intended severance is supported by the policies of the Provincial Policy Statement, the County of Middlesex Official Plan and the Middlesex Centre Official Plan. This type of development is the preferred form, because it promotes more efficient use of land and infrastructure and reduces the need for expansion of settlement area boundaries. The subject property is in an appropriate location for intensification as it would promote a more compact form and more appropriate development standards for residential lots in the existing neighbourhood. The only difference in this application is the amended condition, which is deemed as appropriate and desirable to achieve efficient development of the lands.

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

Attachments:

N/A