



Meeting Date: January 20, 2021

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-16-2021

Subject: Consent B-01/20 Conditions Amendment

Recommendation:

THAT condition #12 of the consent decision B-01/20 be amended to state “12) The owner confirms that the existing house and septic system are wholly located within the retained or severed lot. If any existing buildings, structures and/or septic system are located on a proposed property line they shall be removed from the subject lands subject to any necessary permits to the satisfaction of the Municipality”.

Purpose:

To request Council’s approval to amend the conditions of consent for file B-01/20, specifically condition #12 related to the location of the septic system.

Background:

On January 22, 2020 Council conditionally approved consent B-01/20 in order to sever one (1) residential lot from the property at 15 Elmhurst Street. The proposed lot has a frontage of approximately 33 m (108 ft) with an area of approximately 0.32 ha (0.8 ac), and the retained lot is to have frontage of approximately 31 m (102 ft) with an area of 0.3 ha (0.75 ac).

The property is located on Elmhurst Street, south of Glendon Drive in Kilworth. The land is legally described as Lot 1, Plan 909 (geographic Township of Lobo), Municipality of Middlesex Centre.

Analysis:

In 2019, the applicant applied for a consent to sever two (2) residential lots from the property at 15 Elmhurst Street (Files: B-01/19 and B-02/19). Council conditionally approved the creation of two (2) lots on February 20, 2019. As a result of the proposed lots the existing dwelling and septic system would have straddled the property line. As such, the municipality requested the existing buildings and septic system be removed prior to receiving consent. The applicant did not fulfill all the conditions within the one-

year period following the Notice of Decision in order to successfully receive consent to sever.

The applicant then submitted an application (File: B-01/20) to sever one (1) residential lot which was conditionally approved by Council on January 22, 2020. The conditions of consent associated with the 2019 files were used for the conditional approval for the 2020 file. This included condition #12 that requested the applicant to remove all buildings and structures from the lands prior to receiving consent.

It appears that the condition was inadvertently included as a condition of consent for the 2020 file B-01/20 since the existing dwelling and septic system would not straddle or cross proposed property lines, and, therefore, would not necessitate its removal. The applicant has fulfilled all other conditions of consent, however, is unable to receive consent since condition #12 is outstanding.

The applicant has also provided a site plan which shows the location of the existing dwelling and septic system is wholly located within the retained lot, and confirms that the retained lot meets the standards of the zoning by-law. Additionally, the Chief Building Official visited the site in January 2021 and confirmed that the existing dwelling and septic system are wholly located within the retained lot. There would be no objection from staff to allow the existing dwelling and septic system to remain on the property.

It is proposed that the condition is amended by adding the bolded words below which can be satisfied by the applicant and provide the municipality recorded confirmation of the existing building and septic system location.

“12) The owner confirms that the existing house and septic system are wholly located within the retained or severed lot. If any existing buildings and structures and/or septic system are located on a proposed property line they shall be removed from the subject lands subject to any necessary permits to the satisfaction of the Municipality.”

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- 1a. Planning & Positioning: Diversifying future residential development.

Attachments:

Attachment 1 – Conditions of consent for File B-01/20

Attachment 2 – Site plan of proposed retained and severed lot