



**Meeting Date:** January 20, 2021

**Submitted by:** Dan FitzGerald MPI, Planner

**Report No:** PLA-3-2021

**Subject:** Application for Consent (B-25/2020)

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**Recommendation:**

THAT Consent Application B-16/2020, filed by Erica Suhr on behalf of Scott McGregor in order to sever and convey as a lot addition a 131.6 m<sup>2</sup> (1416 ft<sup>2</sup>) parcel of land to an existing residential property known municipally as 125 Erie Ave; from a property legally described as Part of Lots 11 and 12, Block G, Plan 76, Municipality of Middlesex Centre, County of Middlesex; **be GRANTED**;

AND THAT Consent B-25/2020 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.
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-25/2020 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the severed parcel of Consent B-25/2020 be registered in the same name and title as the adjacent property to the south west, known municipally as 125 Erie Ave and legally described as Part of Lots 11 and 12, Block G, Plan 76, Part 1 of Reference Plan 33R20208, in the Municipality of Middlesex Centre, County of Middlesex; and that the two holdings' PINs be consolidated; and that Sections 50(3) and 50(5) of the *Planning Act* apply to any future conveyance of the said severed parcel.
5. That, if necessary, a revised assessment scheduled in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owners.

AND FURTHER THAT the reasons for granting Consent Application B-25/2020 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 application conforms to the Middlesex Centre Comprehensive Zoning By-law

**Purpose:**

The purpose of this report is to provide Council with a recommendation regarding a severance application for a property located on the north side of Erie Ave, on the west side of the intersection at Erie Ave and Springer Street.

**Background:**

The purpose and effect of the consent application is to sever and convey as a lot addition a 131.6 square metres (1416 square feet) parcel of land to the adjacent residential property that is known municipally as 125 Erie Ave. The portion of lands that would be conveyed are currently vacant. The lands proposed to be retained would maintain a frontage on Erie Avenue of approximately 35.7 metres and an area of approximately 1,305.5 square metres (1.82 acres). The lands that are proposed to be enlarged would have a frontage of approximately 18.8 metres (61.7 feet) on Erie Ave and an area of approximately 687 square metres (.17 acres).

The subject property is located on the north side of Erie Ave, on the west side of the intersection at Erie Ave and Springer Street. The lands are within a residential neighbourhood, with single detached residential developments facing the lands on all sides.

A location map is included as Attachment 1.

A concept of the property is included as Attachment 2.

**Policy Regulation:**

The subject land is designated 'Settlement Area' according to the County of Middlesex Official Plan and 'Residential' in the Komoka Kilworth Secondary Plan, of the Middlesex Centre Official Plan, and zoned Urban Residential First Density Exception (UR1-4) Zone in Middlesex Centre's Comprehensive Zoning By-law.

**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 Urban Residential First Density Exception (UR1-4) Zone in the local Zoning By-law. The applicable zoning provisions require a minimum lot area of 450 square metres and a minimum frontage of 15.0 metres (49 feet).

**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;

Middlesex County's Engineer no concerns listed.

The Municipality's Public Works and Engineering Department no additional concerns.

The Municipality's Chief Building Official no concerns.

**Analysis:**

The purpose of the subject application is to convey a 131.6 square metres (1416 square feet) parcel of land from 129 Erie Ave to 125 Erie Ave as a lot addition. The purpose of the conveyance is to provide the property at 125 Erie Ave with additional amenity space within the interior side and rear yard area. The property is within a settlement area where severances and lot additions are permitted, therefore planning staff find that the subject application conforms with the Local Official Plan.

With the conveyance of the severed parcel, the retained parcel complies with the minimum lot frontage and area provisions in the Municipality's Comprehensive Zoning By-law. The parcel to receive the addition will also comply with Middlesex Centre's Comprehensive Zoning By-law.

The proposed severance is for a lot addition, therefore, planning staff do not anticipate any negative impacts on surrounding land uses, given that the property will still be used for residential purposes.

Given the above, planning staff are recommending that the subject application be approved, subject to conditions.

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.

**Strategic Plan:**

This matter aligns with following strategic priorities:

- 1a. Planning & Positioning: Diversifying future residential development.
- 3c. Quality of Life: Meeting the needs of both current and future citizens.

**Attachments:**

1. Location Map
2. Proposed Severance Sketch