

## Consent Application Report- File #B51-2017

Owner: Murray and Joyce Vincent Applicant: Vaughn Vincent	Date: 13 July 2017
Property Description: 36 Part Lot, Concession 9, East Wawanosh, Township of North Huron (39378 Belgrave Road)	

**Recommendation:** That provisional consent be:

- √ granted with conditions (attached)
- deferred
- 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: 0.65 ha (+/-) (1.6 ac)	Official Plan Designation: Agriculture	Zoning: AG1- General Agriculture
Area Retained: 38.2 ha (+/-) (94.4 ac)	Official Plan Designation: Agriculture and Natural Environment- Limited Protection	Zoning: AG1- General Agriculture, NE2- Natural Environment Limited Protection

**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 North Huron Official Plan,
- √ Complies with the municipal Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance);
- NA 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
Maitland Valley Conservation Authority	√		
Neighbours/Public	√		
Huron County Public Works			Comments pending to confirm if a second driveway onto Belgrave Road would be permitted.

Figure 1 Aerial photo of proposed severed (outlined in red) and retained lands (outlined in green)

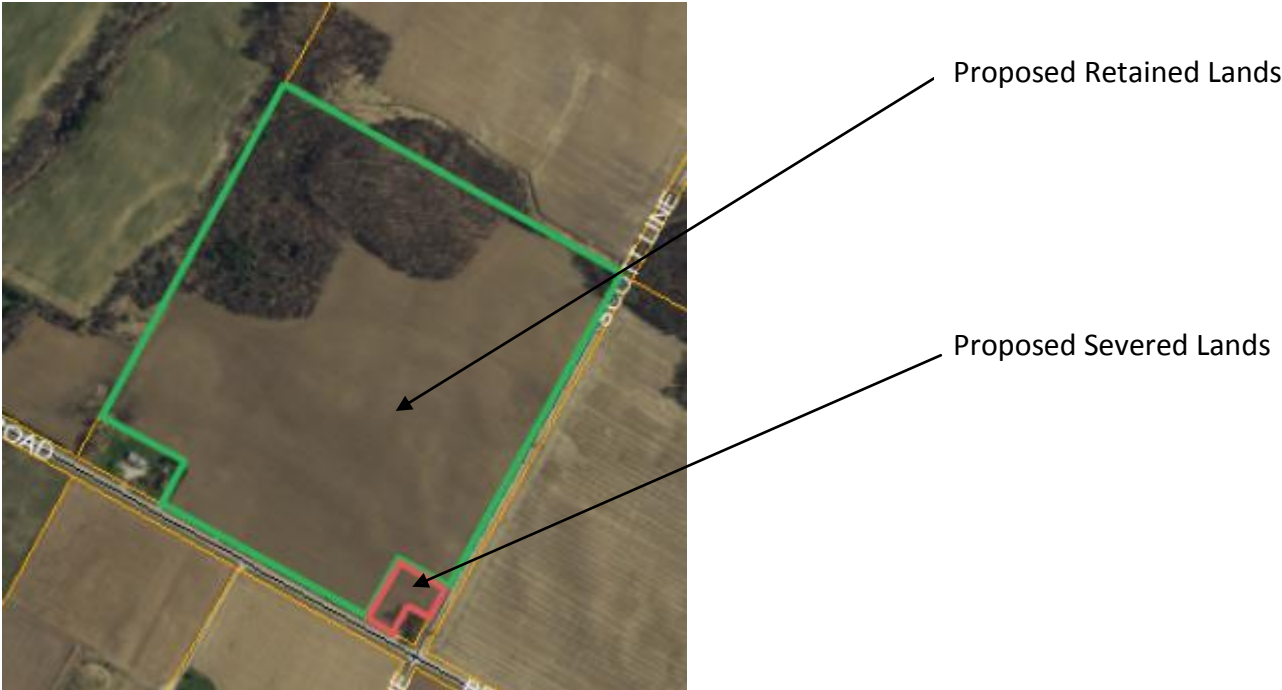


Figure 2 Aerial photo of proposed severed land



**Figure 3 Photo showing proposed severed land**



**Figure 4 Photo of the proposed retained farmland**



**Figure 5 Photo of the proposed severed land and abutting lot to be enlarged**



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### Additional Comments:

The purpose of this application is to sever land and enlarge an abutting property to the southeast through merging the severed lands. The land to be severed is approximately 1.6 acres and is vacant. The land to be retained is approximately 94.4 acres and is vacant with the existing agricultural use.

#### *Comments Received*

Comments received from the Huron County Public Works stated that there could possibly only be one entrance permitted to the lot that is being enlarged. The abutting property already has one access onto Belgrave Road and comments clarifying if a second entrance would be permitted are waiting to be confirmed from the Huron County Public Works Department. If a second entrance off of Belgrave Road is not permitted, the option of relocating the existing driveway and creating branches to the proposed accessory structure and existing house is available. A recommended condition is that applicable entrance permits are obtained, which would be required if a second driveway is permitted or if the existing driveway is relocated along Belgrave Road.

#### *Official Plan Policies*

The subject property is designated Agriculture and Natural Environment- Limited Protection in the North Huron Official Plan. The consent policies in Section 11.3.1 of the Township of North Huron Official Plan contain criteria to permit a severance in an Agriculture designated area, including for land being conveyed to an abutting non-farm use, provided that a minimal amount of productive agriculture land is involved and it is for convenience or servicing purposes.

The applicant and landowner of the abutting property that is proposed to be enlarged is planning on adding a home industry to his property and the current lot area with his residence is insufficient for an additional accessory building; the proposed lot addition will allow room for a structure and accessory use. There is also the option to improve the site servicing by relocating the existing septic system and have it in a location less likely to experience the functioning issues it currently does by being at the corner of the property and near the road intersection.

If the proposed severed lands are merged with the abutting property, the retained farmlands would still meet the minimum size of 38 hectares, as identified in the North Huron Official Plan and maintain their agricultural use. There is already an existing driveway for the retained lands onto Belgrave Road. There is no expected impact or change of use for the Natural Environment designated lands.

This application conforms to the North Huron Official Plan and its consent policies for a severance in an Agriculture Area.

#### *Zoning By-Law Provisions*

The subject land is currently zoned General Agriculture (AG1) and Natural Environment Limited Protection (NE2). The abutting property the severed land is to merge with is zoned Agricultural Small Holdings (AG4) which permits the use of a home industry, accessory to the existing residence. When the proposed severed land is merged with the abutting property it is enlarging, it will automatically be rezoned in accordance with the provisions of Section 3.15 of the North Huron Zoning By-Law and be zoned AG4.

This application is consistent with the North Huron Zoning By-law.

### Recommended Conditions

#### **Expiry Period**

- √ 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 notice of decision.

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### **Municipal Requirements**

- √ All municipal requirements be met to the satisfaction of the Township including servicing connections if required, cash-in-lieu of park dedication, property maintenance, compliance with zoning by-law provisions for structures, and any related requirements, financial or otherwise.
- √ The sum of \$500 be paid to the Township as cash-in-lieu of parkland.

### **Survey**

- √ Provide to the satisfaction of the County and the Township:
  - 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

### **Merging**

- √ The severed land merge on title with the abutting property to the east upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended.
- √ A firm undertaking be provided to the satisfaction of the County from the solicitor acting for the parties, indicating that:
  - a) the severed land and the abutting property to the east will be consolidated into one P.I.N. under the Land Titles system; or
  - b) where consolidation is not possible as the parcels to be merged are registered in two different systems (e.g. the Registry or Land Titles system), a notice will be registered in both systems indicating that the parcels have merged with one another and are considered to be one parcel with respect to Section 50 (3) or (5) of the Planning Act, R.S.O. 1990, C P.13 as amended.
- √ Section 50(3) or (5) of the Planning Act, RSO 1990, as amended, applies to any subsequent conveyance or transaction of the severed land.
- √ A one square foot portion of the abutting property to which the severed land is to be merged be conveyed to the Municipality. A survey is to be provided showing the one square foot parcel as a separate part on the reference plan.
- √ Applicable entrance permits are obtained to the satisfaction of the Huron County Public Works.

As this application to sever and enlarge an abutting property is consistent with the Provincial Policy Statement, conforms to the North Huron Official Plan, and is consistent with the North Huron Zoning By-law, it is recommended for approval with the above stated conditions.

**'Original Signed By'**

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Laura Young, Planner

13 July 2017

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Date