

Consent Application Report- File #B29-2017

Owner: Kevin and Kerri Dunn Applicant: Doug Culbert, OLS	Date: 30 August 2017
Property Description: Part Lot 4, Concession 1, Wingham Ward, Township of North Huron (208 Victoria Street East)	

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: 0.471 ha (+/-)(1.16 ac)	Official Plan Designation: Residential (OPA 12 to change to CF)	Zoning: CF- Community Facility
Area Retained: 0.102 ha (+/-) (0.25 ac)	Official Plan Designation: Residential	Zoning: R2- Residential Medium Density

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);
- 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			Comments from application circulation citing concern with fencing, noise and effect on property values

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 land



Additional Comments:

The purpose of this application is to sever land and enlarge an abutting property to the south through merging the severed lands. The land to be severed is approximately 1.16 acres and is vacant and is proposed to be merged with the Sacred Heart Catholic Elementary School property, owned by the Huron Perth Catholic District School Board. The land to be retained is approximately 0.25 acres and has an existing house and shed.

Comments Received

Comments were received from landowners of abutting properties during the circulation of the severance, Official Plan Amendment and Zoning Amendment applications. The comments stated concerns with the proposed development. Comments from Vanessa Reinhardt identified concern with the lack of fencing or buffering between the residential properties along Carling Terrace and backing onto the vacant portion of the subject property. A representative for the Huron Perth Catholic District School Board stated that a fence is planned for along the abutting residential properties.

Consent Application Report- File #B29-2017

Comments from Jeff MackIntosh also stated concern with possible increased noise and a negative effect on neighbouring property values. Considering noise impacts for the proposed severance: noise would be limited to during school hours unless there was an established use such as a soccer field for example. Comments from Township staff were received and there were no concerns with the proposed severance.

Official Plan Policies

The subject property is currently designated Residential in the North Huron Official Plan. An Official Plan Amendment was adopted by North Huron Council and the County of Huron Committee of the Whole to change the land use designation from Residential to Community Facility. At the time of writing this report, the Amendment will be put to a motion by County Council on September 6th 2017. The Notice of Decision will be sent out shortly after and the appeal period will begin.

Wingham is identified in the North Huron Official Plan as a Primary Settlement Area. The consent policies in Section 11.3.3 of the Township of North Huron Official Plan contain criteria to permit a severance in an Urban designated area, including for land being used for infill purposes in already built-up areas or lot enlargements. Consents for a community facility purposes may be created for infilling purposes if the area is suited for the proposed use.

Community facility development on the subject property is appropriate by utilizing the existing school location and remaining in close proximity to another abutting school land use. The two properties that would benefit the most from severing the vacant portion of the land for a lot enlargement would be either of the two abutting schools to add more land to their yard; the municipal boundary for North Huron and the Primary Settlement Area of Wingham ends at the eastern limit of the Sacred Heart Catholic Elementary School and alternative lot enlargements would be challenging.

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

Provincial Policy Statement

The 2014 Provincial Policy Statement includes policies for settlement areas that direct planning for new development to maximize land consumption and shall allow for the efficient use of land, infrastructure and public service facilities. The proposed severance of the landlocked vacant portion of the land would efficiently use a currently vacant property not feasible for additional residential development in an existing built-up neighbourhood and is proposing to address the current and future needs for this community facility.

Zoning By-Law Provisions

The subject land is currently zoned Community Facility (CF). A by-law was passed by North Huron Council to amend the zoning to Community Facility (CF) from Residential Medium Density (R2) and did not receive any appeals. The abutting property the severed land is proposed to merge with is zoned Community Facility (CF), which permits the use of a school.

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.

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.

Consent Application Report- File #B29-2017

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.

Other

- √ A fence along the west lot line be constructed to the satisfaction of the Township.

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
Laura Young, Planner

30 August 2017
Date