



PLANNING & DEVELOPMENT

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To: Reeve Vincent & North Huron Council
Sharon Chambers, CAO

From: Laura Young, Planner

Date: 1 June, 2016

Re: Part Lot Control Exemption

Part of Block B, Plan 451, Parts 1, 2, & 3 of Plan 22R-5567, Wingham, Township of North Huron

Applicant: Bill Vinen c/o Howick Homes Ltd **Owners:** Edna Heasell (Part Lot 1, 405 Catherine St) & Murray Hunter (Part Lot 2, 411 Catherine St)

RECOMMENDATION

It is recommended that the request to exempt Part of Block B, Plan 451, Parts 1, 2, & 3 of Plan 22R-5567, Wingham from Part Lot Control pursuant to Section 50(7) of the Planning Act be **approved** and the corresponding by-law be **passed** with an expiry date of September 8th, 2016.

PURPOSE AND DESCRIPTION

The subject property is designated *Residential* in the North Huron Official Plan and zoned R2-8 (*Residential Medium Density – Special Zone*) in the North Huron Zoning By-law.

The applicant has requested that these part lots be exempted from Part Lot Control under the Planning Act to allow the creation of an easement in the rear yard of Part Lot 1 and 2 to establish access for the interior Part Lots 2 and 3 over their neighbouring properties. See Figures 1 and 2 on the following page for the air photo of the subdivision and the layout of the units on the subject properties. The subject lots have already been granted Part Lot Control exemption for the creation of the conveyable lots in Township of North Huron By-law 59-2008.

COMMENTS

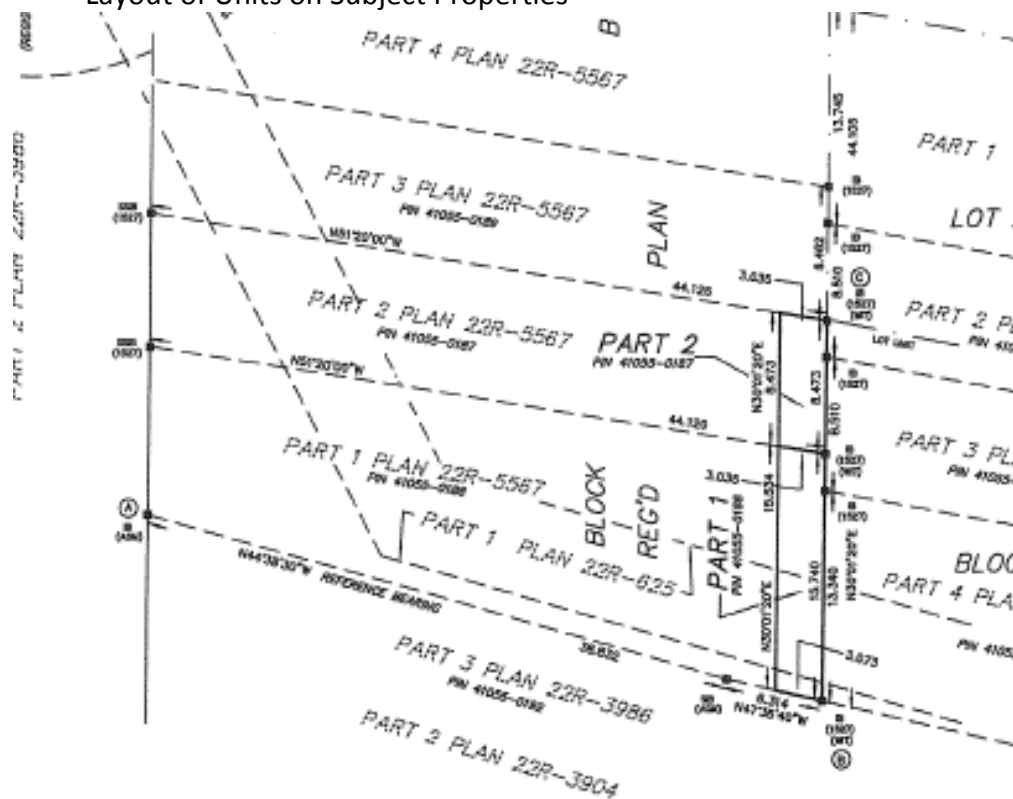
Section 50(5) of the Planning Act prohibits the sale or transfer of property within a registered plan of subdivision with certain exceptions (such as a complete lots in the plan, or if the provincial, federal, or municipal governments are acquiring the parcel or a consent has been granted). However, Section 50(7) permits the municipality, by by-law, to exempt a property from Section 50(5) for a defined time period. This by-law is passed by North Huron Council and then forwarded to the Manager of the Planning Department for approval.

An exemption from Part Lot Control allows the lot to be subdivided without consent or plan of subdivision approval by merely registering the deeds at the Land Registry Office.

Figure 1 Aerial Photograph of Subject Properties



Figure 2 Layout of Units on Subject Properties



The application to exempt Block B, Plan 451 Part Lots 1, 2 and 3 from Part Lot Control is appropriate as this series of part lots had already obtained part lot control exemption when originally constructed (as per By-law 59-2008) and is now being applied to correct an error to permit access to Part Lots 2 and 3. It is recommended that the exemption request be granted.

An exemption by-law is attached to this report for Council's consideration.

Sincerely,

"original signed by"
Laura Young
Planner

1 June 2016
Date