



STAFF REPORT

FUNCTION: Committee of Adjustment

CHAIR: Cindy Tremblay

DATE: October 30, 2018

REPORT NO.: **PL-2018-75**
Consent Application B.3/2018
467 Aberdeen Blvd

RECOMMENDATION:

The Planning and Building Services Department supports the approval of Application No. B.3/2018 respecting 467 Aberdeen Boulevard for Provisional Consent to sever a parcel of land as a lot addition having the following general dimensions:

- A portion of land having a frontage of 7.24 metres and an area of 937 square metres.

The severed lands will be merged in title with the adjacent property at 459 Aberdeen Boulevard Road being Lots 14 and 15, Registered Plan 51M-657. The retained lands will have a Lot Frontage of 15.04 metres and a Lot Area of 1921 square metres.

If approved, Staff are recommending Conditions of approval be included in the decision as set out in Staff Report PL-2018-75 and dated October 30, 2018.

BACKGROUND:

The Town received an application for Provisional Consent to Sever on October 23, 2018 from the owners, Richard and Pavla Dusil for the property located at 467 Aberdeen Boulevard. The property is legally described as Lot 16 on Registered Plan 51M-657 in the Town of Midland. See Attachment #1 for the Location Map.



The subject property is a waterfront lot in the Tiffin-by-the-Bay (Tiffin) development and is comprised of a land portion, a water lot portion and an easement in favor of the Town. The property has a lot frontage on Aberdeen Boulevard of 22.28 metres, a land depth of approximately 60.16 metres on the North side, approximately 49.15 metres on the south side for a land area of 1216 square metres. The subject property also contains a water lot having an area of approximately 1642 square metres. (See Attachment #1 – Location Map).

The application requests permission to sever a portion of the subject property for a lot addition. The portion of land to be severed has 7.24 metres of frontage, a depth of 129.08 metres on the South side, a depth of 130.17 on the North side and an area of approximately 937 square metres. The severed lands are proposed to be merged with the adjacent property to the north having an address of 459 Aberdeen Boulevard (also owned by the Applicant). No new building lots are being created. The retained lands, which will remain a vacant residential building lot, would have a Lot Frontage of 15.04 metres and a Lot Area of 1921 square metres. See Attachment #2 for the Survey Sketch.

Surrounding Land Uses:

North: Residential
East: Residential

South: Residential
West: Residential

Provincial Policy Statement, 2014

Section 3 of the *Planning Act* states that all planning applications must be consistent with the Provincial Policy Statement. The Provincial Policy Statement states that settlement areas are to be the focus of growth and development. Intensification is encouraged and infilling is a form of intensification. In settlement areas, private services may be used for infilling and minor rounding out of existing development.

Growth Plan for the Greater Golden Horseshoe

Section 14(1) of the *Places to Grow Act*, 2005 requires that all decisions under the *Planning Act* shall conform to the Growth Plan for the Greater Golden Horseshoe area. Generally, the Growth Plan directs growth to built-up areas within communities that have the capacity to accommodate the growth and development and requires intensification of development and greater densities within communities to create more compact, vibrant and complete communities. The new Growth Plan places additional emphasis on setting higher density targets and encouraging development on properties with existing or planned Municipal water and wastewater systems.

County of Simcoe Official Plan

The Town of Midland is designated as a “SETTLEMENT AREA” in the County’s Official Plan. The County Official Plan generally indicates that settlements should be the focus

of growth and that compact form which provides efficient use of land on full services should be promoted.

Official Plan

The subject lands are designated **RESIDENTIAL DISTRICT** in the Town's Official Plan. The intent of the Residential District designation is to allow a variety of housing types and densities.

With respect to Consent policies, the following apply:

- The Consent Policies of the Official Plan allow for lot additions as stated in Section 8.14.5.
- All lots must have frontage on and have direct access to an open, improved public road which is maintained on a year round basis and is of a reasonable standard of construction.
- Lots shall not be created which would access onto a road where a traffic hazard would be created due to limited sight lines.
- Strip development shall generally be prohibited although infilling in existing building up areas may be permitted.
- Lot area and frontage of all lots must be adequate and must comply with the provisions of the Zoning By-law.
- Engineering services policies allow for new developments to be on partial service, but those areas may ultimately be connected.

Zoning By-law 2004-90, as amended

Both the subject property (467 Aberdeen Boulevard) and the benefitting lands (459 Aberdeen Boulevard) are zoned **RESIDENTIAL – R2-1** for the land portion and zoned **OPEN SPACE – OS** for the water portion in the Zoning By-law. The minimum required Lot Area for the R2 Zone is 460 square metres and the minimum required Lot Frontage is 15 metres. The retained lands and the benefitting lands will fully comply with the Zoning By-Law.

Department and Agency Comments

October 29, 2018– Director of Operations, Parks and Facilities

1. No issues.

October 26, 2018 – Director of Engineering, Water & Wastewater

1. No comments except that the easement in favour of the Town is to remain.

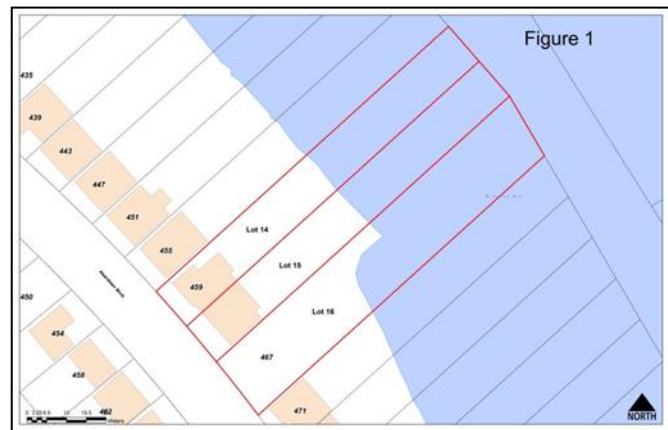
The Town received an email on October 31, 2018 from Stewart Young, resident of 455 Aberdeen Boulevard expressing his support of the application.

ANALYSIS:

The applicant proposes to sever a portion of land from Lot 16 at 467 Aberdeen Boulevard and merge it with the adjacent property at 459 Aberdeen Boulevard (Lots 14 and 15). No new building lots are being proposed. The Official Plan permits lot additions to occur. Therefore, the application generally conforms to the Official Plan.

With respect to the Zoning By-law, both the retained lands (467 Aberdeen Boulevard) and the benefitting lands to be merged with the severed lands (at 459 Aberdeen Boulevard) will comply with the minimum required Lot Area and Lot Frontage of the Residential Zone R2.

The subject application proposes to sever off a portion of Lot 16 and merge it in title with Lot 15. In reviewing the application, ownership and related records, it would appear that the applicant is the owner of three whole lots on Registered Plan 51M-657; Lots 14, 15 and 16 and that a residential dwelling is situated straddling the lot line between Lots 14 and 15 (See Figure 1). The subject application must therefore consider all three lots in respect of any conditions that should be considered and imposed if the application is approved by Committee.



A review of records confirms that a building permit for the dwelling addressed at 459 Aberdeen Blvd was issued in 2001 and was located on both Lots 14 and 15. As good practice and in full compliance with the Town's Zoning By-law, the two lots should have been merged in title to create one parcel before the building permit for 459 Aberdeen was issued. Staff was not able to determine or find any records that would indicate that special zoning, variance or deeming has occurred prior to the issuance of the building permit. Although constructed in 2001 and thus "existing", the dwelling would not be considered in compliance with Zoning By-law 2004-90. The subject application proposes a lot addition to Lot 15, and with the dwelling located on both Lots 14 and 15, it would be appropriate and good planning to require the lot addition to be merged in title with both Lots 14 and 15 in order to create a single parcel that would support the dwelling at 459 Aberdeen and which would fully comply with the Town's Zoning By-law.

It is likely that in order for the proposed merger in title to occur, the lots may need to be "deemed" not to be part of a plan of subdivision pursuant to the *Planning Act*. As per Section 50(4) of the *Planning Act*, in order to deem lots, a plan of subdivision must have been registered for at least 8 years prior to the passing of a deeming by-law. Registered

Plan 51M-657 was registered in 1999 and therefore the subject lots can be deemed in full compliance with the *Planning Act*. Deeming of Lots 14 & 15 should be included as a condition of provision consent approval.

Staff has no objections to the application and, if approved, is recommending the following conditions:

1. THAT A DEPOSITED REFERENCE PLAN SURVEY OF THE SEVERED PARCEL BE PREPARED AND SUBMITTED TO THE TOWN IN DUPLICATE.
2. THAT ALL TAXES, PENALTIES, AND INTEREST LEVIED ON THE SUBJECT PROPERTY AT THE TIME OF THE CERTIFICATION OF THE TRANSFER/DEED FOR THE SEVERED LOT BE PAID IN FULL.
3. SUBMISSION OF A DRAFT ELECTRONIC TRANSFER FOR THE PARCEL TO BE SEVERED, ONE COPY TO BE RETAINED BY THE MUNICIPALITY.
4. THAT THE LOT ADDITION FROM LOT 16 BE MERGED IN TITLE WITH LOTS 14 AND 15, ON REGISTERED PLAN 51M-657 AND THAT THE PROPERTY IDENTIFICATION NUMBERS (PINS) BE CONSOLIDATED INTO ONE PIN. THAT AN APPLICATION FOR DEEMING PURSUANT TO SUBSECTION 50(4) OF THE PLANNING ACT, IF REQUIRED, IN ORDER TO PERMIT THE MERGER OF THE SUBJECT LOTS AND PART LOT BE SUBMITTED AND APPROVED BY THE TOWN.
5. THAT THE APPLICANT'S SOLICITOR PROVIDE AN UNDERTAKING TO THE SECRETARY TREASURER IN THE FORM APPROVED BY THE TOWN PRIOR TO ISSUANCE OF THE CERTIFICATE OF OFFICIAL THAT THE SEVERED LANDS AND THE BENEFITING LANDS WILL MERGE IN TITLE AND THAT THE PINS WILL BE CONSOLIDATED.
6. THAT THE APPLICANT SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH DETERMINING THE LOCATION OF THE LATERALS AND, IF REQUIRED, FOR ALL COSTS ASSOCIATED WITH THE RELOCATION OF SERVICE LATERALS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN ENGINEERING, WATER & WASTE WATER DEPARTMENT.
7. THAT A CERTIFICATE BE ISSUED UTILIZING FORM 4, UNDER SECTION 50(12) OF THE *PLANNING ACT* R.S.O., 1990.

In conclusion, Staff is of the opinion that the Application conforms to the Town's Official Plan and complies with the Town's Zoning By-law. No new lot is being created. The application represents good land use planning.

FINANCIAL IMPACT:

There are no financial impacts as a result of the application.

Prepared by: Angela Zhao, Planner

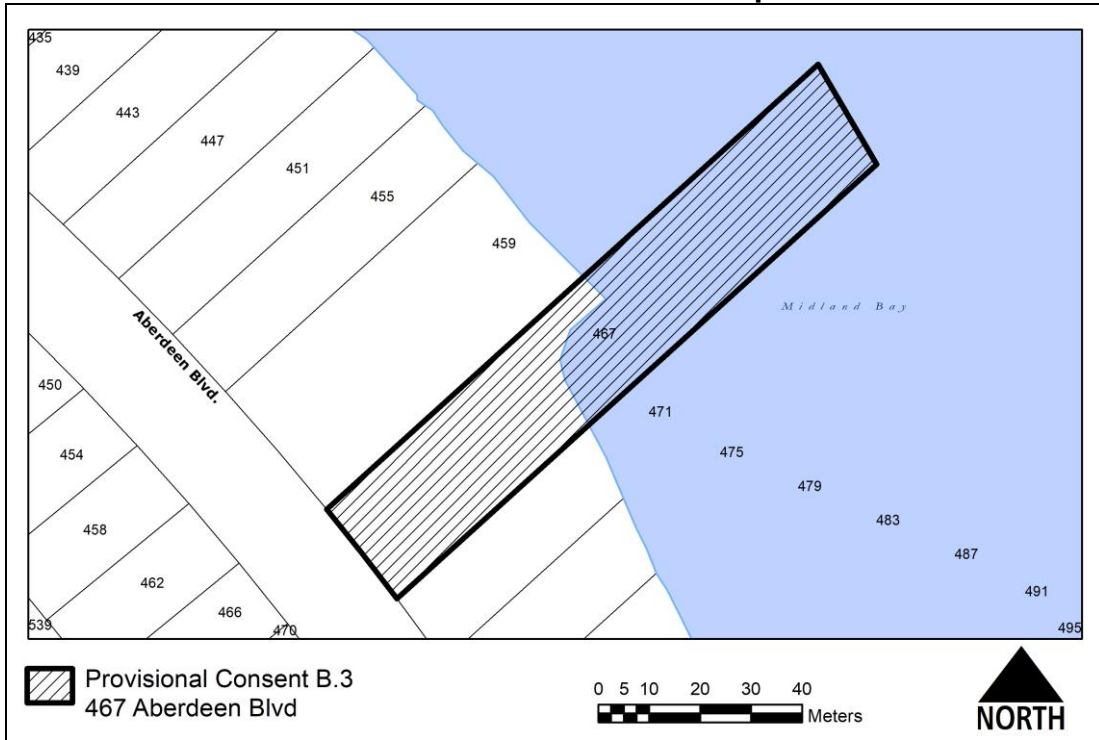
Approved by: Wes Crown, Director of Planning and Building Services

Attachments

#1 Location Map

#2 Survey Sketch

Attachment #1 Location Map



Attachment #2: Applicant Sketch

