



STAFF REPORT

FUNCTION: Committee of Adjustment

CHAIR: Cindy Tremblay

REPORT NO.: PL-2019-28
Consent Application B.3/2019
1014 King Street

RECOMMENDATION:

The Planning and Building Services Department supports the approval of Application No. B.3/2019 respecting 1014 King Street for Provisional Consent to sever a parcel of land for a lot addition having the following general dimensions:

- A portion of land having a general dimension of 77.4 metres by 39.3 metres for an area of 3038.1 square metres.

The severed lands will be merged in title with the adjacent property at 619 Prospect Boulevard. The retained lands will have a Lot Frontage of 42.06 metres, a depth of 50.80 and a Lot Area of 2795.3 square metres.

If approved, Staff are recommending Conditions of approval be included in the decision as set out in Staff Report PL-2019-28 and dated April 1, 2019.

BACKGROUND:

The Town received an application for Provisional Consent to Sever on March 26, 2019 for the property located at 1014 King Street. The property is legally described as Part Lot 100, Concession 1 in the Geographic Township of Tay, now the Town of Midland. See Attachment #1 for the Location Map.

The subject property is located on the south west side of the intersection between Prospect Boulevard and King Street and has frontage on both streets. The property has a lot frontage of 42.06 metres, a land depth of approximately 144.77 metres for a land area of 5833.4 square metres. The subject property has an existing legal non-conforming single detached dwelling (See Attachment #1 – Location Map).

The application is for consent to sever a portion of land at the rear of 1014 King Street, for lot addition purpose having a general dimension of 39.34 metres by 63.98 metres for an area of 3038.1 square metres. The severed parcel will be merged with the adjacent property at 619 Prospect Boulevard. No new lots will be created. The retained lands have a Lot Frontage of 42.06 metres and Lot Area of 2798.3 square metres. See Attachment #2 for the Survey Sketch.

Surrounding Land Uses:

North: Commercial
East: Commercial

South: Residential/Industrial
West: Vacant/Industrial

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.

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.

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.

Midland Official Plan

The property is designated **EMPLOYMENT AREAS** in the Official Plan which permits a wide range of industrial, commercial and institutional development. Commercial uses are permitted and should be zoned to recognize and regulate the uses and development.

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 (1014 King Street) and the benefitting lands (619 Prospect Boulevard) are zoned **INDUSTRIAL – M1**. The M1 Zoning standards are as follows:

- Minimum Lot Area: 4000 m²
- Minimum Lot Frontage: 30 .0 m
- Maximum Lot Coverage: 60%
- Minimum Yard Setbacks
 - Front: 7.5 m
 - Rear: 8.8 m
 - Interior side: 6.0 m
 - Exterior side: 7.5 m
- Maximum Building Height 11.0 m

The benefitting lands will be in full compliance with the Zoning By-law while the retained lands will no longer comply with the Minimum Lot Area requirement of the 'M1' Zone. The retained lands will have a lot area of 2795.3 square metres whereas 4000 square metres are required for the M1 Zone.

Department and Agency Comments

March 29, 2019 – Director of Engineering, Water and Wastewater Services
- No comment.

ANALYSIS:

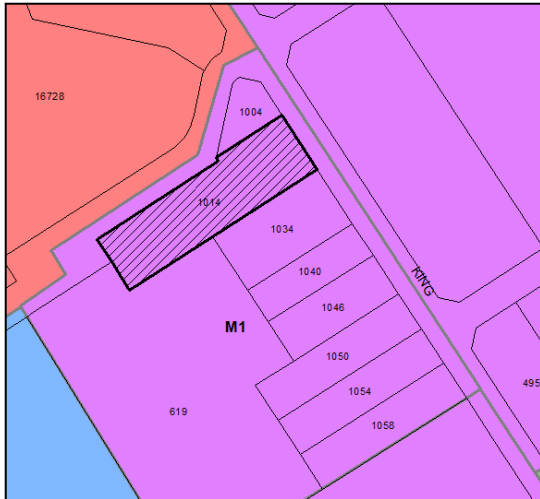


Figure 1.0 Zoning of Surrounding lands

The applicant proposes to sever a portion of land at 1014 King Street and merge it with the adjacent property at 619 Prospect Boulevard. No new building lots are being created. As noted above, although Zoned for Industrial uses, the lot currently hosts a legal non-conforming single detached dwelling. The proposed severed portion will be merged with the adjacent property while the retained lands will continue to support the existing residential dwelling.

The Official Plan permits lot additions to occur but does require the lot area and frontage of all lots be adequate and be in full compliance with the provisions of the Zoning By-law. It has been

noted previously that the retained lands would no longer comply with the Zoning By-Law requirement for Lot Area. The subject property is in an area of Town that was previously part of the Township of Tay and annexed into Midland in 1965. The residential use of the subject property and the surrounding properties were established prior to the Town's Zoning By-Law and have been deemed legal non-conforming. Figure 1.0 on the left shows the Zoning of the subject property and the surrounding neighborhood. As illustrated, the subject property and neighboring properties south are all zoned M1, with a lot area requirement of 4000 square metres. Table 1.0 below lists the neighboring properties to the south and their approximate lot area.

Table 1 Surrounding Lands and Area

Address	Approximate Area
1034 King	3363 sqm
1040 King	1972 sqm
1046 King	2464 sqm
1050 King	2950 sqm
1054 King	2950 sqm
1058 King	2979 sqm

There are no properties south of the subject property that complies with the M1 Zone requirement for lot area. Should development occur, the lands would have to be consolidated to comply with the Zoning standards. The proposed retained lands would be of similar size and dimension as the surrounding lands. It is therefore the staff opinion that the subject application will not negatively impact the development of the property as the subject property and surrounding lands have been intended to be consolidated for the purpose any industrial development. Prior to consolidation, the retained lands can continue to support the legal non-conforming residential dwelling. The proposed lot addition would also assist in the development of the benefitting lands as it will 'round off' the property and provide a larger frontage and better access

opportunities for driveways to Prospect Boulevard. Staff is recommending that the Applicant receive approval for a Minor Variance for the proposed Lot Area as condition for the approval of the subject application.

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 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.
5. THAT THE APPLICANT OBTAINS MINOR VARIANCE APPROVAL FOR THE RETAINED LANDS AT 1014 KING TO BE IN FULL COMPLIANCE WITH ZONING BY-LAW 2004-90.
6. THAT A CERTIFICATE BE ISSUED UTILIZING FORM 2, UNDER SECTION 50(12) OF THE *PLANNING ACT* R.S.O., 1990.

In conclusion, Staff is of the opinion that the Application generally conforms to the Town's Official Plan and the recommended condition will put the property in full compliance 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

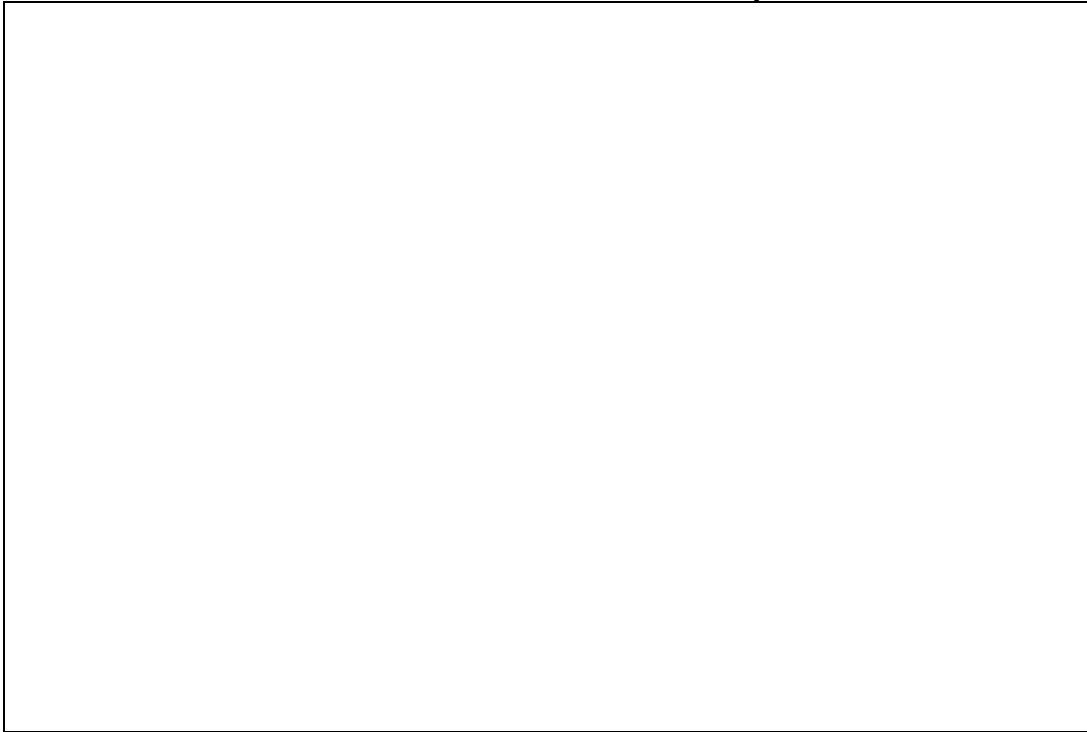
Approved by: Wes Crown, Director of Planning and Building Services

Attachments

#1: Location Map

#2: Survey Sketch

Attachment #1: Location Map



Attachment #2: Applicant Sketch

