



STAFF REPORT

FUNCTION: Committee of Adjustment
DATE: February 6, 2019
REPORT NO.: PL-2019-9
Consent Application B.2/2019
231 George Street

RECOMMENDATION:

The Planning and Building Services Department supports the approval of Application No. B.2/2019 respecting 231 George 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 11.55 metres by 14.25 metres for an area of 180.1 square metres.

The severed lands will be merged in title with the adjacent property at 272 Barnett Avenue. The retained lands will have a Lot Frontage of 13.72 metres, a depth of 42.98 and a Lot Area of 599.7 square metres.

If approved, Staff are recommending Conditions of approval be included in the decision as set out in Staff Report PL-2019-9 and dated February 6, 2019.

BACKGROUND:

The Town received an application for Provisional Consent to Sever on January 7, 2019 from the agent, Mike Diver, on behalf of the owners for the property located at 231 George Street. The property is legally described as Part Lots 6, 7 and 8 on Registered Plan 349. See Attachment #1 for the Location Map.

The subject property is located on the east side of George Street, midway between Bay Street and Barnett Avenue. The property has a lot frontage of 13.72 metres, a land depth of approximately 55.53 metres for a land area of 779.8 square metres. The subject property has an existing single detached dwelling (See Attachment #1 – Location Map).

The application is for consent to sever a portion of land at the rear of 231 George Street, for lot addition purposes, having a general dimension of 11.55 metres by 14.25 metres for an area of 180.1 square metres, which will be merged with the adjacent property at 272 Barnett Avenue. No new lots will be created. The retained lands have a Lot Frontage of 13.72 metres and Lot Area of 599.7 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 (231 George Street) and the benefitting lands (272 Barnett Avenue) are zoned **RESIDENTIAL – R3**. The minimum required Lot Area for the R3 Zone is 460 square metres. The retained lands and the benefitting lands will fully comply with the Zoning By-law.

Department and Agency Comments

February 6, 2019– Director of Operations, Parks and Facilities

- No concerns.

February 4, 2019 – Director of Engineering, Water and Wastewater Services

- No comment.

ANALYSIS:

The applicant proposes to sever a portion of land at 231 George Street and merge it with the adjacent property at 272 Barnett Avenue. No new building lots are being proposed. The proposed severed parcel, although legally part of 231 George Street, has been developed and considered part of 272 Barnett Avenue for many years. 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 (231 George Street) and the benefitting lands to be merged with the severed lands (272 Barnett Avenue) will comply with the minimum required Lot Area of 460 square metres as per the R3 Zone provisions. The lot frontages are legal non-conforming and is not subject to change through this 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 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 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

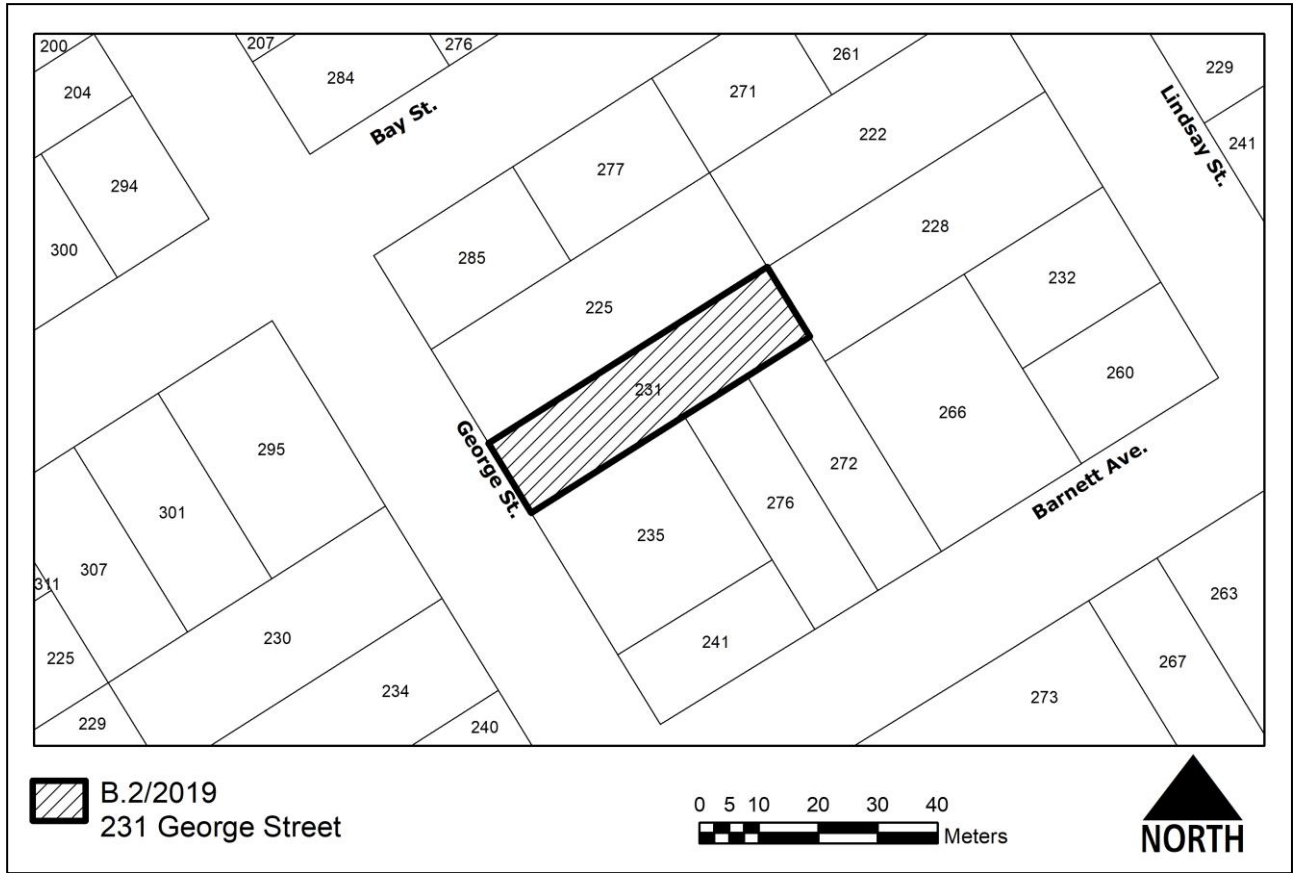
Approved by: Wes Crown, Director of Planning and Building Services

Attachments

#1: Location Map

#2: Survey Sketch

Attachment #1: Location Map



Attachment #2: Applicant Sketch

