



PLANNING EVALUATION REPORT

Meeting Date: July 17, 2017
 Submitted by: Christie Basalle, RPP, Planner
 Subject: **Application for Consent B11-2017**
Part of Lot 18, Concession 5, S.E.R. and Part 1, RP 33R11228
(Geographic Township of Adelaide)
27961 Pike Road
Owner: Martin Strybosch
Applicant: Jason Eastman

BACKGROUND

The purpose of Application for Consent B11-2017 is to sever and convey as a lot addition a parcel of land with an area of 1,502.4 m² (0.37 ac) from a commercial property known municipally as 27961 Pike Road to an abutting residential lot known municipally as 27937 Pike Road.

The proposal is summarized below:

	'Lot to be severed and conveyed'	'Lot to be retained' <i>Commercial Parcel</i>	'Resulting enlarged lot' <i>27937 Pike Road</i>
Lot Frontage	35.415 m (116.19 ft)	35.0 m (114.8 ft)	35.415 m (116.19 ft)
Lot Depth	42.42 m (139.17 ft)	Irregular	107.42 m (352.42 ft)
Lot Area	1,502.4 m ² (0.37 ac)	0.8 ha (1.98 ac)	3,804.3 m ² (0.94 ac)

The lands proposed to be severed and conveyed are currently vacant and wholly contained within an area regulated by the St. Clair Region Conservation Authority. The applicant has indicated that the lands are to be used for backyard amenity space and no buildings or structures are proposed.

The lands proposed to be retained are subject to Consent B02-2016, which provisionally severed one residential lot and created a shared access easement. The remainder of the lands proposed to be retained are used for commercial purposes and contain a contractor's establishment and workshop. A portion of the lands are also located within an area regulated by the St. Clair Conservation Authority. No change in use is proposed.

The lands proposed to be enlarged are currently owned by the applicant and contain a single detached dwelling and private on-site services. No change in use is proposed.

Surrounding land uses are comprised of a mix of urban residential and commercial uses and lands identified for environmental protection. Lands adjacent to the subject lands are identified a Natural Environment Area.



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Key Map 1 illustrates the full extent of the subject property and surrounding land uses.

Key Map 2 illustrates a close up of the proposed lot to be severed and conveyed.

Policy and Regulatory Context

2014 Provincial Policy Statement (PPS)

The subject property is located within a 'Settlement Area'. Policy 1.1.3.1 directs that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

County of Middlesex Official Plan

The subject property is located within the 'Settlement Areas' designation on Schedule 'A' of the County Official Plan. The intent of the 'Settlement Areas' designation is to provide for areas to focus future growth, including residential, commercial and industrial development.

Township of Adelaide Metcalfe Official Plan

The subject property is located within the 'Residential Areas' designation on Schedule A-2 of the Township's Official Plan. The predominant form in the "Residential Areas" designation is single detached residential dwellings, however convenience commercial uses, institutional and public uses, and bed and breakfast establishments are also permitted.

Township of Adelaide Metcalfe Zoning By-law No. 34-2007

The subject property is split zoned. The lands proposed to be retained are zoned 'Special Village Commercial Three (VC-3) Zone' whereas the lands proposed to be severed and conveyed are zoned 'Environmental Protection (EP) Zone'. The existing lot to be enlarged is zoned 'Urban Residential (UR) Zone'.

The 'Special Village Commercial Three (VC-3) Zone' permits only a tradesman or contractor's establishment, garage, storage and workshop. The VC-3 zone requires a minimum lot area of 1,600 m² (0.40 ac) with a minimum lot width of 30 m (98 ft). The 'Environmental Protection (EP) Zone' permits only conservation, existing agriculture and passive recreational uses. No new buildings shall be permitted within the 'EP' zone. The 'Urban Residential (UR) Zone' permits a limited range of residential uses, including single detached dwellings, accessory dwelling units, bed and breakfast establishments, group homes, and home businesses, in addition to existing institutional uses. The UR zone requires a minimum lot area of 1,850 m² (0.46 ac) with a minimum lot width of 30 m (98 ft).

ANALYSIS

The Provincial Policy Statement (PPS), County Official Plan and Township Official Plan direct that settlement areas shall be the focus of growth and development. While minor boundary adjustments where no new lot is being created are not directly addressed within the settlement area policies of these plans, planning staff is satisfied that the proposed lot addition to facilitate



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the enlargement of a residential lot is consistent with the purpose of lands designated for residential land uses.

Planning staff is also satisfied that the size, configuration and use of the lands proposed to be retained, being 27961 Pike Road, are consistent with the intent of the PPS, County Official Plan and Township Official Plan and reflect the minimum development standards of the 'Special Village Commercial Three (VC-3) Zone'.

The applicant has indicated that no development of the lands to be severed and merged is proposed. Planning staff note that these lands are located within an area regulated by the St. Clair Region Conservation Authority and are zoned 'Environmental Protection (EP) Zone' within the Township's Zoning By-law. In order to ensure that further development of these lands is prohibited, planning staff recommend that the lands to be severed and merged remain in the EP zone, as suggested by the St. Clair Region Conservation Authority.

Planning staff recommend that as a condition of the consent approval, the lands proposed to be severed be merged in the same name and title as the adjacent residential lot known municipally as 27937 Pike Road.

It is the opinion of planning staff that this application for consent appears to provide for an appropriate readjustment of the property boundary.

Consultation

The application was circulated to the prescribed agencies, as well as surrounding property owners.

The Township's Chief Building Official indicated no concerns related to the consent application.

The Township's Drainage Superintendent indicated that there are no municipal drains impacting the proposed severed lands and that there are no concerns related to the consent application.

The County Engineer offered no comments with respect to the consent application.

The St. Clair Regional Conservation Authority indicated that provided the Environmental Protection (EP) Zone, which prohibits new structures, remains in place, the Conservation Authority has no concerns with the lot boundary adjustment as proposed.

As of the date of this report, no comments or concerns have been received from the public regarding the proposal.

RECOMMENDATION

THAT Application for Consent B11-2017, submitted under Section 53 of the Planning Act, be **GRANTED** subject to conditions.



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FURTHER THAT Application for Consent B11-2017 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act for Consent B02-2016 be issued prior to the issuance of Certificate of Consent for Consent B11-2017. The Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision.
2. That the Applicants' Solicitor submits an undertaking in a form satisfactory to the Secretary-Treasurer of the Committee of Adjustment to register an electronic transfer of title exactly consistent with the Acknowledgement and Direction executed by the applicants and the decision of the Committee of Adjustment.
3. That the 'lands to be severed' by Consent B11-2017 be merged in the same name and title as the adjacent lot with a Roll Number 394600004021423 and known municipally as 27937 Pike Road, to the satisfaction of the Township; that the two holdings' PINs be consolidated; and that subsection 50(3) and 50(5) of the Planning Act apply to any future conveyance of the said severed parcel.
4. That any outstanding property taxes for the severed and retained lots of Consent B11-2017 be paid in full.
5. That a preliminary survey be prepared for the purposes of facilitating the transaction of Consent B11-2017 and that this plan be approved by the Township prior to being deposited with the Land Registry Office.
6. That two copies of the reference plan are submitted to the satisfaction of the Township.

Reasons

Consistency with the Provincial Policy Statement would be maintained;
Conformity with the County of Middlesex Official Plan would be maintained;
Conformity with the Township of Adelaide Metcalfe Official Plan would be maintained; and
The requirements of the Township of Adelaide Metcalfe Zoning By-law would be satisfied.