

Filing Date: May 5, 2021
Hearing Date: June 1, 2021

File: B-2021-0008

**Owner/
Applicant:** Dolton Fraiser & Lorna Fraiser

Address: 176 SUSSEXVALE DRIVE

Ward: 9

Contact: François Hémon-Morneau, Planner I

Proposal:

The purpose of the application is to request consent to re-establish separate properties arising from a merger of adjacent lots and the subsequent expiry of the applicable part lot control exemption by-law. The effect of the application is to re-establish separate properties, together with easements as they previously existed. The severed property has a frontage of approximately 8.1 metres (126.57 feet), a depth of approximately 31 metres (101.71 feet) and an area of approximately 251.1 square metres (0.62 acres). It is proposed that the properties municipally known as 176 Sussexvale Drive and 178 Sussexvale Drive, each occupied by a townhouse unit, be re-established as individual properties.

Recommendations:

That application B-2021-0008 is supportable.

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a. A Secretary-Treasurer's Certificate fee shall be paid in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and
 - b. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.

Background:

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Low Density Residential 1' in the Springdale Secondary Plan (Area 2); and
- **Zoning By-law:** The subject property is zoned Residential Townhouse E-x (R3E-6-2172) according to By-Law 270-2004, as amended.

Current Situation:

This application is for consent to re-establish separate properties arising from a merger of adjacent townhouse units and the subsequent expiry of the applicable Part Lot Control Exemption By-law.

The applicant purchased two units that are adjacent without realizing that when the Part Lot Control Exemption By-law expired, the two properties would merge for Planning Act purposes. The By-law expired in 2016 and the owners now wish to sell one of the two units and requires consent to do so.

Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report), and advise that the proposed consent application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner I

SCHEDULE "A"

CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE PLANNING ACT

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed severance has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed severance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The severance is suitable for the purposes for which it is to be subdivided.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed severance does not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	No new lots are proposed. The shape and dimension of the proposed severance is appropriate for the intended use.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted with regard to restrictions on the lands included in the lease area. No new buildings are proposed.
h) <i>The conservation of natural resources and flood control;</i>	The proposed severance presents no concerns with regard to flood control and the conservation of natural resources.
i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.
j) <i>The adequacy of school sites;</i>	The proposed severance presents no concerns with regard to the adequacy of school sites.



k)	<i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.
l)	<i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed severance has no impact on matters of energy conservation.
m)	<i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	The proposed consent has no impact on matters of Site Plan Control under the Planning Act.