



Report to Council - Planning Application

Title: Consent B-2023-012, B-2023-061, B-2023-086, Schweitzer

From: Jack Van Dorp, Director of Planning and Development

Date: December 14, 2023

Staff Recommendation:

That Consents B-2023-012, B-2023-061, and B-2023-086 be approved.

Summary:

The subject applications are for two consents for severance and one easement. Severance 1 is to separate two previously merged lots, severance 2 is to provide access to a neighbouring property, and the third consent is for an easement across severance two.

If approved, the applications will allow for the separation of a 0.8 hectare parcel containing an existing cottage from an abutting property and will facilitate access to a private road for two other abutting properties.

The subject lands were previously two properties, which have merged. The 0.8 ha severance will be larger than the original cottage property, including additional lands to the east.

The second severance is for an approximately 122 sq metre lot addition to an abutting cottage property to facilitate access to a private road for that property and an abutting property. The proposed easement facilitates road access across the lot being enlarged for an abutting property.

The applications have been referred to County Council for a decision due to several unresolved objections being received from members of the public. The majority of the comments are regarding a private walking trail, which is not an issue for these consent applications because the status of the trail is unchanged by these applications.

Alignment with Guiding Principles:

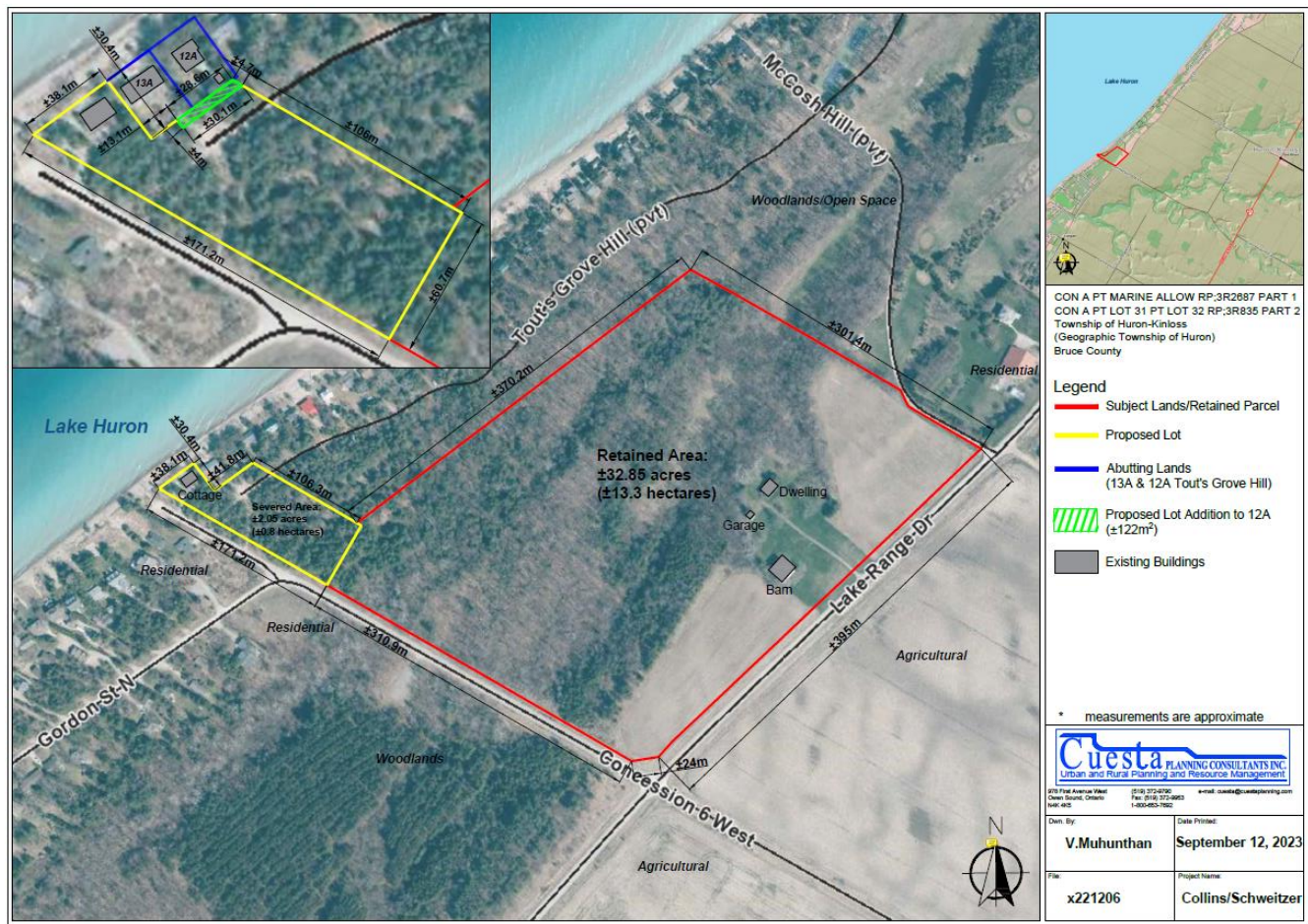
The applications allow the re-creation of two lots that have merged, while re-distributing the balance of land between the two properties to enlarge a lot containing a cottage. The applications also facilitate access for two other cottage properties to a private road.

On balance, this proposal is aligned with the Guiding Principles and the Vision of a healthy, diverse and thriving future.

Aerial photo



Site Plan



Severance 1 is outlined in yellow in site plan above, Severance 2 is outlined in green and there is an easement proposed across the lands outlined in green.

Planning Analysis

Planning Opinion

Section 6.5.3.1.1 of the Bruce County Official Plan provides policies for the re-creation of lots which have merged. According to part i), v) of this Section, “the approval authority may approve consent(s) with different boundaries than the original lots where such boundaries better accommodate buildings, structures, services, access or a more even distribution of land between lots...”.

The proposed severance of the property containing an existing cottage increases the area of the lot from approximately .09 hectares to approximately .8 hectares, this increase in area better accommodates the existing cottage.

Section 6.5.3.1.1. ii) of the Bruce County Official Plan provides policies for lot adjustments. These policies allow for minor lot boundary adjustments, which do not result in the creation of a new lot, for purposes such as easements. The proposed lot enlargement and easement to provide private road access for cottages north of the subject property are in conformity with these policies.

Archaeology

The subject property is within an area of high archaeological potential. As no new development is being facilitated through the consent applications an archaeological assessment was not required as part of the application. Comments have been received from the Saugeen Ojibway Nation (SON) requesting that the property owner consult SON prior to obtaining an archaeology consultant or conducting an archeology assessment and prior to any type of ground disturbance

Conditions of Consent Approval

At the request of the Township of Huron-Kinloss, two conditions of consent approval have been added to the standard consent conditions. The condition that a survey be provided showing the location of buildings on the severed property has been added as well as a condition that Section 65 of the Drainage Act be addressed to the satisfaction of the Township. A further comment was provided by the Township that a municipal easement for water service on the subject property is to be registered. This was not included as a condition, as the registration can be performed by the Township.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to Local Planning Appeal Tribunal

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies

- Agency Comments
- Public Comments

Report Author:

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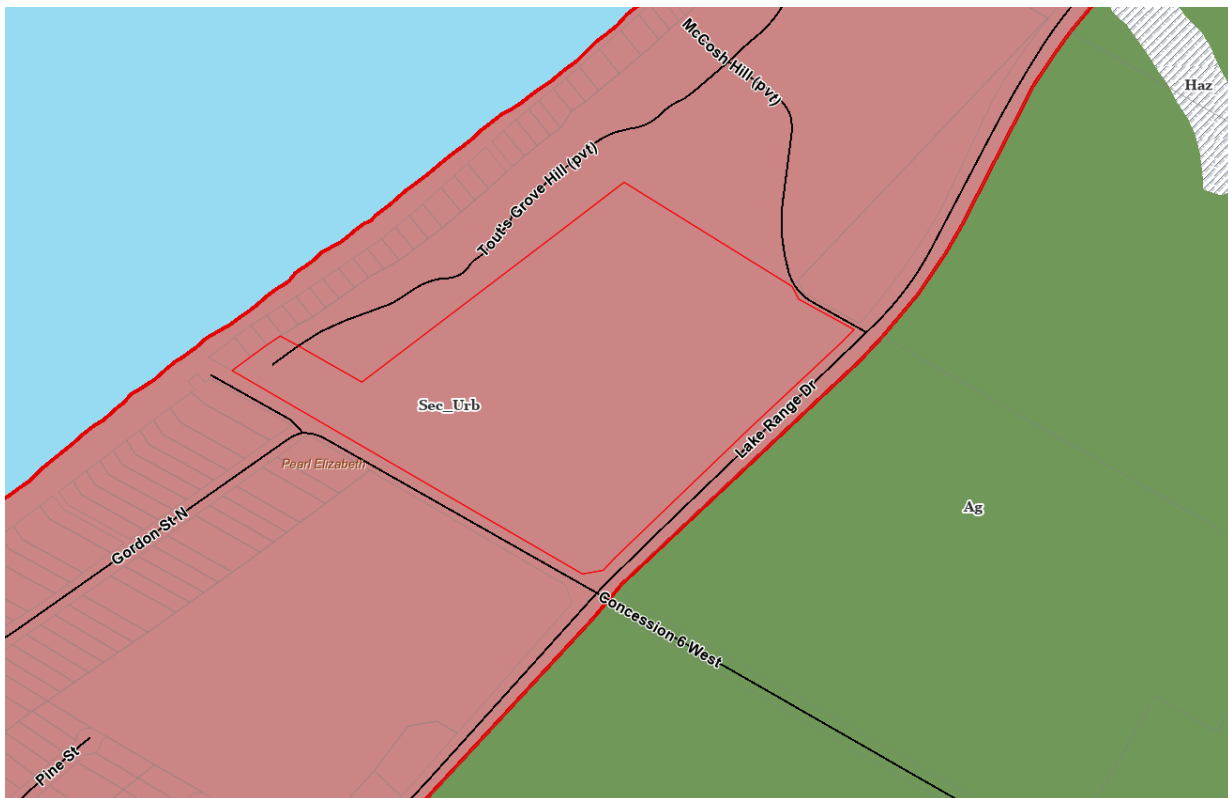
Departmental Approval:

Jack Van Dorp, Director of Planning and Development

Approved for Submission:

Derrick Thomson, Chief Administrative Officer

County Official Plan Map (Designated Secondary Urban Communities)



Local Official Plan Map (Designated Environmental Protection, Special Policy Area 3.7.4.6)



Local Zoning Map (Zoned Open Space, EP, R1-H, R1-25.96-H, R1-25.96(db-H))



List of Supporting Documents and Studies

Planning Brief, Cuesta Planning Consultants Inc.

Agency Comments

Township of Huron Kinloss: Severed parcel needs watermain easement in favour of Township to be registered - connects watermain on Concession #6 to Touts Grove Hill. Confirmation that the house is wholly located on the property by way of a survey showing house location. Drainage agreement required to distribute costs between all severed lands.

BM Ross for the Township of Huron Kinloss: BM Ross is the agent for administration of the Ontario Building Code for septic systems. BM Ross has no objection.

Saugeen Ojibway Nation: Please have the applicant contact Saugeen Ojibway Nation Archaeology prior to obtaining an archaeology consultant or conducting an archeology assessment prior to any type of ground disturbance.

Saugeen Valley Conservation Authority: Provided in full below.

Historic Saugeen Métis: No objection or opposition.

Public Comments

Several letters of objection were received from owners of property in the area of the proposed severance.

Most of the comments were concerning the private walking trail that connects Concession 6 West with the private Tout's Grove Hill Road.

Other concerns raised were possible effect of future development on bat habitat and objections to information provided in the planning justification report.

Initially, there was an objection from McCosh Grove Ltd., which represents the owners of homes in the area accessed by Touts Grove Hill Road. This objection was later withdrawn.

All letters are provided in full at the end of this report. Although several people expressed concern about the private walking trail, the applicant has no intent to change the status of the walking trail. If the severed property transfers to a new owner, they will be responsible for deciding if the private walking trail will continue.