

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Ian Search, Planner I

Date: September 8, 2021

Subject: A By-law to deem a certain Lot to no longer be a Registered Lot on a Plan of Subdivision (Lot 1, Registered Plan 1568) in the Municipality of Lakeshore

Recommendation

Direct the Clerk to read By-law 79-2021 during the “Consideration of By-laws” in order to deem Lot 1 in Registered Plan 1568 in the Municipality of Lakeshore as no longer forming part of a plan of subdivision, as further described in the report presented at the September 28, 2021 Council meeting.

Background

The subject property is located at 429 Russell Woods Road (Appendix 1), in the Community of Maidstone. The subject property is designated “Residential”, “Lake St. Clair Floodprone Area”, and is zoned Residential Type 1 Zone Exception 10 (R1-10) which permits single detached dwellings and accessory uses. It is located in the Essex Region Conservation Authority (ERCA) Limit of Regulated Area, and the applicant has obtained approval from ERCA for the single detached dwelling currently under construction.

In June of this year, provisional consents (B-22-2021 & B-23-2021) were granted through the Committee of Adjustment to sever two lot additions from adjacent properties to be added to the subject property. The applicant has submitted a survey for the consents (Appendix 3), with the subject property indicated as Part 5 on the survey. One of the lot additions (B-22-2021, indicated as Part 3) is a strip of land added from 431 Russell Woods Road (indicated as Part 4) located east of the subject property consisting of 1.219 metres (4 feet) of frontage and an overall area of 43.3 m² (466 ft²). The other lot addition (B-23-2021, indicated as Part 1), is an area of land added from 428 Old Tecumseh Road (indicated as Part 2) located south of the subject property consisting of an overall area of 278.7 m² (3000 ft²). ERCA was circulated the consent applications and had no objection to the proposal.

One of the conditions imposed on the approval of B-23-2021 by the Committee of Adjustment was that a deeming by-law be passed by Council to deem Lot 1 no longer part of a plan of subdivision (Registered Plan 1568, Appendix 2). Currently, the subject

property consists of part of Lot 1 on the plan of subdivision, but following lot addition B-22-2021 it will consist of the whole of Lot 1. Lot addition B-23-2021 subsequently adds additional land to the subject property.

The purpose of the deeming by-law is to ensure that the land identified as Lot 1 on Plan 1568 merges into one parcel with Part 1 on the survey, thus preventing it from being separately conveyed without approval through the *Planning Act*.

Comments

If Council approves the deeming by-law, Lot 1 in Registered Plan 1568 will be deemed to no longer be a plan of subdivision within the meaning of the *Planning Act*, pursuant to subsection 50(4) of that Act. In accordance with subsection 50(4) of the *Planning Act*, a plan or part of a plan may be deemed not to be a plan of subdivision, provided that it has been registered for eight years or more. Plan 1568 was registered in 1956.

The deeming by-law will be registered in the land registry office in accordance with subsection 50 (28) of the *Planning Act*. The deeming by-law (By-law 79-2021) will ensure one contiguous property, and will bring the property into compliance with the minimum lot area in the Zoning By-law for residential use.

Others Consulted

No notice or hearing is required prior to the passing of a by-law under subsection 50(4) of the *Planning Act*, but Council shall give notice of the passing of the by-law within 30 days to the owner(s) of land to which the by-law applies. Within 20 days of the mailing of the Notice of Passing the owner(s) has the opportunity to make representations respecting the amendment or repeal of the by-law. Copy of the deeming by-law will be forwarded to the County of Essex in accordance with subsection 50 (26) of the *Planning Act*.

Financial Impacts

There are no financial impacts resulting from the recommendation.

Attachments

Appendix 1-Key Map
Appendix 2-Registered Plan 1568
Appendix 3-Plan of Survey

Report Approval Details

Document Title:	Deeming By-law - Lot 1, Registered Plan 1568.docx
Attachments:	- Appendix 1-Key Map.pdf - Appendix 2-Plan 1568.pdf - Appendix 3-Plan of Survey.pdf
Final Approval Date:	Sep 23, 2021

This report and all of its attachments were approved and signed as outlined below:

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