

Summary of Comments

B-017-2023 - 6439 Yonge Street



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): B-017-2023

RELATED APPLICATION(S): N/A

MEETING DATE: July 20, 2023

TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

FROM: Chris Cannon
Placemaker/Planner

SUBJECT: Validation of title of 6439-6449 Yonge Street

PROPERTY INFORMATION:

Municipal Address	6439-6449 Yonge Street
Legal Description	CON 4; Pt N ½ Lot 16 & S ½ Lot 16; Plan 162
Official Plan	Agricultural Area (Schedule B), Rural Area (Schedule B) and Key Natural Heritage Features and Key Hydrologic Features
Zoning By-law	Residential Rural (RR) Zone, Agriculture General (AG) Zone & Environmental Protection (EP) Zone

RECOMMENDATION:

The Planning Department recommends deferral of B-017-2023 until the applicant provide further information to Legal Services that validation of title is the appropriate mechanism for re-establishing two properties on the subject lands. Alternatively, a standard severance (consent) process as an option could be further reviewed, as the lot proposed to be re-established appears according to Town records to be zoned RR and designated Rural Area. Further discussion is required with Legal Services.

REASON FOR APPLICATION(S):

The Applicant is proposing to validate the title of 6439 Yonge Street to create two original parcels (6439 and 6449 Yonge Street) that merged in title.

SURROUNDING LANDS:

North	Agricultural uses and single detached dwellings and accessory structures, significant woodlands
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East	Agricultural uses and Environmental (significant woodlands and unevaluated wetlands)
South	Single-detached dwelling
West	Agricultural uses, Yonge Street

ANALYSIS:

Site Inspection Date	June 29, 2023
Consistent with the Provincial Policy Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are located in a prime agricultural area, within the Agriculture Area designation and Rural Area designation in the Town Official Plan, outside of the settlement area of Churchill and contain two historic lots of record that merged.</p> <p>Legal Services has reviewed the materials provided, including the parcel register and Transfers and it would appear that the two properties, acquired in 1957 and 1966, merged in 1966 as they were purchased under the same names creating the merger and not in 2018 as advised by the applicant. Based on the documents provided, Legal Services advises that a request for a validation of title would not be an appropriate use of Section 57 of the <i>Planning Act</i> based on how the lots merged. Further information is required to support the application and deferral is recommended. Alternatively, a consent application as an option could be further reviewed, as it appears the northernmost of the previously existing two lots are in fact currently zoned RR and designated Rural Residential (there appears to be a mapping error on our website showing they are not zoned RR, however they have historically been zoned RR and are currently also RR).</p>
Consistent with the Provincial Growth Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are two historical lots of record that may have inadvertently merged. If the application is a legitimate use of validation of title, there is no contravention of the Growth Plan. If the lands are alternatively required to be re-severed by consent, a fulsome review of the Growth Plan would be provided at that time. Further discussion is required.</p>
Conforms with the County and Town Official Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are two historical lots of record that may have inadvertently merged. If the application is a legitimate use of validation of title, there is no contravention of the County and Town Official Plans. If the lands are alternatively required to be re-severed by consent, a fulsome review of the Plans would be provided at that time. Further discussion is required.</p>
Complies with the Zoning By-law 080-13 <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are zoned AG and EP and RR and are a historical lots of record which may have inadvertently merged. If the application is a legitimate use of validation of title, there is no contravention of the Zoning By-law. If the lands are alternatively required to be re-severed by consent, if the lot lines for the severed lands matched the RR zoning boundary, there would also be no violation of the Zoning By-law.</p>
Conforms to Section 2, 51(24)	<p>Further information is required to support the use of a validation of title to determine conformity to Section 2, 51(24) and 53(12) of the <i>Planning</i></p>

and 53(12) of the <i>Planning Act</i>: <input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Act.</i> Alternatively, if the lands are severed, a more fulsome review of these sections would occur in a future report to the Committee of Adjustment
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CONCLUSION:

Staff recommend deferral.

PREPARED BY:

Chris Cannon
Placemaker/Planner

REVIEWED BY:

Steven Montgomery, Supervisor of Development Acceleration