



## PLANNING & DEVELOPMENT

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To: Town of Goderich, Members of Goderich Committee of Adjustment  
Jason Dykstra, Secretary of the Committee of Adjustment

From: Victor Kloeze, Senior Planner

Date: September 5<sup>th</sup>, 2024

Re: **Consent File C05-24**

Address: No Municipal Address, fronting on Wolfe Street, legally known as Part of Park Lots 2 and 3, Registered Plan No. 468; and part of Napier Street (closed), Montcalm Street (closed), Albert Street (closed) and part of lots 519, 520, 528 to 531, 599 to 605 and 608; and all of lots 606, 607 and 645 Registered Plan No. 457, in the Town of Goderich

Applicant: Zelinka Priamo Ltd. (Brook Burlock)

Owner: 2563779 Ontario Inc. (Ali Farahani)

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This report is submitted to the Committee of Adjustment for the public hearing on September 12<sup>th</sup>, 2024.

### Recommendation

It is recommended that the application for consent be **approved** subject to the following conditions:

- (1) All municipal requirements be met to the satisfaction of the Town of Goderich including servicing connections if required, cash-in-lieu of park dedication if required, property maintenance, compliance with zoning by-law provisions for structures, compliance with Section 65 of the Drainage Act, and any other requirements, financial or otherwise.
- (2) Provide to the satisfaction of the Town of Goderich:
  - a. a survey showing the lot lines of the severed parcel and the location of any buildings thereon, and
  - b. a reference plan based on the approved survey;
- (3) Where a violation of any municipal zoning by-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Town of Goderich.
- (4) Conditions imposed must be met within two years of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within two years, the application shall be deemed to be refused. Provided the conditions are fulfilled within two years, the application is valid for three years from the date of the notice of decision.

### Purpose

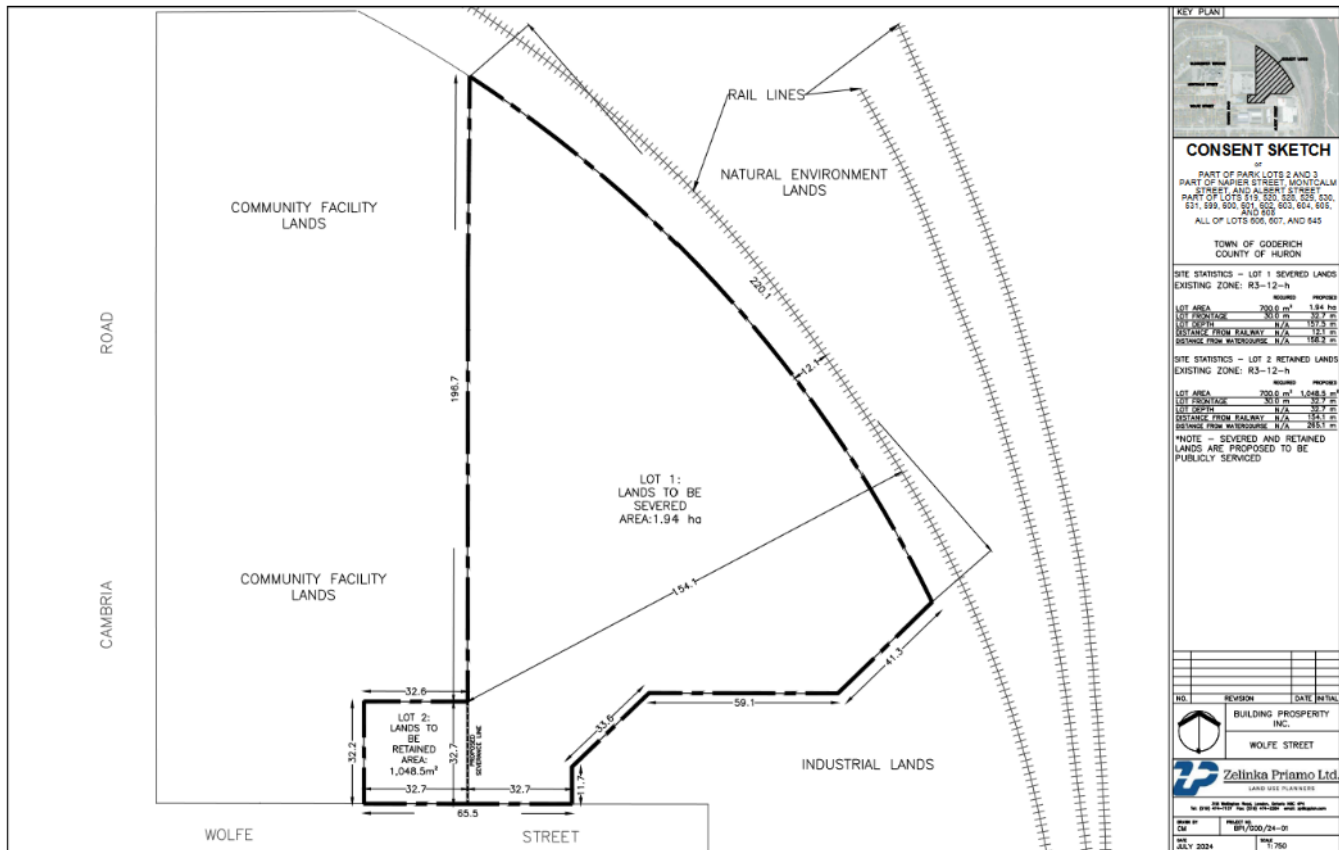
The subject property is vacant and approximately 2 hectares (5 acres) in area, designated Residential in the Town's Official Plan, and zoned R3-12-h (High Density Residential – Special Provisions - Holding) in the Town's Zoning By-Law. The applicant proposes to divide the

vacant subject property into two separately conveyable parcels, both fronting onto Wolfe Street. The larger, severed parcel would be approximately 1.94 ha in area with 32.7 metres of frontage; and the retained lands would be approximately 1,048.5 sq.m in area with 32.7 metres of frontage.

**Figure 1. Aerial photo of subject lands (outlined in orange)**



**Figure 2. Severance Sketch, provided by the applicant**



**Review**

When considering consents, applications must be consistent with the Provincial Policy Statement (PPS) 2020, conform to the County and Town Official Plans, and comply with the Town’s Zoning By-Law.

Both the PPS and County Official Plan direct settlement areas, such as the Town of Goderich, to be the focus of growth and development, and encourage efficient development patterns for continuing intensification. The severance of the property into two lots represents an efficient use of land, while maintaining compatibility with the surrounding land uses. Both proposed lots would meet the requirements of the Town’s Zoning By-law and would allow for compatible residential development patterns.

The Town's Official Plan, Section 10, provides consent policies that require the following for the division of land into smaller parcels through the consent process:

- i. No undue extension of any major service is required;
- ii. All proposed parcels abut an existing, public road of construction acceptable to the Town;
- iii. The Consent does not result in extending built-up areas unduly, but permits infilling of existing built-up areas;
- iv. The parcel size is appropriate for the proposed use and conforms with the provisions of the Zoning By-Law, unless the by-law is duly amended or a variance granted. Where required, the amendment or variance will be in force prior to the finalization of the severance;
- v. Development shall not result in traffic hazards from limited site lines or curves, grades, or nearness to intersections;
- vi. Consents will not hinder or restrict the interior development of a block of land.

The proposed lots (as a result of the consent) will have access to municipal servicing and have frontage along an existing public road, Wolfe Street. The consent will not result in the extension of the built-up area, and will not result in any traffic hazards. While the severance consent would separate a portion of the frontage, based on the site configuration there is no resulting restriction on the larger interior block of land. The proposed lots conform to the provisions of the Zoning By-law.

Preliminary environmental materials regarding soil condition were provided with the application and address staff concerns regarding the viability of future development of the severed and retained parcels, although it is noted that the retained parcel may require additional improvement or to be rezoned and designated to permit a non-residential use. The site specific holding provisions will need to be addressed prior to the holding being lifted and any development taking place on the subject property, and include a requirement for an environmental site assessment which may result in a record of site condition. The full provisions are copied below:

#### 9.3.12 R3-12-H: (Key Map 4)

##### 9.3.12.1 Holding Provision

No development is permitted on the lands zoned R3-12-H until certain criteria have been met to the satisfaction of the County of Huron and the Town of Goderich, including submitting the following studies: a concept plan demonstrating rail setbacks, an archaeological assessment, an environmental site assessment which may result in a record of site condition, a study addressing land use compatibility with the rail line and industrial uses including air, noise and vibration, and any other required materials identified during the preconsultation on the proposal.

It is recommended that consent application C05-24 be approved, as it meets the requirements of the Planning Act, is consistent with the PPS, conforms to the County and Town Official Plans, and complies with the Town Zoning By-law.

### **Comments Received**

No concerns or objections were received.

Additional items may be raised before or during the public hearing.

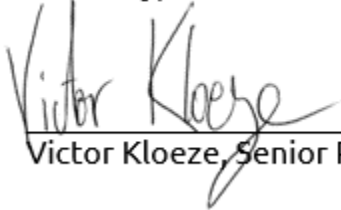
### **Effect of Public and Agency Comments**

No public comments were received, and no agency concerns were received, so there was no effect on the planning recommendation.

### **Others Consulted**

- Andrea Fisher, Director of Legislative Services / Clerk / Planning Coordinator
- Jason Dykstra, Chief Building Official and Secretary of the Committee of Adjustment

Sincerely,

A handwritten signature in black ink that reads "Victor Kloeze". The signature is written in a cursive style and is positioned above a horizontal line.

Victor Kloeze, Senior Planner, RPP MCIP