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File No: P-8205  
 Planner: S.Wise/N. Pasato

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION FOR EXTENSION TO EXEMPTION OF PART LOT CONTROL SIFTON PROPERTIES LTD. BALLYMOTE WOODS SUBDIVISION (LOTS 88-94 IN PLAN 33M-631 AND LOTS 1-12 PLAN 33M-632) MEETING ON JULY 22, 2014</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Sifton Properties Limited to extend the exemption of the following lands from Part Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached by-law **BE INTRODUCED** at the Municipal Council on July 29, 2014, to extend the exemption of Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632 from the Part Lot Control provisions of subsection 50(5) of the said *Act*, for a period not to exceed two (2) years; it being noted that these lands are subject to a registered subdivision agreement and are zoned Residential R1 (R1-5) Zone in Zoning By-law No. Z.-1 which permits single detached dwellings with a minimum lot frontage of 12m and minimum lot area of 415m<sup>2</sup>, consistent with the accepted reference plan 33R-18227;
- (b) The Municipal Council **BE REQUESTED** to approve this by-law; and
- (c) The applicant **BE ADVISED** that the cost of registration of this by-law is to be borne by the applicant in accordance with City policy.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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**P-8205**

July 23, 2013 - Report to Planning and Environment Committee regarding Exemption of Part Lot Control of Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632 for a one (1) year period.

**P-7966**

February 27, 2012 - Report to the Planning and Environment Committee regarding lifting of Part Lot Control for Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632 for a 6 month period.

**39T-06503/Z-7185**

March 19, 2007 - Report to Planning Committee that Sifton Properties Limited had appealed draft plan of subdivision application 39T-06503 and Zoning By-law Amendment application Z-7185 because of the City's had not made a decision within the prescribed time.

April 7, 2008 - Report to Planning Committee on decision of the Ontario Municipal Board to draft approve plan of subdivision.

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**BACKGROUND**

On August 25, 2011, the City of London Approval Authority granted final approval to Phase 1 and Phase 2 of the Ballymote Subdivision (39T-06503). The plans were registered on August 29, 2011 as Registered Plan 33M-631 and Plan 33M-632, respectively.

On September 20, 2011, Sifton Properties Ltd. submitted an application for an exemption to Part Lot Control for Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632. This request was to allow for a reduction in lot frontages in order to meet current builder market and demand. The nature of the change was to reduce lot frontages from approximately 17 m lots to 12-15 m which increased the number of lots from 19 to 22. The initial request was considered by Planning and Environment Committee on February 27, 2012, with a number of conditions to be met, prior to the passing of the by-law. These conditions included:

- the submission of a draft reference plan to Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited;
- a digital copy together with a hard copy of each reference plan to be deposited;
- confirmation that municipal numbering had been completed and assigned;
- that the subdivision agreement with the City was amended for Plan 33M-631 and Plan 33M-632 to address revised servicing and grading drawings; and
- confirmation that an approved reference plan for final lot development had been deposited in the Land Registry Office.

The above noted conditions were satisfied and the by-law was passed by Council on July 24, 2012. The by-law lapsed prior to the sale of all of all of the proposed lots.

The applicant applied for the lifting of Part Lot Control for the remainder of the lots on the west side of Ballymote Avenue, south of Springridge Drive through application P-8205 which was approved by Council on July 23, 2013 for a one year period from the date of the registration on title which expires on July 30, 2014.

The applicant has requested to extend the exemption from Part Lot Control for an additional four (4) years in order to facilitate the building and sale of the residential dwellings. Staff are recommending an extension of a maximum of two (2) years which provides an adequate timeframe to complete the transactions and re-establish the restriction of Part Lot Control.

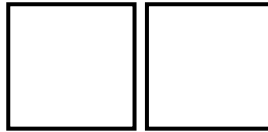
**ANALYSIS**

In an effort to avoid a series of individual land severances to allow for a reduction of lot frontages along with the creation of three new lots, Sifton Properties Limited has requested the extension of exemption of Part Lot Control for Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632. The consideration of the exemption of Part Lot Control has been assessed in accordance with Council Policy 19(24) adopted in December 1983.

The subject lands are designated Low Density Residential in the Official Plan which permit single detached dwellings as the primary permitted uses. The subject lands are zoned Residential R1 (R1-5) which permit single detached dwellings on lots with a minimum lot frontage of 12m and an area of 415m<sup>2</sup>. Lot frontages in the Ballymote and Forest Hill subdivisions range from 9m to 18m with the majority being within the 12-15m range. This request will not alter the character of the area and will meet the minimum requirements of the Residential R1 (R1-5) Zone.

The applicant has amended the subdivision agreement and has revised the servicing and grading drawings for both registered plans based on the revised request. The proposed lots will not result in any traffic problems and have access to municipal services and utilities. The proposed reconfiguration produces parcels that are generally in accordance with adjacent development.

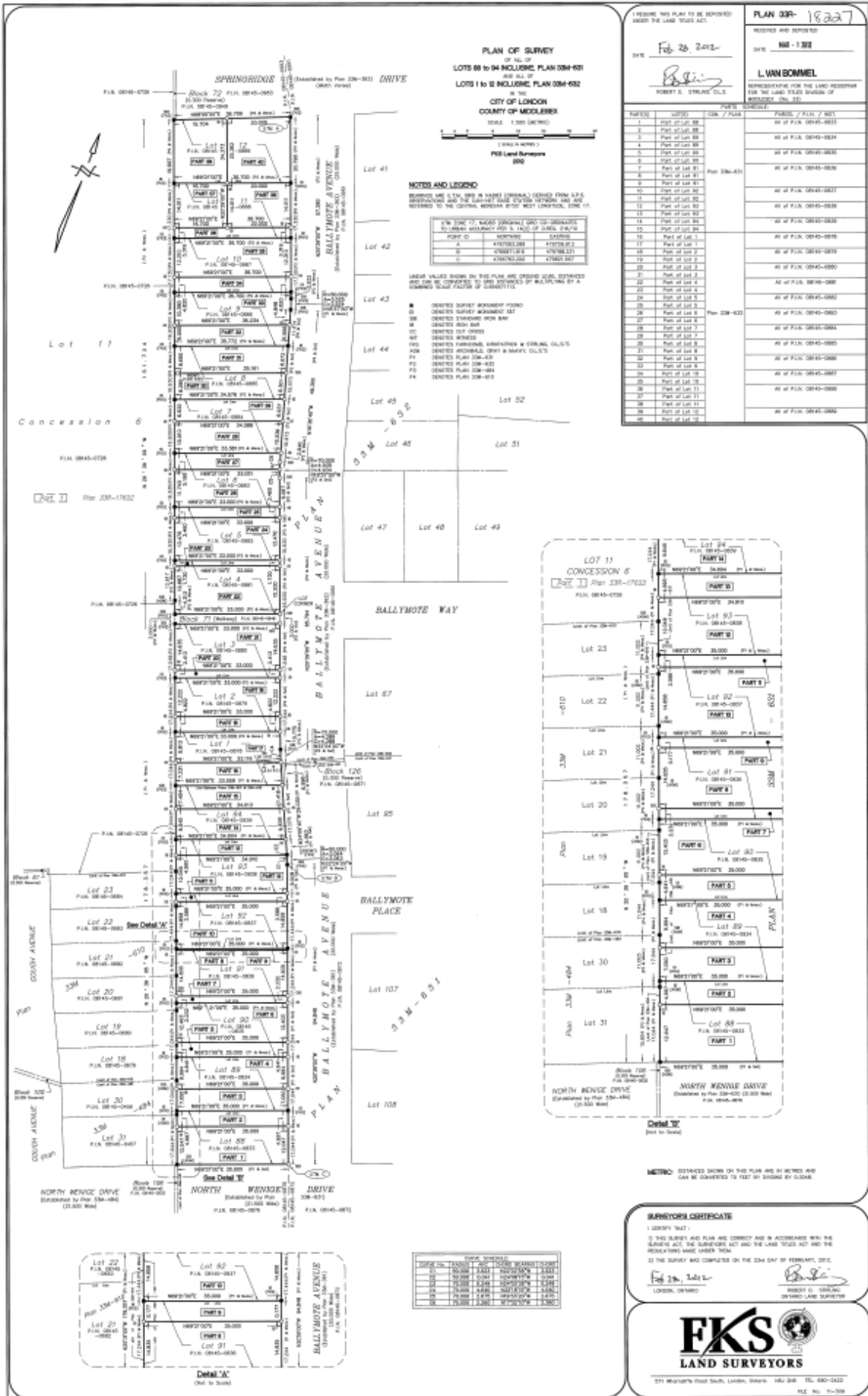
Upon review of the request against the Official Plan and Council policy, it is determined the request to reduce lot frontages and allow three additional lots meets the policies of the Official Plan and is therefore recommended. The exemption from Part Lot Control for a period of two



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(2) years provides a reasonable timeframe to transfer the lots into separate ownership before the Part Lot Control Restriction is re-instated, and ensures the transfer of land occurs in a timely manner and in accordance with the approved proposal.

The applicant is responsible for all costs associated with the Exemption to Part Lot Control.



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<b>CONCLUSION</b>
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The applicant is requesting and extension from exemption of the Part Lot Control provisions of the *Planning Act* to facilitate the division of 19 lots into 22 lots and establish new lot lines. The reduction in property size has been reviewed against the City's Policy on Exemption from Part Lot Control, the Official Plan and the applicable zoning and has been determined to meet the policies and zoning. Allowing for reduced lot frontages is in keeping with the character of the area and considered appropriate to accommodate the current market. The request represents sound land use planning and is recommended.

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>SONIA WISE PLANNER II – DEVELOPMENT SERVICES</b>	<b>NANCY PASATO, MCIP, RPP SENIOR PLANNER – DEVELOPMENT SERVICES</b>
<b>REVIEWED AND CONCURRED BY:</b>	<b>SUBMITTED BY:</b>
<b>JENNIE RAMSEY, P.ENG. MANAGER, DEVELOPMENT SERVICES AND ENGINEERING LIAISON</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

July 11, 2014  
 NP/sw  
 "Attach."

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Bill No.

By-law No.

A By-law to amend By-law C.P.-1490-253, being a by-law to exempt from Part Lot Control, lands located on the west side of Ballymote Avenue, south of Springridge Drive and north of North Wenige Drive, legally described as Lots 88-94 in Plan 33M-631, and Lots 1-12 in Plan 33M-632, in the City of London, County of Middlesex.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS on July 30, 2013, Municipal Council of The Corporation of the City of London enacted By-law C.P.-1490-253, being a by-law to exempt from Part Lot Control, lands located on the west side of Ballymote Avenue, south of Springridge Drive and north of North Wenige Drive, legally described as Lots 88-94 in Plan 33M-631, and Lots 1-12 in Plan 33M-632, in the City of London, County of Middlesex.;

AND WHEREAS it is deemed expedient to amend the By-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. C.P.-1490-253, being a by-law to exempt from Part Lot Control, lands located on the west side of Ballymote Avenue, south of Springridge Drive and north of North Wenige Drive, legally described as Lots 88-94 in Plan 33M-631, and Lots 1-12 in Plan 33M-632, in the City of London, County of Middlesex, is hereby amended by deleting paragraphs 3 thereof and replacing it with the following:
  3. This by-law shall remain in effect for two (2) years from the date of passage.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council July 29, 2014

J. Baechler  
Mayor

Catharine Saunders  
City Clerk

First reading – July 29, 2014  
Second reading – July 29, 2014  
Third reading – July 29, 2014