

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas, P. Eng  
Managing Director, Development & Compliance Services And  
Chief Building Official

**Subject:** Application By: 4161 Raney Crescent c/o John Spriet  
4161 and 4141 Raney Crescent

**Meeting on:** November 12, 2018

## Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application John Spriet relating to the property located at 4161 and 4141 Raney Crescent:

- (a) the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting on November 20, 2018 to deem Lots 21 and 23 of Registered Plan 33M-177, City of London, County of Middlesex not to be in a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*;
- (b) the City Clerk **BE DIRECTED** to provide notice of the by-law passing and undertake registration of the Deeming By-law, in accordance with the provisions in subsections 50(28) and 50(29) of the *Planning Act*; and,
- (c) the applicant **BE REQUIRED** to pay for any costs incurred to register the deeming by-law at the land registry office.

## Executive Summary

### Summary of Request

The applicant has requested the removal of the property line currently separating the above to allow the parcels to be merged into one lot.

### Purpose and the Effect of Recommended Action

The purpose of the recommended action is to approve the deeming by-law in order to consolidate contiguous lots into one parcel by deeming the subject lands not to be in a registered plan of subdivision. Removal of the internal lot boundary will allow for the reconfiguration of the industrial lands to be redeveloped with one industrial building fronting onto Raney Crescent.

### Rationale of Recommended Action

The subject site currently contains two separate parcels which are under similar ownership and which received Site Plan Approval in 2004 for an industrial development that includes a building contained on 4161 Raney Crescent (Lot 23) and an associated parking lot on the adjacent property at 4141 Raney Crescent (Lot 21). The deeming by-law will allow the properties to merge as one parcel under one ownership.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The site is located on the west side Raney Crescent, south of Blakie Road. The property addressed at 4161 Raney Crescent has a total frontage of 113 metres (372 feet) on Raney Crescent, with a site area of approximately 0.4 hectares (1 acre). The property addressed at 4141 Raney Crescent has a frontage of approximately 71 metres (233 feet) on Raney Crescent and a lot area of approximately 0.42 hectare (1.04 acres). The subject lands are presently occupied by a light industrial use within the existing buildings. There are existing industrial, service commercial and community facility uses within the surrounding area.

#### 1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation –Light Industrial
- The London Plan Place Type –/Light Industrial
- Existing Zoning – Holding Light Industrial (h-17/LI1/LI2) Zone

1.3 Location Map



<b>2.0 Description of Proposal</b>
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By-laws can be enacted pursuant to Section 50(4) of the *Planning Act* for the purpose of deeming any plan of subdivision or part thereof, which has been registered for eight (8) years or more, not to be a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act*. The effect of a deeming by-law would be to merge two or more lots or blocks within a registered plan of subdivision into one legally conveyable lot. Deeming by-laws are often used to merge lots from old plans of subdivision which no longer meet current development or zoning standards or where a building is proposed to be constructed across property boundaries.

Plan 33M-177 was registered on July 3, 1987. The individual lots must be deregistered and consolidated with the adjacent block in order to implement the preferred development concept. Approval of a deeming by-law will provide for redevelopment of the lands, in conformity with the Council-approved zoning. In this subject case, the current owner requires a water service for fire protection for the existing building and a possible future expansion. The municipal watermain is located on Blakie Road and fronts the parcel that is currently being used as a parking area (4141 Raney Crescent). The building requiring the connection is on the adjacent parcel and the merging of the properties would allow it to front the watermain. In addition, the owner is considering a future building expansion that would cross the existing property boundary. The construction of buildings across lot boundaries is not permitted under the Building Code and the underlying lotting pattern must be removed so that the development can proceed in the form of a building with associated parking and landscaping on one consolidated lot.

No notice or hearing is required prior to the passing of a “deeming” by-law under subsection 50(4) of the *Planning Act*. Notice of the passing of the by-law must be given within 30 days to the assessed owner of any land to which the by-law applies, and the owner can make representations to Council concerning the by-law within 20 days of issuance of the notice.

<b>3.0 Conclusion</b>
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An application has been received from the owner of the property 4161 and 4141 Raney Crescent for approval of a by-law to deem the land not to be part of a registered plan of subdivision under the *Planning Act*. The reason for this request is to permit the abutting lots that are in common ownership to merge to facilitate a planned future expansion and a water connection for fire protection to the existing building.

<b>Prepared and Recommended by:</b>	<b>Lou Pompilii, MCIP RPP</b> <b>Manager, Development Planning (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE</b> <b>Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG</b> <b>Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

October 30, 2018  
LP/lp

## Appendix A

Bill No.  
2016

By-law No.

A by-law to deem a portion of Registered Plan 33M-177 not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act, R.S.O. 1990, c. P13*.

WHEREAS subsection 50(4) of the *Planning Act* provides that the council of a local municipality may by by-law designate any plan of subdivision or part thereof that has been registered for eight years or more, and deem it not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*.

AND WHEREAS Lots 21 and 23 are currently separate lots within the registered plan.

AND WHEREAS Registered Plan No. 33M-177 has been registered for more than eight years.

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

- 1) That the following lots on Registered Plan 33M-177 shall be deemed not to be a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act*: Lots 21 and 23 on 33M-177, City of London, County of Middlesex being all of PINs 08208-0054 and 08208-0056
- 2) This by-law comes into force on the day it is enacted by the Council of the Corporation of the City of London, subject to the provisions of subsection 50(27) of the *Planning Act*.

PASSED in Open Council on November 20, 2018

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading - November 20, 2018  
Second Reading – November 20, 2018  
Third Reading - November 20, 2018