



RON DAVIDSON  
LAND USE PLANNING CONSULTANT INC.

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July 21, 2022

Township of Georgian Bluffs  
177964 Grey Road 18  
R.R. #3  
Owen Sound, ON  
N4K 5N5

Attention: Jennifer Burnett

Dear Jennifer:

**Re: Application for Consent (Lot Line Adjustment)  
Lot 55, Plan 828 (Parts 1 and 2, Reference Plan 16R-10208)  
Geographic Township of Derby, Township of Georgian Bluffs  
394 2<sup>nd</sup> Avenue SE  
Owner: Smithcorp Reality Inc. c/o John Smith**

In response to the new information provided recently by your office regarding the above-noted property, enclosed please find a revised Consent application. The application is no longer proposing the creation of a new lot but rather is simply requesting a lot line adjustment. Please consider the following:

**History of the Property:**

Smithcorp Reality Inc. c/o John Smith recently purchased the subject lands. Mr. Smith had assumed that he had acquired one large parcel, based in part on the fact that the County GIS mapping identifies this holding as one lot. On this understanding, Mr. Smith retained my services to submit a Consent application to sever the lot into two parcels. A Zoning By-law Amendment application was also filed to reduce the 'minimum lot frontage' requirement. A few hours prior to the Committee of Adjustment meeting on July 19, 2022 to consider the proposed lot creation, however, Township staff found information in the property file that shed a different light on this proposal, and therefore the meeting was postponed.

The new information is as follows:

In 2012, the previous owner of the subject property had applied to sever the lands in the exact manner as Mr. Smith did recently. The application was approved, conditionally. When the owner's solicitor attempted to register the stamped deed on title, he learned that this holding was not one but rather two lots. The Township's lawyer then became involved in this matter and confirmed that the Land Registry Office was correct in this determination and suggested that the owner's Consent application should have requested a lot line adjustment as opposed to requesting a new lot. The Township's lawyer suggested that the owner submit a new application for a lot line adjustment. The owner never followed up with a new application. It's worth noting, however, that the Minor Variance application that was submitted in 2012 to reduce the lot frontage and yard requirements as required to facilitate that severance was approved and remains in effect today, as confirmed by Township staff.

Going back further in time, a portion of the subject lands was severed in 1977. That parcel, which is described as Part 1, Reference Plan 16R-1058, was created by the County's Land Division Committee, which was the consent granting authority at that time. That lot that was created in 1977 continues to exist today as a separate parcel. It does not, however, front onto a public road, and is therefore considered land-locked. It is unknown why such a lot was created, although that information is no longer relevant because this parcel is, in fact, a separate lot. This information was clearly spelled out in the Township's letter in 2012.

### **The New Proposal:**

In order to achieve the lot configuration desired by Mr. Smith, he is now proposing a lot line adjustment. This approach is in keeping with the comments from the Township's solicitor in 2012.

The revised application is proposing to sever a 1.03 hectare vacant parcel, which is shown as Part 1 on Reference Plan 16R-10208, and merge these lands on title with the aforementioned parcel that was created in 1977. At the time of deed stamping, the Township Secretary-Treasurer will need to apply a certificate that will "spoil" the original consent in order for the abutting land-locked parcel to merge with the severed lands, a process which is now permitted under the Planning Act as amended by Bill 276. The retained parcel will comprise 1951 square metres of land and contain the existing dwelling and garage. This parcel is shown as Part 2 on Reference Plan 16-10208. The owner may also find it desirable to have a deed stamped for this retained parcel, which is also now permitted under the amended Planning Act. This may help avoid any possible future problems regarding the title of the property. If the deed for the retained parcel is

to be stamped, Mr. Smith's solicitor will present that deed to your office when presenting the deed for the lot line adjustment. Of course, the additional deed stamping fee would be applicable.

### **Approvals Required:**

The proposed lot line adjustment requires approval from the Committee of Adjustment. In this regard, an amended Consent application has been filed.

Because the Minor Variance that was approved in 2012 to reduce the frontage and yard requirements for the parcel fronting onto 2<sup>nd</sup> Ave SW (now the retained lot) is still in effect, the Zoning By-law Amendment application that was recently filed to achieve the same relief is no longer required. In this regard, the Zoning By-law Amendment application is hereby withdrawn.

A request is also being made to the Township to remove the 0.3 metre (one foot) reserve at the end of 4<sup>th</sup> Ave SW. The removal of this reserve is necessary, otherwise the property being enlarged would still lack frontage along a public road.

### **Additional Information:**

The Planning Report dated June 2, 2022 is still mostly relevant to the proposed development and therefore this Addendum will not repeat the same information. In this regard, please refer to that original Planning Report if additional details are required.

I will, however, comment briefly on the one issue that did arise as a result of the County's review of the original Consent application. In their comments to the Township, the County advised that Section 8.9.1(12) of the County Official Plan states:

*Where municipal services pass by a property, new development will not be permitted unless a connection can be obtained.*

County Planning staff felt that the lot creation should be denied on account of this policy.

Given that the proposal now involves the enlargement of an existing lot as opposed to the creation of a new lot, it would appear that this policy would no longer be relevant. This policy would not apply to, for example, the construction of a new house on an existing lot and therefore this policy would presumably apply to existing lot that is expanding.

I trust this information is satisfactory. Should you require anything further, please contact the undersigned.

Respectfully submitted,

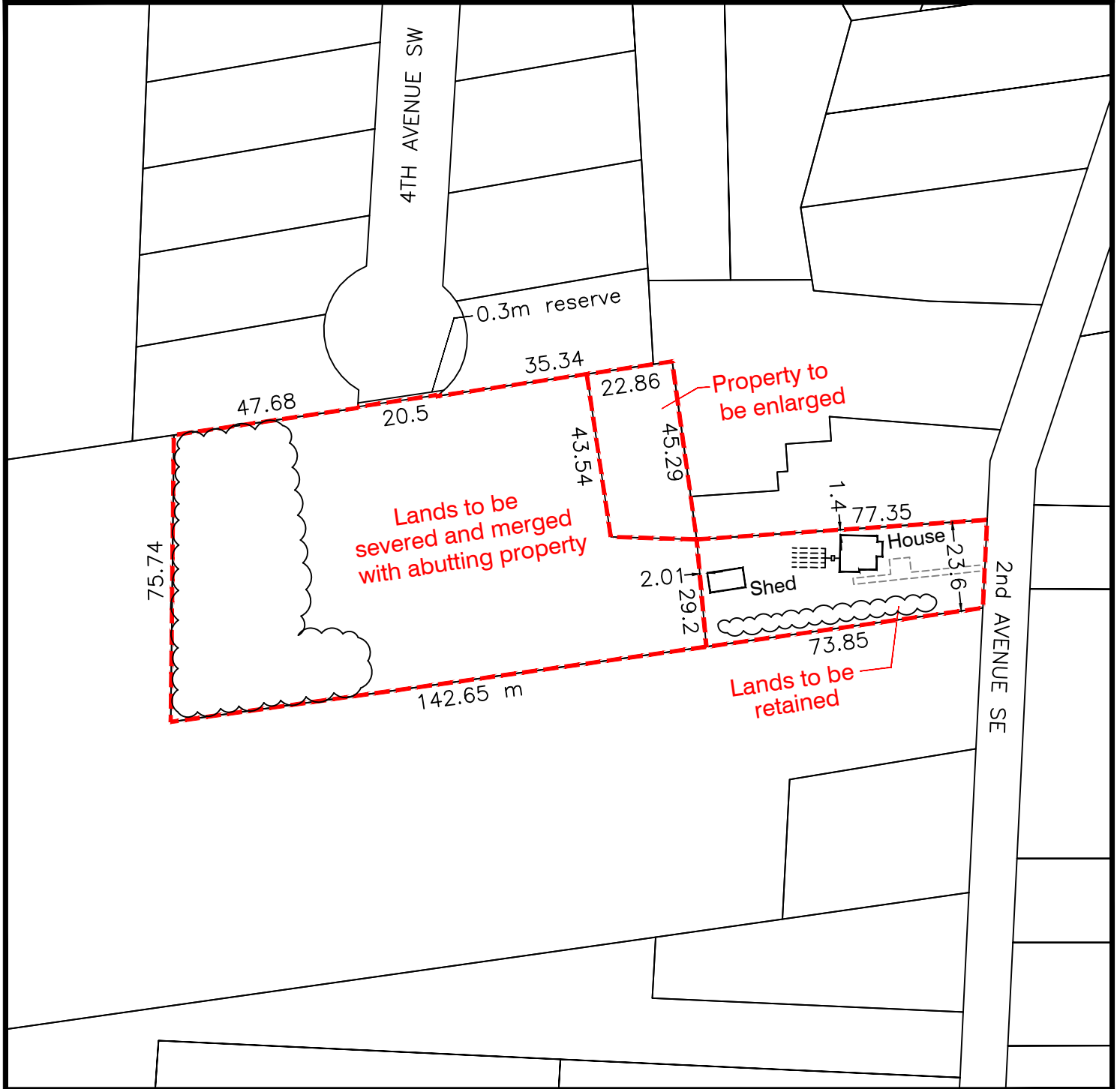
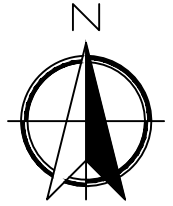
A handwritten signature in blue ink, appearing to read 'Ron Davidson', with a stylized, cursive script.

Ron Davidson, BES, RPP

c.c. John Smith

# Figure 01: Proposed Lot Addition

 Subject Lands



394 2nd Avenue SE  
Township of Georgian Bluffs

**RD** **RON DAVIDSON**  
LAND USE PLANNING CONSULTANT INC  
OWEN SOUND, ONTARIO

SCALE 1:1500