

The proponent, Jackson Homes Inc. has purchased an adjacent parcel of land fronting on Old Perth Road. A naturally severed parcel exists on the west side of Old Perth Road, described as Parts 3 and 4 on Plan 26R-2605 (PIN 05105-0050) with an approximate area of 1,135 m² (0.28 ac) and is bordered on the north and western lot lines by unopened road allowances and the travelled portion of Old Perth Road along the eastern lot line. The travelled portion of Old Perth Road is a forced road and is short of the full width of a typical right-of-way. The lot is a lot of record. Figure 2 depicts the parcel described as Parts 3 and 4, Plan 26R-2605:

Figure 2 – Aerial Image (2014)



DISCUSSION

The road allowance was surveyed previously in 1988 (Plan 26R-2605). The conveyance of the subject lands to the abutting parcel legally described as Parts 3 and 4 on Plan 26R-2605 would permit low density residential development of the lands. The lands would otherwise be undersized for development and hindered by a required 15m setback from a watercourse that exists at the rear of the property and 30m septic setback from a watercourse. The proposed development would consist of a 1,220 ft² dwelling. MVCA and Health Unit approvals would be required prior to building permit issuance for the proposed development. Any further reductions to the proposed setbacks would require relief through a minor variance or zoning by-law amendment application.

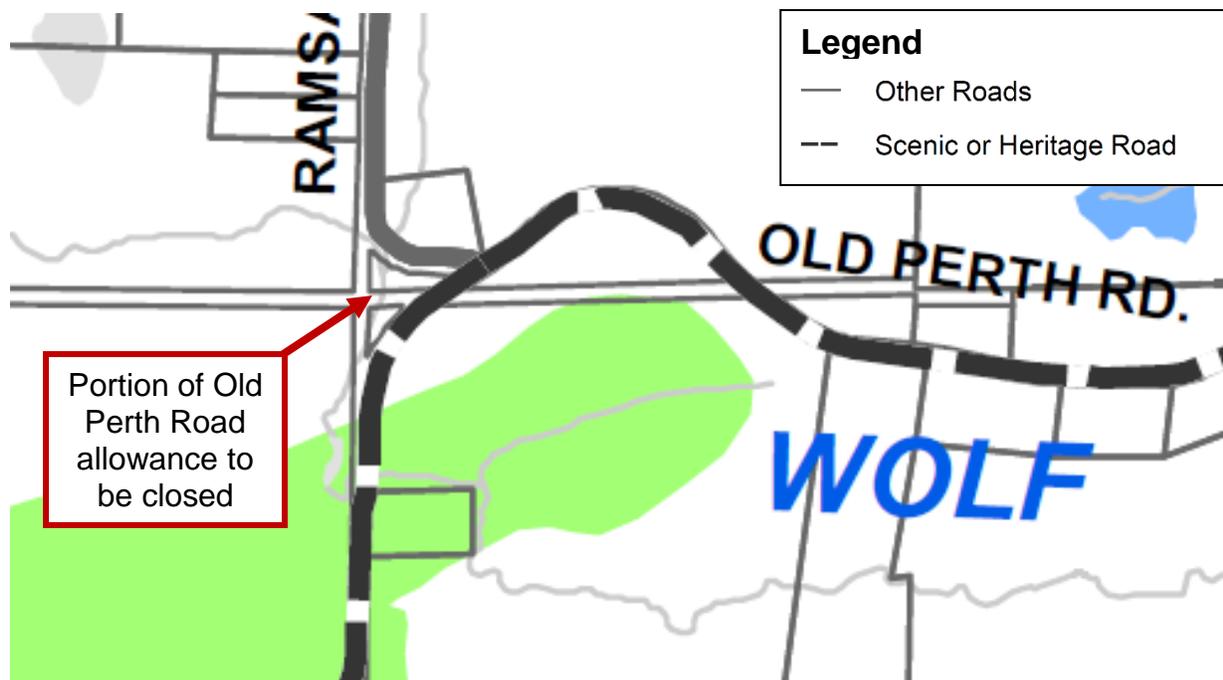
In review of the request for purchase, the Acting Director of Roads and Public Works noted that the existing alignment of Old Perth Road does not have full right-of-way width. As such, staff would be requesting that the owner of the lands convey at no cost

to the Municipality the lands required for the full right-of-way width along the existing alignment of Old Perth Road.

Historical Significance

Old Perth Road is a designated heritage road, a designation which is given to roads with scenic or historic value or provide access to areas of scenic or historic value. The area proposing to be closed is an unopened road allowance adjacent to the travelled portion of Old Perth Road. The unopened road allowance is not designated as part of the heritage road:

Figure 3 – Scenic and Heritage Roads Designation
(Excerpt from COP Schedule A)



The following is an analysis of the proposal against the relevant policies of the COP:

4.3.7 Scenic or Heritage Roads

4.3.7.2 *In reviewing development proposals adjacent to scenic or heritage roads, consideration will be given to whether the proposal is compatible with the values and function of the road.*

The development of one (1) residential detached dwelling would be considered compatible with the rural landscape and the function of the road.

3.3.5.6. *When placing a residential dwelling and associated accessory structures on a rural property, special consideration should be given to the visual impact the development may have on the surrounding rural character. The Zoning By-law shall contain specific setback requirements which move rural residential*

dwellings an appropriate minimum distance back from the road. Special provisions may be established for development abutting scenic or heritage roads in accordance with Section 4.6.8 of this Plan. Efforts should be made to take advantage of existing topography, trees and fence lines when choosing a building location so as to fit in with the surrounding area.

The Zoning By-law presently does not contain specific setback requirements for dwellings abutting scenic or heritage roads. The proposed development on the naturally severed parcel (PIN 05105-0050) would be subject to the zoning provisions for non-farm residential lots with a minimum front yard setback of 9m and exterior side yard setback of 9m from Old Perth Road. Any further reductions to the proposed setbacks would require relief through a minor variance or zoning by-law amendment application.

4.3.3.5. *Where development or re-development is proposed adjacent to or across from a heritage resource on the Heritage Property Register (but not designated under the Ontario Heritage Act), the applicant shall demonstrate the proposal's compatibility with that heritage resource and its streetscape.*

The development of one (1) single detached dwelling in the rural zone is not expected to significantly impact the streetscape and is generally considered to be compatible with the rural landscape.

FINANCIAL IMPLICATIONS

In past when requests to stop up and close have been received, Council has agreed on the proviso that all costs associated with the process are paid for by the applicant. These costs would include legal, survey, appraisal, land transfer tax, etc. In addition, the applicant would be responsible to pay the appraised value of the lands. Conveyance of lands required for the right-of-way dedication will be paid for the by the applicant. As a result, there would be no costs associated with this matter to the Municipality.

SUMMARY

The lands will first need to be declared surplus to the needs of the Municipality and added to the registry of surplus lands as per the Land Sale By-law. Once the lands have been declared surplus, Staff will bring a report to the Committee of the Whole regarding stopping up and selling the surplus lands. Public notice will be provided in advance of the passing of the by-law to abutting owners, a weekly block ad in the EMC and on the Municipality's website 20 days prior as required by the Public Notice By-law.

A public notice (see Attachment B) has been mailed to all property owners along Old Perth Road within Mississippi Mills and a sign posted on the subject property as per the Public Notice by-law.

All of which is respectfully submitted,


Maggie Yet, Planner 1


Ken Kelly, Chief Administrative Officer

ATTACHMENTS:

Attachment A – Context Map

Attachment B – Public Notice

Attachment C – Heritage Road Background – Old Perth Road

