



PLANNING & DEVELOPMENT

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

From: Victor Kloeze, Planner

Date: October 9th, 2020

Re: **Consent GOD C04-20;**
54 Courthouse Square, Goderich, being Part of Lot 69, Plan 457
Applicant: Ostbek Development Ltd.
Owner: Elizabeth Van Den Broek

This report is submitted to the Committee of Adjustment for the public hearing on October 27th, 2020.

RECOMMENDATION GOD C04-20

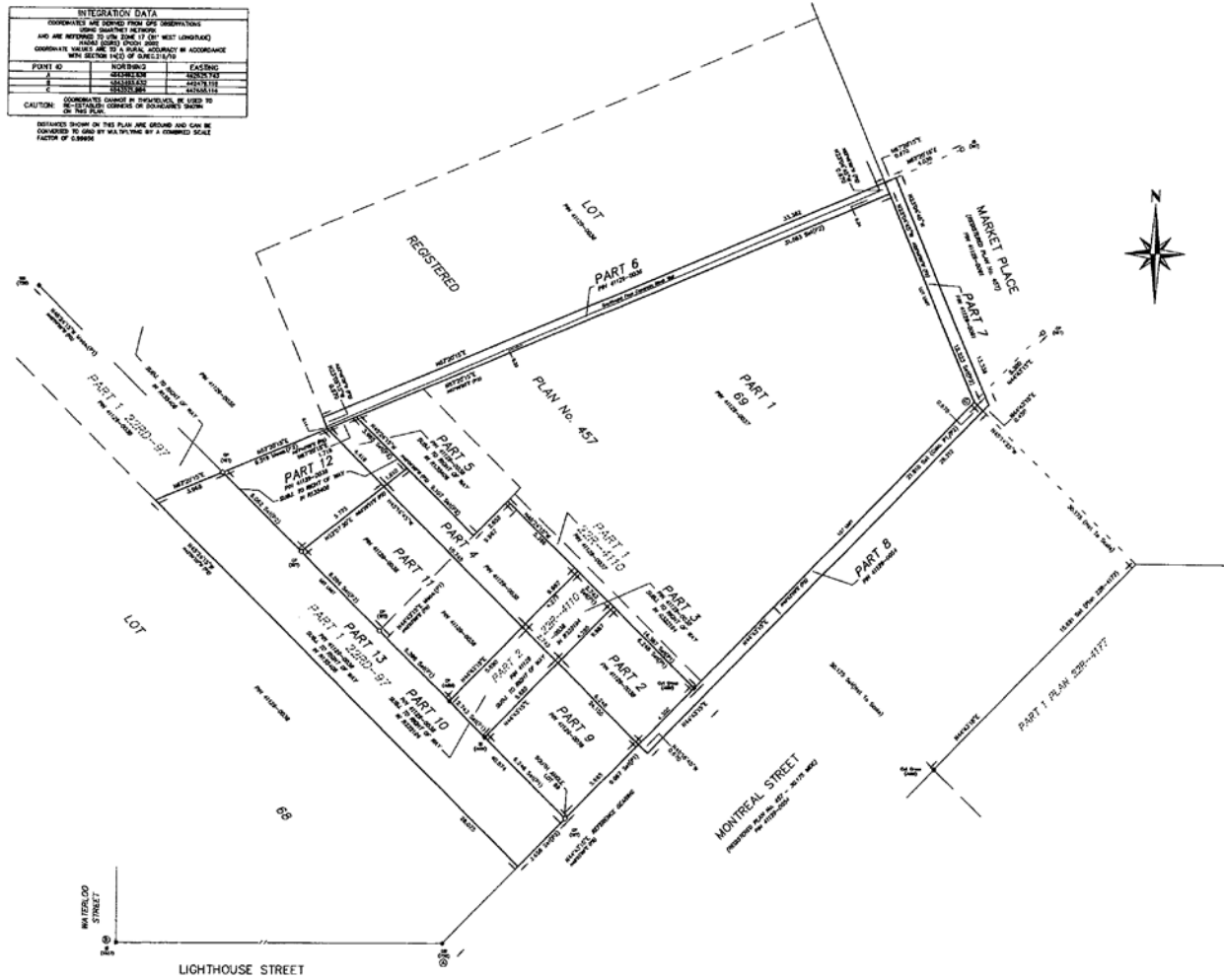
It is recommended that this application for consent be **approved** subject to the following conditions:

- (1) A survey be submitted to the Town showing the lot lines of the severed parcel, easements or right-of-ways, and the location of any buildings or structures thereon. Where a violation of any municipal zoning by-law is evident, the appropriate minor variance or rezoning shall be obtained before the deed is stamped;
- (2) All other municipal requirements be met to the satisfaction of the Town including property maintenance, compliance with zoning by-law provisions for structures, and any related requirements, financial or otherwise;
- (3) Conditions imposed must be met within one year 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 one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of decision.

PURPOSE

The purpose of this application is to authorize an encroachment agreement lasting longer than 21 years for an existing footing encroachment from the adjacent property.

Figure 1: Excerpt of registered plan 22R-5967; the encroachment is Part 6 on this plan



COMMENTS

The subject property is designated Downtown Core Commercial in the Town of Goderich Official Plan and is zoned Core Area Commercial (C4) on Key Map 7 of Zoning By-law 124-2013. The encroachment which is the subject of this application is for the footing of the building to the south, which was rebuilt following the 2011 tornado with an encroaching footing at the agreement of the two property owners. No new construction is proposed as a result of this application; the application seeks to recognize an existing encroachment.

In considering consents, applications must be consistent with the Provincial Policy Statement and conform to the Huron County Official Plan, Town of Goderich Official Plan, and Town of Goderich Zoning By-law.

The proposed consent would not alter the boundaries of land; the encroachment agreement between the two private property owners is a long term but temporary arrangement. This is similar to the use of the

consent process to create or authorize easements or rights-of-ways, as permitted by the Official Plan. No zoning issues are created as a result of the proposal.

The applicants are requesting the consent to ensure that the agreement which was entered into at the time of rebuilding the adjacent building is not invalidated by the Planning Act restriction on agreements for 21 years or longer.

I am recommending approval of consent GOD C04-20 as it meets the requirements of the Planning Act, is consistent with the Provincial Policy Statement, and conforms to the Town's Official Plan and Zoning By-law.

GOD C04-20 CONDITIONS

Conditions 1, 2, and 3 are standard requirements for all consents in the Town.

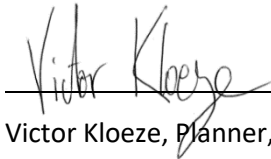
COMMENTS RECEIVED

No public or agency comments have been received at the time of writing this report. Questions were received from Maureen McCauley and Eric Nichols, the owners of 43 West Street, regarding the application. After their questions were answered they indicated they had no further interest in the matter. Additional items may be raised before or during the public hearing.

OTHERS CONSULTED

- Andrea Fisher, Town of Goderich Clerk/ Planning Coordinator
- Jason Dykstra, Town of Goderich Chief Building Official

Sincerely,



Victor Kloeze, Planner, MCIP RPP

Site Visit: October 8th, 2020

Figure 2: Photograph of site from Courthouse Square

