



Municipality of Kincardine
1475 Concession 5, R.R. #5 Kincardine, ON N2Z 2X6

Attention: Dwayne McNab

Email: dmcnab@kincardine.ca

Date: May 6, 2025

File Number: B-2025-018 Barrys

**Re: Application for Exemption from Part-Lot Control
Recommend Approval of By-law
125 Nyah Court / PLAN 3M220 LOT 6 (Tiverton Village)
Municipality of Kincardine
Roll Number 410826000615015**

Section 50(7) of the Planning Act permits a municipality to pass a By-law exempting all or part of a Registered Plan of Subdivision from the requirements of Part Lot Control under Subsection 50(5) to allow for the conveyance of part of a lot or block of land that would otherwise be prohibited by the Act. This enables new lots to be created without the need to undergo the Consent/Land Division approval process. County approval of the municipal Part Lot Control Exemption By-law is required prior to it being registered on title.

Proposal

The applicant, Barry's Construction, proposes to obtain an exemption from the provisions of Part Lot Control, as contained in the Planning Act, to facilitate the creation of five (5) new lots. The result would be a townhome complex with each unit contained to their own lot on the subject lands and with easements for servicing, maintenance and drainage.

A reference plan, Plan 3R-10963, has been registered that shows the details of the proposed conveyance (attached).

Review

The subject lands are designated Residential and Natural Environment in the local Official Plan and are zoned Residential Three (R3) and Environmental Protection (EP) in the municipality's Zoning By-law. The lots resulting from the proposed division of the lands conform to the

requirements of the Zoning By-law and comply with the local Official Plan.

Use of a Part Lot Control Exemption By-law is a useful means of lot creation in such cases, since it provides the opportunity to obtain an accurate survey of the common walls, which allows the placement of the property lines in the exact location required.

Typically, Part Lot Control exemptions are not general alternatives to consents, but something that can be used in specific instances where there is no public interest that requires 'Notice'. The townhomes are already constructed on the property so there will be no physical change to the property as a result of this proposal. I am of the opinion that no 'Notice' is required.

Request

The application requirements are complete, and I request the municipality consider the approval of the attached By-law. If you have any questions, please do not hesitate to contact this office.

Regards,

Britt Gregg-Wallace, Intermediate Planner
Lakeshore Hub
Planning and Development

Encl.

CC: Amberly Weber, Municipality of Kincardine

Clerk, Municipality of Kincardine