

Municipality of East Ferris

Information Memo

Date: March 12, 2024
Originator: Greg Kirton, Director of Community Services
Subject: Morawski Request – February 27, 2024 Letter from Valin Partners

BACKGROUND

A restrictive covenant is registered on title for 789 Highway 94 which does not permit the transfer of the parcel without the adjacent parcel also being dealt with at the same time. The two parcels in question are shown on Schedule A.

The larger 91.34ac parcel is vacant and was part of a series of severance applications in 2003. At this time the smaller 1.03ac parcel already existed. The severance applications were approved and created the 3 lots highlighted on Schedule B. The 91.34ac parcel was the retained lands in this application.

A condition of approval of the severance was that the large vacant parcel be merged with the smaller 1.03ac parcel. It is unclear from the 2003 decision exactly why this was imposed, but it seems very likely that it was done due to the deficient lot frontage of the larger parcel. The frontage is approximately 30m and the zoning by-law at the time would have required 45m of lot frontage. The current Zoning By-law requires 60m of lot frontage in this zone.

Following the approval of the 2003 application, the merger of the lots never took place. The condition was deemed to be met through a covenant being placed on the property to bind them together rather than actually completing the merger. It is unclear why this was accepted at the time but the severances were finalized and the three lots on Schedule B were created. This left the two lots shown on Schedule A bound together by covenant.

The request now before Council seeks to remove the covenant in order to allow for the parcels to be transferred separately.

On the advice of the Municipality's legal counsel, the covenant could be removed without any legal issues; however, it would be somewhat contrary to the spirit of the 2003 planning approval and rationale. It was advised that Council may wish to require an approval from the Committee of Adjustment to recognize the existing deficiencies on these lots if Council deems it appropriate to move forward with a removal of the covenant.

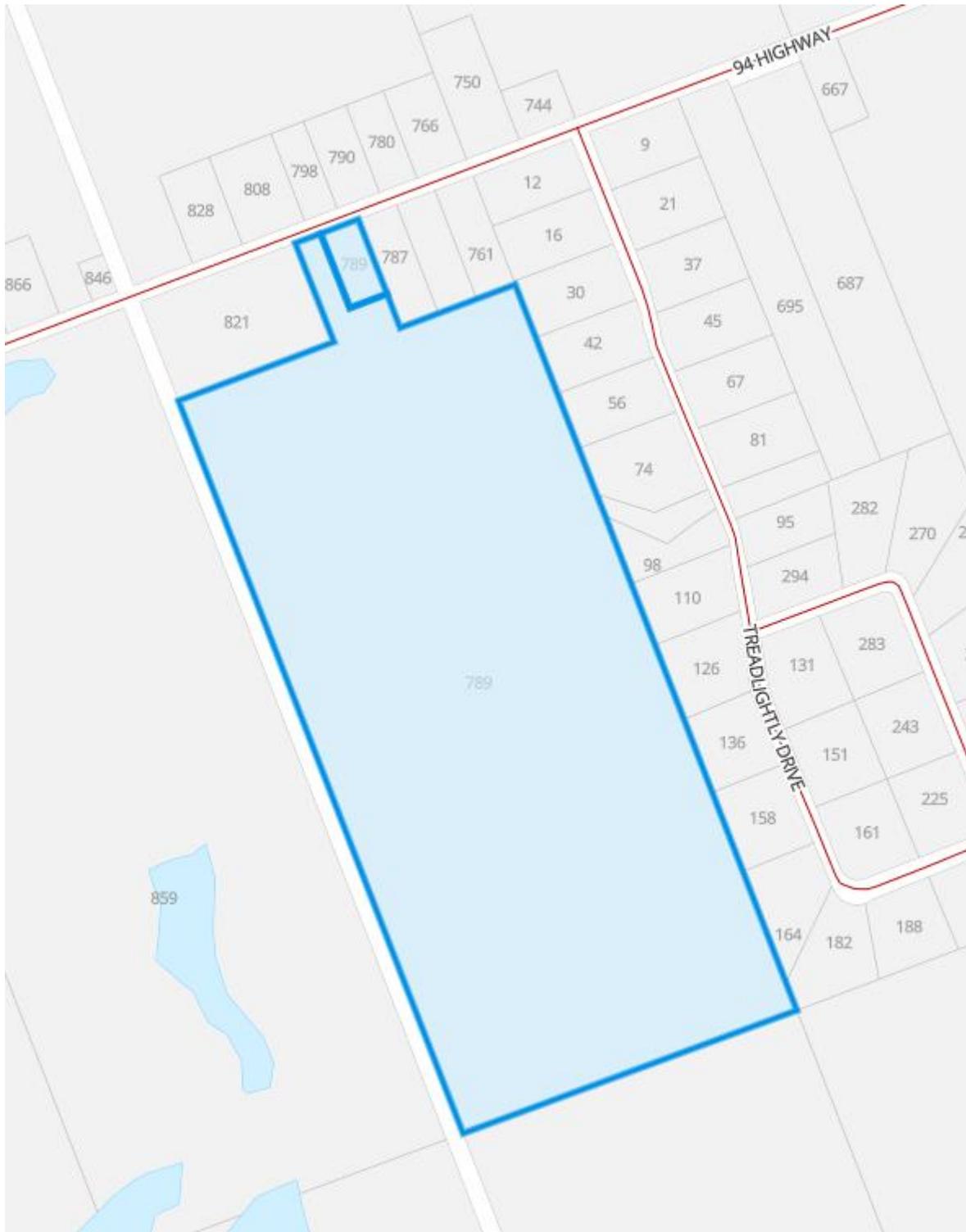
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Greg Kirton". The signature is fluid and cursive, with a prominent initial "G" and a long, sweeping tail.

Greg Kirton, RPP, MCIP

Director of Community Services

Schedule A



Schedule B

