



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date: Monday, February 08, 2021

To: Jennifer Willoughby, Secretary-Treasurer,
Committee of Adjustment

From: **Steve Wever, Town Planner**

Report: P2021-03

Subject: **Application for Consent B20/05
Montgomery Village Homes Inc.
Main Street East**

Recommendation

Be it Resolved that, subject to the consideration of any input received at the public meeting, it is recommended that the Committee of Adjustment grant conditional approval of Consent Application B20/05 subject to the following:

1. That the Secretary-Treasurer's Certificate under subsection 53(42) of the Planning Act R.S.O. 1990, c.P13, as amended, shall be issued and the Secretary-Treasurer's fee be paid;
2. The payment of cash-in-lieu of parkland at the rate of 5% of the value of the newly created lot;
3. That the owner enter into an agreement with the Town addressing site servicing and drainage requirements and the details of all servicing connections, modifications and improvements to existing services including sanitary sewers, water supply, storm sewers, roads, hydrants, utilities, and any required easements deemed necessary by the Town in accordance with Town standards and to the satisfaction of the Town's Director of Development and Operations and the Town's Engineer;

4. That a highway widening, if required by the Ministry of Transportation Ontario (MTO) along Highway 89, shall be surveyed and dedicated to the satisfaction of the MTO at the cost of the applicant.
5. Approval of the draft reference plan, as applicable, shall be obtained at the Committee of Adjustment office (Town of Shelburne) and the required number of prints (3) of the resultant deposited reference plan shall be received; and
6. The conditions are to be fulfilled and the consent is to be finalized on or before one year from the date of the issuance of the Committee's notice of decision.

Background

An application for consent has been submitted by Montgomery Village Homes Inc. to sever an existing residential property into two lots. The application seeks to re-establish a lot line that previously existed as the common boundary between two lots on the south side of Main Street East. While the property formerly existed as two separate lots, the lots merged as one property as the lots were previously held in the same ownership. The purpose and effect of the application is to sever a portion of the property to create a new residential lot. The applicant proposes to construct two single detached dwellings, one each on the severed lot and the retained lot.

The existing parcel is 0.28 hectare (0.68 acre) in area and has a frontage of 52.8 metres on Main Street East (Highway 89). The subject property is currently vacant. The property has no municipal address and is described as Part of Lot 32, Concession 2, Part 11 of 7R-306 and Part 1 of 7R-1552.

Analysis

The property is designated 'Low Density Residential' in the Official Plan and is located within the built boundary. The property is currently zoned 'Residential Type One Exception One (R1-1)' in the Zoning By-law.

Severed Land and Retained Land

The newly created lot is proposed to front on Main Street East (Highway 89). The proposed parcel will have an area of 1406 square metres and frontage of 22.86 metres on Main Street East (Highway 89). The retained parcel is proposed to have an area of 1375 square metres and frontage of 29.95 metres on Main Street East (Highway 89). Both lots are intended to be used for a new single detached dwelling. Access is proposed via two (2) new driveways (one per lot) on the south side of Main Street East. As the property is outside of the Connecting Link, MTO approval and permits for the proposed driveways will be required.

Surrounding Land Use Context

The subject property is located near the intersection of Main Street East and Centennial Street. To the south, west and north-west are existing low density residential uses. To the north / north-east across Main Street East are existing commercial uses and the land to the east is vacant and zoned for future commercial uses.

Provincial Policy Statement (PPS)

The 2020 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development and is relevant to the proposed application. All land use planning decisions shall be consistent with the PPS in accordance with section 3 of the Planning Act. The proposal is supported by the following PPS policies:

- Accommodating an appropriate range and mix of residential types (including single detached, additional residential units, multi-unit housing) and other uses to meet long-term needs (s.1.1.1 b) and provide for an appropriate range and mix of housing types and densities to accommodate residential growth by permitting and facilitating all types of residential intensification (s. 1.4.1, 1.4.3);
- Promote cost-effective development patterns and standards to minimize land consumption and servicing costs (s.1.1.1 e);
- Within settlement areas, sufficient land shall be made available to accommodate an appropriate range and mix of land uses through intensification and redevelopment (s.1.1.2);
- Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources; are appropriate for, and efficiently use infrastructure and avoid the need for uneconomical expansion; support active transportation; and are transit supportive where transit may be developed (s.1.1.3.2 a, b, e, f);
- Accommodate a significant supply and range of housing options through intensification and redevelopment (s.1.1.3.3);
- Planning authorities may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal services (s.1.6.6.6).

Growth Plan for the Greater Golden Horseshoe

Approval of the proposed consent application would contribute to addressing the following Growth Plan policies:

- Focusing growth and development within the delineated built-up area where there are existing or planned municipal water and wastewater systems (s.2.2.1.2a, c);

- To provide a diverse range and mix of housing to accommodate people at all stages of life and the needs of all household sizes and incomes (s.2.2.1.4c);
- Encourage intensification generally throughout the delineated built-up area (s.2.2.2.3c);
- Prioritizing planning and investment in infrastructure and public service facilities that will support intensification (s.2.2.2.3e).

County of Dufferin Official Plan

The application for consent conforms to the County of Dufferin Official Plan and is supported by the following policies:

- County encourages intensification with the existing built boundary/built up area wherever feasible and appropriate (s.3.4.2 a);
- County encourages intensification with the urban settlement area that is of an appropriate scale and character and subject to other policies of the County Official Plan, including the availability of servicing, and the protection of existing stable neighbourhoods (s.3.4.2 b);
- Intensification will include: small scale intensification through modification to an existing dwelling to include a second unit (s.3.4.2 c i)); infill residential development and new residential development of vacant land or underutilized land within the built-up area (s.3.4.2 c ii)).

Town of Shelburne Official Plan

Section 8.4 of the Official Plan identifies factors to be considered in assessing applications for Consent when new lots are created:

a) That regard shall be given to the goals of Section 3 of the Plan.

The application for consent are supported by the goals and objectives of the Official Plan, specifically:

- To promote and monitor intensification within the Built-up Areas with an intended target of 38% of new residential development in the form of intensification (s.3 d);
- To plan for and provide infrastructure and public facilities in an efficient and cost-effective manner to accommodate current and projected needs (s.3 r);
- To Plan for a complete community that meets the needs of residents throughout an entire lifetime by providing a range of housing types and community infrastructure (s.3 s).

The proposed consent will contribute towards the goals of the Town's Official Plan through intensification and redevelopment within an existing residential area in the built-up area. The vacant lot will be used for the construction of

two single detached dwellings which is consistent with the type of housing in the area. This will contribute to the supply of housing in an area that is currently serviced by public roads, water, sanitary and storm sewers.

b) That the severance will conform to Schedule 'A' and the appropriate land use policies in this Plan, and the provisions of the Zoning By-law;

The subject land is designated Residential in the Town's Official Plan and is located within the built boundary. The property is currently zoned Residential Type One Exception One (R1-1) in the Town's Zoning By-law. The resultant lots meet the requirements in the Zoning By-law and a single detached dwelling is a permitted use under the existing zoning for the subject property. As a residential use is proposed, the Consent conforms to the land use designation of the Official Plan which promotes opportunities for intensification and redevelopment.

c) That the severance will conform to the Land Division policies.

This application conforms to the land division policies of the Official Plan:

- Lot size – the lot area and frontage proposed for both lots will be adequate for the proposed uses.
- Public Road Access and Improvement – the severed and retained land will continue to have frontage on a public street. Both the retained and severed lot will have frontage off of Main Street East (Highway 89). The owner will be required to obtain MTO permit(s) for the proposed driveway(s).
- Parkland Dedication – current Official Plan policies require parkland dedication or cash-in-lieu for new lots for residential uses. In this case cash-in-lieu of parkland should be considered as the amount of land that would be dedicated is not sufficient for a new park and no new parks are planned in this location in accordance with the Parks Master Plan. Cash-in-lieu of parkland will be required for the new lot based on 5% of the value of the lot.
- Compatibility with surrounding area – the subject property is in an area characterized by existing low density residential uses and commercial development. As the proposed lots will be used for low-density residential uses, there are no concerns regarding land use compatibility.
- Hazard Lands – the proposed severed and retained land are not within or adjacent to any area identified as Natural Environment in the Official Plan and no hazardous areas or conditions have been identified that would impact the planned development of the proposed two dwellings.

The proposed consent is in keeping with the goals, policies and land use designations of the Town of Shelburne Official Plan.

Servicing

The property is within the Stage 1 area for servicing and a reserve has been established for these types of infill developments and general intensification. Based on the latest servicing capacity analysis, sanitary servicing capacity is available for the development of the proposed severed and retained lots.

The owner has provided a preliminary plan to illustrate that the proposed single detached dwellings will be able to connect to existing municipal water, sanitary and stormwater services along Main Street East (Highway 89). A sanitary sewer extension will be required within the MTO right-of-way which is subject to MTO approval. The proposed severed parcel will have to be raised with fill to facilitate sanitary servicing by gravity. A detailed grading and servicing plan and development agreement will be required.

Zoning By-law 38-2007

The property is zoned R1-1 which permits single detached dwellings and requires a minimum lot area of 900 square metres and minimum lot frontage of 18.3m. The proposed severed and retained lots comply with these requirements and no zoning changes or variances are required or proposed.

MTO Permits and Highway Widening

Highway 89 in this location is under MTO jurisdiction and the owner will be required to obtain MTO building/land use and entrance permits for the proposed development. Dedication of land for a future highway widening may be required and a condition of approval is recommended to require the owner to dedicate a widening if required by the MTO.

Summary

Application B20/05 to create one new residential lot is consistent with the PPS, conforms to the Growth Plan and the County Official Plan, and is in keeping with the Town's Official Plan. The proposed severed and retained lots comply with the Zoning By-law.

The approval of the proposed consent should be conditional on the approval of the draft reference plan, receipt of copies of the deposited reference plan, payment of the Secretary-Treasurer's fee and payment in lieu of parkland dedication for the new lot. Conditions are also recommended to require the owner to enter into a consent agreement to establish the requirements for servicing and grading the lot and to dedicate a highway widening if required by the MTO.

Financial Impact

Conditions are recommended requiring the payment of cash-in-lieu of parkland dedication for the new lot. The payment of development charges will be required for the new dwelling unit prior to building permit. The owner is responsible for all costs associated with finalizing the Consent and servicing and developing the lots.

Policies & Implications (if any) Affecting Proposal

Town of Shelburne Official Plan
Town of Shelburne Zoning By-law 38-2007

Consultation and Communications

The application was circulated to the required agencies and the public meeting was advertised in accordance with the Planning Act. No objections were received as of the report date. A copy of the comments received as of the preparation of this report are attached.

Prior to filing the application, the owner consulted with the Town and MTO to review development options for the property, including a townhouse or stacked townhouse development with 7 to 14 units, or a different option with up to 5 single detached dwellings developed as a plan of condominium with common driveway access and parking. MTO staff advised that driveway access would not be permitted for development proposals with greater than 5 units based on the property location along Highway 89 and proximity to existing intersections to the east and west. The owner decided to move forward with a severance for 2 units and noted that servicing costs for the previously proposed 5-unit design were a concern.

Council Strategic Priorities

- Municipal Services review and evaluation
- Invest and fund critical infrastructure for future
- Promote balanced growth

Supporting Documentation

Consent Sketch
Agency Comments

Prepared by:

Jenna Daum, Planner

Reviewed by:

Steve Weber, Town Planner



PROVINCIAL HIGHWAY 10 & 89 (KNOWN AS MAIN STREET)
ROAD ALLOWANCE BETWEEN TOWNSHIPS OF AMARANTH & MELANCTHON
PIN 34136-0085 (LT) (20.117 WIDE)

ROAD WIDENING BY INSTRUMENT No. 8163
ROAD WIDENING BY INSTRUMENT No. 22645

**SKETCH FOR PROPOSED SEVERANCE
LANDS DESCRIBED IN
PIN 34129 - 0421**

SCALE 1 : 200
0 2.5 5 7.5 10 metres
VAN HARTEN SURVEYING INC.



DENOTES RETAINED PARCEL

AREA = 1375 m²



DENOTES SEVERED PARCEL

AREA = 1406 m²

TOTAL AREA = 2781 m²

EXISTING
DWELLING
No. 731

PROPERTY DESCRIPTION

PIN 34129 - 0421
PART OF LOT 32, CONCESSION 2
PART 11, 7R-360 AND PART 1, 7R-1552
GEOGRAPHIC TOWNSHIP OF AMARANTH
TOWN OF SHELburne
COUNTY OF DUFFERIN

BOUNDARY NOTE:

BOUNDARIES SHOWN IN F-HEAVY OUTLINE ARE BASED
ON RECORDS OF VAN HARTEN SURVEYING INC.

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE
USED EXCEPT FOR THE PURPOSE INDICATED IN THE
TITLE BLOCK

METRIC:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

REVISION SCHEDULE

No.	DATE	BY	COMMENTS
1	DEC-21	PCF	FIRST SUBMISSION

**Van Harten**
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Kitchener/Waterloo Ph: 519-742-8871	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
--	----------------------------	---------------------------------

www.vanharten.com info@vanharten.com

DRAWN BY: PCF	CHECKED BY: EEL	PROJECT NO: 27599-19
---------------	-----------------	----------------------

Dec 2, 2020 9:08:13 AM
L:\Amaranth\Con2\ACAD\SK.LT3; MONTGOMERY (27599-19) R1.UTM
2010.dwg

RESIDENTIAL

LOT 32

PART 7, 7R-360
PIN 34129-0149 (LT)

RESIDENTIAL

PART 6, 7R-360
PIN 34129-0150 (LT)

RESIDENTIAL

PART 5, 7R-360
PIN 34129-0151 (LT)

RESIDENTIAL

PIN 34129-0157 (LT)

RESIDENTIAL

PART 4,
7R-6441

EXISTING
DWELLING
No. 734

PART 10, 7R-360
PIN 34129-0145 (LT)

49.440

PART 11, 7R-360

AREA= 1375m²

29.956

DRIVEWAY

PROPOSED

3.062
61.834

49.631

PIN 34129-0421 (LT)

25.721

9.141

EXISTING
BUILDING



22.860

22.860

DRIVEWAY

PROPOSED

SEVERED PARCEL

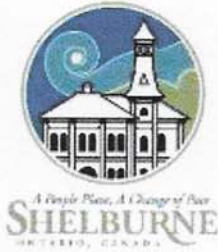
AREA= 1406m²

PART 1, 7R-1552

CONCESSION 2

2

61.833



TOWN OF SHELburne

PLANNING & DEVELOPMENT

Consent Circulation Response Form

Files: B20/05

Project: Application for Consent
Main Street East (Montgomery)
Part of Lot 32, Concession 2, Part 1 of Plan 7R-1552 and Part 1 of Plan 7R-350, Town of Shelburne

If you have no comments or objection to the approval of the above noted application please complete this form and email it to the **Town Planner** at the Town of Shelburne by **February 4, 2021**.

Email: planning@shelburne.ca

By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.

TOWN OF SHELburne
Agency Name
(Please Print)

Jim Moss
Representative Name
(Please Print)

DIRECTOR OF DEVELOPMENT & OPERATIONS
Representative Title
(Please Print)

[Signature]
Signature

Jan 26 2021
Date



TOWN OF SHELburne

PLANNING & DEVELOPMENT

Consent Circulation Response Form

Files: B20/05

Project: Application for Consent
Main Street East (Montgomery)
Part of Lot 32, Concession 2, Part 1 of Plan 7R-1552 and Part 1 of Plan
7R-350, Town of Shelburne

If you have no comments or objection to the approval of the above noted application please complete this form and email it to the **Town Planner** at the Town of Shelburne by **February 4, 2021**.

Email: planning@shelburne.ca

By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.

Shelburne District F.P.

Agency Name
(Please Print)

Ralph Snyder

Representative Name
(Please Print)

Fire Chief

Representative Title
(Please Print)

Ralph Snyder

Signature

Jan 22/21

Date

Shelburne - 302 First Avenue E and Main Street E - B20/05 and B20/06

Dolly.Shetty@HydroOne.com <Dolly.Shetty@HydroOne.com>

on behalf of

LandUsePlanning@HydroOne.com <LandUsePlanning@HydroOne.com>

Wed 2021-01-27 11:29 AM

To: Planning Account <planning@shelburne.ca>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the contents to be safe.

Hello,

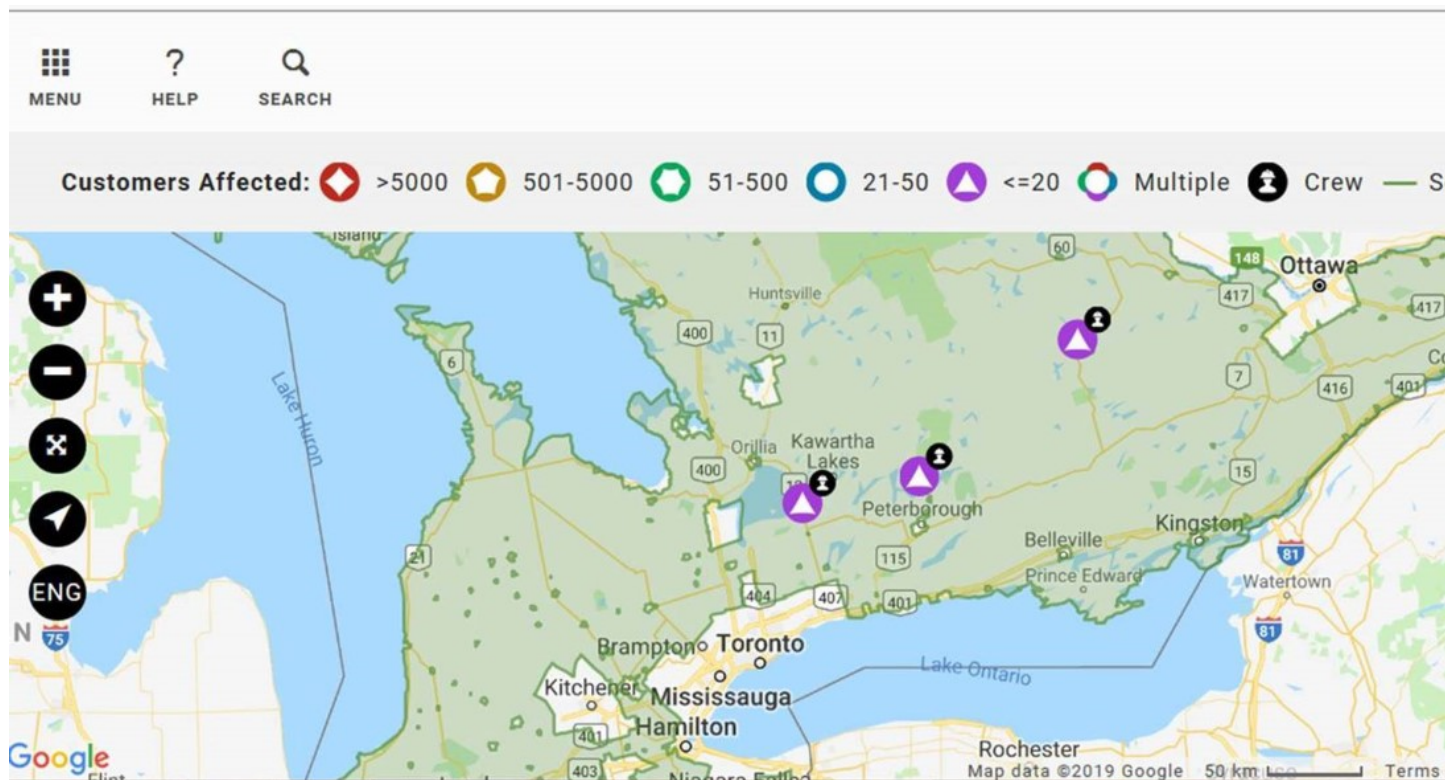
We are in receipt of Consent Application B20/05 and B20/06 dated January 21, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. [Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.](#)

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

<http://www.hydroone.com/StormCenter3/>

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Thank you,

Best Wishes,

Dolly Shetty

Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.

185 Clegg Road (R32)

Markham, ON | L6G 1B7

Email: Dolly.Shetty@HydroOne.com



This email and any attached files are privileged and may contain confidential information intended only for the person or persons named above. Any other distribution, reproduction, copying, disclosure, or other dissemination is strictly prohibited. If you have received this email in error, please notify the sender immediately by reply email and delete the transmission received by you. This statement applies to the initial email as well as any and all copies (replies and/or forwards) of the initial email.



TOWN OF SHELburne

PLANNING & DEVELOPMENT

Consent Circulation Response Form

Files: B20/05

Project: Application for Consent
Main Street East (Montgomery)
Part of Lot 32, Concession 2, Part 1 of Plan 7R-1552 and Part 1 of Plan
7R-350, Town of Shelburne

If you have no comments or objection to the approval of the above noted application please complete this form and email it to the Town Planner at the Town of Shelburne by February 4, 2021.

Email: planning@shelburne.ca

By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.

Township of Amaranth

Agency Name
(Please Print)

James Johnstone

Representative Name
(Please Print)

Township Planner

Representative Title
(Please Print)

[Handwritten Signature]

Signature

01/28/01

Date