



*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:** P2021-04

**Subject:** **Application for Consent B20/06**  
**David & Kelly Montgomery**  
**302 First Avenue East, Shelburne**

---

### 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 B20/06 subject to the following:

1. That the Secretary-Treasurer's Certificate under subsection 53(42) of the Planning Act R.S.O. 1990, c.P.13, 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, sidewalks, 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, the requirement to construct a new driveway and required parking spaces on the severed lot, and the payment of required fees;

4. That the Owner obtain approval of a Zoning By-law Amendment for the two (2) resultant lots to a zone that will accommodate the proposed lot areas, yards and setbacks;
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

The subject property is municipally known as 302 First Avenue East and is legally described as All of Lot 1, Part of Lot 2, Block 28, Plan 12A, Town of Shelburne, County of Dufferin. The property is owned by David and Kelly Montgomery and currently contains a single detached dwelling. The purpose and effect of the application is to sever the existing lot into two residential lots.

The proposed severed lot will have an area of 345 square metres and will have 16.9 metres of frontage on James Street North. The proposed retained lot will have an area of 578 square metres and will maintain 20.35 metres of frontage onto First Avenue East. The existing parcel is 923 square metres in area and currently contains a single-detached dwelling fronting onto First Avenue East.

The existing single-detached dwelling is proposed to be converted to a maximum of 3 dwelling units. A single detached dwelling is proposed to be constructed on the severed lot with a new driveway off of James Street North. A related Zoning By-law Amendment application has been submitted by the applicants.

## Analysis

The property is located at the north-east corner of the intersection of First Avenue East and James Street North. 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 Two (R2) Zone.

### Severed Land and Retained Land

The newly created lot is proposed to be situated in the rear yard of the existing lot and would front onto James Street North. The proposed parcel will have an area of 345 square metres and frontage of 16.9 metres on James Street North. The retained parcel is proposed to have an area of 578 square metres and frontage of 20.35 metres on First Avenue East. The existing dwelling on the retained lot does not currently meet some of the requirements of the R2 Zone

and will require a zone change to a site-specific Residential Type Two Exception (R2-#) Zone. The applicant proposes to convert the existing dwelling to a maximum of three (3) dwelling units which also requires site-specific zoning. Additionally, the owner is requesting a zone change for the severed lot to Residential Type Four (R4). An application for Zoning By-law Amendment has been received with the Consent Application.

The existing lot is currently occupied by a single detached dwelling and an attached garage. The attached severance sketch illustrates the proposed lot configuration as well as the existing and proposed buildings. To permit the severance and recognize the established and proposed yards for the existing dwelling and to permit conversion of the existing dwelling for up to three (3) units, the retained lot requires an amendment to allow for three (3) dwelling units, a rear yard of 6.4m for the existing attached garage, tandem parking to satisfy the requirements for three (3) parking spaces for the proposed three (3) units, to recognize an existing deficient exterior side yard (0.7 m) and the existing setback from the street centre line (22.3 m). The severed lot is proposed to be re-zoned to Residential Type Four (R4).

#### Surrounding Land Use Context

The property is located adjacent to the limit of the Downtown Core where intensification and higher densities are situated including a mix of commercial and residential units. There are existing townhomes and other multi-unit dwellings located across the unopened municipal lane to the north of the property, the former hospital used for residential apartments to the south. Properties to the east along First Avenue are used for existing single detached dwellings and to the west is one residential property and an existing commercial plaza.

#### 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 is 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 single detached dwelling on the retained lands will be converted into three (3) separate dwelling units and a new single detached house will be constructed on the property severed property. This will provide a mix of housing forms, sizes and densities in an area that is currently serviced by municipal roads, water, sanitary and storm sewers and is located within steps to the Downtown Core.

**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; and**

The subject land is designated 'Low Density Residential' in the Town's Official Plan and is located within the built boundary. The property is currently zoned 'Residential Type Two (R2)' in the Town's Zoning By-law. Since the existing dwelling on the proposed retained lot is proposed to be converted to three (3) units and would not meet the required minimum yards as required in the Zoning By-law, and the proposed severed lot would not meet the minimum lot area requirement of the R2 Zone, a Zoning By-law Amendment will be required. As a residential use is proposed, the severed parcel conforms to the land use designation of the Official Plan which promotes opportunities for intensification and redevelopment.

A condition is recommended to require approval of an amendment to the Zoning By-law to site-specific R2 zoning based on the proposed required setbacks and uses for the retained lot and to R4 zoning for the severed lot.

**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 but will require an amendment to the Zoning By-law for the proposed severed lot.
- Public Road Access and Improvement – the severed and retained land will continue to have frontage on a public street. The retained lot will have access from First Avenue East and the severed lot will have access from James Street North. The retained parcel will maintain frontage on First Avenue East while the severed parcel will have frontage on James Street North.
- 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 a mix of residential and commercial development within the limits of the Downtown Core and surrounding area. 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 an additional dwelling and the conversion of the existing dwelling to include three (3) units.

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

Servicing

The property is within the Stage 1 area for services 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 lot.

The proposed single detached dwelling will be able to connect to existing municipal water, sanitary and stormwater services. Extension of a sanitary sewer from First Avenue East northerly along James Street North will be required to service the proposed severed lot and will be at the cost of the property owners. A detailed grading and servicing plan and development agreement will be required.

## Summary

Application B20/06 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 application is subject to approval of a Zoning By-law amendment to rezone the proposed severed lot to Residential Type Four and retained lot to site-specific Residential Type Two Exception (R2-#) zones, and a development agreement.

The approval of the proposed consent should be conditional on the approval of a Zoning By-law Amendment, as proposed. The Town's standard consent conditions are also recommended.

## 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 property owner is responsible for all costs for servicing and developing the new lot.

## 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 are attached.

## Supporting Documentation

Consent Sketch  
Agency Comments

Prepared by:

---

Jenna Daum, Planner

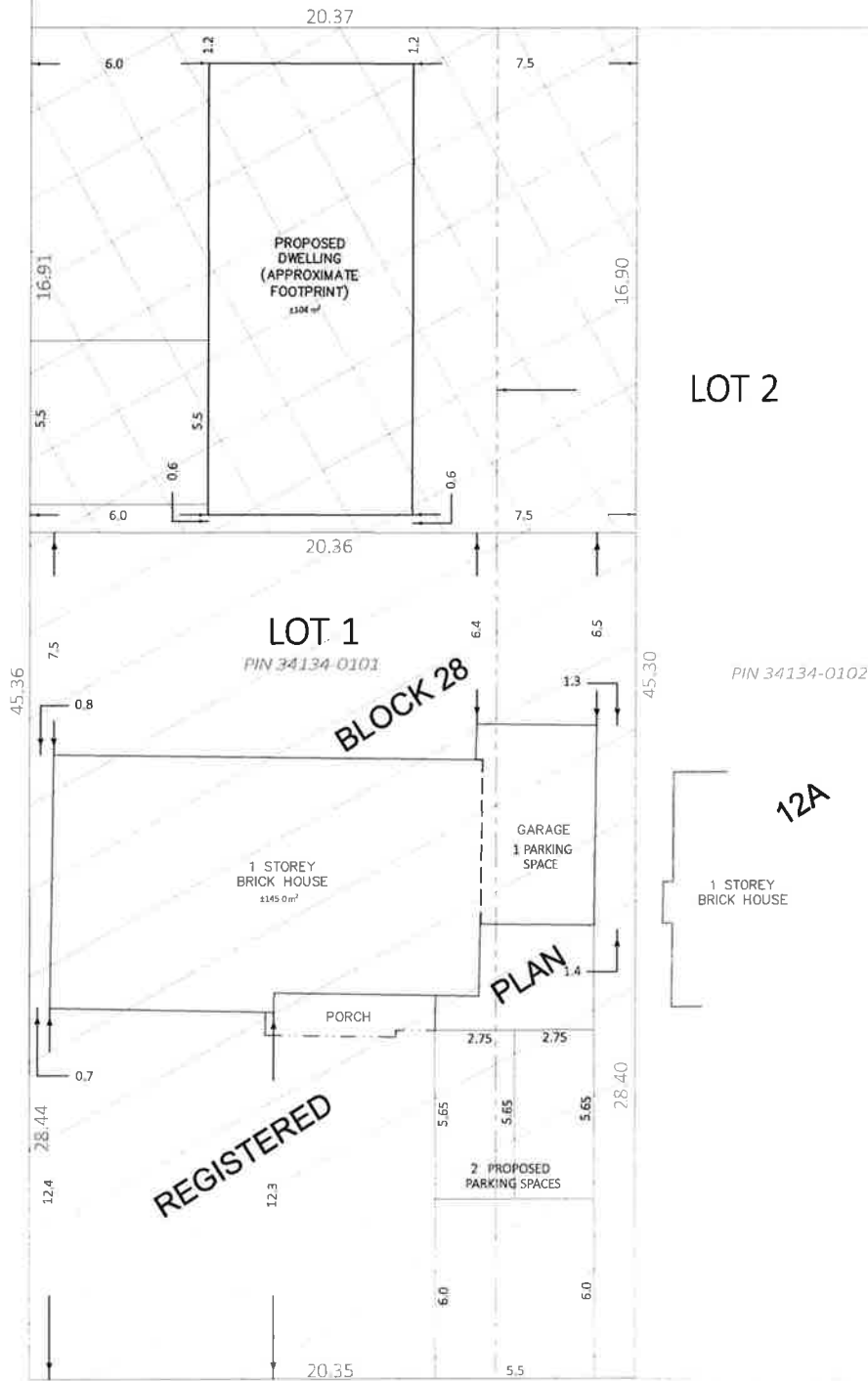
Reviewed by:

---

Steve Weber, Town Planner

JAMES STREET  
(15.088 WIDE)  
PIN 34134-0112

LANE  
(6.035 WIDE)  
PIN 34134-0109



FIRST AVENUE  
(20.117 WIDE)  
PIN 34134-0111

**ZONING BY-LAW 38-2007**

EXISTING: RESIDENTIAL TWO (R2) ZONE

PROPOSED SEVERED: RESIDENTIAL TWO SITE SPECIFIC (R2-#) ZONE

PROPOSED RETAINED: RESIDENTIAL FOUR (R4) ZONE

	REQUIRED (R2-#)	RETAINED (R2-#)	REQUIRED (R4)	SEVERED (R4)
• MINIMUM LOT AREA	= 464m <sup>2</sup>	= 578m <sup>2</sup>	= 300m <sup>2</sup>	= 344m <sup>2</sup>
• MINIMUM LOT FRONTAGE	= 15.0m	= 20.6m	= 9.75m	= 16.9m
• MINIMUM FRONT YARD	= 6.0m	= 12.3m	= 6.0m	= 6.0m
• MINIMUM EXTERIOR SIDE YARD	= 4.5m	= 0.7m	= 3.0m	= N/A
• MINIMUM INTERIOR SIDE YARD	= 1.2m	= 1.3m	= 1.2m	= 1.2m
• OTHER SIDE	= N/A	= N/A	= 0.6m	= 0.6m
• MINIMUM REAR YARD	= 7.5m	= 7.5m	= 7.5m	= 7.5m
• MAXIMUM SETBACK FROM STREET CENTERLINE	= 20.0m	= 22.3m	= 16.0m	= 13.5m
• MAXIMUM LOT COVERAGE	= 35%	= 25%	= 45%	= 30%
• MAXIMUM BUILDING HEIGHT	= 9.2m	= 6m	= 9.2m	= 9.2m



**CONCEPT PLAN ON  
ALL OF LOT 1 AND PART OF LOT 2  
BLOCK 27  
REGISTERED PLAN 12A  
TOWN OF SHELBURNE  
COUNTY OF DUFFERIN**

SCALE 1 : 150  
0 5 10metres



DENOTES SEVERED PARCEL

AREA = 345 m<sup>2</sup>±



DENOTES RETAINED PARCEL

AREA = 578 m<sup>2</sup>±

TOTAL AREA = 923 m<sup>2</sup>±

**NOTE:**

THIS IS NOT A PLAN OF SURVEY  
ALL DIMENSIONS AS SUBJECT TO FINAL SURVEY

BOUNDARY INFORMATION SHOWN HEREON IS BASED ON RECORDS FOUND AT THE LAND  
REGISTRY OFFICE, REGISTERED PLAN 12A AND PLAN OF SURVEY BY LLOYD THOMSON  
O.L.S. DATED DECEMBER 2, 1965.

**METRIC:**

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

No.	BY	DATE	REVISION
3	TDM	DEC 04/30	PREPARED FOR SUBMISSION
2	TDM	NOV 17/20	UPDATE ZONING
1	TDM	SEPT 09/20	PROPOSED SEVERANCE
PREPARED FOR: DAVID & KELLY MONTGOMERY 302 FIRST AVENUE EAST			





# TOWN OF SHELburne

## PLANNING & DEVELOPMENT

### Zoning By-law Amendment & Consent Circulation Response Form

**Files:** Z20/03 & B20/06

**Project:** Applications for Zoning By-law Amendment & Consent  
302 First Avenue East  
All of Lot 1, Part of Lot 2, Block 28, Plan 12A, Town of Shelburne

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

**Email:** [planning@shelburne.ca](mailto: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 7 2021  
Date



## TOWN OF SHELburnE

### PLANNING & DEVELOPMENT

#### Zoning By-law Amendment & Consent

#### Circulation Response Form

**Files:** Z20/03 & B20/06

**Project:** Applications for Zoning By-law Amendment & Consent  
302 First Avenue East  
All of Lot 1, Part of Lot 2, Block 28, Plan 12A, Town of Shelburne

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

**Email:** [planning@shelburne.ca](mailto: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.D.

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,

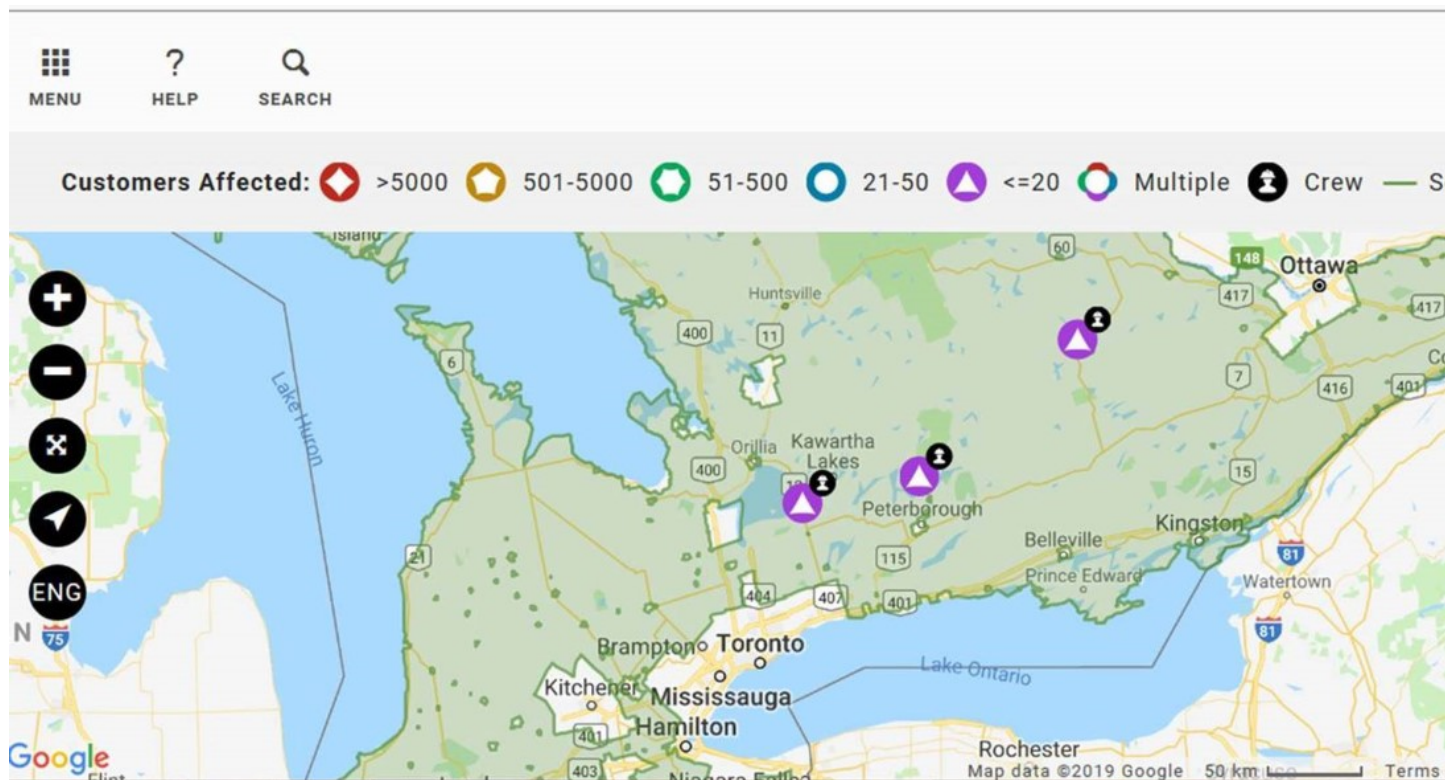
We are in receipt of Consent Application B20/05 and B20/06 dated January 21, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. [Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.](#)

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](mailto: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](mailto: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.