



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

Meeting Date: Monday, April 12, 2021

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

From: **Steve Wever, Town Planner**

Report: P2021-08

Subject: **Application for Consent B21/01**
Sandy Brown
331 Victoria Street, Shelburne

Recommendation

Be it Resolved that Committee of Adjustment grant conditional approval of Consent Application B21-01 to authorize the creation of private easement(s) for sanitary servicing 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. That approval of the easement documents and the draft reference plan 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;
3. That the Owner enter into an agreement with the Town which addresses the provision of easement(s) which will be registered on title to the lands in priority to all other claims, encumbrances or other item to the satisfaction of the Town Solicitor; and,
4. That 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 (servicing easement) has been submitted by Sandy Brown, owner for the property located at 331 Victoria Street. The property is currently occupied by an existing single detached dwelling. The subject property is legally described as All of Lot 6, Block 18, Registered Plan 8A. The property has a total area of approximately 723 square metres with 16.1 metres of frontage on Victoria Street.

The owner previously obtained provisional approval for a severance on September 21, 2020 (B20/03) to divide the subject property into two residential lots. The purpose and effect of the easement application is to create a 3.0m easement along the north property line, starting at the east property line (lane), across the entire length of the severed property (east lot), ending 9.5 m into the retained lot (west lot), for a total length of 32.2 m (96.6 square metres). The easement is proposed as a private easement for the purposes of granting shared access to private sanitary sewers located within the proposed severed and retained lot to maintain the existing sanitary service to the dwelling at 331 Victoria Street as well as the existing dwelling on the neighbouring property at 327 Victoria Street.

Analysis

The property is located at the north-east corner of the intersection of Victoria Street and Mill Street. The property is designated 'Medium Density Residential' in the Official Plan and is located within the built boundary. The property is currently zoned Residential Type Four Exceptions 8 and 9 (R4-8 and R4-9) Zone in Zoning By-law 38-2007 as amended by By-law 43-2020.

The proposed servicing easement is located along the north property line, starting at the east property line (lane), across the entire length of the severed property (east lot), ending 9.5 m into the retained lot (west lot), for a total length of 32.2 m (96.6 square metres). The attached easement sketch illustrates the dimensions and location of the proposed servicing easement on the subject property.

Surrounding Land Use Context

The surrounding neighbourhood is characterized with a mix of single detached and semi-detached dwellings in an area primarily zoned R2 which permits both single and semi-detached dwellings as well as converted dwellings.

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 provides for the continued municipal servicing of the existing dwellings at 327 and 331 Victoria Street, by recognizing the existing location of existing private sanitary laterals that connect these dwellings to the municipal system and formalizing arrangements for the continued future access to the municipal sanitary sewer system via the existing private sanitary laterals with easement(s) that will also establish the responsibilities of the private property owner(s) to maintain and repair the private laterals. The easement(s) are also required in conjunction with the related severance of the new lot (B20/03) which facilitates intensification within the built-up area as summarized in report P2020-10.

The application is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe

For the reasons outlined above, approval of the proposed consent (easement) application would also contribute to addressing the Growth Plan policies for directing development to settlement areas on full municipal services and intensification within the built-up area.

The application conforms and does not conflict with the Growth Plan.

County of Dufferin Official Plan

Similarly, for the reasons outlined above, the application for consent (easement) is supported by the County of Dufferin Official Plan policies which direct that urban settlement areas will be the focus of growth and will accommodate a broad range of uses with full municipal services, and that promote intensification within the built-up area.

The application conforms and does not conflict with the County of Dufferin Official Plan.

Town of Shelburne Official Plan

The property is designated as "Medium Density" on Schedule 'B2' of the Official Plan. Section 8.4 of the Official Plan identifies factors to be considered in assessing applications for Consent:

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 the proposed consent will create the required easement to facilitate shared access to the existing sanitary services for these properties and set out related private landowner responsibilities to maintain

municipal sanitary sewer connections for the existing dwellings while also facilitating intensification via the related lot severance (B20/03).

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 R4-8 and R4-9 in the Town's Zoning By-law. The proposed easement(s) will recognize and provide shared access to the existing sanitary services and are not specifically regulated by the Zoning By-law. The easements will protect the existing sanitary sewer laterals by prohibiting the location of accessory buildings and structures within the easements.

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

- Lot size – no new lot is being proposed as part of this application, but rather an easement(s) for sanitary sewer servicing. A new lot has been conditionally approved (B20/03) and both the severed and retained lots will meet the lot size requirements of the Zoning By-law, as amended for the subject property.
- Public Road Access and Improvement – the property will continue to maintain the existing frontage and road access onto Victoria Street and Mill Street.
- As no new lots are created, cash in lieu of parkland dedication does not apply to the proposed easement. A payment in lieu of parkland dedication is required as a condition of approval of the related consent application (B20/03) for the new severed lot.
- Compatibility with surrounding area – the subject easement is in an area characterized by residential uses. As the proposed easement will be used for existing sanitary services for two existing dwellings, there are no concerns regarding land uses compatibility.
- Hazard Lands – the proposed easement is not within or adjacent to any area identified as Natural Environment in the Official Plan.

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

Summary

Application B21/01 to create sanitary servicing easement(s) is consistent with the PPS, conforms and does not conflict with the Growth Plan and the County Official Plan, and is in keeping with the Town's Official Plan. The approval of the proposed easement(s) should be conditional on the Town's review and approval of the draft easement/transfer documents to be provided by the applicant's solicitor and the Owner entering into an agreement with the Town to registered on title to the lands in priority to all other claims, encumbrances

or other item to the satisfaction of the Town Solicitor, as well as the Town's standards conditions of approval.

Financial Impact

None. As the proposed servicing easement is on private property, the owner and beneficiary of the easement is responsible for costs associated with future maintenance and repair and other costs for work within the lands that are subject to the proposed easement.

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 comments received are attached.

Supporting Documentation

Consent Sketch
Agency comments

Prepared by:

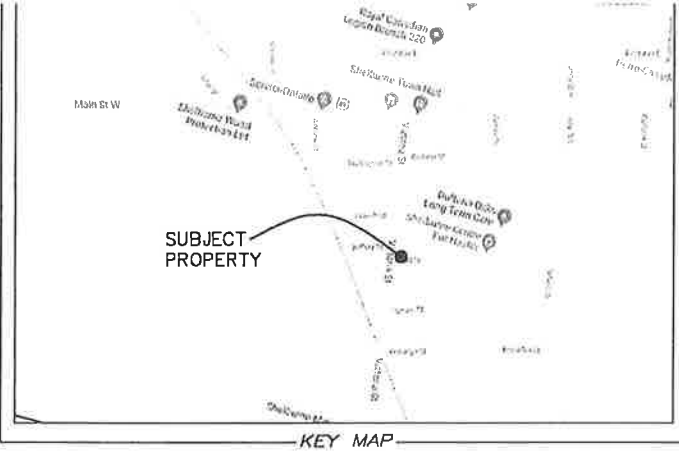
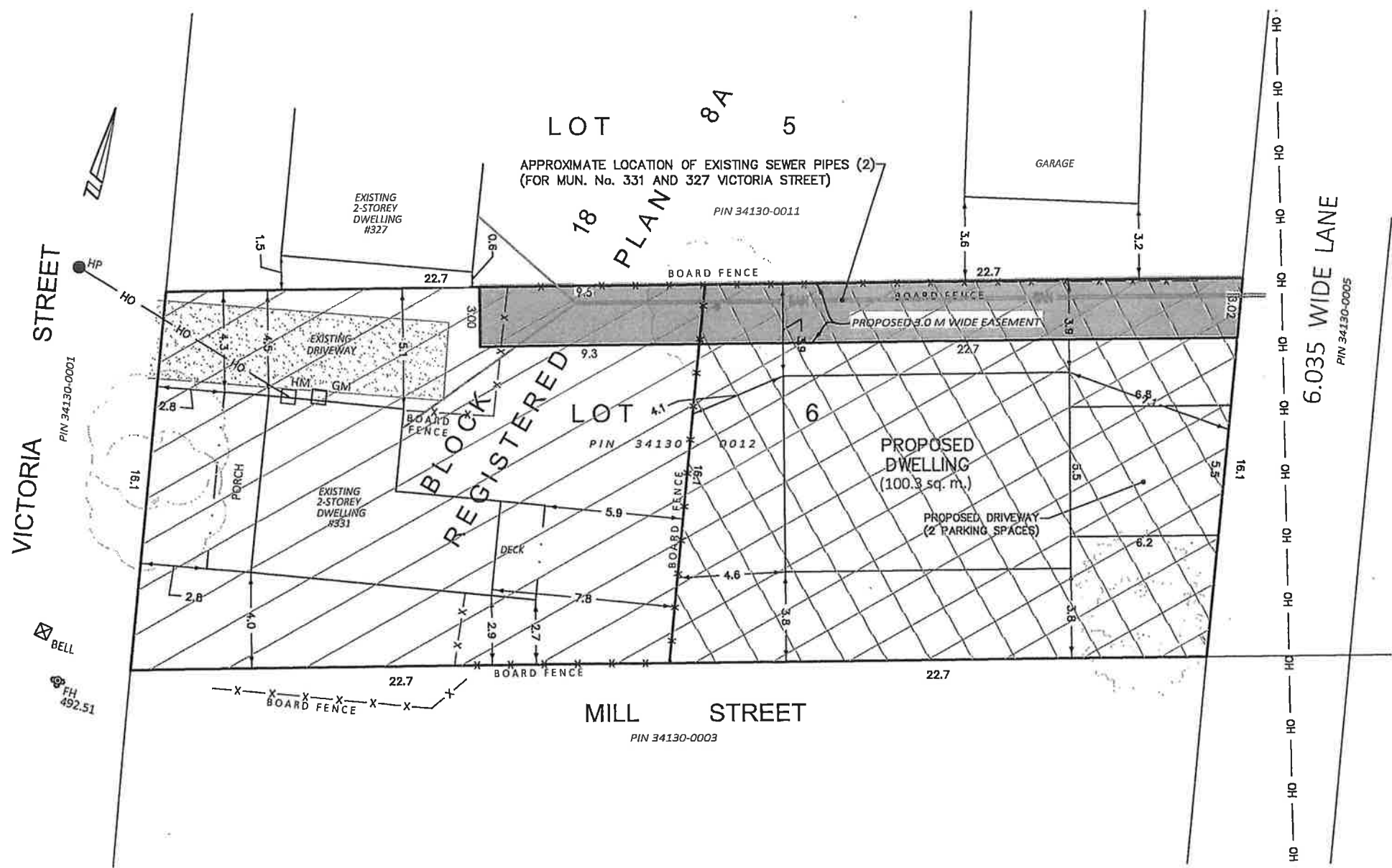
Reviewed by:

Jenna Daum, Planner

Steve Weber, Town Planner

SEVERANCE SKETCH ON
ALL OF LOT 6
BLOCK 18
REGISTERED PLAN 8A
TOWN OF SHELBURNE
COUNTY OF DUFFERIN

SCALE 1 : 150
VAN HARTEN SURVEYING INC.



AREA = 363 m²±
AREA = 363 m²±
TOTAL AREA = 726 m²±

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, PLANS 7R-5906, 7R-5371, 7R-5460 AND 7R-6440,
SURVEY BY P. J. WILLIAMS, O.L.S., DATED AUGUST 18, 1972 AND
SURVEY BY P. J. THORPE, O.L.S., DATED JULY 12, 1989

ZONING BY-LAW 38-2007
EXISTING: RESIDENTIAL TWO (R2) ZONE
PROPOSED: RESIDENTIAL FOUR (R4) ZONE

REQUIRED	
• MINIMUM LOT AREA	300m ²
• MINIMUM LOT FRONTAGE	11.0m
• MINIMUM FRONT YARD	6.0m
• MINIMUM EXTERIOR SIDE YARD	3.0m
• MINIMUM INTERIOR SIDE YARD	1.2m
• OTHER SIDE	0.6m
• MINIMUM REAR YARD	7.5m
• MINIMUM SETBACK FROM STREET CENTRELINE	16.0m
• MAXIMUM LOT COVERAGE	45%
• MAXIMUM BUILDING HEIGHT	9.2m

PROPOSED	RETAINED	SEVERED
• 363m ²	• 363m ²	• 363m ²
• 16.1m	• 16.1m	• 22.7m
• 2.8m	• 2.8m	• 3.8m
• 2.9m	• 2.9m	• N/A
• 4.3m	• 4.3m	• 3.7m
• N/A	• N/A	• 3.9m
• 7.8m	• 7.8m	• 6.1m
• 12.9m	• 12.9m	• 13.9m
• 17%	• 17%	• 28%
• N/A	• N/A	• 8m

© 2019 VAN HARTEN SURVEYING INC.

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

3	EEL	JAN. 18/21	SHOW PROPOSED EASEMENT FOR EXISTING SEWER LINE
2	EEL	ARP.9/19	MINOR REVISIONS
1	EEL	MAR.29/19	PROPOSED SEVERANCE SKETCH
No.	BY	DATE	REVISION
 Van Harten SURVEYING INC. LAND SURVEYORS and ENGINEERS			
Elmira Ph: 519-669-5070		Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com	
DRAWN BY: FCF		CHECKED BY: AJM	PROJECT No. 26074-18
Jan 18, 2021-1:22:10 PM C:\00-Jobs\26669-19 Sandy Brown Lot 6 Block 18 RP 18A\Block 18\ACAD\SEVSK.LT6.BLK18 RP 8A BROWN (26074-18) REV-Easement.dwg			

**Town of Shelburne Planning Application Circulation: A21/02 - 201 Wellington Street,
B21/01 - 331 Victoria Street, B21/02 - 716 Victoria Street & Z21/01 - 105 Mill Street**

Dionne, Chantale H <chantale.dionne@bell.ca>

on behalf of

Modifications 911 <modifications.911@bell.ca>

Fri 2021-03-19 10:09 AM

To: Planning Account <planning@shelburne.ca>

 18 attachments (7 MB)

B21 01, B21 02, A21 02 - Circulation Letter Consolidated Version.pdf; A21 02- Public Meeting Notice - Mailing.pdf; A21 02 - Circulation Response Form.pdf; A21.02-Application.pdf; A21.02-Drawings.pdf; B21 01- Public Meeting Notice - Mailing.pdf; B21 01 - Circulation Response Form.pdf; B21.01-Application.pdf; B21.01-Drawings.pdf; B21 02- Public Meeting Notice - Mailing.pdf; B21 02 - Circulation Response Form.pdf; B21.02-Application.pdf; B21.02-Drawings.pdf; Z21 01- Circulation Letter.pdf; Z21 01 - Public Meeting Notice - Mailing.pdf; Z21 01 - Circulation Response Form.pdf; Z21.01-Application.pdf; Z21.01-Drawings.pdf;

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.

Good day,

Thank you for the information.

Regards,



Chantale Dionne

Modifications/Corrections 9-1-1

Base de données des Services d'Urgence 9-1-1 /

9-1-1 Emergency Services data base

 1-800-309-0911 / 418-521-8961

RE: Town of Shelburne Planning Application Circulation: A21/02 - 201 Wellington Street, B21/01 - 331 Victoria Street, B21/02 - 716 Victoria Street & Z21/01 - 105 Mill Street

Municipal Planning <MunicipalPlanning@enbridge.com>

Wed 2021-03-17 9:05 PM

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.

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed applications however, we reserve the right to amend our development conditions.

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. For more details contact SalesArea20@Enbridge.com.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning

ENBRIDGE
TEL: 416-495-5386 | MunicipalPlanning@Enbridge.com
500 Consumers Road, North York, Ontario M2J 1P8

enbridge.com
Safety. Integrity. Respect.



TOWN OF SHELburne

PLANNING & DEVELOPMENT

Consent Circulation Response Form

File: B21/01

Project: Consent - Easement
331 Victoria Street
All of Lot 6, Block 18, Registered Plan 8A, 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 **April 8, 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.D.

Agency Name
(Please Print)

Ralph Snyder

Representative Name
(Please Print)

Fire Chief

Representative Title
(Please Print)

Ralph Snyder

Signature

March 18/21

Date

RE: Town of Shelburne Planning Application Circulation: A21/02 - 201 Wellington Street, B21/01 - 331 Victoria Street, B21/02 - 716 Victoria Street & Z21/01 - 105 Mill Street

Amy Knapp <aknapp@nvca.on.ca>

Wed 2021-03-31 2:21 PM

To: Planning Account <planning@shelburne.ca>

Cc: Steve Weber <swever@gspgroup.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.

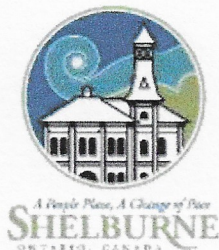
Good Afternoon Steve,

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the planning applications contained within this email and can offer the following for consideration:

Consent - B21/01 - 331 Victoria Street (Easement)

NVCA staff have confirmed that the subject lands are not within:

- a flood susceptible area;
- a hazardous site (characterized by unstable soils or bedrock);
- an erosion hazard area, or;
- an area subject to this Authority's Development, Interference With Wetlands and Alterations To Shorelines and Watercourses Regulation (Ontario Regulation 172/06).
- No Natural Heritage Features present



TOWN OF SHELburne

PLANNING & DEVELOPMENT

Consent Circulation Response Form

File: B21/01

Project: Consent - Easement
331 Victoria Street
All of Lot 6, Block 18, Registered Plan 8A, 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 **April 8, 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

MARCH 25TH 2021
Date