



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

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**Meeting Date:** Monday, June 27, 2022

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

**From:** **Steve Wever, Town Planner**

**Report:** P2022-17

**Subject:** **Application for Consent B22/02**  
**Anthony Matthew and Kristy Sarausky**  
**307 Victoria Street, Shelburne**

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### 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 B22/02 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 the following matters:
  - 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;

- the requirement to provide drawings indicating the location and details of the driveway including the requirement for replacement of any trees requiring removal, to the satisfaction of the Town;
  - design guidelines for the new dwelling to be constructed on the proposed severed lot with input from the Heritage Committee; 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 two years from the date of the issuance of the Committee's notice of decision.

## Background

An application for consent has been submitted by Anthony Matthew and Kristy Sarausky for the creation of one new lot from the property municipally known as 307 Victoria Street. 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 392 square meters and will have 19.8 metres of frontage on Centre Street. The proposed retained lot will have an area of 440 square metres and will maintain 16.8 metres of frontage onto Victoria Street. The existing parcel is 832 square metres in area and currently contains a single-detached dwelling, fronting onto Victoria Street. The existing single-detached dwelling will be maintained. A single detached dwelling is proposed to be constructed on the severed lot with two (2) parking spaces within a new driveway to be constructed with access from the rear laneway.

## Analysis

The subject property is municipally known as 307 Victoria Street and is legally described as Part of Lot 1, Plan 8A, Block 18, Parts 1 & 2 on Plan 7R-1141, Town of Shelburne, County of Dufferin. The property is owned by Anthony Matthew and Kristy Sarausky and currently contains a single detached dwelling.

The property is located at the southeast corner of Victoria Street and Centre Street. The property is designated 'Residential (Medium Density) in the Official Plan, is located within the built boundary and 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 Centre Street. The proposed parcel will have an area of 392 square metres and frontage of 19.8 metres on Centre Street. The retained parcel is proposed to have an area of 440 square metres and frontage of 16.8 metres on Victoria Street. These proposed lot sizes do not meet the lot area and setback requirements for the R2 Zone and will require a zone change to site-specific Residential Type Two (R2) Zones. 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. The attached severance sketch illustrates the proposed lot configurations as well as the existing and proposed buildings.

### Surrounding Land Use Context

The existing lot is currently occupied by a single detached dwelling. The attached severance sketch illustrates the proposed lot configurations as well as the existing and proposed buildings.

Similar low density infill residential lot severances were previously granted for similar corner lots, with lot sizes between 300 square metres and 400 square metres.

### 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 and other uses to meet long-term needs (s.1.1.1 b) and mix of housing types and densities to accommodate residential growth (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 to meet projected needs for a time horizon of up to 25 years (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 available 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-1,2,4 & 5), and shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated (s. 1.1.3.2);

- Planning authorities shall promote opportunities for accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (s.1.1.3.3);
- Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety (s. 1.1.3.4);
- 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).

The PPS provides the following additional policy direction relevant to the subject applications:

- Long-term economic prosperity should be supported by: (b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce; (d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets; (e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes; (s. 1.7.1)
- Significant built heritage resources and significant cultural heritage landscapes shall be conserved (s. 2.6.1).

Heritage and built form considerations are reviewed later in this report, in respect of the subject application for Consent.

#### 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 (s.2.2.1.2a).
- To provide a diverse range and mix of housing to accommodate people at all stages of life (s.2.2.1.4c).
- Prioritizing planning and investment in infrastructure and public service facilities that will support intensification (s.2.2.2.4e).

Section 4.2.7.1 of the Growth Plan directs that “*Cultural heritage resources* will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.” “Cultural heritage resources” are defined in the Growth Plan as “Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.”

Heritage considerations are reviewed later in this report, in respect of the subject application for Consent.

#### County of Dufferin Official Plan

The application has been reviewed under the applicable policies of the County of Dufferin Official Plan and in consideration of the following intensification policies:

- The County encourages intensification within the existing built boundary/built up area wherever feasible and appropriate (s. 3.4.2 a);
- The 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));
- The following criteria will assist the County and local municipalities in the evaluation and consideration of applications for intensification:
  - i. the proposed development is located within the built boundary/built-up area;

- ii. the proposed development provides a diverse and compatible mix of land uses including residential uses and potentially commercial or employment uses, to support vibrant neighbourhoods;
- iii. the existing sewage and water services can accommodate the additional development;
- iv. the road network can accommodate the traffic generated;
- v. sufficient parking is provided;
- vi. the proposed development is adequately serviced by parks, schools and other community infrastructure;
- vii. the proposed development supports transit, where available, walking and cycling for everyday activities;
- viii. the development proposal provides for high quality public open spaces with site design and urban design standards that create attractive and vibrant places;
- ix. the proposed development is compatible with the existing development and the physical character and scale of adjacent buildings, streetscapes, and surrounding neighbourhood, and provides appropriate transition of built forms to adjacent uses; and
- x. the proposed development is consistent with the policies of the appropriate land use designation associated with the land.

The County Official Plan also establishes the following goals:

- Protect significant cultural heritage and archaeological resources and the history and defining character of the County (s. 1.1.5 (h));
- Encourage the growth and vitality of the core commercial areas and historic downtowns through infill, intensification and redevelopment which is appropriate to the local context and character (s. 1.1.5 (j));
- Encourage the provision of a range of housing opportunities of varying densities and tenures, including the construction of affordable housing and special needs housing (s. 1.1.5 (k));

Growth management objectives of the County Official Plan include:

- Encourage opportunities for redevelopment, revitalization and intensification in appropriate locations and of a scale and character of development that is compatible with the community (s. 3.1 (e));
- Encourage the provisions of a broad range of housing types and affordability to meet the needs of the existing and future residents of the County (s. 3.1 (g)).

The County Official Plan policies for urban settlement areas direct as follows:

- Urban settlement areas will be the focus of growth and will accommodate a broad range of uses (s. 3.3.2 (b));
- Local municipalities are encouraged to identify and promote intensification, infill and redevelopment of designated and vacant and/or underutilized sites, in the urban settlement areas, taking into account existing building stock and the availability of suitable existing or planned infrastructure and public service facilities to accommodate projected needs (s. 3.3.2 (e));
- Cost effective development patterns and those which minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage conservation or public health and safety concerns will be avoided. (s. 3.3.2 (h));

Community Design policies of the County Official Plan direct as follows:

- Local municipalities will seek to maintain and improve the physical design characteristics in the context of new and existing development, and promote a high quality of community design and built form (s. 3.9.1 a);
- Local municipalities, through the review of development applications will:
  - i. ensure that new development is designed in keeping with the traditional character of the settlement areas and in a manner that both preserves their traditional community image and enhances their sense of place within the County;
  - ii. promote efficient and cost-effective development patterns that minimize land consumption;
  - iii. promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, and parks;
  - iv. encourage tree retention or tree replacement; and
  - v. encourage design that considers, and wherever possible continues, existing and traditional street patterns and neighbourhood structure. (s. 3.9.1 b);
- Local municipalities may require development proponents to submit design and architectural control guidelines with development applications, establishing how the policies of this Plan and the local municipal official plan have been considered and addressed. Such guidelines may also be required to address related issues of streetscaping, landscaping, setbacks, signage, garage placement, and architectural treatment in accordance with any local design guidelines and zoning by-laws. (s. 3.9.1 c);

- Local municipalities will require that infill developments be compatibly scaled and designed to enhance the character of the area (s. 3.9.1 d).

Heritage, design and built character considerations are reviewed later in this report, in respect of the subject application for Consent.

### 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 continue to provide a mix of housing forms and types of affordable housing similar to that which exists near the downtown core (s. 3c);
- 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 existing single detached dwelling on the retained lands will be maintained and on the severed lands a new single detached dwelling will be constructed on the 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 walking distance of the Downtown Core.

As the owner has not yet provided information regarding the design of the proposed new dwelling, the following goals of the Official Plan have not been specifically addressed at this time:

- To encourage well planned, attractive new development and a high quality of urban design that will reflect the historic, small town character of the community (s. 3 (a));

Conditions of approval are recommended to require that design guidelines for the new dwelling shall be established as part of the required Consent Agreement.

**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 'Medium 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 and the proposed severed lot would not meet the minimum lot area and setback requirements 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 lot areas and setbacks for the retained and severed lots.

Design guidelines will be required as part of the required Consent Agreement to address the following objectives, policies and criteria of the Residential designation:

- encourage a high standard of urban design for all residential development (s. 4.2.2 d)); and,
- regard for the density and character of adjacent development and appropriate integration of the proposed use into the residential community with respect to building location, form, general exterior design features and landscaping of the site (s. 4.2.3.2 (b)(vii)).

**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.
- 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 Victoria Street and the severed lot will have access from a rear laneway. The retained parcel will maintain frontage on Victoria Street while the severed parcel will have frontage on Centre Street.

- 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 severed lot.
- Compatibility with surrounding area – as the proposed lots will be used for medium-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 existing dwelling.

The proposed consent is in keeping with the goals, policies and land uses designations of the Town of Shelburne Official Plan. Further information will be required to address specific objectives, policies and criteria of the Official Plan, and will be required to satisfy the recommended conditions of approval.

### 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 sanitary services via the 200mm collection main off of the rear lane and the 150mm watermain on the north side of Centre Street for water services. The sanitary service for the existing dwelling is on Centre Street and can remain in that location with no changes required as a result of the proposed severance. A detailed grading and servicing plan and development agreement will be required.

### Access

Access to the proposed severed lot is available along the frontage of Centre Street and from the existing public lane to the north. There are existing trees and vegetation along the rear lane that may require removal and/or trimming to establish the proposed driveway access and to provide and maintain adequate sight lines. Town review and approval of the proposed details of the driveway location(s), widths and curb cut(s) will be required prior to construction of the entrance in accordance with Town standards. If any tree removals are necessary within the limits of the Town-owned lane, appropriate replacement trees will be required in appropriate locations approved by the

Town either along the laneway and/or the Town boulevard(s) along Centre Street and/or Victoria Street.

### Heritage and Building Design

The existing dwelling on the property has not been designated under the Heritage Act and the property is not listed in an official register of significant built heritage resources or cultural heritage landscapes. However, the existing building on the property is of local historical character, and the property is located along a part of Victoria Street which has a defining character established by the prevalence of early period architecture, rear public lanes and other historical elements.

The subject property is not specifically identified within the Town's Historical Walking Tour brochure, but there are other existing properties and buildings in the area that are identified as having local historical significance. The proposed new dwelling will be located along Centre Street with access from an historic public lane.

The Official Plan establishes the Town's objectives, policies and development criteria related to cultural heritage resources, character and building design, to protect cultural heritage resources that contribute significantly to the identity and character of the Town (s. 6.2 (b)) and ensure new development and redevelopment is sensitive to and compatible with cultural heritage resources (s. 6.2 (d)).

The existing dwelling will be retained and is not specifically designated or identified as having heritage significance. The new dwelling will be located along and oriented towards Centre Street where the age and character of the existing homes is more mixed, and will not be as visible from Victoria Street. Therefore, it is recommended that a heritage impact study should not be required prior to development of the new lot. As noted above, conditions of approval are recommended to require design guidelines for the new lot to ensure the design of the new dwelling fits within the area context and will contribute to meeting the design objectives of the Official Plan and also to provide an opportunity for Heritage Committee input to the design guidelines given the proposed location of the new dwelling along an historic public lane and its proximity to existing historical homes along Victoria Street.

### Town of Shelburne Zoning By-law

As noted earlier, a Zoning By-law Amendment will be required in order to establish the required yards, setbacks and lot area provisions for the proposed severed and retained lots, prior to final approval of the Consent.

## Summary

Application B22/02 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 and retained lots to site-specific Residential Type Two (R2) Zones, and a Consent Agreement.

The approval of the proposed consent should be conditional on the approval of a Zoning By-law Amendment, as proposed, to site-specific R2 zoning based on the proposed lot sizes and required setbacks. 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.

## 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.

## Supporting Documentation

Consent Sketch

Prepared by:

Reviewed by:

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Jenna Daum, Planning Coordinator

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Steve Wever, Town Planner

Proposed Lot Severance  
Sketch - 307 Victoria St.  
(Matt + Kristy Saravsky)

