



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

Meeting Date: Monday, October 03, 2022

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

From: **Steve Wever, Town Planner**

Report: P2022-25

Subject: **Applications for Consent B21/05 &
B21/06 - 220 Owen Sound Street**

Recommendation

Be it Resolved that, subject to comments received at the public meeting, the Committee of Adjustment grant conditional approval of Consent Application B21/05, as revised by the applicant, 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 the following matters:
 - a) 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;

- b) the requirement to remove the existing detached garage and to construct a new driveway and required parking spaces on the severed lot;
 - c) the requirement to provide drawings indicating the location and details of the driveway(s) including the requirement for replacement of any trees requiring removal, to the satisfaction of the Town;
 - d) design guidelines for the new dwelling to be constructed on the proposed severed lot with input from the Heritage Committee;
 - e) the dedication of any required easement(s) and/or modification of the existing overhead telecommunications lines to the satisfaction of applicable telecommunications provider(s); and,
 - f) 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 recognize the existing exterior side yard and porch encroachment of the existing dwelling on the retained lot and that will accommodate appropriate minimum yards for a new single detached dwelling to be constructed on the severed lot;
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 (2) years from the date of the issuance of the Committee's notice of decision.

Background

A revised application for consent has been submitted by Jeff Hamilton (the "Owner") for the creation of one new lot from the property municipally known as 220 Owen Sound Street. The purpose and effect of the application is to sever the existing lot into two residential lots (1 lot to be severed, 1 lot retained).

The existing property has a lot area of approximately 831.19 square metres with 15.19 metres of frontage on Owen Sound Street, and currently contains a converted dwelling (3 units) and a detached accessory garage building in the rear yard. A detached dwelling is proposed to be constructed on the severed lands.

In the revised application, the severed lot is proposed to be used for a new single detached dwelling.

Originally, there were two applications for this severance, Applications B21/05 and B21/06, which were considered and ultimately deferred by the Committee of Adjustment on January 24, 2022. The original applications sought to sever two (2) new lots for the purposes of a proposed semi-detached dwelling, and to retain 530.19 square metres of land for the existing converted dwelling (3 units). The Committee determined that more information was required to support the original applications, including justification for the proposed reduced lot area for a semi-detached dwelling, details of the proposed yards and setbacks and justification for any yards and setbacks that will be less than the minimum required by the Zoning By-law, details of the proposed dimensions, floor area and height of the proposed building on the severed lot, and Planning Justification and Heritage Impact Assessment to address the heritage and design policies of the Town's Official Plan, as well as comments from the Heritage Committee on the proposal.

Analysis

Details about the subject property, surrounding context, the original applications (B21/05 and B21/06) and analysis of applicable policies are provided in Planning Report P2022-01. This report provides a brief planning analysis of the revised application (B21/05). The applicant has also provided a planning justification letter and a revised consent sketch prepared by Stovel and Associates Inc. which are enclosed with this report.

The following table compares the original applications and the revised application:

	Original Applications			Revised Application	
	Retained Lot	Severed Lot #1	Severed Lot #2	Retained Lot	Severed Lot
Lot Area	530.19 m ²	150.5 m ²	150.5 m ²	525.4 m ²	305.7 m ²
Lot Frontage	15.19 m (existing)	9.9 m	9.9 m	15.19 m (existing)	20.12 m
Front Yard	9.2 m (existing)	TBD (min. 6m)	TBD (min. 6m)	9.2 m (existing)	2.0 m
Rear Yard	9.2 m	3.66 m	3.66 m	8.85 m	3.7 m
Side Yards	2m / 2.2 m (existing)	1.37 m	1.37 m	2m / 2.2 m (existing)	0.6 m / 6.1 m
Building Envelope	192 m ² (existing)	Approx. 62 m ²	Approx. 62 m ²	192 m ² (existing)	127.4 m ²
Coverage	36%	TBD (max. 45%)	TBD (max. 45%)	37%	42%

The subject land is designated Mixed Use in the Town's Official Plan and is within the northerly limit of the Downtown Core and is located within the built boundary. 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 in the downtown core. Access to the proposed severed lot is proposed and is available along the existing rear public lane, and this is a preferred driveway location as compared with the original applications which proposed driveway access directly from Second Avenue West. Town review and approval of the proposed details of the driveway location, widths and curb cut will be required prior to construction of the entrance in accordance with Town standards.

Built heritage considerations for this development proposal are summarized in the Planning Report P2022-01. The proposed development will not alter the existing historical building on the property which will be conserved and has been recently renovated and restored by the owner following an earlier fire that damaged the building. As noted previously, the existing detached garage at the back of the property would have to be demolished and removed to facilitate the proposed development of the new lot. A condition of approval is recommended to require the owner to enter into an agreement with the Town to require the removal of the existing detached garage building. The detached garage does not appear to be of the same era as the original building and does not have the same historical character.

The planning justification letter submitted by Stovel and Associates Inc. on behalf of the applicant recommends that no further heritage work is required given that the revised proposal is less intensive than the original applications and given that the existing dwelling will not be impacted by the proposal. Similar to the approach taken for other, similar Consent applications for infill lot severances within or in the vicinity of the Downtown where there is a concentration of historic buildings and defining built heritage characteristics, conditions of approval are recommended to require that design guidelines for the new dwelling shall be established as part of the required Consent Agreement, with input from the Heritage Committee.

The revised application generally conforms to the land division policies of the Official Plan and the conditions of approval will require that specific policy matters related to heritage considerations and building design as well as the lot grading and servicing details and zoning standards are satisfactorily addressed prior to final Consent approval and development of the severed lot.

The property is currently zoned Residential Type Four (R4) in the Town's Zoning By-law. Since the severed lot would not meet the required minimum front and rear yard requirements as required in the Zoning By-law, but meets all other zone regulations, a minor amendment to the Zoning By-law will be

required. The amendment is also needed to recognize the existing exterior side yard (2.2m) and porch encroachment for the existing dwelling.

Summary

The revised Consent application (B21/05) to create one new residential lot for a single detached dwelling is generally consistent with the PPS, conforms to the Growth Plan and the County Official Plan, and is generally in keeping with the Town's Official Plan and Zoning By-law. As noted, Conditions of approval are recommended to require a minor Zoning By-law Amendment to establish the appropriate site-specific yard requirements for a new dwelling on the severed lot and to recognize the existing conditions on the retained lot, and to require design guidelines as part of the required Consent Agreement including an opportunity for Heritage Committee review of the proposed building design.

The owner will be required to satisfy the conditions of approval of the Consent application within two (2) years.

The Consent application (B21/06) for the second new lot that formed part of the original applications will no longer be necessary will be deemed to be withdrawn if the revised Consent application (B21/05) is approved.

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 prior to Municipal Approval of a building permit. The applicant has paid the required application fees for both of the original applications (B21/05 and B21/06) including the contingency deposit which may be refunded to the applicant if there is a remaining amount after covering the Town's costs of processing the applications to final approval and lot registration. If the processing costs exceed the original application fees and contingency deposit, the applicant will be required to pay the difference.

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. This section summarizes the comments and responses received as of the writing of this report.

Community Responses

At the public meeting held on January 24, 2022, the owners of two (2) properties in the area (125 Second Ave. W. and 129 Second Ave. W.) expressed concerns regarding flooding and drainage, snow storage and removal, safety for children playing in the area, that the units might be converted to 4 units, parking and garbage pick-up. As summarized in Planning Report P2022-01, two (2) written submissions were received from or on behalf of the owners/residents of 216 Owen Sound Street. The residents expressed concerns about privacy and safety concerns that they feel will be present if the severed lots are approved with the intention of a semi-detached home being constructed. They also stated that the increase in dwelling units takes away from the “small town feel” that they have enjoyed about their neighbourhood.

Staff and the applicant responded to the public comments at the public meeting, and the applicant has revised the proposal. Members of the public who made written or verbal submissions on the original applications have been notified of the revised application and invited to attend the Committee of Adjustment meeting on October 3, 2022.

Heritage Committee

The original Consent applications were circulated to the Heritage Committee; however, the Heritage Committee did not have quorum and was unable to meet during the circulation period at that time. The recommended conditions of approval provide for an opportunity for Heritage Committee review and comments on the building design (or guidelines), once the plans are submitted by the applicant for municipal review.

Agency and Department Responses

Circulation comments received on the original applications were considered and summarized in Planning Report P2022-01, and no objections to the approval of the application have been received.

Supporting Documentation

Stovel Associates Planning letter, Consent Sketch and Property Survey

Prepared by:

Steve Wever, Town Planner

Stovel and Associates Inc.
Planners, Agrologists and Environmental Consultants

August 12, 2022

Town of Shelburne
203 Main Street East
Shelburne, ON
L9V 3K7

Attention: Mr. Steve Weber, Town Planner

**RE: Application for Consent and Zoning By-law Amendment
 220 Owen Sound Street, Lot 6, Block 5 on Registered Plan 5A,
 Town of Shelburne, County of Dufferin
 (File Nos. B21/05 and B21/06) – Mr. Jeff Hamilton**

Stovel and Associates Inc. ("SAI") was retained by Mr. Jeff Hamilton to prepare a planning analysis of the proposed development application at 220 Owen Sound Street, Town of Shelburne. The following paragraphs provide an overview of the proposed development and analysis of planning conformity for the proposal. As part of this planning assessment, a Conceptual Plan of development was prepared by SAI.

Overview of the Original Development Concept

SAI completed an examination of the proposed development concept. Mr. Hamilton proposed to create two lots via consent from the rear of his landholding on 220 Owen Sound Street. The proposed consents would support the development of a semi-detached dwelling. The existing dwelling, a three-unit structure, would remain and would not be impacted as a result of the consent applications.

SAI was provided a Registered Plan of the subject property prepared by P. J. Williams, O.L.S., dated July 28, 1979 (Attachment #1). This survey illustrated the existing structure and concrete block 3-car garage on the subject property and provided dimensions of the property and setbacks to the property line for these structures. Since the time of this survey, it is understood that the existing 2.5 storey brick house received substantial damage as the result of a fire. The building was reconstructed by Mr. Hamilton and retained the existing layout (and setbacks), except for the 1-storey frame addition which was removed. In addition, onsite parking for the 3-unit dwelling was completed. Based on the 1979 Registered Plan, SAI completed an evaluation of the proposed development by placing building envelopes of various semi-detached structures on the rear portion of the lot.

Following several iterations of this process, SAI determined that a reasonable footprint for a semi-detached structure could not be accommodated on the subject property.

Revised Development Concept

After the aforementioned analysis, SAI completed an examination of the subject property to establish a single-detached dwelling on the rear portion of the site. The analysis reflected building footprints for similar infill building lots in the local area and zoning standards set out in the R4 zone.

A Concept Plan was prepared by SAI (Attachment #2).

A building envelope of +/- 127.4 m² (1371 ft²) is illustrated on this conceptual layout. Access to the site is from the west of the site via a private lane. The existing 3-unit dwelling is not impacted and ample room for parking, as per correspondence from Mr. Hamilton, still exists.

Table 1 provides an examination of the relevant zoning parameters for the R4 Zone, as it relates to the proposed Concept Plan. There are two zoning parameters that are not met in this proposal.

Table 1: Zoning Compliance		R4 Zone	
Zoning Regulations	Required	Proposed*	Variance Needed
Minimum Lot Area	300 m ²	305.7 m ²	No
Minimum Front Yard	6.0 m	2.0 m	Yes
Minimum Lot Frontage	11.0 m	20.12 m	No
Minimum Exterior Side Yard	3.0 m	6.05 m	No
Minimum Interior Side Yard	0.6 m	0.6 m	No
Minimum Rear Yard	7.5 m	3.7 m	Yes
Minimum Lot Coverage	45%	42 %	No

**Notes: the measurements provided in this column are estimates based on a 1979 survey and will need to be confirmed through a current survey completed by an O.L.S.*

It is the opinion of SAI that the proposed development concept is a more reasonable land use consideration for the subject property than the original semi-detached dwelling proposal. The proposed concept reflects similar characteristics for infill lots (and structures) in the local area and maintains the uniform streetscape for this portion of Second Avenue. A key feature of the proposed concept plan is that the existing principal dwelling is not impacted by this proposed lot, thus retaining heritage-related characteristics associated with the structure.

To support this form of development, only one application for consent would be required. An amendment to the Zoning By-law would also be needed.

Assessment of Conformity

Planning Report P2022-01 (January 24, 2022) prepared by Steve Wever (Town Planner) provides a detailed examination of consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan for the Greater Golden Horseshoe, County of Dufferin Official Plan and Town of Shelburne Official Plan. SAI has reviewed Planning Report P2022-01 and generally agrees with the assessment of conformity.

For the purposes of this report, the subsequent assessment of planning conformity focuses on policies within the Town of Shelburne Official Plan. As part of this conformity exercise, the consideration of relevant zoning parameters is also included.

Section 8.4 of the Town of Shelburne Official Plan sets out the following matters to be considered in assessing applications for Consent when new lots are being created:

a) That regards shall be given to the goals of section 3 of the Plan:

- The proposal will be consistent with the high-quality urban design that reflects historic, small-town character.
- The proposal meets the objective of providing a mix of housing forms and types of affordable housing similar to that which exists near the downtown core. It is understood that the owner, Mr. Hamilton, will utilize the proposed lot to build a small house for retirement purposes.
- The proposal assists in meeting the intensification target within Built-Up Areas.

-
- The proposal protects the existing built-form of the retained dwelling on the subject lot.
 - The proposal optimizes the use of existing infrastructure in an efficient and cost-effective manner.
 - The proposal assists in providing complete communities that meets the needs of resident by providing a range of housing types.

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 consent is a residential severance and therefore conforms to the land use designation of the Town of Shelburne Official Plan.
- The Town of Shelburne Official Plan promotes intensification and redevelopment in the downtown core.
- An Amendment to the Zoning Bylaw will be required to permit the proposed severance. This requirement will be set out as a condition of approval.

c) That the severance will conform to the Land Division policies in the Official Plan:

- The severed and retained lot will have frontage on public streets.
- Access for the retained lot will be via an existing entrance onto Second Ave.
- Access for the proposed severed lot will be via an entrance onto the Lane at the rear of the subject property. It is understood that an entrance permit may be required.
- It is understood that a Parkland Dedication fee will be required as a condition of the consent.
- The proposed single detached dwelling will be compatible with the surrounding land use.
- There are no hazard lands on the site.
- It is understood that servicing allocation is available in the local area. As a condition of Consent, the owner is prepared to enter into an agreement with the Town to ensure that servicing allocation is available prior to obtaining a building permit.
- It is understood that a permit to demolish the existing garage may be required. There will be no impact on Heritage conservation as a result of the onsite garage being removed. No impact on the heritage value of the existing principal residence is anticipated and further Heritage Assessment is not recommended.

Additional Considerations

It is understood that, as a condition of consent, the applicant will be required to complete an updated survey of the subject property. The future single detached residence can then be located on the new lot, within the zoning parameters set out in the site-specific zone that will be created as a result of the application.

Summary and Conclusions

SAI completed an assessment of the proposed consent applications for the subject property, 220 Owen Sound Street (Lot 6, Block 5, Registered Plan 5A, Town of Shelburne). Based on a variety of factors, SAI recommended that the applicant abandon the semi-detached proposal and focus on a consent for a single-detached dwelling.

The applicant, Mr. Jeff Hamilton, agreed with this recommendation and as a result, SAI prepared a conceptual sketch for a proposed consent (for a single-detached dwelling). As a result, one consent application will need to be abandoned. The planning assessment was completed based on a revised conceptual plan showing one consent for a single-detached residence.

Mr. Hamilton intends to sever the subject property and build his retirement house on the severed property. The proposed layout for the building envelope (as illustrated in Attachment #2) represents a modest infill lot that retains the character of the local area. A site-specific zoning will be required to recognize reduced setbacks for the proposed lot, but this is not considered to be a significant variance from the R4 zone provisions.

Therefore, SAI concludes that subject to the satisfaction of the conditions noted above (and the normal conditions of consent including the approval of a site-specific zoning amendment), the proposed application is good planning and a reasonable land use consideration. The proposal is consistent with the PPS and conforms with the relevant policies and intent of the Growth Plan, County of Dufferin Official Plan, and Town of Shelburne Official Plan. To achieve orderly development, it is recommended that the applicant complete a detailed onsite property survey (showing as-built features). No further heritage work is recommended given that the proposal is less intensive than originally conceived and given that the existing dwelling will not be impacted by the proposal.

Respectfully submitted,

Robert Stovel

Robert P. Stovel, M.Sc., M.C.I.P., R.P.P.

Rob Stovel Jr.

Robert L. Stovel, B. Sc.

SCALE: 1"=20'
P. J. WILLIAMS, O.L.S.
1979

(FORMERLY STATION STREET) AVENUE

N 74° 40' E

0.67' CLEAR-

— 0.60' CLEAR

FD. SIB $\rightarrow 0.35' (L.T.)$

GORDON STREET

END

19.8'

CONCRETE BLOCK
3 CAR GARAGE

INST. 141580

LOT 6 5

PLAN

INST. MF81053

Lot 5
Block

১৫৮

1 - STOREY
FRAME ADDITION

2 1/2 - STOREY
BRICK HOUSE

N 74° 40' E

177.90' / AEΔS.

177.54' (R.p. 5Δ)

1-49.
N9023.11

OVEN

STREET

LEGEND:

□ SIB DENOTES STANDARD IRON BAR 1" SQ X 4' LONG.
 X.C.C. DENOTES CUT CROSS.
 FD. DENOTES FOUND
 MEAS. DENOTES MEASURED.
 L.T. DENOTES LLOYD TOMASON, O.L.S.
 R.P. 5A DENOTES REGISTERED PLAN 5A

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE LOCATIONS OF THE STRUCTURES AS SHOWN ON THIS PLAN ARE CORRECT.

* REVISIONS MADE TO PLAN
FEB. 28, 1989.
PROJECT # 3968

PETER J. WILLIAMS

Williams
P. J. WILLIAMS, O. L. S.

ONTARIO LAND SURVEYOR
P. O. BOX 146, 7 FIRST STREET
ORANGEVILLE, ONTARIO
L9W 2C5 (519) 941-6231

DATED: 23 JULY, 1979

PROJECT 1960

CONCEPT PLAN PREPARED FOR CONSENT APPLICATION

**LOT 6,
BLOCK 5,
REGISTERED PLAN 5A
TOWN OF SHELBURNE
COUNTY OF DUFFERIN**

METRIC

ALL UNITS SHOWN ON ON THIS PLAN ARE IN METERS, UNLESS OTHERWISE NOTED. TO CONVERT TO LINEAR MEASUREMENTS TO IMPERIAL UNITS, DIVIDE THE METRIC MEASUREMENTS BY 0.3048.

NOTES

THIS PLAN REPRESENTS A COMPILATION OF VARIOUS PLANS AND REGISTRY OFFICE RECORDS AND IS SUBJECT TO VERIFICATION BY A CURRENT SURVEY PREPARED BY AN OLS.

THIS CONCEPT PLAN WAS PREPARED FOR JEFF HAMILTON, STOVEL AND ASSOCIATES INC. ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SOURCE : PETER J. WILLIAMS, (OLS). PROJECT # 3968, LOT 6, BLOCK 5. REGISTERED PLAN 5A. TOWN OF SHELBURNE, COUNTY OF DUFFERIN. DATE OF SURVEY : JULY 23, 1979

ZONING

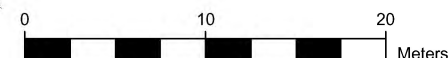
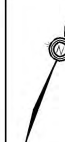
RESIDENTIAL - R4



Stovel and Associates Inc.

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SCALE: NTS

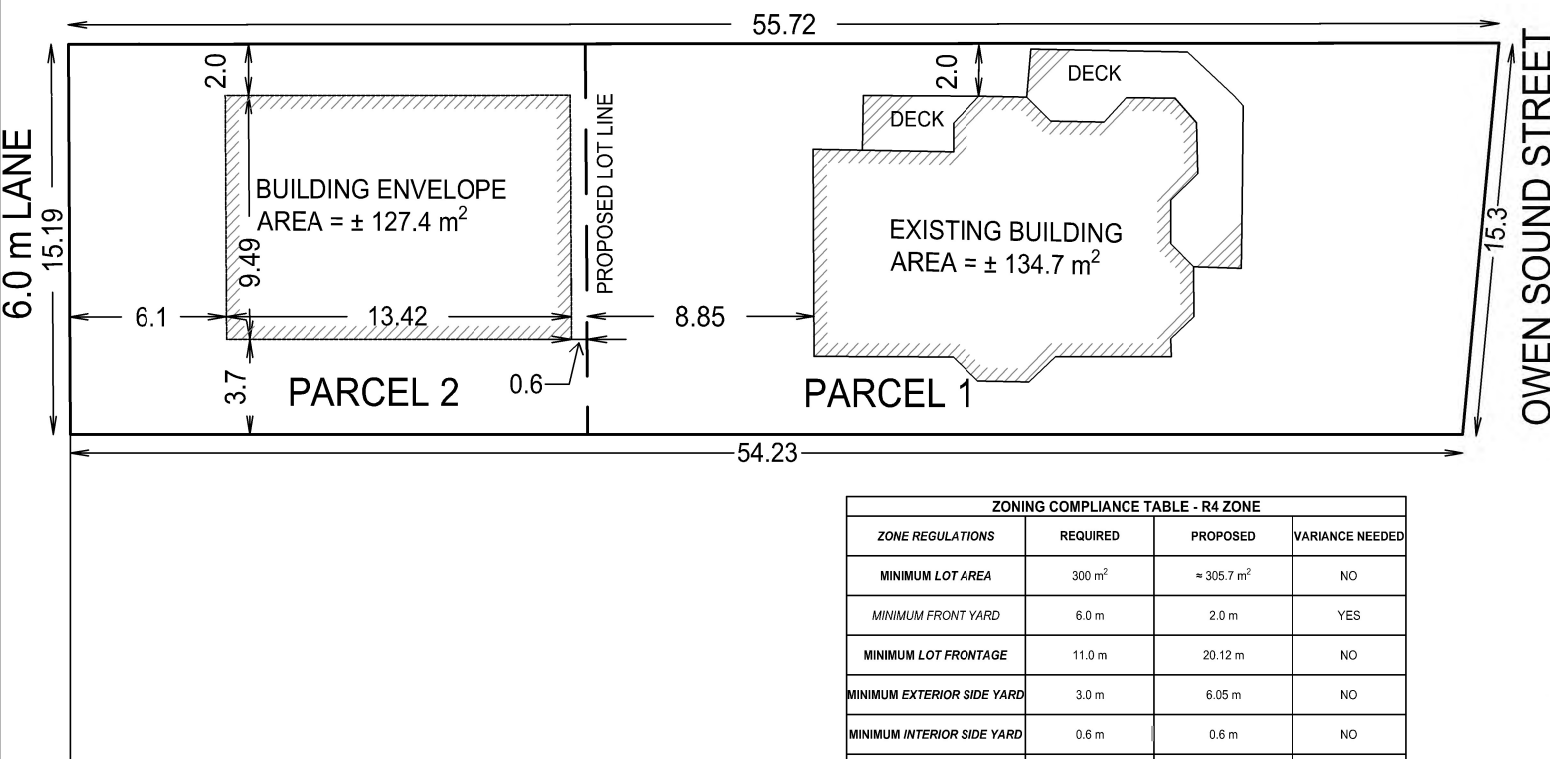


FILE NAME: SHELBURNE-06-29-2022-R14

PLOTTED: JUNE 29, 2022

FILE DATED: JUNE 29, 2022

SECOND AVENUE



ZONING COMPLIANCE TABLE - R4 ZONE

ZONE REGULATIONS	REQUIRED	PROPOSED	VARIANCE NEEDED
MINIMUM LOT AREA	300 m ²	≈ 305.7 m ²	NO
MINIMUM FRONT YARD	6.0 m	2.0 m	YES
MINIMUM LOT FRONTAGE	11.0 m	20.12 m	NO
MINIMUM EXTERIOR SIDE YARD	3.0 m	6.05 m	NO
MINIMUM INTERIOR SIDE YARD	0.6 m	0.6 m	NO
MINIMUM REAR YARD	7.5 m	3.7 m	YES
MAX LOT COVERAGE	45 %	≈ 42 %	NO