



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

Meeting Date: Monday, May 13, 2024

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

From: **Steve Wever, Town Planner**

Report: P2024-06

Subject: **Application for Consent B24/01**
RDA Designs
616 Owen Sound Street, Shelburne

Recommendation

- 1) 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 B24/01 subject to the following:
 1. That the Secretary-Treasurer's Certificates under subsections 53(42) and 53 (42.1) of the Planning Act R.S.O. 1990, c.P.13, as amended, shall be issued and the Secretary-Treasurer's fees 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;

- a Municipal Approval and Building Permit be obtained for the demolition of the existing dwelling and payment be made for the associated fees;
 - the details of erosion and sediment controls during demolition of the existing dwelling and construction of the new dwellings and associated lot grading, drainage and servicing works;
 - the requirement to construct a new mutual driveway and required parking spaces on the severed lot and retained lot;
 - the repair or replacement of existing fencing and retaining walls if damaged due to the construction, along the boundaries of the severed and retained lands;
 - 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 severed lot including consideration of landscape plantings for rear yard privacy; and,
 - the payment of required fees.
4. That the Secretary-Treasurer is provided with a solicitor's undertaking to maintain and register the existing easements for the sanitary sewer and any utilities, where required, on title for the severed lot and retained 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 years from the date of the issuance of the Committee's notice of decision.

Background

An application for consent was submitted by RDA Designs on behalf of the owners for the creation of one new lot from the property municipally known as 616 Owen Sound Street and legally described as Lot 12 on Plan 78, in the Town of Shelburne, County of Dufferin.

The Committee reviewed the application on April 22, 2024, and it was deferred. The reasoning for the deferral was because three (3) members of the Committee were not in attendance and those in attendance determined that they would like to have all members present for the decision.

The property currently contains a single-detached dwelling with an accessory building in the rear yard. The purpose and effect of the application is to sever the existing lot into two residential lots. Both the proposed severed and

retained lot will each have an area of 356 square metres, and both will maintain 10.67 metres of frontage on Owen Sound Street.

The existing parcel is 712 square metres in area and currently contains a single-detached dwelling, fronting onto Owen Sound Street. The existing single-detached dwelling will be demolished. A semi-detached dwelling is proposed to be constructed on the severed and retained lot. Reconfiguration of the existing driveway access will be required along Owen Sound Street to provide the required parking.

Analysis

Details about the subject property, surrounding context, the application and analysis of applicable policies are provided in Planning Report P2024-04.

The subject land is designated 'Residential' in the Town's Official Plan 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 encourages providing a range of housing opportunities varying in densities, types and tenures. Access to the proposed severed lot is proposed and is available along Owen Sound Street. 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.

Concerns were raised by both the Committee and members of the public during the Public Meeting which are summarized below:

Height, Density and Housing Type/Style/Design

The Committee heard concerns from a neighbouring resident that the proposed two-storey semi-detached dwelling is not in keeping with the height, density and housing style of the existing homes in the neighbourhood. Concerns were also raised with the lot coverage and the proximity of the proposed dwellings to the rear yard of the adjoining property to the west (615 Willow Street) which is located behind the subject property.

The existing homes within the block bound by Owen Sound Street, Susan Street, Willow Street and Jane Street contains a mix of one-storey and two-storey (or split level) single detached dwellings constructed approximately 50-60 years ago. The wider, lower profile design of the dwellings are reflective of a style that was more common for that time period (1960s-70s) than it is now.

Municipal powers under the Planning Act are very limited in respect of the design of new dwellings. Zoning By-laws are confined to established the permitted dwelling types and regulating measurable parameters such as the minimum yards and setbacks required from the lot lines, the maximum height of the dwelling, the garage width and height, the minimum lot frontage and

area, and the total area of the lot that may be used for buildings and structures. The lots within this area are zoned R2 which permits both single and semi-detached dwellings, with a maximum height of 9.2 metres and a maximum lot coverage of 35%. The proposed lot severance complies with the requirements of the Zoning By-law.

There are no zoning changes required or requested for the proposed redevelopment of the property for a semi-detached dwelling. The maximum height and lot coverage of the proposed dwellings are regulated by the Zoning By-law and it is not within the scope of the Committee of Adjustment's authority to impose a reduced lot coverage and/or maximum height requirement under the Consent process – this is not possible under the legislation.

Design Guidelines will be included in the Consent Agreement which will outline the expectations for design the proposed semi-detached dwelling in regard to building orientation, scale, proportion and setbacks, building height and roof lines, design of any proposed front porch, doors and windows, driveway/parking and private garage, landscaping, fences and other requirements.

The Design Guidelines are used to articulate the design intent for the new dwelling and are considered by staff when reviewing the building plans submitted at the building permit stage. Design Guidelines are limited in scope and are used to encourage appropriate high quality building design but are not strictly enforceable like Zoning By-laws and the Building Code.

The applicant has noted that they want this development to fit and that they will be putting thought into the design to make it compliment the existing homes.

Housing Tenure

There were questions and comments raised at the public meeting about whether the dwellings will be owner-occupied or rented, and whether the ownership is investment-oriented. A concern was raised that, if the new homes are rented out, this may be more likely to generate problems regarding lack of property maintenance and upkeep.

The Planning Act does not include the authority for municipalities to prescribe whether homes are owner-occupied or rented – the occupancy and tenure of dwellings are not within the scope of Zoning By-laws and Consents under the Act. The proposed Consent would allow for each unit in the semi-detached dwelling to be separately owned, owner-occupied, or rented, but it is not within the scope of the Committee's authority to determine or designate the tenure/occupancy of the dwellings. The Official Plan encourages a mix of dwelling types and tenures to meet a broad spectrum of housing needs.

Property maintenance is regulated by the Property Standards By-law under the Municipal Act and is not within the scope of authority of the Committee of Adjustment for a Consent application under the Planning Act.

Retaining Wall, Grading and Drainage

There is an existing short retaining wall at the north boundary of the subject land, along the edge of the driveway on the adjoining property to the north (620 Owen Sound Street). A condition of approval is recommended to require that the owner is required to repair the retaining wall if there is any damage to it during construction of the proposed new semi-detached dwelling and related lot grading work.

Questions were raised at the public meeting regarding the possibility of runoff flowing to adjoining properties to the west and north, given the existing grading which slopes down to the north and west. The standard conditions of approval and the Consent Agreement will require a detailed lot grading plan to be submitted by the owner and reviewed and approved by the Town, grading deposits, and inspections to ensure grading and drainage are properly addressed by the owner to avoid impacts to adjoining properties. A further condition is recommended to required that, during construction, erosion and sediment controls will be required as needed to avoid runoff and sedimentation on adjoining properties. If neighbours have any concerns with the grading, drainage and construction-related impacts it is recommended that they bring those concerns forward to the Town during construction so that they can be resolved in a timely manner.

Fencing, Landscaping and Privacy

The resident of the property to the west (615 Willow Street) noted that they have constructed a privacy fence along the rear boundary of the property. A condition is recommended to require that, if any damage is caused to the existing fence during the grading and servicing of the new lots and construction of the new semi-detached dwelling on the subject property, the owner of 616 Owen Sound Street will be responsible to repair the damage.

There were questions regarding landscaping and whether the Town could require the planting of hedges or trees (e.g., cedars) along the back of 616 Owen Sound Street to protect privacy of the existing rear yard of the adjoining property to the west. Due to the easements in the rear yard (Bell easement and municipal sanitary sewer easement), which are required to be maintained as unobstructed (other than fences, which are permitted) for access by Bell and the Town, it is not recommended that the Conditions of approval require the planting of hedges or trees within the easement area along the rear boundary of the proposed severed and retained lots. The Design Guidelines which will be included in the Consent Agreement may encourage plantings in the rear yard area to enhance privacy. Neighbours are encouraged to work

together to determine appropriate and mutually agreeable measures at the interface/boundary of adjoining properties.

Summary

Application B24/01 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 and Zoning By-law. The recommended conditions of approval have been updated to require the existing fencing and retaining wall to be repaired, if damaged, and to include a review of potential privacy plantings as part of the Design Guidelines which will form part of the Consent Agreement.

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

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. Any costs associated with the servicing and development of the proposed severed lot and for any modifications required to the proposed retained lot will be the responsibility of the property owner(s) including the related cost for the Town's planning, engineering and legal advisors to prepare and administer the required Consent Agreement and for any engineering inspections.

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 departments and 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

As summarized at the public meeting on April 22, one (1) written submission was received from the owner of 615 Willow Street. The owner expressed in their letter that they have concerns regarding the proposal to construct a semi-detached dwelling, stating that the built form does not fit in with the surrounding lots and the character of the houses. They also had concerns for the potential impacts that this application would have on not only their family,

but the other residents in the neighbourhood as well. At the public meeting the resident reiterated their concerns that they noted in their letter, and they raised concerns regarding grading and potential runoff issues that may be present both during construction and after the building has been completed. Additionally, they expressed concerns regarding the fence that was put in by them after a semi-detached dwelling was constructed at 612 Owen Sound Street, indicating that they put a lot of money into the construction of this and are concerned that it may be damaged from work being done at the subject property.

Staff and the applicant responded to the public comments at the public meeting, and as noted these concerns have been taken into consideration in the updated conditions of approval recommended herein.

Supporting Documentation

Consent Sketch

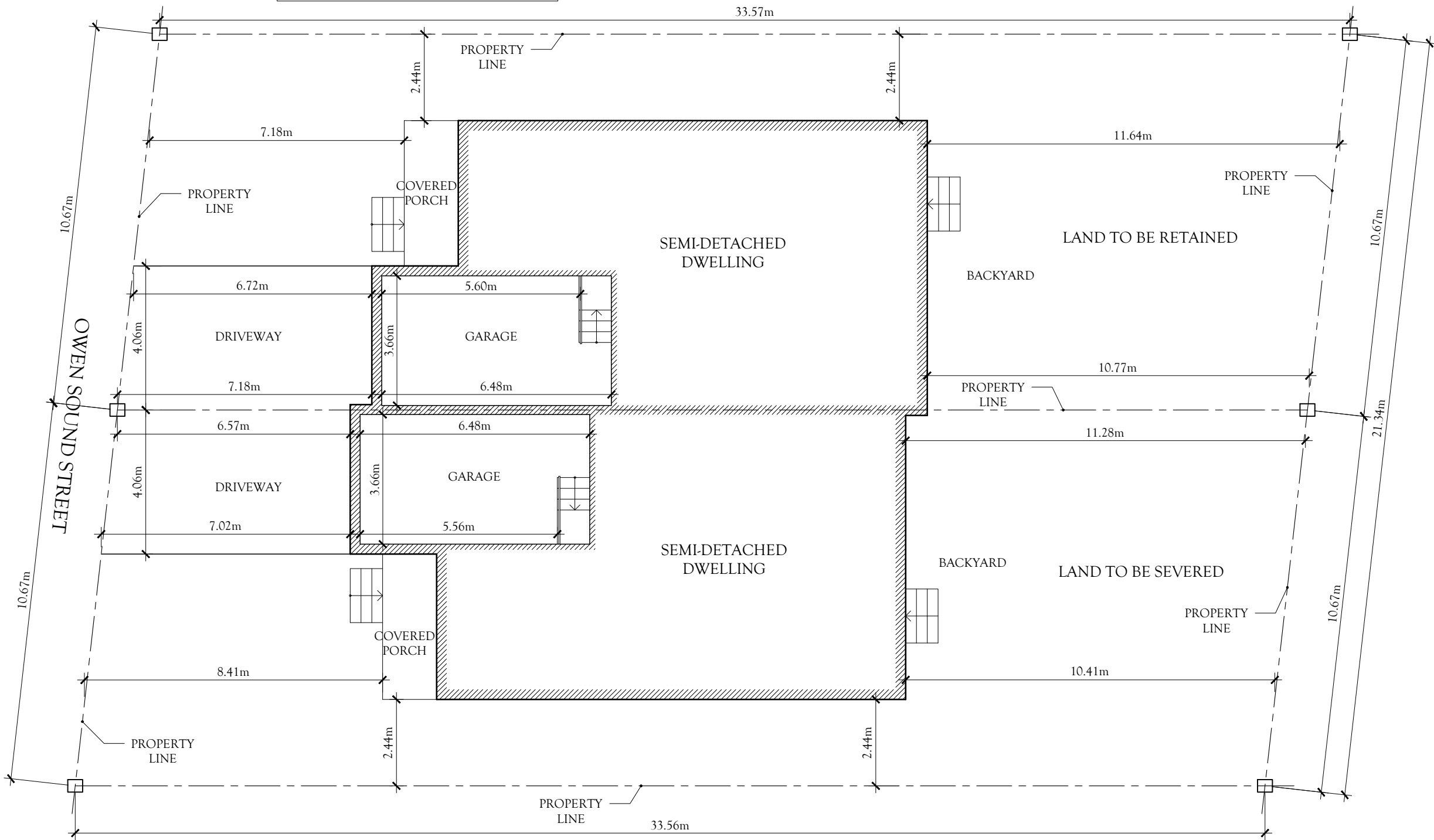
Prepared by:

Jenna Wenzel, Planning Coordinator

Reviewed by:

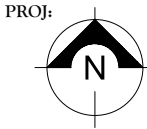
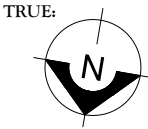
Steve Weber, Town Planner

SITE STATISTICS
LOT AREA OF RETAINED LOT: 3831.09sqft / 355.92sqm
LOT AREA OF SEVERED LOT: 3830.33sqft / 355.85sqm
BUILDING COVERAGE FOR RETAINED LOT: 1337.42sqft / 124.25sqm
BUILDING COVERAGE FOR THE SEVERED LOT: 1337.42sqft / 124.25sqm
LOT COVERAGE FOR RETAINED LOT: 34.91%
LOT COVERAGE FOR SEVERED LOT: 34.91%



1 SITE PLAN
A101/ SCALE: 1:125

NOTES:



RDA Designs
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www.rdarchdesigns.com
rdarch.designs@gmail.com

PROJECT TITLE:

616 OWEN SOUND STREET

DRAWING TITLE:

SITE PLAN

SCALE:

1:125

DATE:

2024/02/05

DESIGNED BY:

SINGH D.
MARTINS R.

REVISION:

0

PROJECT NO.

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SHEET NO.

A-101