



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

Meeting Date: Monday, April 22, 2024

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

From: **Steve Wever, Town Planner**

Report: P2024-04

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 requirement to construct a new mutual driveway and required parking spaces on the severed lot and retained 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 severed lot; 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 has been 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 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

The subject property is located along Owen Sound Street with the closest intersection being Owen Sound Street and Jane Street. The property is

designated 'Residential' in the Official Plan, is located within the built boundary and is zoned Residential Type Two (R2) Zone.

Severed Land and Retained Land

The proposed severed will be adjacent to the retained lot and would front onto Owen Sound Street. The proposed severed and retained parcels will both have an area of 355 square metres and frontage of 10.67 metres on Owen Sound Street. The proposed lot sizes and frontages meet the lot area and frontage requirements for the R2 Zone.

The attached severance sketch illustrates the proposed lot configurations.

Surrounding Land Use Context

The subject property is located in an established residential area with a mix of housing types. Existing single detached dwellings are located to the north, south and along Willow Street to the west of the subject property. To the north-east is an existing subdivision containing both single and semi-detached dwellings on Orvis Crescent.

Similar low density infill residential lot severances were previously granted for 221 Owen Sound Street with lot sizes between 300 square metres and 366 square metres; 220 William Street with lot sizes between 320 and 330 square metres in area; 411 Victoria Street with semi-detached lot sizes between 340 to 365 square metres in area; and 519 Victoria Street with semi-detached lot sizes between 480 and 510 square metres in area. The proposed lot severance is very similar to a previous consent for 612 Owen Sound Street located directly adjacent to the subject property which was severed to create a new lot in 2020 that has since been developed for a new semi-detached dwelling.

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 a 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);
- Long-term economic prosperity should be supported by: encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce (s. 1.7.1 (b)).

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).

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 within 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: 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 housing goal:

- 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).

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 lot will be used for the construction of a semi-detached dwelling. This will contribute to providing a mix of housing forms, sizes and densities in the area that is currently serviced by municipal roads, water, sanitary and storm sewers and optimizing the use of this existing infrastructure.

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 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. The resultant lots meet the requirements in the Zoning By-law and a semi-detached dwelling is a permitted use under the existing zoning for the subject property. 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.

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 use.
- Public Road Access and Improvement – the severed and retained land will continue to have frontage on a public street. The retained and severed lot will both have frontage onto Owen Sound Street.
- Parkland Dedication – current Official Plan policies require parkland dedication or cash-in-lieu for new lots for residential uses. In this case, the amount of parkland that can be required 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 – as the proposed lots will be used for low-density residential uses in accordance with the current R2 zoning, 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 a semi-detached dwelling.

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 proposed development.

There are two easements affecting the servicing of this property. As there are no existing sanitary sewers on Owen Sound Street in this area, the sanitary sewer servicing lots in this area, including the subject property, is located within an easement within the rear yards of the lots located in the area bound by Susan Street, Willow Street, Jane Street and Owen Sound Street. The proposed severed and retained lots will be connected to the existing sanitary sewer at the rear of the lots within the existing easement. A condition is recommended to require that the existing sanitary sewer easement will be maintained on title to the severed lot and the retained lot.

Water services to the lots fronting on Owen Sound Street is provided via connections to an existing watermain on Willow Street through side yard easements located on the adjoining lots to the west. Town staff confirmed that there is an existing water service that runs through an easement on 611 Willow Street that is available to service the lots proposed at 616 Owen Sound Street.

Town staff have also identified an existing stormwater main on Owen Sound Street to provide a drainage outlet for the proposed severed and retained lots.

Access

Access to the proposed severed and retained lots is available along the frontage of the lots on Owen Sound Street which is within the connecting link. 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. MTO approval of the driveway entrance is not required within the connecting link.

Town of Shelburne Zoning By-law

As noted earlier, the proposed severed and retained lots comply with the Zoning By-law and specifically the minimum lot area and frontage requirements of the R2 Zone.

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.

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 applications were circulated to the required departments and agencies and the public meeting was advertised in accordance with the Planning Act. No objections were received as of the writing of this report.

Hydro One advised that they do not foresee any conflicts with this project provided that:

1. Underground locates are obtained prior to excavation.
2. No open trenching within 1.5m of Hydro poles and/or anchors.
3. Maintain 1m of clearance from Hydro One Plant if techless horizontal drilling / directional bore.
4. PUC owner is responsible to address all conflicts with Hydro One Plant and request conflict corrections through appropriate channels.

5. Ensure all industry standard utility separations and clearance minimums are maintained.

Supporting Documentation

Consent Sketch

Prepared by:

Jenna Wenzel, Planning Coordinator

Reviewed by:

Steve Wever, Town Planner