



## Staff Report PL2020-033

**Title of Report:** PL2020-033-B3-20 William Penney  
**Department:** Clerks  
**Branch:** Planning Services  
**Committee Date:** August 26, 2020

**Recommendation:**

**Be it resolved that** the Committee of Adjustment receive Staff Report PL2020-033 for information; and

**That** the severance be approved with the following conditions:

- 1. That** an engineered grading and drainage plan be prepared to the satisfaction of the Township; and
- 2. That** if required by the grading and drainage plan a 3m drainage easement along the rear of the property, be registered in favour of the abutting lots; and
- 3. That** a survey prepared by and Ontario Land Surveyor be provided; and
- 4. That** a development agreement be entered into which includes the engineered grading and drainage plan, site plan indicating parking for each new property as a single residential unit and as a residence with a secondary dwelling unit on each new lot, on property snow storage locations and provisions for the removal of stored snow at the property owner's expense should it become an issue as determined by the Township of Southgate or the County of Grey to ensure public safety; and
- 5. That** all outstanding, fees and charges are paid, if any.

**Property Location: 150 Main Street West**



**The Proposal:**

The proposal is to sever the existing lot which has a semi-detached structure on it into two equal halves. Each new lot would have 10.1 m of frontage and a depth of approximately 50m. The area of each lot is proposed to be 511m<sup>2</sup>.

**Background:**

The property was originally rezoned from Residential Type 2 to Residential Type 3 to permit a semi detached dwelling in March of 2012 by by-law 11-2012.

Subsequently Mr. Penney has begun constructing a semi detached dwelling with both units having basement storage areas that have separate entrances and are constructed to accommodate an accessory apartment.

During pre-submission consultations with Mr. Penny, he indicated that he intended on having accessory apartments in each unit and inquired about parking requirements.

Mr. Penney submitted application B3-20 which can be reviewed along with comments received at the link below.

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notice.aspx#B3-20-William-Penney>

Comments received for the application include:

Bell – no concerns

Building Department – An Engineered lot grading plan is required

Endbridge Gas indicates that services lines are in the area and if the development disrupts those lines or requires the relocation of lines it will be at the expense of the property owner.

GRCA have no objection

The Historic Saugeen Metis have no objection

The MTO indicates that the development is outside of their permit control area.

Public Works indicates that the property is within the WHPA B which restricts DNAPL's and is managed by education and outreach. A lot grading plan is also required to ensure proper drainage is dealt with on the property so as not to impact the roadway or the adjacent neighbouring properties. A public safety concern we see is the capacity for on property front yard snow storage area on the residential lot based on the conflict we see with the required development parking area and

public road allowance snow storage use by the County of Grey cannot be used by the property owner, if each new lot is permitted to have primary residential unit with an accessory apartment unit density.

**\*Please note: Public Works comments are based on written comments received, as well as verbal communications with the Public Works Manager. \***

One member of the public submitted written comments.

Debbie Russell indicates that she would like a proper survey prepared by an OLS. She had concerns surrounding parking for subsequent tenants and subsequent accessory apartments. She also has a concern regarding snow removal and drainage concerns.

### **Policy Review:**

#### **Provincial Policy Statement:**

Section 3 of the Planning Act (PPS) requires all decisions made under the Act by an approval authority to "be consistent with" the Provincial Policy Statement (PPS). The PPS provides a number of policies that are designed to protect planning matters of interest to the Ontario Government. The following is an evaluation of the proposed development within the context of the relevant PPS policies:

#### *Section 1.1.3 Settlement Areas*

*1.1.3.1 Settlement areas shall be the focus of growth and development*

*1.1.3.2. Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) Efficiently use land and resources;*
- b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and /or uneconomical expansion;*
- c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) Prepare for the impacts of a changing climate;**
- e) Support active transportation;*
- f) Are transit-supportive, where transit is planned, exists or may be developed; and*
- g) Are freight-supportive.*

*Land use patterns within settlement areas 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.*

Comment: The PPS is supportive of intensification of this nature. The one area where the proposal may be lacking in its consistency with the PPS, is in preparing for the impacts of a changing climate. Climate change has been known to cause

more severe storms and increased flooding in some areas. The drainage in this area is a known issue and must be addressed. To prevent flooding, municipalities should take into account stormwater management when approving any development. If an opportunity exists to improve stormwater management for this area, it should be considered. The applicant has raised the level of his lands so that the flow of water has changed in that area which has created flooding and ponding on other properties. To address this an engineered grading and drainage plan should be prepared and constructed at the owners expense, if necessary with a 3 meter easement for drainage purposes should be required at the rear of the property to facilitate drainage in the area.

If the storm drainage issue is addressed staff believe that the proposal will be consistent with the relevant policies of the Provincial Policy Statement.

### **Township Official Plan:**

The Township Official Plan designates the subject lands as neighbourhood area, which permits a wide range of residential and neighbourhood commercial uses.

Permitted uses 4.1.1(v). Residential intensification in the form of *infilling*, accessory apartments and bed and breakfast accommodations.

The proposal is a permitted use in the Official Plan as are the contemplated accessory apartments.

#### *"4.1.2 (7) Townhouse and Multiple Dwellings*

*In considering a zoning by-law amendment and site plan to permit a townhouse and multiple unit dwelling, Council shall be satisfied of the following:*

*i. The proposed use is compatible with the surrounding lands, with regard to scale and visual impact.*

*ii. The use will not cause or create traffic hazards or an unacceptable level of congestion on surrounding streets.*

***iii. The use is located on a site that has adequate land area to incorporate required parking, open space, landscaping and buffering.***

*iv. The use can be serviced by municipal water and sewer services.*

*v. The proposed lots can be adequately serviced by adequate community facilities, including schools and parks.*

***vi. Townhouse and Multiple Dwelling development shall require stormwater management for both quantity and quality control, as approved by the Municipality and other approval authorities."***

Comment: The above policies must be taken into consideration for development on the lands to proceed. The lots must be large enough to accommodate, parking, landscaped area, amenity space and stormwater management. It has not been sufficiently demonstrated that the individual semi detached lots will be able to accommodate landscaped area, parking, snow storage and removal and stormwater management.

In order to address these concerns a Development agreement can be entered into which requires an engineered grading and drainage plan for the site as well as a site plan to delineate parking areas as well as snow storage areas. This should address these policy deficiencies and so should be made a condition of approval.

#### 4.1.4 Consents

*Consents may be permitted, subject to the following:*

- i. Residential infilling;*
- ii. Creation of non-residential parcels will be subject to Site Plan Control;*
- iii. The lot size and configuration of both the parcel to be severed and the parcel to be retained should be in keeping with the surrounding area; and*
- iv. Consents shall be prohibited where a Plan of Subdivision is the more appropriate process of creating lots and in the following circumstances:*
  - a. Where development exceeds the definition of infilling;*
  - b. Where the extension of a public road would be required;*
  - c. Where the extension of municipal services is required; and,*
  - d. Where it is apparent that an application for a consent could be one of several similar applications from the original holding.*

Comment:

The Development can be considered a form of infilling and the services are already present to the site.

#### 7.4 General Lot Creation Policies

*Where division of land is considered, the approval authority shall have regard to the policies of this Plan, the matters set out in the Planning Act, R.S.O. 1990, as amended and the following considerations:*

- a) The land division is permitted by the land use policies of this Plan.*
- b) The land division shall promote development in an orderly and contiguous manner, and shall not conflict with the established development pattern of the area.*
- c) The proposed use is compatible with existing and permitted future land uses on adjacent lands.*
- d) The servicing requirements of this Plan shall be met.*
- e) New lots will not be permitted where the proposed access would create a traffic hazard because of limited sight lines.*
- f) The creation of new lots for space extensive commercial or industrial uses outside of community areas which require access to a County Road may be permitted subject to the approval of the County of Grey and the Township of Southgate.*
- g) There shall be evidence that soil and drainage conditions are suitable to permit the proper siting of buildings, that a sufficient and potable water supply exists, and that an adequate means of sewage disposal can be provided.*

- h) New lots created through consent may include Hazard Lands and Wetlands, provided that on both the severed and retained parcels there is sufficient land outside of the Hazard Lands and Wetlands to accommodate the proposed development, including any required setbacks. An Environmental Impact Study may be required in support of the development, to the satisfaction of the Township of Southgate, County of Grey and the Conservation Authority.*
- i) Where the limits of the hazard lands are not clearly identifiable, engineered flood line mapping or geotechnical slope assessment may be required, at the owners' expense, to substantiate the extent of the developable lands to the satisfaction of the Township of Southgate and the appropriate Conservation Authority.*
- j) Where the hazard lands are not already appropriately zoned, a site specific zoning by-law amendment must be approved as a condition of consent.*
- k) The creation of new lots must comply with Minimum Distance Separation Formulae, where appropriate.*
- l) The clustering of new lots is encouraged.*
- m) All new entrances will be subject to the approval of the appropriate road authority (ie. Township of Southgate, County of Grey).*
- n) The creation of new lots with frontage on a public road which is not maintained year round, is not permitted.*
- o) The creation of new lots will only be permitted upon approval by the Chief Building Official, of a private sewage treatment system.*
- p) Location criteria for new lots created by the consent process will be cognizant of surrounding land uses, drainage, topography, distances to adjacent buildings, access, sight lines and environmental features in the area.***
- q) Any conditions, including zoning if required, shall be fulfilled, prior to the final approval of the lot creation.*
- r) Public facilities and uses are permitted in all designation subject to land use compatibility.*

Comment:

The proposal generally conforms to the applicable lot creation policies with the exception of the bolded one above. Without the preparation of an engineered grading and drainage plan or a plan for snow storage and parking, the proposal fails to meet the criteria. As noted earlier this criteria can be addressed via a development agreement which would include the above mentioned items. It is recommended that this be included as a condition of approval.

### **Zoning By-law:**

The property was zoned as R3 residential which permits a semi-detached structure. The proposed severance would meet the lot provisions for a semi-detached structure.

Should the accessory apartments be installed, however, it is not clear that the lot can support the additional two accessory units. Each semi-detached unit is required to have two parking spaces in the bylaw and each accessory apartment is required to have one parking space. Similarly with additional parking snow storage will

become more of an issue. If there is insufficient space for snow it could pose a safety hazard during the winter months. It is also not clear if each individual lot can satisfactorily address the drainage concerns of the area.

In staff's opinion, it has not been sufficiently demonstrated that the site can support additional parking safely along with providing sufficient snow storage so as not to create a safety hazard. To address this concern along with the drainage concerns noted previously, a Development agreement can be entered into which includes an engineered drainage plan, site plan for parking and snow storage as well as a snow removal plan if storage of snow becomes an issue.

**Financial Implications:**

There are relatively low financial implications for this proposal because the semi-detached structure is already there.

The financial implications to the property is the costs of a lot grading plan, constructing the lot in compliance with the lot grading plan and any other costs annually as set out in a development agreement that would be registered on title at the owner's expense committing to snow removal costs each year if required by the municipality.

**Concluding Comments:** At the time of writing this report staff have not received comments from the County of Grey. If the County of Grey have concerns, particularly with regard to road entrance access, snow storage and drainage onto Grey Road 9 these should be taken into consideration. The concerns about drainage, parking, surveys and snow storage can all be addressed and with a development agreement to ensure that issues are addressed and enforceable. With the above conditions, the Consent to sever can be approved.

Respectfully Submitted,

**Municipal Planner:** Original Signed By  
Clinton Stredwick, BES, MCIP, RPP



**CAO Approval:** Original Signed By  
Dave Milliner, CAO

**Attachments:** None.