



# Committee Report

**To:** Councillor Steve Hammell, Chair and  
Members of the Planning and Development Committee

**From:** Mark Paoli  
Director of Planning and Development

**Date:** April 21, 2022

**Re:** Consent Application B-2021-006 (Hennessy)

---

## Staff Recommendation:

That Consent Application B-2021-006 be approved;

That the Secretary-Treasurer of the Land Division Committee be authorized to sign the Decision Sheet.

## Summary:

The subject land is 560 Waterloo Street at the southwest corner of Waterloo Street and Johnston Avenue in Port Elgin. The landowner is seeking to sever the property in half creating two residential parcels. Each parcel will be 406.12 m<sup>2</sup> in size. The severed lot is vacant and will have 20.34 m of frontage along Johnston Avenue. The retained parcel will have 19.96 m of frontage along Waterloo Street and is occupied by a dwelling. On March 14, 2022, the Town of Saugeen Shores Planning Committee approved Zoning By-law Amendment Application Z-2021-081 to facilitate the subject Consent application. The application is referred to Committee for a decision due to outstanding neighbor objections.

## Alignment with Guiding Principles:



### GOOD GROWTH

To put growth in the right locations with the right services



### AGRICULTURE

To support our key economies, including supporting a thriving agriculture community



### CONNECTING

To improve our ability to move people, goods, and information between communities



### HOMES

To increase the supply and mix of homes



### BUSINESS

To create opportunities for a diversity of businesses, jobs, and employers



### COMMUNITIES

To create wellbeing through access to healthy complete communities



### HERITAGE

To identify and manage our cultural heritage resources



### NATURAL LEGACY

To manage natural resources wisely for future generations

- Not applicable
- Not aligned
- Aligned
- Strongly aligned

The proposal is strongly aligned with the Good Growth Principle as an infill lot would be created within an established residential neighborhood where services exist to service the development. The proposal is also strongly aligned with the Bruce County Guiding Principle on Homes as it will add to the supply of homes and creates an opportunity for homeownership.

On balance, this proposal is aligned with the Guiding Principles and the Vision of a healthy, diverse and thriving future.

#### Airphoto



#### Image of Site



[illegible]

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), public comments (attached) and planning policy sections.

The subject land is in the Settlement Area of Port Elgin. Settlement Areas are the focus of growth and development. This proposal would result in the addition of one residential unit. The proposal is aligned with the Provincial Policy Statement which states that residential intensification, including additional residential units, and redevelopment are promoted. This proposal for an infill lot is optimal use of an underutilized parcel. The Primary Urban Communities designation of the County Official Plan permits a broad variety of residential uses. The property is designated 'Residential' in the local Official Plan. This designation permits the full range of residential uses. As noted above, the consent would create an infill residential lot.

Infill development within an established residential neighborhood where services (water/sewer/roads) exist to service the development is good land use planning.

### Land Division Policies

The County Official Plan and the Town of Saugeen Shores Official Plan have criteria by which to evaluate the creation of new lots. The criteria relate to frontage on a public, year-round road, safe access, adequate services, building envelopes and conformity with the applicable Official Plans and Zoning By-law. The local Official Plan states that division of land should represent infilling in a Built-Up area and orderly and efficient use of land. Furthermore, the proposed lots should be in keeping with the lot area, frontage, and density pattern of the surrounding area. The subject applications meet the applicable criteria for consents.

### Lot Size and Compatibility

Some property owners in the neighborhood object to the proposed severance. They have opined that the proposed lots are undersized and would be out of character as there are full sized lots along this street. In assessing this Consent application, staff considered the land division policy which requires proposed lots to be in keeping with the lot area, frontage, and density pattern of the surrounding area.

The proposed lots are 406.12 m<sup>2</sup> in area and smaller than existing lots along Johnston Avenue. However, there are other similarly zoned parcels in the area that are comparable in lot size which are located a short walking distance north of the subject land at the intersection of Waterloo Street / Gustavus Street at: 588 Waterloo St. (404.59 m<sup>2</sup>), 558 Gustavus St. (404.69 m<sup>2</sup>), 610 Waterloo St. (435.34 m<sup>2</sup>), and 551 Gustavus St. (374.03 m<sup>2</sup>). The proposed lot sizes would not be precedent setting and there is sufficient area for a single detached house. A single detached house would be in keeping with the existing-built form in the area.

The Consent Application is consistent with the Provincial Policy Statement, conforms with the Official Plans. Matters such as the proposed lot area and frontage were addressed through a Zoning By-law Amendment on the site, noted below, and approved by the Town.

### Submitted Information and Review

The original Consent proposal was circulated to the Departments / Agencies and to members of the community in March 2021 based on information received from the applicant.

We received objections from some property owners who expressed concerns that the site plan showed inaccurate dimensions of the subject land.

Town staff required the applicant to submit a legal survey of the site. Hewett and Milne Limited Ontario Land Surveyors prepared the survey which was submitted in September 2021. The revised concept plan exhibited several zoning deficiencies. The applicant was required to file a Zoning By-law Amendment Application to facilitate the Consent. The original proposal did not indicate a Zoning By-law Amendment or a Minor Variance application as the associated site plan did not show any zoning issues. The revised Consent proposal was circulated to the community in conjunction with Zoning By-law Amendment Application.

### Zoning By-law Review

The subject land is zoned Residential Second Density (R2). The zone permits a semi-detached dwelling, single detached dwelling, converted dwelling (2 units maximum) and duplex dwelling. On March 14, 2022, the Saugeen Shores Planning Committee endorsed the

associated Zoning By-law Amendment Application which was seeking to facilitate the Consent.

Firstly, the minimum lot size requirement was reduced from 450 m<sup>2</sup> to 406.12 m<sup>2</sup> for the lots. This lot size can accommodate a single detached dwelling.

Secondly, on the retained lot, the exterior side yard (Johnston Avenue) requirements was reduced from 4.5 m to nil. A small section of the existing dwelling extends beyond the property limits into the road allowance. The exterior side yard deficiency / road allowance encroachment is an existing on the ground situation. The severance will not create new or additional impact.

Thirdly, on the retained lot, the front yard setback (Waterloo Street) of the existing dwelling was reduced from 4.5 m to 2.5 m. The relief acknowledges the current placement of the dwelling relative to Waterloo Street. The severance will not exacerbate this existing situation.

Fourthly, on the retained lot, the minimum rear yard depth for the existing dwelling was reduced from 7.5 m to 6.5 m. The rear yard deficiency results directly from splitting the subject land into two lots.

#### **Mortgage Interest**

**The Mortgage holder advises that they require** information and until it can be verified, it objects to sever the 988.3 square meters lot into two parcels. The applicant has advised that matters have been resolved with the mortgage company. Staff emailed the mortgage company for confirmation and have not received a response. This will be addressed prior to certification of the consent.

#### **Financial/Staffing/Legal/IT Considerations:**

Potential Appeal to the Ontario Land Tribunal.

#### **Report Author:**

Barbara Mugabe, Planner

#### **Departmental Approval:**

Mark Paoli  
Director, Planning and Development

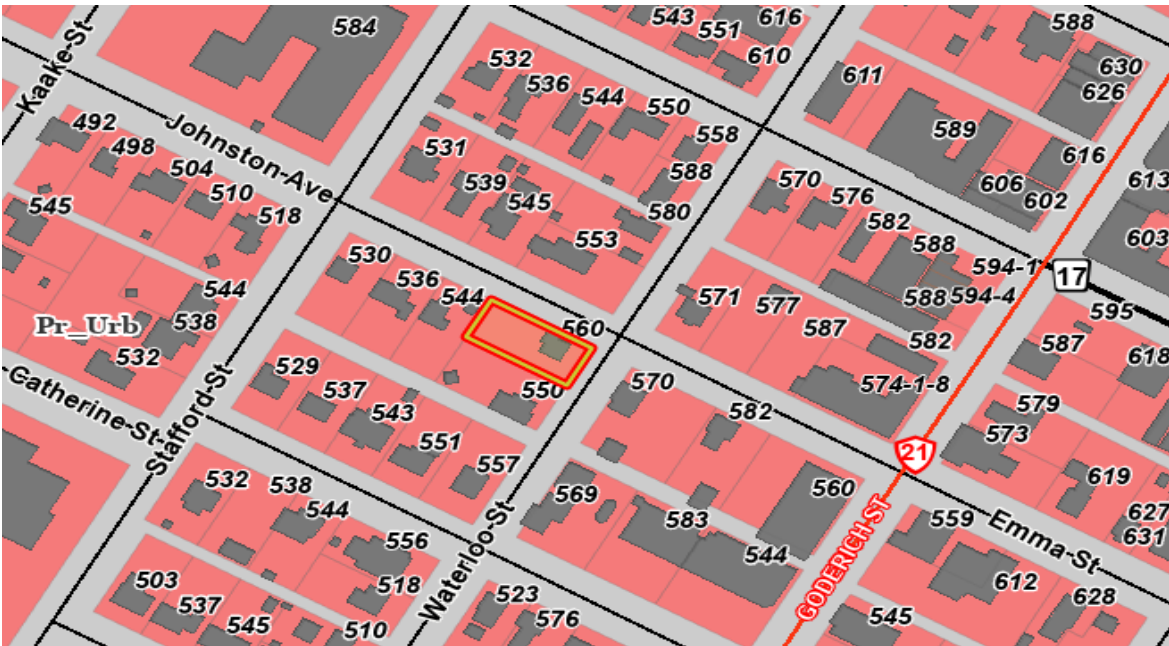
#### **Approved for Submission:**

Christine MacDonald  
Acting Chief Administrative Officer

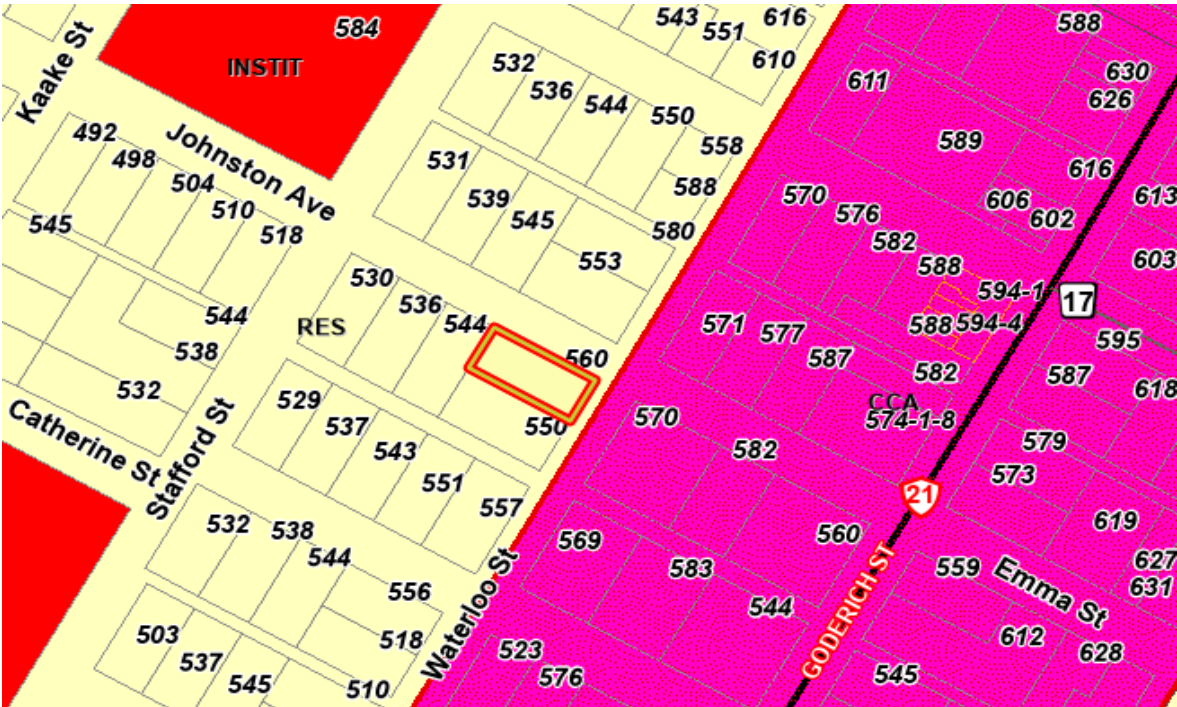
## Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Survey of Site -included as attachment
- Agency Comments
- Public Comments - included as attachment
- Consent Application Notice - included as attachment
- Zoning By-law Amendment Public Meeting Notice - included as attachment
- Decision Sheet for Signature - included as attachment

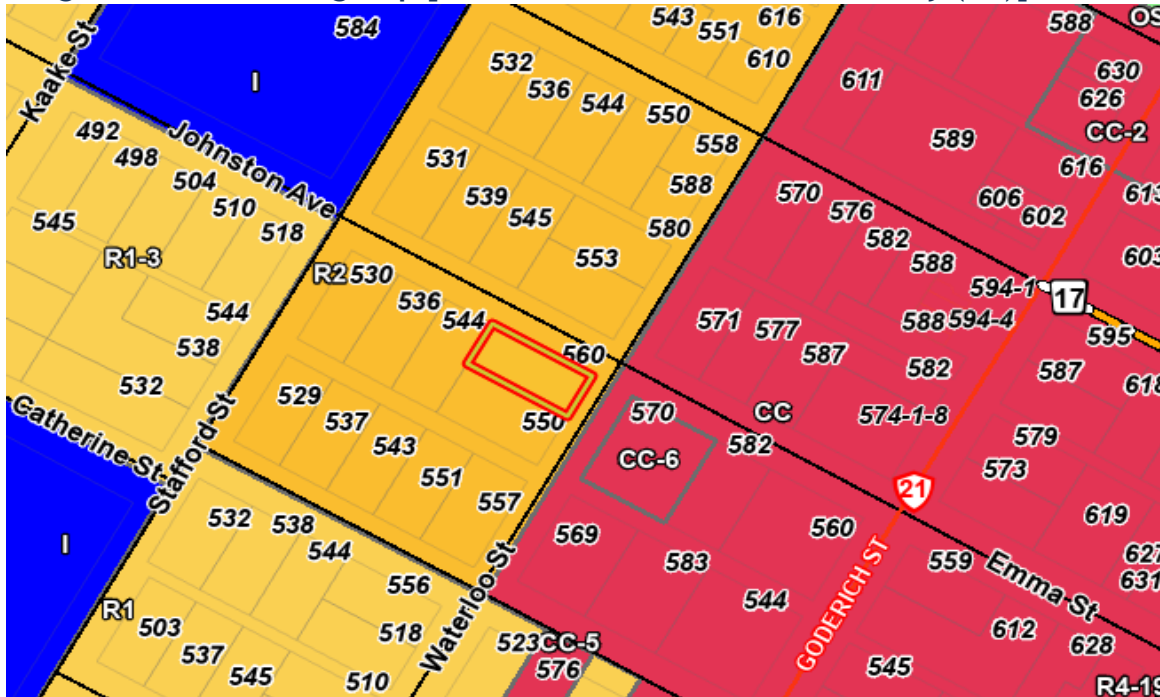
County Official Plan Map (Designated Primary Urban Communities)



Saugeen Shores Official Plan Map (Designated Residential)



## Saugeen Shores Zoning Map [Zoned Residential Second Density (R2)]



### Agency Comments

Town of Saugeen Shores:

- Services shall be provided to the severed and retained lots, at the applicant's expense, prior to final approval of the severance.
- The Town will seek cash in lieu of parkland dedication.
- The Town verified the conditions of approval on March 30, 2022.

Historic Saugeen Métis (HSM): No objection.

The Grey Bruce Catholic District School Board. No objection.

Saugeen Valley Conservation Authority: Provided in full below (The proposed application is acceptable to the SVCA. The subject property does not contain any natural hazard features or other environmental features of interest to SVCA). Timeline Notes:

The original Consent proposal was circulated to the Departments / Agencies and to neighbours in March 2021. We received objections from some property owners who expressed concerns that the site plan showed inaccurate dimensions of the subject land. Town staff required the applicant to submit a legal survey of the site. Hewett and Milne Limited Ontario Land Surveyors prepared the survey which was submitted in September 2021. The revised concept plan exhibited several zoning deficiencies. The applicant was required to file a Zoning By-law Amendment Application to facilitate the Consent. The original proposal did not require a Zoning By-law Amendment or a Minor Variance application as the associated site plan did not show any zoning issues. The revised Consent proposal was circulated to neighbours in conjunction with Zoning By-law Amendment Application. Again, we received objections from some members of the public to both applications. Comments received from the community are outlined below.