

INNOVATIVE PLANNING SOLUTIONS

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September 5, 2019

Town of Penetanguishene 10 Robert Street West Penetanguishene, ON L9M 2G2

Attention: Andrea Betty, MCIP, RPP

Director, Planning and Community Development

Re: Planning Justification Brief (Severance & Minor Variance Application)

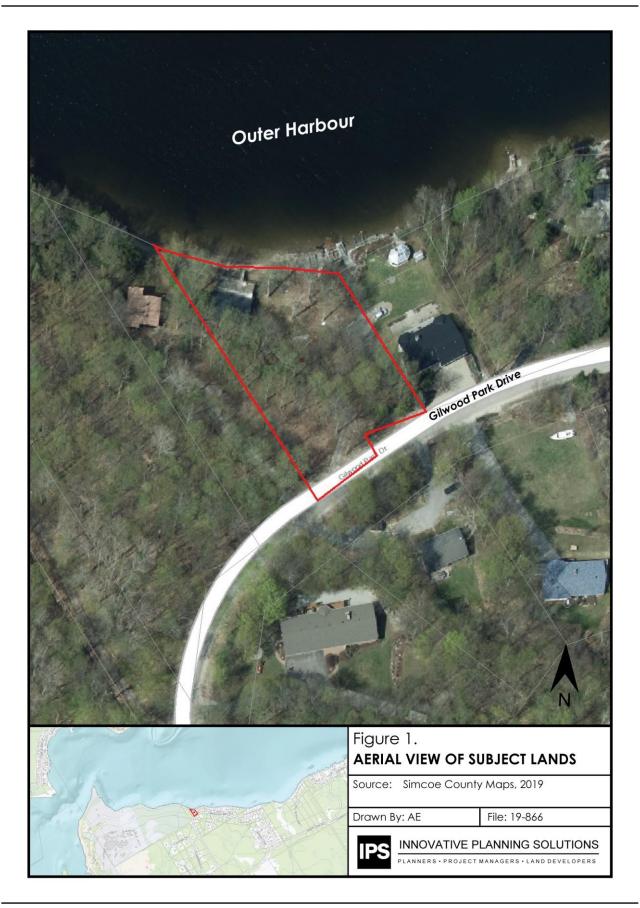
120 Gilwood Park Drive, Penetanguishene

1.0 INTRODUCTION

Innovative Planning Solutions has been retained by 1559598 Ontario Inc. to complete a Planning Justification Brief in relation to an application for Consent (B7/2019) and Minor Variance (A14/2019) on lands known municipally as 120 Gilwood Park Drive, in the Town of Penetanguishene (Part of Lot 13A, Registered Plan No. 69). The subject property is 0.39 hectares (0.95 acres) in size and is located on the north side of Gilwood Park Drive. The subject lands also possess shoreline frontage on the south side of Outer Harbour. Figure 1 identifies the location of the subject property.

The purpose of this application is to obtain approval to sever the existing lot into two residential parcels of similar size. The lands to be severed will have an area of 0.16 hectares and the lands to be retained will have an area of 0.22 hectares. Please see Appendix 1 for a severance sketch. A minor variance application is required in conjunction with the application for severance to seek relief from the standards set forth in the Town of Penetanguishene Zoning By-law 2000-02 specifically as they pertain to lot frontage (severed & retained lots) and lot area (severed lot). The following report will review the applicable policies found within the documents noted below to justify the application based upon good planning principles:

- The Planning Act (2018)
- Provincial Policy Statement (2014) (PPS)
- Growth Plan for the Greater Golden Horseshoe (2019)
- The County of Simcoe Official Plan (2016)
- The Town of Penetanguishene Official Plan
- The Town of Penetanguishene Zoning By-law 2000-02



2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

The subject property is located at 120 Gilwood Park Drive, in the Town of Penetanguishene. The lands are approximately 0.39 hectares in size and possess approximately 44.8 metres (147 ft) of frontage on the northern side of Gilwood Park Drive. The subject lands currently contain a single detached dwelling that is to be removed should the applications be approved. It is proposed that the severed and retained lots be generally balanced in terms of frontage and area. The land is relatively flat, sloping towards Georgian Bay. Municipal water is available along Gilwood Park Drive, and the lots will be serviced by private septic systems. All efforts will be made to retain the existing vegetation on site, to the extent possible.

The property is designated 'Shoreline Residential' as per Schedule 'A1 – Land Use Structure' of the Town of Penetanguishene Official Plan, as seen in Figure 2. The subject lands are zoned 'Rural Residential (RR)' as per the Town of Penetanguishene Zoning By-law 2000-02, as seen in Figure 3. The surrounding area is comprised of the following:

North: Georgian Bay (Outer Harbour).

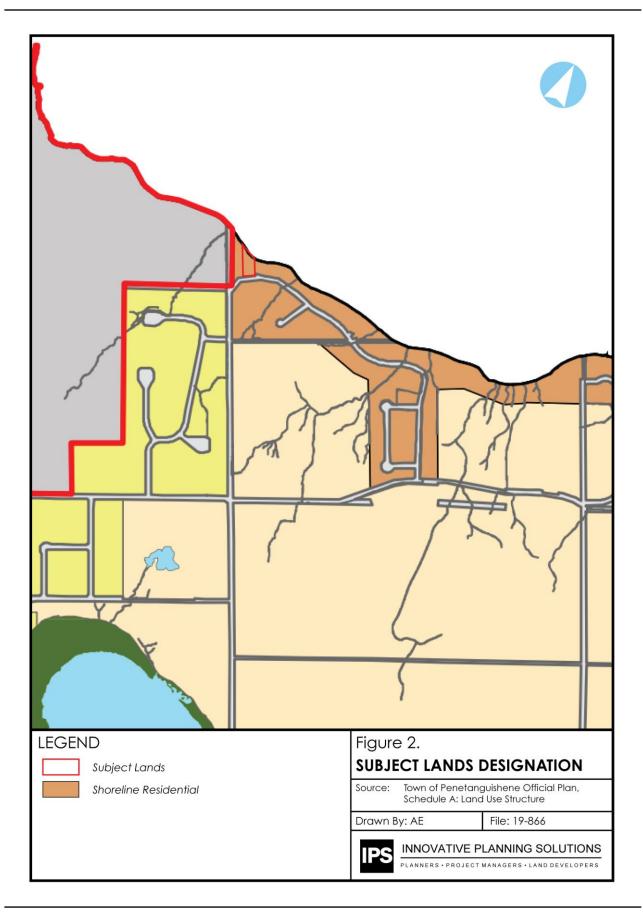
East: Low-density, single-detached, shoreline residential uses.

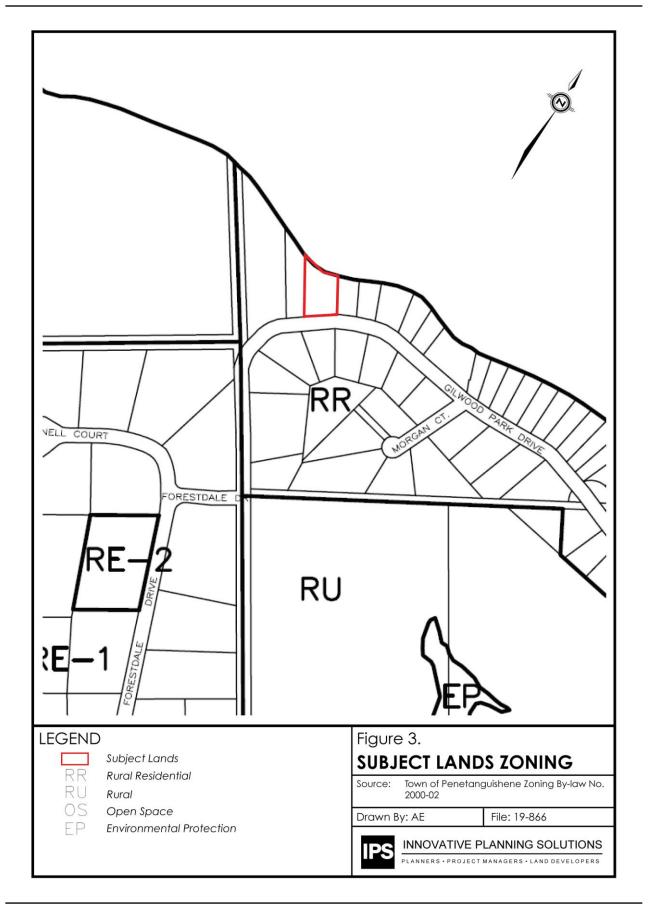
South: Low-density, single-detached, residential uses; lands zoned for Rural uses.

West: Low-density, single-detached, shoreline residential uses; further to the west are lands designated Provincial Institutional Area.

3.0 DESCRIPTION OF SEVERANCE

This proposal aims to create one (1) new infill lot for residential use by way of severance. The lands to be severed will have an area of 0.16 hectares and the lands to be retained will have an area of 0.22 hectares. The severed parcel would include the eastern half of the subject property, sharing a property line with 124 Gilwood Park Drive. The retained parcel would include the western half of the subject property and share a property line with 118 Gilwood Park Drive. The severance sketch is contained in Appendix 1.





The proposed severance will introduce two (2) new single-detached dwellings to an area where this style of development is common and permitted by the Town's Official Plan and Zoning By-law.

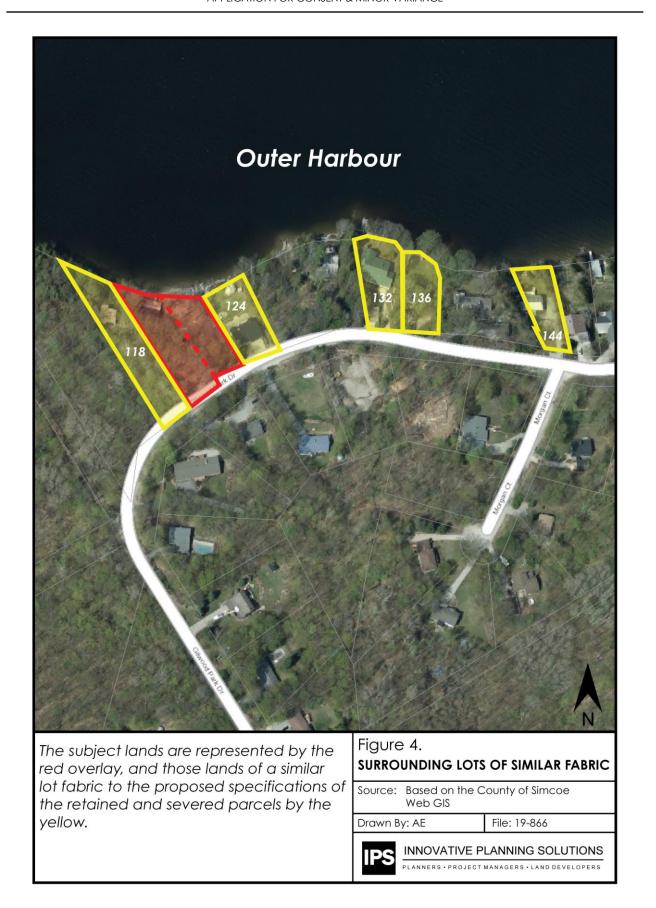
The Consent would require variances to address deficiencies with respect to both lot frontage and lot area. Table 1 highlights the required variances. The lot fabric proposed through the consent application is similar in frontage and area to other lots along Gilwood Park Drive. Given the existence of similarly sized lots within the neighbourhood, septic services can be provided on the lot to the satisfaction of the municipality and any other vested authorities. Table 2 displays the approximate site statistics of comparable properties. These properties are also pictured in Figure 4.

Table 1: Rural Residential Zoning Matrix

RURAL RESIDENTIAL (RR) ZONING MATRIX							
	REQUIRED	LANDS TO BE SEVERED	LANDS TO BE RETAINED				
LOT AREA (MIN.)	2,000.00 m ²	0.16 ha	0.22 ha				
LOT FRONTAGE (MIN.)	35.0 m	21.0 m	23.7 m				
LOT COVERAGE (MAX.)	35%	≤ 35%	≤ 35%				
GROUND FLOOR AREA (MIN.)	85.0 m ²	≥ 85.0 m ²	≥ 85.0 m ²				
BUILDING HEIGHT (MAX.)	11.0 m	> 11.0 m	> 11.0 m				
SETBACKS							
FRONT YARD (MIN.)	7.50 m	≥ 7.50 m	≥ 7.50 m				
EXTERIOR SIDE YARD (MIN.)	7.50 m	N/A	N/A				
INTERIOR SIDE YARD (MIN.)	3.0 m	≥ 3.0 m	≥ 3.0 m				
REAR YARD (MIN.)	7.50 m	≥ 7.50 m	≥ 7.50 m				

Table 2: Comparable Surrounding Residential Fabric

COMPARABLE SURROUNDING RESIDENTIAL LOTS							
ANIMICIDAL ADDRESS	APPROXIMATE						
MUNICIPAL ADDRESS	AREA (HECTARES)	FRONTAGE (METRES)					
LANDS TO BE SEVERED	0.16	21.03					
LANDS TO BE RETAINED	0.22	23.77					
118 GILWOOD PARK DR.	0.27	24.5					
124 GILWOOD PARK DR.	0.16	27.3					
132 GILWOOD PARK DR.	0.18	24.2					
136 GILWOOD PARK DR.	0.13	24.0					
144 GILWOOD PARK DR.	0.12	18.1					



4.0 MINOR VARIANCES

Variances for lot size and frontage are required for the lands to be severed, while one variance for lot frontage is required for the lands to be retained. The following analysis is presented in relation to Section 45(1) of the *Planning Act*. A detailed analysis is provided below:

4.1 OFFICIAL PLAN, GENERAL INTENT AND PURPOSE

The subject property and immediate surrounding lands are designated 'Shoreline Residential' in the Town of Penetanguishene Official Plan. Single detached dwellings are proposed on the lots to be severed and to be retained. The existing dwelling is to be removed prior to construction. Single detached dwellings are a permitted use that fully conform to the policies and align with the intent of the Shoreline Residential designation. Further analysis of the OP in included in Section 4.4 of this Brief.

For the above stated reasons, the minor variances meet the general intent and purpose of the Town of Penetanguishene Official Plan as intended for lands designated as Shoreline Residential.

4.2 ZONING BY-LAW, GENERAL INTENT AND PURPOSE

The lands are zoned Rural Residential in the Town of Penetanguishene Zoning By-law. Table 1 displays the zone standards of the Rural Residential zone and the statistics provided by the lands to be severed and to be retained. The Rural Residential zone requires large frontages and lot areas (35.0 m and 2,000.0 m² respectively). It is assumed the large requirements are aimed at maintaining the character of the existing neighbourhood, as well as to ensure private services can be accommodated on site.

Variances of the lot frontage and lot area requirements would not inhibit the owner's capacity to provide private on-site services related to both the proposed single-detached dwellings, nor would they have a negative impact on the character of the neighbourhood. Further, both the severed and retained lots would be of comparable lot fabric to surrounding residential lots within the general vicinity of the subject lands, as illustrated in Table 2 and Figure 4.

The new single-detached dwellings would not adversely affect the current streetscape, but rather further enhance the shoreline residential character of the area. Design elements of the proposal will be compatible with the character of the street and greater shoreline community. The general intent and purpose of the Zoning By-law is maintained through the minor variances, which ensure that the lots are of sufficient size to accommodate private on-site services and that development will not

infringe on the single-detached character of the area. For the above noted reasons, the general intent and purpose of the Town of Penetanguishene Zoning By-law 2000-02 has been met.

4.3 VARIANCE IS MINOR

The existing shoreline area is primarily characterized by low-density single-detached dwellings of varying frontages and areas. The lots to be severed and to be retained propose two (2) single detached dwellings in place of the existing dwelling. The architectural details have not been finalized at this point in time, but it is the intent that they will be of similar character to the existing neighbourhood so as to maintain compatibility in terms of size, scale, and design.

Other factors to consider when evaluating the impact of the proposal is the impact on neighbourhood character, precedent setting, consistency with existing and planned development patterns, and consistency with planning policy.

The minor variances proposed with this application will result in a lot fabric of similar character to those lots in the general vicinity of the subject lands, as can be seen in Figure 4. The minor variances requested would still allow for the owner to provide private septic service to the proposed dwellings.

Given the effect of the minor variances, to allow for one new residential infill lot and one retained lot, each in character with the surrounding neighbourhood, the variances to lot area and frontage are considered minor in nature.

4.4 VARIANCE IS DESIRABLE FOR DEVELOPMENT OF THE AREA

The subject lands will continue to operate in the same manner as the Town's Official Plan and Zoning By-law intend. The proposed development considers the character and existing built form of the adjacent properties and surrounding Shoreline Residential Area through maintaining a similar built form and lot size.

Further, the setbacks will meet the standards set forth in Zoning By-law and are consistent with those employed along the rest of Gilwood Park Drive. As described throughout this brief, the resulting severed and retained lots will both be consistent with the surrounding lot fabric and existing character of Gilwood Park Drive. For these reasons, the development offered promises to be both aesthetically appealing and sensitive to the character of Gilwood Park Drive, and thus is desirable for the development of the area.

5.0 PLANNING POLICY AND ANALYSIS

Section 4.0 will outline the applicable planning and development policies applying to the subject application. Each subsection will provide a review of applicable policies and provide justification where needed to support the proposed application's alignment with these provisions.

5.1 PLANNING ACT (2018)

The Planning Act (The Act) is provincial legislation that describes how land uses are controlled, and by whom. The Act promotes sustainable development while balancing factors such as economic development, preservation of the natural environment and the creation of healthy communities, within a provincial policy framework focussed on provincial interests and fairness.

Section 2 of The Act specifies that all parties partaking in land use planning activities under the Act shall have regard to matters of provincial interest. These interests include:

- the protection of natural areas and features;
- protection of agricultural lands;
- the orderly development of communities;
- the full range of housing;
- the appropriate location of growth and development, and;
- the promotion of a built form that is well-designed.

The subject severance will not impact natural areas or features, aims to protect agricultural lands by developing outside of them, provides compatible, orderly development to adjacent land uses, increases options for housing, is appropriately located with the Settlement area, and will deliver a built form that is well-designed and reflecting of the existing housing stock.

Section 53 of The Act details the conditions under which a Consent can be granted and states that it must be proper and orderly development. This application for Consent is appropriate and represents orderly development given the neighbouring land uses on Gilwood Park Drive are also single detached homes with similar frontages to that being proposed through this severance.

The Planning Act well establishes the Province's Interests in land use planning and these interests are adhered to in this severance application.

5.2 PROVINCIAL POLICY STATEMENT (2014)

The Provincial Policy Statement (PPS) has been reviewed relative to this application with particular emphasis on the following sections:

- 1.1.3 Settlement Areas
- 1.4 Housing

• 1.6 Infrastructure and Public Service Facilities

The proposed creation of one (1) new residential lot represents residential redevelopment within a defined Settlement Area. The PPS poises Settlement Areas for growth as per policies 1.1.4.2 and 1.1.3.1. The proposal lends to the efficient use of land and services while being sensitive to the scale of growth appropriate to the surrounding community, thus in line with Sections 1.1.3.2 and 1.1.4.3 of the PPS. This proposed development is compatible with the surrounding land uses and will be sustained by existing services; i.e. municipal water as well as other community services (1.1.4.1 and 1.4.3). Section 1.6.6.4 of the PPS states where the lot is considered infill as it develops previous vacant land, the usage of private septic servicing is permitted where municipal servicing is otherwise not provided, which aligns with the proposed development.

For the above stated reasons, this application is consistent with the Provincial Policy Statement.

5.3 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2019)

The Growth Plan dictates where and how future growth is to occur in the Greater Golden Horseshoe. This Plan directs the majority of growth to occur in settlement areas within a built boundary, that have existing municipal water and wastewater, and can contribute to a complete community. Within the context of the Growth Plan, Section 2.2 (Policies for Where and How to Grow) can be applied to the subject lands through the provisions of Subsections 2.2.1 (Managing Growth), and 2.2.6 (Housing). All sections provide that the majority of growth be directed towards designated Settlement Areas. The development of additional residential uses in the form of single-detached dwellings within a settlement area will add to the economic vitality through increasing the tax base, neighbourhood structure, and housing supply within the Town of Penetanguishene.

The proposed severance is aligned with the overarching objective of the Growth Plan to focus growth in within an established Settlement Area. The proposal will facilitate the creation of one new infill lot utilizing existing services. Further, the proposed severance is not anticipated to negatively impact the surrounding community, or the character of the Shoreline Residential area.

Given the scale, nature and geography of the proposed development, the application conforms with the Growth Plan for the Greater Golden Horseshoe.

5.4 COUNTY OF SIMCOE OFFICIAL PLAN (2016)

The subject lands are within a designated Settlement Area in the County of Simcoe's Official Plan. Section 3.1 directs a considerable portion of the County of Simcoe's growth to designated Settlement Areas. Further, provision 3.5.1 under the objectives of the Settlement Area designation reiterates this point.

The proposed severed and retained lots represent residential development within a designated Settlement Area. The creation of one new infill lot aligns with policies in this Plan which direct growth toward settlement areas in a manner which retain the form and character of the existing community. Leveraging private septic and municipal water services where municipal servicing is otherwise not available is permitted through provision 4.7.6 of the Official Plan which aligns with the requirements for this proposal.

For the reasons above, the proposed Consent conforms to the County of Simcoe Official Plan.

5.5 TOWN OF PENETANGUISHENE OFFICIAL PLAN

Section 4.7 of the Official Plan sets forth the General Principles of the Shoreline Residential designation. It is the intent of the Shoreline Residential designation to:

- 1. The existing character of this predominantly residential area shall be maintained;
- 2. Existing development is appropriately serviced with water and sewage services; and
- 3. The natural features of the shoreline area and the immediate shoreline shall be conserved and, where possible, enhanced.

The proposed development is consistent with the above noted policies. The two dwellings that will result will be contextually sensitive to the size, scale and design of existing residences within the area. The existing character of the neighbourhood will be maintained. Further, both residences would be serviced through private septic and municipal water services. The subject development will not negatively impact the subject lands, natural features, or surrounding neighbourhood.

Section 4.7.2.1 of the Official Plan sets forth direction for the creation of new residential lots by consent. The OP permits the creation of new residential lots by consent provided that the lots:

- a) Direct access is provided to an open and maintained public road.
- b) That a maximum of five new lots may be created by consent from one parcel of land, provided the Town is satisfied that a plan of subdivision is not required.
- c) Adequate water and wastewater servicing.
- d) The creation of new lots shall be subject to Site Plan Control. The Site Plan Agreement shall deal with such issues as the location of the building envelope, the driveway and the access to the shoreline. It is the policy of this Plan that the majority of the existing tree cover on new shoreline lots be preserved.

The proposed development is consistent with the policies of Section 4.7.2.1 as Gilwood Park Drive is a Local Road as defined on Schedule 'C' of the Official Plan that is maintained year-round by the Town. The creation of new one lot will not cause a traffic hazard given its location along Gilwood Park Drive, as this stretch of the road is not located on a curve or hill. The severed & retained lots will also be serviced with adequate water supply and sewage disposal.

Section 4.7 of the Official Plan speaks to the character of the Shoreline Residential Area. The Area of the subject site is characterized by low-density development that is supported by the Zoning By-law standards. The proposed Consent and minor variances will maintain the character of the established neighbourhood

Section 6.3.5 of the Town's Official Plan outlines the process for Land Division. More specifically, Section 6.3.5.2 deals with Consents. The Plan states that:

A consent should only be considered where a plan of subdivision is deemed to be unnecessary, where the application conforms with the policies of this Plan, is consistent with the Provincial Policy Statement, and generally, the consent shall not result in the creation of more than five new lots in a single application.

The proposed creation of one new residential lot by way of infill, fronting an existing municipal road and serviced by municipal water, does not warrant a Plan of Subdivision. As evidenced throughout this report, the proposed severance is in conformity with all levels of planning policy, including the Provincial Policy Statement and the Town's Official Plan.

The proposed Consent application will support contextually appropriate development in an area with sufficient services to support the lands to be severed and to be retained. This is in line with the Water & Wastewater Services policies contained within Section 5.3 of the OP.

Based on the analysis presented above, the proposed Consent conforms to the Town of Penetanguishene Official Plan.

6.0 CONCLUSION

The subject applications propose to create one (1) new residential infill lot along Gilwood Park Drive in the Town of Penetanguishene. Two new shoreline residential dwellings would be constructed, one on each of the severed and retained lots. The proposed dwellings would draw on design elements, setbacks, and site characteristics consistent to elsewhere in the neighbourhood, and surrounding shoreline residential area. Servicing for the new residences will be provided through private septic and municipal water, to the satisfaction of the municipality and any vested authorities.

Given that lots with similar lot area and frontage are pre-existing in the area (Figure 4), it is reasonable to suggest that the subject lands are sufficient in area to service the proposed developments, and that the character of the community will be maintained. The proposal represents development at a scale that is sensitive to the size of the neighbourhood and settlement area it is proposed within.

The justification for the approval of the severance and minor variance applications is based on the conformity with the goals and objectives of the Provincial Policy Statement, Provincial Growth Plan, the County of Simcoe Official Plan, as well as the

PLANNING JUSTIFICATION BRIEF APPLICATION FOR CONSENT & MINOR VARIANCE

Town of Penetanguishene Official Plan and Zoning By-law 2000-02. It is my professional opinion that the following severance application and supporting variances conform to the applicable planning policies and represent good planning.

Respectfully submitted,

Innovative Planning Solutions

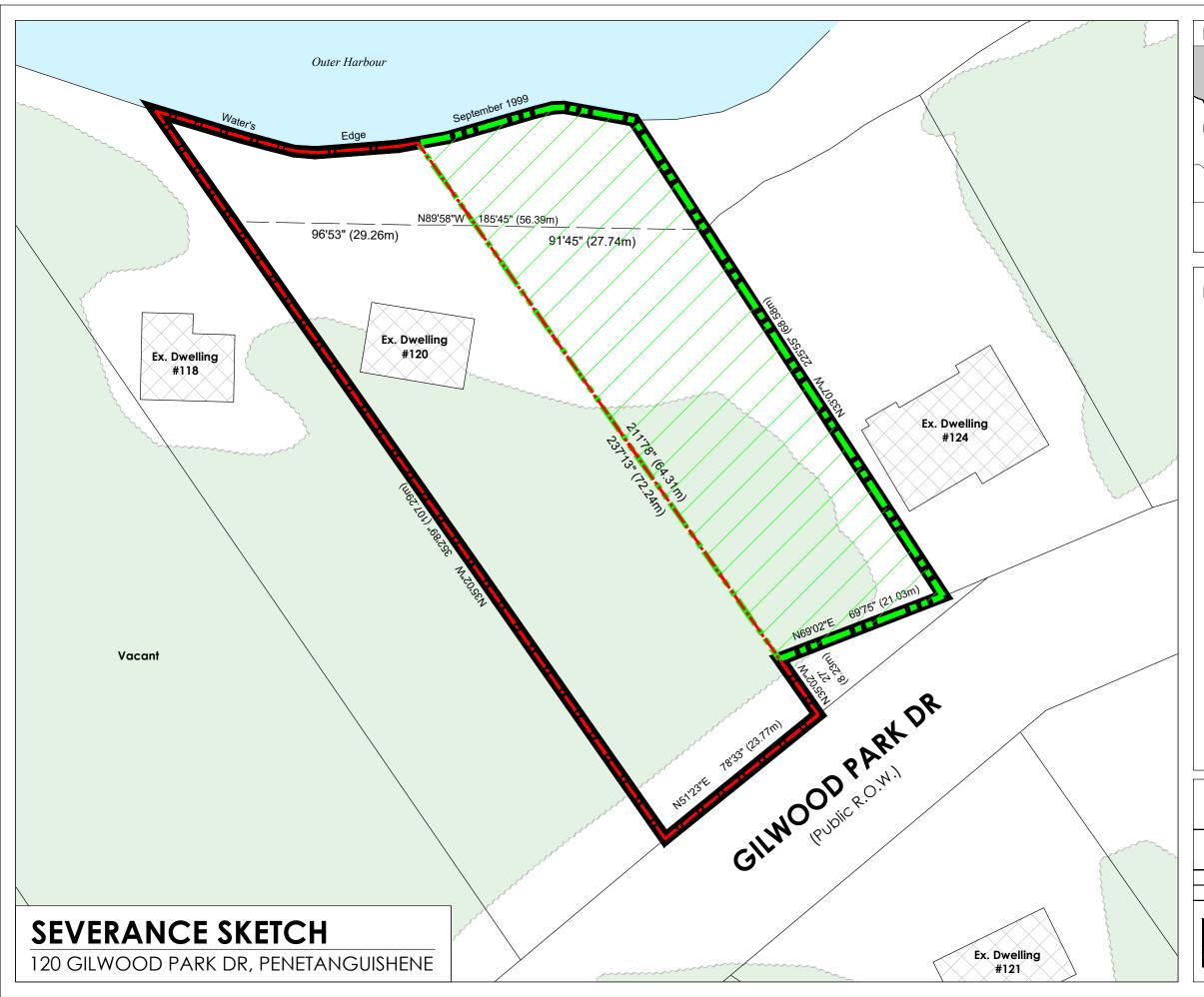
Darren Vella, MCIP, RPP

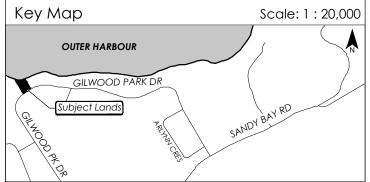
President & Director of Planning

PLANNING JUSTIFICATION BRIEF APPLICATION FOR CONSENT & MINOR VARIANCE

APPENDIX 1:

SEVERANCE SKETCH





120 Gilwood Park Drvie Penetanguishene, County of Simcoe

LEGEND



SUBJECT LANDS

Lot Area: 0.39 ha (0.95 ac) Lot Frontage: ±23.77m



LANDS TO BE SEVERED

Lot Area: ±0.17 ha (0.40 ac) Lot Frontage: ±21.03m



LANDS TO BE RETAINED

Lot Area: ±0.22 ha (0.55 ac) Lot Frontage: ±23.77m

Note: The information shown is approximate and subject to change.
Property boundary to be verified by an O.L.S.
Dimensions are shown in metres.

Scale						_ A
0	20	40	60	80	100m	N
Date:	Augus	22, 2019		Scale:	1:400	
File:	19-866	•		Drawn By:	AS	



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PLANNING JUSTIFICATION BRIEF APPLICATION FOR CONSENT & MINOR VARIANCE

APPENDIX 2:

SURVEY

