

December 20, 2021

Elisa and Mike Zablotny  
74 Shanahan Road  
Penetanguishene, ON  
L9M 1N9

Dear Elisa and Mike:

**RE: Due Diligence and Status Report  
74 Shanahan Road, Penetanguishene  
OUR FILE 21542A**

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The purpose of this due diligence review is to determine whether planning justification exists for the proposal to sever the lands located at 74 Shanahan Road to create one (1) new residential building lot with frontage on Poyntz Street.

To date, a preliminary review of the applicable planning policies and regulations affecting the site, a site visit and preconsultation meeting with Town Planning and Engineering have occurred.

The following is a summary of our conclusions:

1. The documents that have been reviewed include the Provincial Policy Statement, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, County of Simcoe Official Plan, Town of Penetanguishene Official Plan, and the Town of Penetanguishene Zoning By-law.
2. The subject property is designated Neighbourhood Area I in the Town of Penetanguishene Official Plan. The proposed Consent Application is supported under the policies of this Plan.
3. The subject property is zoned Residential Two (R2) in the Town of Penetanguishene Zoning By-law. In addition to the Consent Application, the Retained and Severed Lots, as proposed, would require a Zoning By-law Amendment or Minor Variance to recognize the reduced lot frontage and lot area.
4. During preconsultation with the Town, staff noted that a draft Zoning By-law was released in December 2021 and following a public consultation and engagement process, may be in effect as early as Spring 2022. If approved without change, the new Zoning By-law would not require the proposed Retained and Severed Lots to seek other planning approvals (minor variance or rezoning) to permit reduced lot frontages and lot areas.

5. The Town identified that a complete application would include a Planning Justification Report and Functional Servicing (Engineering) Letter to address the provision of stormwater management, feasibility of water and sewer services, and the overall grade of the property together with the location of the driveway and parking areas.
6. MHBC is of the opinion we can support the aforementioned planning applications, provided the required Functional Servicing review confirms that the proposed new lot can be properly developed in accordance with all the Town requirements and in accordance with proper engineering approaches.

### **Background Information**

The subject property is a through lot located on the south side of Shanahan Road with access to Poyntz Street. The subject property has a lot area of approximately 975 square metres and a lot frontage of approximately 17.8 metres on Shanahan Road. The lot area and dimensions must be confirmed by a survey. An aerial image of the subject property is included as Figure 1.

Figure 1. Subject Lands



The subject lands are designated Neighbourhood Area in the Town Official Plan and are zoned Residential Second Density (R2) in the Town Zoning By-law.

A site visit was conducted by MHBC Planning on Friday, November 12, 2021. The property is developed with a single detached dwelling, detached garage, and shed. The dwelling fronts onto and has service access from Shanahan Road. The property slopes from Poyntz Street to Shanahan Road, with a significant

grade drop from Poyntz Street to the rear property line. Photos from the site visit are included as Figure 2 and 3.

Figure 2. Photo looking east along an informal lane access to rear of lot



Figure 3. View from Poyntz Street Facing Shanahan Road



MHBC met with the Town of Penetanguishene Director of Planning and Community Development, Andrea Betty, Town of Penetanguishene Planner, Owen Taylor, and Town of Penetanguishene Director of Public Works, Bryan Murray, on December 8, 2021 to discuss the proposed development. The Record of Meeting has been attached as **Attachment 1** to this report.



The following sections provide an overview of the applicable policy framework from the relevant policies and regulations.

## **Planning Analysis**

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. All land use planning decisions are required to be consistent with the PPS. In the context of the PPS, the subject lands are considered "Settlement Area." Section 1.1.3 of the PPS states that settlement areas shall be the focus of growth and development.

Section 2 of the PPS contains policies that address the wise use and management of resources, including the protection of natural heritage features and functions. There are no environmental features identified on the subject lands.

Section 3 of the PPS contains policies that address natural and human-made hazards. There are no natural or human-made hazards identified on the subject lands.

The proposed Consent would be consistent with the policies in the PPS.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe**

Section 14(1) of the *Places to Grow Act, 2005* (as amended), requires that any decision under the Planning Act made by a municipality shall conform with the Growth Plan that applies to that area.

The guiding principles of Section 1.2.1 for the Greater Golden Horseshoe (GGH) provides the basis for directing land use planning within the Plan area. Generally, these principles support growth in compact and complete communities which protect environmental features, and optimize the use of existing and new infrastructure to support a strong economy.

The Growth Plan directs the vast majority of growth to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. Furthermore, development will be directed to settlement areas, except where the policies of this Plan permit otherwise.

The proposed Consent would conform to the Growth Plan.

### **County of Simcoe Official Plan**

The subject property is designated "Settlements" in the County of Simcoe Official Plan. Section 3.5 contains policies for the settlements designation. Settlement areas shall be the focus of population and employment growth and their vitality and regeneration shall be promoted. Intensification contributes to a compact development form. The proposed Consent would be considered intensification.

Section 3.3.2 of the County Official Plan contains General Development Policies, including policies pertaining to Lot Creation. Subdivision of a plan by plan of subdivision or consent, are permitted only for the land uses permitted in the designation or that maintain the intent of the Plans objectives and policies.

The proposed Consent conforms to the policies in the County of Simcoe Official Plan.

**Town of Penetanguishene Official Plan (2020)**

The subject property is designated Neighbourhood Area in accordance with Schedule A: Land Use Structure of the Official Plan. Section 4.2.1 of the Official Plan outlines permitted uses in the Neighbourhood Area, which include a series of residential uses.

Section 6.3.5.2 of the Official Plan contains Consent policies. The Plan outlines a series of policies that are used to evaluate consent applications and includes criteria such as. Items include: road access, lot size, proper development of adjacent lands, parkland dedication, and municipal services.

In regards to lot size, Section 6.3.5.2.3 b) ii) states that the proposed lots shall comply with the provisions of the Zoning By-law. Where it is not possible to meet the standards of the Zoning By-law, the Town may amend the standards in the By-law through a rezoning or a minor variance may be granted as a condition of approval, where that action is considered and appropriate.

Subject to confirmation from a survey, the subject lands would require a Zoning By-law Amendment or Minor Variance to recognize the reduced lot area and lot frontage for the R2 Zone. The Zoning By-law provisions are outlined in the following section.

The proposed Consent generally conforms to the policies outlined in the Town of Penetanguishene Official Plan.

**Town of Penetanguishene Zoning By-law 2000-02**

The subject property is zoned Residential Second Density (R2) in the Town of Penetanguishene Zoning By-law. Permitted uses in the R2 Zone include residential uses, home occupation, institutional uses, public uses and a group home.

The R2 Zone requires a minimum lot frontage of 18 metres and a minimum lot area of 613 square metres. During preconsultation, the Town noted that they are in the process of updating the Zoning By-law. The new By-law may, following a public consultation process, be implemented as early as Spring 2022 and the requirements for lot frontage and lot area in the R2 Zone will be reduced.

Table 1 summarizes the minimum lot requirements for the R2 Zone and the proposed lot sizes in both the current and draft Zoning By-law.

Table 1. R2 Zone Summary and Proposed Lot Sizes

	<b>Zoning By-law 2000-02 R2 Zone</b>	<b>Draft New Zoning By-law No. X</b>	<b>Retained Lot</b>	<b>Severed Lot</b>
<b>Lot Frontage</b>	18 metres	15 metres	17.8 metres (Existing)	17.8 metres
<b>Lot Area</b>	613 square metres	460 square metres	465 square metres	480 square metres

Under the current provisions in the Zoning By-law, relief would be required for the lot frontage and lot area for the proposed Severed Lot and may be required for the Retained Lot, subject to a determination

by the Town. If an application for relief (i.e. minor variance or rezoning) is required, it could address the relief required for both the Severed and the Retained Lots at the same time.

As previously mentioned, it was identified in the preconsultation meeting with the Town that under the provisions of the draft New Zoning By-law, the proposed Consent (severance) would not require additional planning approvals such as a rezoning or minor variance.

The draft Zoning By-law is proposed to be in effect Spring 2022. If the Consent application is submitted at this time, a Zoning By-law Amendment or Minor Variance is not required. However, MHBC is of the opinion that the ZBA or MV could be supported as it maintains the general intent of the Zoning By-law and the proposed lot frontage and lot area are consistent and compatible with the existing lot sizes in the neighbourhood.

### **Planning Act Approvals**

Based on our review and discussions with Town staff, the following *Planning Act* approvals would be required to facilitate the redevelopment of the property.

- Town of Penetanguishene Consent Application;
- Depending on the timeline of application submission (i.e. before or after the approval of the new Zoning By-law in Spring 2022), relief may be required for the lot frontage and lot area for the proposed Severed Lot and may be required for the Retained lot, subject to a determination by the Town. If an application for relief (i.e. minor variance or rezoning) is required, it could address the relief required for both the Severed and the Retained Lots at the same time.

The above-noted applications would be required to be based on a supported by two technical studies and/or reports. In addition to a Planning Justification Report, a Functional Servicing (Engineering) Letter would be required to address the provision of stormwater management, feasibility of water and sewer services, and the overall grade of the property together with the location of the driveway and parking areas.

It is our opinion that we would be able to support the above mentioned applications to facilitate the creation of one (1) new residential lot on Poyntz Street.

A couple of additional observations:

1. With the slope and grades of the property and the location of the existing buildings and structures, addressing servicing and stormwater management will be a challenge. The location, design and cost of the parking pad off of Poyntz Street, which will likely require extensive retaining wall structures, will also be a challenge and costly. Finding an engineering solution that is both economical and feasible will be the critical objective of the civil engineer that you will need to retain. The costs of addressing all the required issues may be significant.
2. You may need to find a path for a swale for surface water to Shanahan Road. This may result in having to look at the location of the existing accessory structures.
3. As you have noted, there have been new lots created in your neighbourhood in a similar fashion to what you are proposing. However, creating new lots almost always generates neighbour

concerns and potentially objections and we will need to determine a strategy to address these potential concerns as part of the application (or pre-application) process. This could include simply you knocking on your neighbour's doors to introduce yourselves and the development proposal, to a notice flyer, to a virtual open house. These options can be discussed later.

### **Next Steps**

We would recommend that your next steps include the following items:

- Retain a surveyor to prepare a topographic and boundary survey of the proposed Retained and Severed Lots;
- Retain a civil engineer to prepare the Functional Servicing Letter addressing all aspects of the proposed new lot development including water and sewer servicing, stormwater management, grading, parking pad design, retaining walls, etc;
- Based on the results of the survey, confirm if a Zoning By-law Amendment or Minor Variance application is required; and,
- Determine the best timeline for submitting a complete application around the timing of the New Zoning By-law.

Once you have had a chance to review, we would be happy to coordinate a phone or video call to further discuss the next steps.

Should you have any questions, do not hesitate to contact the undersigned.

Yours truly,

**MHBC**



Chloe Spear, BAH, MSc  
Planner



Wesley R. Crown, BES, MCIP, RPP  
Associate

# Attachment **1**





## Record of Meeting

**Date:** December 8, 2021

**Attendance:** Wes Crown (MHBC), Chloe Spear (MHBC)

**Town Staff:** Andrea Betty, Bryan Murray, Owen Taylor

**Subject:** 74 Shanahan Road – Application for Consent

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Staff held a pre-consultation meeting on December 8, 2021 with respect to the property municipally known as 74 Shanahan Road. The proposal seeks to sever a portion of land fronting on Poyntz Street for residential use.

The property is designated as Neighborhood Area on Schedule A: Land Use Structure and is not subject to any policy overlays in the Town Official Plan (OP). The property is zoned Residential Second Density (R2) in the Town Zoning By-law. It was discussed that the severance may be subject to a Minor Variance application upon confirmation of the proposed Lot Frontages and Lot Areas. The Town is in the process of updating its Zoning By-law which will be implemented in spring 2022 (draft version available [here](#)). It was noted that the requirements for Lot Frontage and Lot Area are being reduced for the R2 zone in the draft updated Zoning By-law.

Connections to municipal water and sewer services are available along Poyntz Street. Various constraints to development of the property were discussed, including the provision of stormwater management, feasibility of water and sewer services, and the overall grade of the property together with the location of the driveway and parking areas. It was noted that a parking area shall be located on private lands and not on the boulevard. A Functional Servicing Letter addressing the above is required for a complete submission.

Applications required:

- Application for Consent to Sever
- Application for Minor Variance

The following reports are required:

- Planning Justification Report
- Functional Servicing Letter

Recorded by: Owen Taylor



## Record of Meeting

**Date:** July 28, 2023

**Attendance:** Elisa Zablodny

**Town Staff:** Owen Taylor – Planner

**Subject:** 74 Shanahan Road – Application for Consent follow up meeting

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### *Proposal*

Staff previously held a pre-consultation meeting on December 8, 2021 with the Agents (MHBC Planning) on behalf of the property owner for a proposed consent to sever application to create one (1) residential lot at 74 Shanahan Road (the "Subject Property"). MHBC Planning provided a due diligence report to the owners based on the December 2021 meeting with Town staff. The purpose of this meeting was to review the previous record of meeting (Attachment #1), the due diligence report (Attachment #2), and the next steps to submit a complete application.

### *Official Plan (2020)*

The subject property is designated Neighborhood Area on Schedule A: Land Use Structure and is not subject to any policy overlays in the Town Official Plan (OP).

### *Zoning By-law 2022-17*

The subject property is zoned Residential One (R1) in the Town of Penetanguishene Comprehensive Zoning By-law 2022-17. A plan of survey was reviewed, and it appears the proposed Severed Lot will comply with the minimum performance standards of the Zoning By-law for Lot Frontage and Lot Area.

### *General Comments*

It was discussed that the best manner of servicing the Severed Lot with sanitary sewer services is through a connection on Shanahan Road which would require an easement through the centre of the property, between the single detached dwelling (east) and the accessory building (west). It was noted that due to the location of the existing buildings, the easement would need to be a substandard width. It is noted that it may be difficult to install/repair/replace this service through traditional methods. The substandard width of the proposed easement may be supported as determined by a functional servicing report submitted by the applicant. Such report should address the provision of municipal water, sanitary sewer, and stormwater management.

Discussion regarding constraints to the eventual development of the Severed Lot such as the slope toward Shanahan Road. Discussion regarding a minor variance application for

a reduction to the Minimum Front Yard (6.0 metres) for the single detached dwelling. Discussion regarding parking and the provision of required parking spaces being located within the municipal right of way (Poyntz Street) using a parking pad. A request to permit a reduction to the minimum parking requirements should be supported by the functional servicing report to determine that providing parking spaces on the lot is not feasible.

The functional servicing report should also address the provision of grading in support of a parking pad, should it be proposed as part of the application. A sight line assessment is required to address the location of the driveway/parking.

Discussion regarding the typical conditions imposed for consent approval including preparation of a reference plan, development agreements, water and sewer connection, and parkland dedication fees.

Applications required:

- Application for Consent (severance and easement)
- Application for Minor Variance
- Encroachment Agreement

The following reports are required:

- Site Plan Drawing
- Functional Servicing Report, with attention to:
  - municipal water;
  - municipal sanitary sewer;
  - stormwater management;
  - parking feasibility including parking pad design/location of parking; and
  - grading/slope as constraint to future residential development
- Sight Line Assessment
- Planning Justification Report (recommended)

Please note that these comments are preliminary in nature and have been prepared for the purposes of pre-consultation. These comments are used to determine the basis for a complete application in terms of the required studies. The Town requires that terms of reference be submitted for all required reports/studies in order for the final reports in support of the application to be deemed complete. The applicant is advised that these notes should be interpreted with regard to the specific details of the given proposal and the prevailing legislation, infrastructure planning, and policy in place at the time when it was filed. As review of the application proceeds, the need for additional information or studies may arise.

Should you have any questions about the information contained herein, please do not hesitate to contact the undersigned.

Owen Taylor, Planner  
Town of Penetanguishene  
Email: [otaylor@penetanguishene.ca](mailto:otaylor@penetanguishene.ca)