

# MEMORANDUM

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**DATE:** JUNE 29, 2021

**TO:** TOWNSHIP OF EDWARDSBURGH CARDINAL – COMMUNITY DEVELOPMENT COMMITTEE OF THE WHOLE

**FROM:** NOVATECH

**RE:** SOUTH STREET CONSENT APPLICATION – 1504107 ONTARIO INC – B-80-21

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## Background

As requested by Staff, this memo has been prepared in relation to a consent application filed for an undeveloped property located on South Street in the village of Spencerville. The memo provides a description of the consent application, a summary of applicable planning policy, summary of public comments and a list of recommended conditions should the Township wish to recommend approval of the application to the United Counties of Leeds and Grenville's Consent Granting Authority. For the purposes of this report, South Street is assumed to run in a north-south direction.

The property is legally described as Part of Lot 3 & 4, Plan 40, Township of Edwardsburgh Cardinal. The property is located on the east side of South Street, opposite the South Street and Irving Street intersection to the west. Previously the property was owned by the Township and was sold in 2020 through a public tender process. The property is undeveloped and has a total lot area of approximately 786.6 m<sup>2</sup> and 42.6 m of frontage on South Street. Along the northern portion of the property there is an easement of approximately 10 m wide for an existing sanitary line providing municipal sanitary services to a property on Spencer Street. The lands are designated in the Township's Official Plan as Settlement Policy Area and are zoned Residential Second Density (R2) by the Township's Zoning By-law.

## Applicant's Proposal

The Township has received a consent application (File No. B-80-21) from the United Counties of Leeds and Grenville in relation to the subject lands. The purpose of the application is to divide the lands to create two freehold land parcels for a proposed semi-detached dwelling. The applications propose to divide the subject lands in advance of filing a building permit application and construction of a semi-detached dwelling. A semi-detached dwelling is a permitted use of the R2 zone. The lands will be divided to create two land parcels as described below and as shown on Attachment A:

- |   |   |
|---|---|
| 1) Severed Lands (North Parcel)                   | 2) Retained Lands (South Parcel)                |
| • Lot Area – 468.6 m <sup>2</sup> (5,045 sq. ft.) | • Lot Area – 318 m <sup>2</sup> (3,423 sq. ft.) |
| • Lot Frontage – 25.4 m                           | • Lot Frontage – 17.2 m                         |

In support of the application, the applicant provided a Planning Rationale prepared by ZanderPlan Inc and a Hydrogeological Study prepared by Morey Associates to examine the quality and quantity of water for two existing wells on the property. The applications are also supported by a detailed site plan noting the location of the proposed semi-detached dwelling on the property (Appendix A).

## Planning Discussion

The proposed consent application has been reviewed against the 2020 Provincial Policy Statement, the United Counties of Leeds and Grenville Official Plan and the Township of Edwardsburgh Cardinal Official Plan. Each planning policy document supports infill development and intensification within settlement areas where appropriate service levels can be met. The application proposes infill development where partial services (municipal sanitary services and private well) can support the proposed development. The Planning Rationale provided by the applicant provides a thorough analysis of applicable planning policy to support the development. Furthermore, the proposed Hydrogeological Study demonstrates the existing wells on the property can support the proposed semi-detached dwelling and includes a list of recommendations to address the hardness of water and to inform future landowners of best management practices for the wells. The proposed consent application meets the intent of the Township's Official Plan with respect to directing infill development to settlement areas.

The subject lands are zoned R2 which permits a semi-detached dwelling. As demonstrated on the submitted site plan, the proposed dwelling will not meet the minimum rear yard setback for one of the proposed dwelling units (proposed retained lands). The rear yard setback cannot be met in this instance due to the configuration of the existing parcel. The R2 zone requires a minimum setback of 7 m whereas the proposed dwelling will be sited 3.25 m from this lot line. As such, relief from the Zoning By-law will be required to address the setback deficiency for the development as proposed.

The site plan submitted with the application demonstrates the remainder of the site can be developed in accordance with the R2 zone standards. Section 6.2(c)[iv] of the Township's Zoning By-law includes specific provisions with regards to severing a semi-detached dwelling to accommodate freehold ownership. While the proposed lot areas and frontages do not comply with the R2 zone standards, Section 6.2(c)[iv] contemplates the division of a parcel of land containing a semi-detached dwelling without the need for relief from lot area and frontage requirements. It is considered that the resulting lot coverage on the southerly lot would not require special zoning relief.

## Public Comments

At the time of writing the report, Township Staff are aware of two written submissions (Attachment B) made to the United Counties of Leeds and Grenville's Consent Granting Authority seeking clarification on the proposal and expressing concerns for the proposed development. The table below provides a summary and response to comments raised.

Public Comment or Question	Comment Response
The subject lands are not appropriately sized to support residential development.	<p>The subject lands are zoned Residential Second Density (R2) on Schedule C of the Township's Zoning By-law. The R2 zone permits residential development including single and semi-detached dwellings. The applicant is proposing to construct a semi-detached dwelling on the subject lands.</p> <p>The subject lands are approximately 786.6 m<sup>2</sup> in lot area and have 42.6 m of frontage which</p>

	<p>exceeds the minimum standards of the R2 zone (Minimum Lot Area: 700 m<sup>2</sup>, Minimum Lot Frontage: 18m).</p> <p>Section 6.2(c)[iv] includes provisions to permit the severing of a semi-detached dwelling to be sold as individual units.</p>
Have the zoning criteria changed over the years?	The Township's current Zoning By-law and Schedules were approved on June 25, 2012. The subject lands are currently zoned R2 and have been since 2012.
<p>How will the property be serviced?</p> <p>Concerns expressed regarding existing well construction.</p>	<p>The property is located within the Spencerville Settlement Area which is serviced by municipal sanitary services and private wells (partial services).</p> <p>There are two existing private wells on the property which will be used to service each semi-detached dwelling unit. A hydrogeological assessment has been prepared to support the development.</p> <p>Along South Street there is existing municipal sanitary services. The development of the lands will require connections to existing municipal services which will need to be constructed by the developer.</p>
Who is the developer for the proposed development?	The subject lands are owned by 1504107 Ontario Inc. The applicant (Paul A. Jansen) has advised the County that the developer is Lockwood Brothers Construction.
Is the proposed development already approved?	<p>The applicants have submitted a consent application to the United Counties of Leeds and Grenville's Consent Granting Authority to sever the lands for a proposed semi-detached dwelling. The consent application has not been approved at this time as the application is currently proceeding through the consent process.</p> <p>At the time of writing this report, a building permit application has not been received by the Township to develop on the subject lands.</p> <p>The subject lands are zoned R2 which permits a semi-detached dwelling.</p>
What is the width of South Street?	The South St. road allowance is approximately 10.69 m (35 ft) wide.

Where exactly is snow to be put?	Snow removal is the responsibility of the owner. There is adequate lot area and frontage to accommodate snow removal for each semi-detached unit.
Additional driveways will impede traffic.	A semi-detached dwelling is a permitted use. There is adequate lot area and frontage to accommodate a driveway for each semi-detached unit.
Identification of butternuts trees on property.	Butternut is listed as endangered in Ontario, and therefore receives protection under the <i>Endangered Species Act</i> . The developer is responsible for ensuring compliance with the requirements of the <i>Act</i> and any processes associated with butternut identification, assessment, and permitting (if required).  The Township has made the applicant aware of the <i>Endangered Species Act</i> .
Has the configuration of the lot been taken into consideration?	The severance sketch and site plan submitted with the consent applications note the boundaries of the lot.
Concerns regarding building height, lighting and privacy.	The site plan submitted with the application demonstrates that interior lot line setbacks will meet the minimum standards of the R2 zone. The Planning Rationale indicates that the building height will be less than the 11m required by the Zoning By-law.  The orientation and design of the building is not subject to a public consultation process and will need to be designed to meet the requirements of the Ontario Building Code.

### Summary & Recommended Conditions

The application proposes to sever the subject lands to create freehold land parcels for a proposed semi-detached dwelling on the subject lands. The proposed use and consent application meet the intent of the Township's Official Plan by meeting targets for infill and intensification within the Township's settlement areas. The proposed semi-detached dwelling does not meet the minimum rear yard provisions of the R2 zone and as such relief from the By-law will be required. A semi-detached dwelling is a permitted use of the R2 zone and it is our opinion the proposed development and consent application are an appropriate use and development proposal for the subject lands. Further, it is our opinion the proposed consent application is technical in nature to provide freehold ownership for each half of the proposed semi-detached dwelling unit and associated lands which is common for semi-detached dwellings. Should the Township wish to recommend approval of the consent applications, the following conditions and consent note are recommended:

- 1) That a copy of the registered plan for the newly severed lot be submitted to the Township.

- 2) That the severance is approved to accommodate a proposed semi-detached dwelling, and that the applicant obtain relief from the provisions of the Zoning By-law, to the satisfaction of the Township, as necessary to provide zoning conformity for the proposed semi-detached dwelling.
- 3) That the applicant enter into a Development Agreement, to the satisfaction of the Township, to implement the recommendations of the Hydrogeological Study prepared by Morey Associates.

Note:

- 1) That the applicant be made aware of the responsibilities and requirements under the Endangered Species Act.

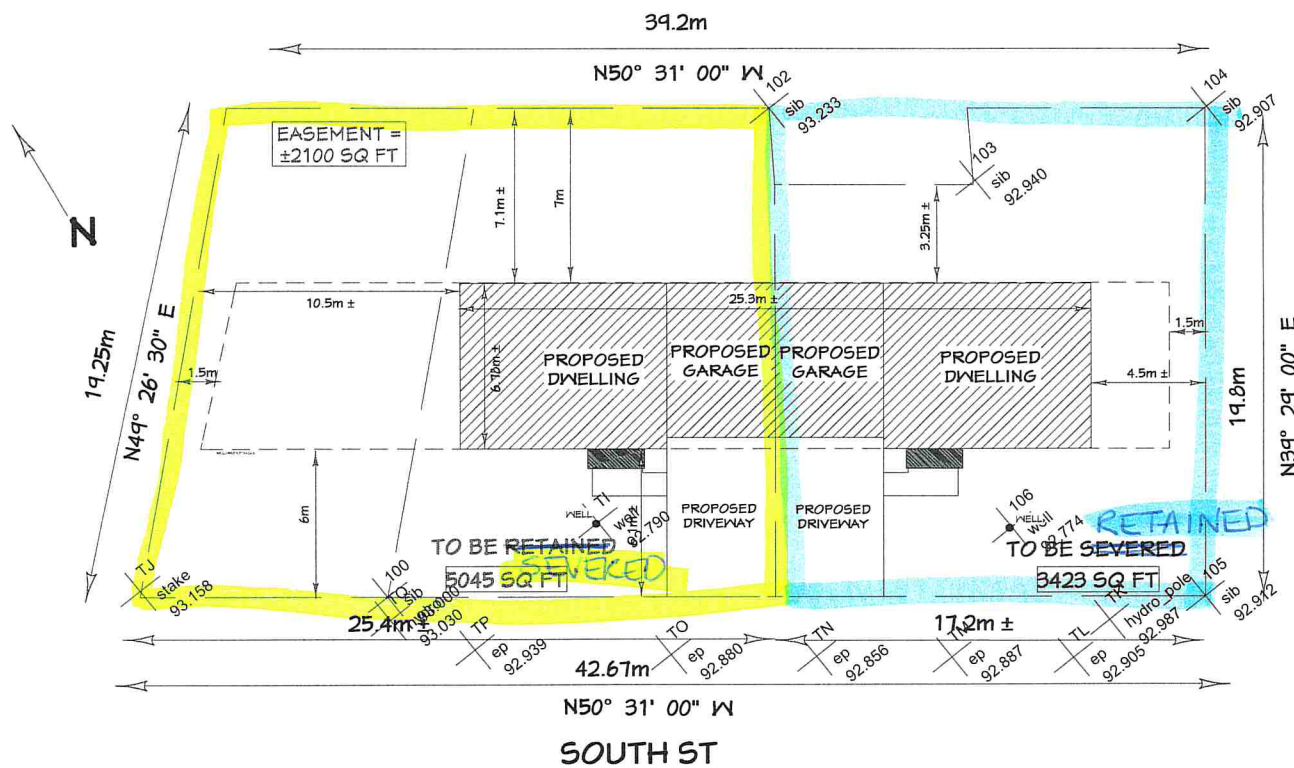
Sincerely,

**NOVATECH**



Jordan Jackson, RPP, MCIP  
Planner

Attachment A: Proposed Consent Sketch and Site Plan  
Attachment B: Public Comments



PLAN 15R-6898  
SOUTH ST.  
SPENCERVILLE, ON  
PART 1 OF LOT 4  
CONCESSION 7  
TOWNSHIP OF EDWARDSBURGH/CARDINAL  
COUNTY OF GRENVILLE

R2 ZONE (PARTIAL SERVICE)

FRONTAGE: 18m  
FRONT YARD: 6m  
EXT SIDE YARD: 4.5m (N/A)  
INT. SIDE YARD: 1.5m  
REAR YARD: 7.0m  
MAX LOT COVERAGE: 25%  
MAX BUILDING HEIGHT: 11m

LEFT SIDE:  
LOT AREA = 5045 SQ FT  
DWELLING FOOTPRINT = 920 SQ FT  
LOT COVERAGE = 18.2%

RIGHT SIDE:  
LOT AREA = 3423 SQ FT  
DWELLING FOOTPRINT = 920 SQ FT  
LOT COVERAGE = 26.9%

LOT AREA = 8468 SQ FT  
DWELLING AREA = 1840 SQ FT  
TOTAL LOT COVERAGE = 21.7%

### Lockwood Brothers CONSTRUCTION

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code.

Qualification Information:

DAVE MARGL 22113

NAME SIGNATURE BCIN

LOCKWOOD BROTHERS CONSTRUCTION 30058

FIRM BCIN

CUSTOMER:

NOCCEY

DRAWING NAME:

SITE PLAN

SCALE:

Sheet #

DATE:

MAR. 01, 2021

A12



## Weidenaar, Krista

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**From:** Harold Kibbee [REDACTED]  
**Sent:** Tuesday, June 15, 2021 11:48 AM  
**To:** Weidenaar, Krista  
**Subject:** Re: South Street lot development.

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I believe the number you request is.....B-80-21.

I am actually at Lot 5 plan 40. I confused my street number with my lot number in my original Email.

On Tue, Jun 15, 2021 at 11:39 AM Weidenaar, Krista <[Krista.Weidenaar@uclg.on.ca](mailto:Krista.Weidenaar@uclg.on.ca)> wrote:

Hi Harold,

Could I please get the application number so that I may pull the file.

Thank You,

*Krista Weidenaar*

Secretary-Treasurer Consent Granting Authority

United Counties of Leeds and Grenville

Tel: 613-342-3840 ext. 2414 / 1-800-770-2170

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**From:** Harold Kibbee [REDACTED]  
**Sent:** Tuesday, June 15, 2021 11:07 AM  
**To:** Weidenaar, Krista <[Krista.Weidenaar@uclg.on.ca](mailto:Krista.Weidenaar@uclg.on.ca)>  
**Subject:** South Street lot development.

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am Harold Kibbee and I live at 4 Spencer St. I do not understand my location is mentioned in this project.

It is obvious that this is not to be a single dwelling project. My immediate thought is that the lot does not qualify, size wise, as a residential lot. And certainly not as a multiple dwelling lot.

Is this property approved, at this point, for this structure? I understand that this lot was never serviced with sewer hook-up based on size, leading me to believe that it was deemed to be undevelopable.

Would you please advise me as to what Zoning criteria may have changed over the years. Could you also let me know who the developer and customer are?

Thank You.....Harold.

This e-mail originated from the United Counties of Leeds and Grenville e-mail system. Any distribution, use or copying of this e-mail or the information it contains, by other than the intended recipient(s) is unauthorized. Thank you.



## Weidenaar, Krista

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**From:** Grainger, Susan [REDACTED]  
**Sent:** Monday, June 21, 2021 8:47 AM  
**To:** Weidenaar, Krista  
**Subject:** INTENT TO BUILD - PLAN 40 PT LOT 3 & 4

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Krista,

I am located on Plan 40, **Pt Lot 4**, which is right next door to the proposed building site (it actually runs off my property) and I would like to voice some concerns with regards to the intent to build.

In the 30+ years that I have resided in Spencerville, this same property (noted in the subject line) has been denied as a building lot. It has never been serviced nor was the intention for it to ever be serviced from my understanding. Why now, would it suddenly become severable?

The notice of consent indicates Noccey, an ex-councilor, as the customer, and I am now wondering why the township advertised this property as surplus Township owned land with an address of Spencer Street? The lot is clearly on South Street which is located on the west side of Spencer Street.

What is the width of South Street?

Is there a distance to represent the road allowance on both sides of this street?

Where exactly is the snow to be put?

I have also noticed that the wells seem very close to the road, leaving them vulnerable to contamination of road salt and dirt which could potentially contaminate the aquifer.

In speaking with another resident of Spencerville, it seems there was a report created by Dan White (MOE) that stated "The ministry does however acknowledge the wells drilled in March 2020 do not conform with the recommendations made in the 1985 Report – Private Services Grant Program for the Police Village of Spencerville with respect to the depth of casing and grouting (sealing of the annular space). It has been well noted that Spencerville is on a highly vulnerable aquifer, as per Official Plan. Is this report being ignored?

I also understand and was told the wells are drilled to 50 feet only. Is this accurate?

As per Article 3.1.1. Restricted Drilling Areas

No person shall drill a well having a surface location:

- a. Within 50 meters of any high voltage power lines, **road allowance**, railway, transmission pipeline or other utility right of way

Both wells are located near Telephone poles and road allowance. Would the above statement not apply?

Four (4) wells were recently added two blocks west of the proposed site and now another two on a lot that should house, at most, a single family dwelling, which it is barely suitable for in a rural village. All other homes on this street and in this area are single family homes on much larger lots.

Another two driveways on this street will certainly impede traffic.

I'm also not sure if you are aware, or care, that at the back of this lot is at least five (5) Butternut trees that are governed by the Ministry of Environment, Conservation and Parks (MECP). These trees are currently on the "Endangered Species List". These are natural occurring trees, they have not been planted. Have these been taken into consideration? I have reached out to MECP with additional questions and am currently waiting on a response.

Depending on how far away from the root base of the trees, and how far the roots go out, this might have an impact on making the proposed building lot smaller than what it currently is. The lot also seems to appear larger on paper than it does when you are physically looking at it.

Also, at the back of the lot is a piece of property, a jut out, that is owned by a different party and is not part of the building lot. Has this been taken into consideration?

With a building next to me, what kind of impact will this have with regards to the light coming into my house?

I have only two windows downstairs (kitchen and foyer) on the South side and get very little daylight now. This will most certainly have an impact. Will any new neighbors now be able to see directly into my house?

Are the proposed buildings to be one story or two? If two stories, how high?

Depending on the height of these buildings, they could be looking directly into the bathroom or bedroom windows, which are also on the south side and again the only two windows upstairs on this side of the house.

I would like to thank you in advance for taking the time to read and consider my concerns and look forward to being notified of the decision, whichever way it goes.

I know that one voice will not make a difference one way or the other, but I wanted to ensure, as a minimum, that you were aware of my concerns with regards to building on the proposed lot.

Best regards,  
Susan Grainger  
PO Box 254  
7 South Street (**AKA Plan 40 Pt. Lot 4**)  
Spencerville, Ontario  
343-552-5986  
Email: [suzikiz@icloud.com](mailto:suzikiz@icloud.com)