

PLANNING REPORT

TO: COMMITTEE OF ADJUSTMENT  
FROM: PLANNING AND DEVELOPMENT  
MEETING DATE: TUESDAY, OCTOBER 24, 2023  
SUBJECT: CONSENT APPLICATION – LOT CREATION  
B1-2023 – 460 SECOND STREET

---

**Background:**

PROPERTY: 460 SECOND STREET  
LEGAL DESC: PLAN 86 LOTS 181 - 191, 193 - 196, PT LOT 197, 198, PT LOT 199 & LOT 200  
ACREAGE: APPROX. 11.7 HECTARES/ 28.9 ACRES  
OFFICIAL PLAN: RESIDENTIAL  
DEVELOPMENT PERMIT: RESIDENTIAL  
LOT COVERAGE: 35% MAXIMUM

---

**Purpose and Effect:**

The subject application proposes to sever and convey a 11.7 hectare (28.9 acre) parcel of land and retain a 1.1 hectare (2.7 acre) parcel containing an existing four-plex dwelling addressed as 460 Second Street.

Approval of the consent application would result in the creation of a vacant residential parcel to be incorporated into the Development Permit DP2022-08 known as “The Birches”. The consent application is a conditional requirement of the development, severing the lands shown as “Pre-developed Area” on SP1.

The Birches will contain a total of fifteen single-storey buildings each containing four dwelling units for a total of sixty dwelling units, one accessory building and pickle ball courts.

The retained lot contains an existing four-plex dwelling and has existing municipal water and wastewater services. An application for Development Permit was approved under DP2012-08 to renovate an existing building into four apartments.

**PROVINCIAL POLICY STATEMENT:**

The Provincial Policy Statement, 2020 (PPS) provides direction on matters of provincial interest pertaining to land use matters and all development proposals must be consistent with the policies therein.

The proposed lot creation is consistent with the following policies of the Provincial Policy Statement (PPS):

- 1.1.1 b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons).
- 1.4.1 Provide an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*
- 1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area*.

**OFFICIAL PLAN:**

The subject property is designated Residential within the Official Plan. The intent of the residential policies is to preserve and consolidate existing residential neighbourhoods and to provide for new residential opportunities through intensification and redevelopment of vacant buildings to allow a mix of commercial and residential uses.

**Goal and Objectives (3.2.1)**

The goal of the Residential policy area is to promote a balanced supply of housing to meet the present and future social and economic needs of all segments of the community while providing opportunities to develop new residential uses in mixed use buildings as well as non-residential neighbourhood components such as schools, community facilities, places of worship, parks and local commercial uses.

The applicable objectives of the Residential policy area are:

1. Promote and support development which provides for affordable, freehold and/or rental housing with a full range of density types;
3. Ensure that land use policies and zoning do not establish barriers to a more balanced supply of housing;
4. Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of architectural design and density;
6. Encourage housing opportunities that are in proximity to work, shopping, and recreation to reduce the need to drive and encourage walking and cycling;

The residential designation provides for a range of dwelling types from low to high density dwellings.

**Development Control (5.4.2 Consents)**

It is the policy of this Plan that lot creation in excess of three lots, including the retained lot, from the original lot shall take place by Plan of Subdivision. For the purposes of this

policy the original lot is defined as the lot as it existed as of the date of approval of this Official Plan.

Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which does not result in the creations of a new lot.

The following criteria shall apply when considering consent applications:

1. The size, configuration and, where applicable, the soil structure of a proposed lot shall be appropriate for the long term provision of services and the applicant shall provide sufficient information to the consent authority to this effect. The approval authority may require that this information shall be in the form of a hydro-geological study, prepared by a qualified professional, and must demonstrate that the aquifer can provide a long term sustainable water supply of acceptable quality and quantity, as well as providing evidence through testing, that the soil conditions can accommodate the effluent load from a septic field along with its replacement area. Such a study shall recommend a minimum lot size, which shall be used in evaluating the proposed consent. Regardless of the recommendation contained in such a study, municipalities may impose a minimum lot size in the implementing zoning by-law.
2. The consent granting authority will ensure that there is sufficient capacity in existing water and waste water services including capacity to treat hauled sewage from private communal or individual septic systems prior to granting a consent to create a new lot.
3. All lots created shall have frontage on a public road with at least one side of the lot which physically abuts the public road.
4. The proposed lot shall be compatible with adjacent land uses and shall not result in a traffic hazard as a result of limited sight lines on curves or grades.
5. All consents shall comply with the Minimum Distance Separation formulae developed by the Ontario Ministry of Agriculture, Food and Rural Affairs.
6. A consent which has the effect of land locking another parcel is not permitted.
7. Access to interior land will be protected by ensuring that 20 metre wide openings for future road allowances are provided at strategic locations.
8. Consents will not be granted unless it can be demonstrated that each lot to be created contains sufficient area for development that is not affected by the development constraints described in 3.6 and 3.7 of this Plan. All new lots proposed must comply with the provisions of the Official Plan and Zoning By-laws.
9. The lot being severed and the lot being retained shall conform to the provisions of this Plan and the implementing Zoning By-law.
10. A maximum of one new lot may be created per consent application.
11. In considering a consent, regard shall be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act*, R.S.O. 1990 with necessary modifications.

**COMMENT:**

The Owner is seeking consent to sever a vacant area of land to merge with lands to the north for a lot enlargement for the purpose of the development of DP2022-08 known as “The Birches”.

The retained lot consisting of a four-plex is located on a public road on municipal water and sewer services and will meet the site provisions under the Residential designation with exception of the rear yard setback which will be addressed under the Development Permit By-law.

The proposed severed lands will merge with an adjacent parcel for an approved housing development on a private roadway and services that will connect to municipal services. The severed parcel has frontage on Second Street (approximately 5m).

The proposed severed and retained lot does not conflict with the Residential designation of the Official Plan.

**DEVELOPMENT PERMIT BY-LAW:**

The subject property is designated Residential within the Development Permit By-law. The intent of the Residential designation is to allow for a varied density of residential uses.

**Uses (5.3.1)**

Any proposed development would be subject to the provisions of the Development Permit By-law, including permitted uses. Permitted uses within the Residential designation include single-detached, semi-detached, duplex and townhouse dwellings and apartment.

When considering a consent to sever, the approval authority should consider whether the newly created lot can accommodate permitted uses and ensure that the retained lot would continue to have compliance with the site provisions of the By-law. The retained lot contains an existing four plex dwelling and will be subject to the relevant sections of Apartment in the Development Permit By-law.

Provision (Use: Apartment)	Requirement	Retained Lot (Primary existing structure)	Severed Lot (No existing structures)
<b>Lot Area</b>	930 m <sup>2</sup> (10,011 ft <sup>2</sup> )	2.7ac (1.1ha)	11.7ac (28.9 ac)
<b>Lot Frontage</b>	24 m (78.7 ft)	41.29m (135.5ft)	5m (16.4 ft)
<b>Front Yard Setback</b>	6 m (19.6 ft)	5.75m (18.9ft) - existing	n/a
<b>Interior Side Yard Setbacks</b>	1.2 m (3.9 ft)	9m (29.5 ft) 15.8m (51.8 ft)	n/a
<b>Rear Yard Depth</b>	6.5 m (24.5 ft)	3.6m (11.8 ft) relief required	n/a
<b>Lot Coverage</b>	35%	21.4%	n/a

Subject to consent approval, the retained parcel will require a Class I application to recognize the existing structure on the retained parcel. The existing structure does not comply with the front yard setback of 6m and the applicant is seeking approval for the rear yard setback from 6.5m to 3.6m. A large portion of the open space for this property is located within the front and side yards of the property. Fencing is proposed for “The Birches” development which will provide a buffer between the existing building and proposed development.

**CIRCULATION AND COMMENT:**

Circulation to property owners within 60 m of the property and prescribed agencies (comments received to date):

CAO	No Comments.
Chief Building Official	No objections to the proposal. A detailed review will be provided during the building permit application review process.
CRCA	No comments or objections to the application.
School Boards: CDSBEO/UCDSB	
Utilities: Bell Canada/Canada Post/ Cogeco/Enbridge Gas/ Eastern Ontario Power/Hydro One (OPG)	Hydro One – No comments or concerns.
EMS: Fire/LG Paramedic/Police	Fire - No issues with the application.
Public Works, Water/Sewer Utilities	Utilities – No Comment.
St. Lawrence Parks Commission/ MTO/ Other Commenting Agencies	MTO – No comment.
Neighbourhood: Posting and 60m Circulation	

**RECOMMENDATION:**

Staff recommend to Committee of Adjustment that Consent Application B02-2023 for the creation of a new lot be approved provided the following conditions are met:

1. An approved Class I Development Permit be obtained to recognize the existing front yard setback and reduce the rear yard setback to 3.6m for the four-plex dwelling on the retained parcel.
2. The Owner remove any Site Plan Agreements for the previous use of a greenhouse that are registered with the Land Registry Office.
3. The severed lands be merged in title with the abutting lands (north).
4. New deeds be prepared and submitted to the Town,
5. A final reference plan be submitted and registered, to the satisfaction of the Town,
6. The balance of any outstanding taxes, including penalties and interest (and any local improvement charges) shall be paid to the Town of Gananoque, if required.
7. All costs related to fulfilling the conditions are borne by the applicant.

8. All conditions of this decision be fulfilled and the documents presented to the Town for issuance of the Certificate of Consent within a period not to exceed 24 months from the date of decision.

<b>APPROVAL</b>	_____ Trudy Gravel, Assistant Planner
	_____ Brenda Guy, Manager of Planning and Development

### Attachment A Severance Sketch



**Attachment B**  
**Photos of the Retained Parcel Containing an Existing Four-Plex at 460 Second Street**





**Attachment C**  
**Photos of the Severed Vacant Parcel**

