

Subject: 5 Henry Street, Consent Agreement Execution, File No. B-04/21

Department: Infrastructure Services

Division: Planning

Report #: INS-2022-056

Meeting Date: 2022-11-28

Recommendations

That Report INS-2022-055 titled 5 Henry Street, Consent Agreement Execution, File No. B-04/21, be received;

And that Council pass a By-law included as Attachment No. 1 to this report, to authorize the execution of a consent agreement, to implement the Ontario Land Tribunal's conditions of approval for this consent application.

Background and Analysis

In November 2021, applications for minor variances and a consent to sever land were submitted to the Committee of Adjustment for a property known municipally as 5 Henry Street (the "subject property"). The subject property is a corner lot of approximately 655 square metres (7,053 square feet) in area located on the northeast corner of William Street and Henry Street. It is situated within a mature residential neighbourhood comprised predominantly of single detached dwellings, with some semi-detached and low-rise apartment dwellings interspersed throughout the area.

The consent application proposed to sever a new residential dwelling lot on the eastern portion of the subject property, which would front onto Henry Street. The new lot would be approximately 327 square-metres (3,527 square-feet) in area. The retained parcel that would remain from this severed lot would contain the existing detached dwelling situated on the western part of the subject property, closest to William Street. The retained parcel would maintain driveway access on Henry Street and William Street. A location map of the subject property, which also illustrates the proposed severance, is included as Attachment No. 1.

The new lot arrangement (i.e. severed and retained parcels) and respective building envelopes would not meet certain standards of the applicable Residential Second Density (R2) zone. Therefore, the owner also applied for a minor variance seeking relief from these standards in order to permit the consent.

On December 1, 2021, the Committee of Adjustment (“C of A”) refused the consent and minor variance applications, which the applicant subsequently appealed to the Ontario Land Tribunal (OLT). A hearing was held on May 24, 2022 to consider the appeal, where the OLT ultimately approved the consent and associated minor variance applications.

In approving the consent application, the OLT imposed certain conditions to be fulfilled in order for the consent to obtain final approval and legally establish the new lot. One of the conditions requires the owner to execute a consent agreement with the Town, which imposes certain obligations for the owner to fulfill when developing the new lot. These obligations include requirements to:

- i) Submit a satisfactory grading and servicing plan that will specify how the lot will be graded and connected to existing municipal services on William Street;
- ii) Implement Low Impact Development design features to enhance stormwater infiltration;
- iii) Submit a satisfactory Arborist Report and fulfill any recommendations with respect to tree preservation; and
- iv) submit satisfactory elevation drawings for the proposed new dwelling, to ensure that the new dwelling is consistent with the architectural character of the neighbourhood.

The above requirements are consistent with the conditions originally recommended for the C of A, which resulted from staff’s review and comment on the proposed severance.

With respect to servicing for the subject property, the existing watermain and sanitary sewer main are situated along William Street. There are no such municipal service mains along Henry Street readily available to serve the new severed parcel. This means that the new lot would require service connection extensions to the William Street service mains via long service lateral extensions on Henry Street.

The Town is typically responsible for the portion of residential water and sewer services that are on public municipal property (i.e., a municipal road right-of-way). The long service extensions proposed on Henry Street are exclusively for the severed property, but would be a maintenance liability for the Town since they are located within the municipal right-of-way. While the Public Works Division does not object to this proposed servicing configuration, the Town wishes to ensure that it is not inheriting a public maintenance responsibility for servicing infrastructure devoted to a single user. Therefore, the consent agreement as included with the By-law attached to this Report (Attachment No. 2), contains assurance that the property owner will be responsible for the maintenance of services from the house to the service main connections on William

Street. As a result, rectifying any issues that might arise with these services will be responsibility of the property owner (to the satisfaction of the Town) and not the Town. Furthermore, since this agreement will be registered against the title to the subject property, its obligations will be binding upon any successive owners in the future.

Staff recommend that the By-law included as Attachment No. 2 to this report, be enacted to authorize execution of the consent agreement as described above. The consent agreement proposed for execution is included as Schedule 'A' to the By-law.

Orangeville Forward – Strategic Plan

Priority Area: Sustainable Infrastructure

Objective: Plan for Growth

Sustainable Neighbourhood Action Plan

Theme: Land Use and Planning

Strategy: Co-ordinate land use and infrastructure planning to promote healthy, liveable and safe communities.

Notice Provisions

There are no notice provisions applicable to this report.

Financial Impact

There are financial impacts related to this report.

Respectfully submitted

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Attachment(s): 1. Location Map
2. By-law to authorize execution of a Consent Agreement