

CORPORATION OF THE TOWN OF RENFREW
BY-LAW NO. 10-2020

Being a By-law to authorize the Mayor and Clerk to execute a Development Agreement with Jody Kelly, in relation to the development of the property located at 33 & 35 McGarry Avenue (Roll #474800001007202).

WHEREAS Jody Kelly (hereinafter called the "APPLICANT" on Appendix "A") is the owner of the premises located at 33 & 35 McGarry Avenue (Roll #474800001007202) (hereinafter called the "SUBJECT LANDS" on Appendix "A") applied to the Committee of Adjustment of the Town of Renfrew (File No. D-13-32) to obtain a minor variance from the provisions of Zoning By-law 46-2010 to permit the development of the subject lands.

WHEREAS the Committee of Adjustment of the Town of Renfrew, on February 5th, 2019 did grant provisional approval with respect to the minor variance application (File No. D-13-32), subject to conditions including the entering into of a development agreement between the owner and the Town.


WHEREAS the Council of the Corporation of the Town of Renfrew deems it expedient to enter into this development agreement, at the pleasure of Council;

NOW THEREFORE the Council of the Corporation of the Town of Renfrew enacts as follows:

1. THAT the Mayor and Clerk be and are hereby authorized to execute a Development Agreement, attached as Appendix "A", with Jody Kelly in relation to the development of the property located at 33 & 35 McGarry Avenue (Roll #474800001007202).
2. THAT this By-law shall take effect and come into force immediately upon the passage thereof.

Read a first and second time this 11th day of February, 2020.

Read a third and final time this 11th day of February, 2020.



Don Eady, Mayor



Kim R. Bulmer, Clerk

~~APPENDIX "A"~~

APPENDIX "A"



DEVELOPMENT AGREEMENT

BETWEEN

Jody Kelly

AND

**THE CORPORATION OF THE
TOWN OF RENFREW**

February 2020

APPENDIX "A"

BETWEEN: JODY KELLY

HEREINAFTER CALLED THE "APPLICANT"
OF THE FIRST PART

AND: THE CORPORATION OF THE TOWN OF RENFREW

HEREINAFTER CALLED THE "TOWN"
OF THE SECOND PART

WHEREAS the Applicant is the owner of the property located at 33 & 35 McGarry Avenue (Roll #474800001007202), Renfrew (hereinafter called the "Subject Lands");

AND WHEREAS the Committee of Adjustment of the Town of Renfrew, on February 5th, 2019 did grant provisional approval with respect to Minor Variance Application No. D-13-32, subject to conditions including the entering into of a development agreement between the Applicant and the Town.

AND WHEREAS the Council of the Corporation of the Town of Renfrew deems it expedient to enter into this development agreement, at the pleasure of Council;

NOW THEREFORE in consideration of the premises and mutual agreements contained herein, the parties hereby covenant and agree as follows:

1. GENERAL CONDITIONS

- a) The Applicant agrees that development of the Subject Lands shall be undertaken in strict conformity with the conditions of the decision of the Committee of Adjustment of the Town of Renfrew in respect of Minor Variance Application No. D-13-32, such decision dated February 5th, 2019, and attached as **Schedule "A"** to this agreement, and further that the conditions in **Schedule "A"** shall form part of this agreement.
- b) The Applicant shall not commence or permit the commencement of any site work associated with this Agreement before the execution by the Applicant and the Town of this Agreement.
- c) Upon completion of the Work, the Applicant shall contact the Department of Development and Works in order to conduct an inspection to determine the conformity of the completed Work. The Applicant shall make the necessary modifications as deemed required by the Town in order to meet the terms of this Agreement.
- d) The Applicant shall be responsible for the construction, provision and maintenance of the detours required and for maintaining safety measures for the protection of the public during any work in respect to this Agreement.
- e) The Applicant shall immediately remove at its expense any debris deposited on the portion of the public highway which debris has been deposited as a consequence of any actions carried out under the terms of this Agreement.
- f) The Applicant shall permit the Town or a person authorized by it to enter onto the premises at any reasonable hour to conduct an inspection to determine compliance with the terms of this Agreement.
- g) The Applicant covenants and agrees to satisfy all conditions of approval and abide by all municipal by-laws, statutes and regulations.

APPENDIX "A"

2. MODIFICATIONS

- a) The Applicant hereby agrees that it is the responsibility of the Applicant to notify the Town of the following:
 - i. Any change in the ownership of the property;
 - ii. Any change in the tenancy of the subject property, where the Applicant is a tenant;
 - iii. The completion of the work; or
 - iv. Any delay in the timing of commencement or completion of the work as stated herein.
- b) The Applicant hereby agrees that this Agreement shall be binding upon the parties and their heirs, executors, successors and assigns.
- c) The Applicant understands and agrees that written authority of the Town shall be obtained prior to any alterations being made which would in any way represent a departure from the specifications detailed in this Agreement. It is also understood and agreed that failure to comply with any term or condition contained herein or with the Schedules attached hereto, the approval inherent herein will become null and void and in which case the Applicant hereby agrees to cease all work on the herein described lands, immediately on receipt of notice by the Town, until such time as written authority is obtained from the Town to proceed.
- d) Any proposed changes or alterations must comply with all applicable Ontario Building Code provisions, other provincial legislation, and municipal By-laws.

3. DEFAULT

- a) The Applicant agrees that should the Applicant fail to develop the Subject Lands in accordance with the conditions outline in **Schedule "A"** to this agreement, or any other term or condition of this agreement, the Town will be entitled to enter onto the property and undertake any work required to bring the development of the Subject Lands into conformity therewith. The Applicant further agrees that the Town will be entitled to recover any cost or expense incurred in undertaking the aforementioned works by any means possible, including by addition of the cost or expense to the tax roll of the Subject Lands and collection of the same in like manner as property taxes.

This Agreement shall be binding upon and enure to the benefit of the parties to this Agreement and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Applicant hereunto set his Hand and Seal or affixed its Seal duly attested to by its proper officers in that behalf.

DATED AT THE *RENFREW* THIS *11TH* DAY OF *FEBRUARY*, 2020.

SIGNED, SEALED AND DELIVERED in the presence of:

APPENDIX "A"

JODY KELLY



Per:
Title:

Per:
Title:

"I/We have the authority to bind the Corporation"

DATED AT THE TOWN OF RENFREW THIS 11TH DAY OF FEBRUARY, 2020.

SIGNED, SEALED AND DELIVERED in the presence of:

**THE CORPORATION OF THE TOWN OF
RENFREW**



Don Eady, Mayor



Kim R. Bulmer, Clerk

TOWN OF RENFREW**DECISION OF THE COMMITTEE OF ADJUSTMENT**

FILE NUMBER:	D-13-32
APPLICANT(S):	Jody Kelly
OWNER(S):	Jeremiah Thompson
DATE OF HEARING:	February 5th, 2019
DATE OF DECISION:	February 5th, 2019
Corrected Legal Description to Reflect Application And Public Notices (correction in bold italics):	December 23rd, 2019

Jody Kelly has filed an application for a minor variance on behalf of Jeremiah Thompson relating to the property described as being Lot **26**, Plan 200, McGarry Avenue (See Figure 1). The minor variance submitted seeks to grant relief from Section 5.2.2 (a) and (b) in order to:

- decrease the minimum lot area from 750 square metres to 460 square metres; and
- decrease the minimum lot frontage from 22 metres to 15.21 metres

for the purpose of constructing a new semi-detached dwelling, each having an area of 860 square feet.

The Minor Variance Application is submitted subsequent to the approval of Consent File D-10-110, approved by the Committee of Adjustment on May 5th, 2015.

The concerned parcel is vacant and fronts on McGarry Avenue. It has a frontage of 15.21 metres, a depth of 30.47 metres, and a lot area of 463.45 metres.

The property is entirely surrounded by residential uses consisting of one, and one and half story dwellings with the exception of two - two story dwellings. The dwellings mainly comprise of single detached dwellings. However, there are approximately three two-unit dwellings in the surrounding area (McGarry and Graham Avenues). The single story dwellings are primarily bungalow style dwellings and based on a review of the aerial photography, dwellings in this area typically occupy lot coverages of 30% or more.

The dwellings in the area mainly have an exterior finish consisting of vinyl siding, however a few buildings have brick or stucco finishes. The driveways/parking areas can be described as being either located entirely in the front yard and some extend to the sides yards of the dwellings. Based on a review of the aerial photography, driveways have an average width of 4.8 metres.

The applicant has submitted a preliminary site plan and building elevations in order to demonstrate the proposed site configuration and design of the building. These drawings are attached as Schedule "A" and "B". As shown on Schedule "A", the proposed dwellings will meet the minimum front yard, rear yard and side yard depths, the minimum lot coverage as well as the minimum parking requirements of the Zoning By-law. As demonstrated on Schedule "B", the proposed dwelling will consist of a bungalow style semi-detached dwelling with the parking areas located in the front yard, and a deck in the rear yard.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS' vision for Ontario's land use planning system is to focus growth and development within urban settlement areas. Its vision recognizes that the wise management of land use change may involve directing and promoting development to meet current and future needs. This optimizes the use of public investment in infrastructure such as municipal water and sewage services.

The policy direction of the PPS outlines that healthy, safe and liveable communities are supported by accommodating an appropriate range and mix of residential uses; including second units, affordable housing, and housing for older persons. It further promotes cost-effective development patterns which minimize land consumption and servicing cost.

The Provincial Policy Statement also outlines that land use patterns within settlement areas should be based on a range of uses and opportunities for intensification and redevelopment, where it can be accommodated. Redevelopment and intensification shall take into consideration existing building stock and the availability of existing infrastructure services.

The concerned parcel is located within the Residential land use designation of the Official Plan which permits a full range of housing types including singled detached dwelling, semi-detached dwelling and duplex dwellings. The Residential land use designation encourages an appropriate balance of housing forms that are consistent with the needs of the market, and that support affordability.

The Official Plan's general development policies outline that Council promotes residential intensification and redevelopment in order to minimize the cost of housing, facilitate compact form and encourage an adequate supply of rental accommodations.

The Official Plan's comprehensive review, approved by Council in January 2018, included the introduction of numerous policies pertaining to residential intensification, which is defined as, the development of a property at a higher density than which currently exist, through redevelopment or the development of vacant lots. The new policies are established for the purpose of supporting opportunities for intensification to increase the supply of housing units where infrastructure is available. The policies further state that the Town will strive to accommodate a minimum of 10% of each year's new residential units within built-up areas through intensification.

The policies further establish intensification compatibility criteria by which the term compatibly, refer to development that "fits" with the character of a neighborhood. It establishes that a compatible intensification development is one that may not look the "same" as neighboring development but, may have a housing form that is of similar size, scale, massing and architectural elements. The Official Plan outlines that residential infill/intensification must be compatible with the surrounding neighbourhood, and will be evaluated against the following criteria:

- The ability of the existing infrastructure to support the development;
- The compatibility of the site design, setbacks, and lot configuration with the existing pattern of development in the area;
- The compatibility between building massing and the type of dwelling units in the proposed development and the surrounding residential properties;
- The location, orientation, and visual impact of vehicle access/egress in relation to:
 - o Adjacent developments;
 - o The street; and
 - o The pedestrian environment.
- Minimizing adverse parking and traffic impacts on the existing neighborhood;
- A gradual transition of scale and density through the design of building mass and form.
- Maintaining adequate light, view and privacy for residents on adjacent properties.

The Department must ensure that the minor variance requested pass the following four tests to be considered for approval. The four tests are as follows:

1. The general intent and purpose of the Official Plan are maintained

The requested variance to reduce the minimum lot area and lot frontage does not contravene the policies set out in the Official Plan of the Town of Renfrew. Firstly, the proposed use of a semi-detached dwelling is permitted within the Residential land use designation, and redevelopment and intensification is encouraged.

As outlined above, the comprehensive review of the Official Plan has introduced new policies pertaining to residential intensification which establish criteria when considering these types of development applications. The present application meets these principles for the following reasons:

- the development will provide a housing form that is consistent with the needs of the market and will support affordability;
- the project will increase the supply of housing units while assisting in the objectives to direct 10% of new residential units within built-up areas;
- the proposed dwellings will be compatible with the surrounding housing form, as it will be of similar size, scale, massing and have similar exterior elements;
- the development will be supported by existing municipal infrastructure;
- the dwelling will have a compatible site design, setbacks, and lot configuration with the existing pattern of development in the area;

- the location, orientation, and visual impact of vehicle access/egress will be similar to adjacent properties.

Based on the aforementioned compatibility elements between the proposed development and surrounding neighborhood, the general intent and purpose of the Official Plan are maintained.

2. The general intent and purpose of the Zoning By-law are maintained

The intensification and compact form of this development meets the general intent and purpose of the Zoning By-law. The intent and purpose of the Zoning By-law is to provide for appropriate forms of development while avoiding incompatible land uses. The concerned and surrounding parcels are all located within the "Residential One (R1) Zone" which permits a variety of low density residential uses, including one or two unit dwellings.

The proposed use of a semi-detached dwelling requires a larger lot frontage and area when compared to single detached dwellings. The purpose is to ensure that sufficient space is available on the parcel to provide for the adequate setbacks and minimum parking and amenity areas. The reduction of the lot frontage and lot area in this case, will maintain compatibility with adjacent dwellings because it will preserve the existing pattern of development in area.

Based on the preliminary design submitted by the applicant, the proposed development will meet all minimum setbacks, while also respecting the minimum parking and landscaped open space requirements (namely the front yard). The proposed building will further meet the requirements of lot coverage at 32% of the maximum 40%, leaving sufficient area in the front and rear yards to provide for active and passive recreational uses. Additionally, the character of this future development will be compatible with the existing residential styles of homes in the immediate area.

3. The variance is minor

The Department of Development and Works deems the variance requested as being minor. Although the development is proposed on a lot that is smaller than the requirements, all other zone provisions, setbacks and lot coverage will be respected. Additionally and as previously mentioned, the proposed dwellings will have a similar site design as a single detached dwelling if it were built on the concerned parcel. The proposed dwellings will have a similar side yard depth of 1.5 metres, number of parking spaces and width of asphalt driveway, as well as lot coverage. Consequently, the same size, scale and massing of the proposed building could exist on the concerned parcel, as a single detached dwelling.

Finally, the proposed development will be compatible with the adjacent land uses and styles of homes, and only a limited visual impact will be created by the slightly increased density.

4. The proposed use of land, building or structure is desirable for appropriate development

The proposed reduction of the lot frontage and area for the development of this recently created parcel of land will provide for the highest and best use of the land and, other than the provisions to be reduced, will meet all other requirements of the Zoning By-law. The proposed development will also meet the intent and objectives established by Council through the adoption of new intensification policies in the Official Plan.

The proposed development and variance will limit the impacts on surrounding properties, and will ensure that the applicant is able to build his desired structure on the concerned parcel. The development will further support an alternate form of residential development which will encourage affordability with zoning parameters that have been applied within the municipality in the past.

Lastly, the owner will also be required to apply for a building permit, and will be obligated to ensure that drainage from the future dwellings will not negatively affect the drainage of the surrounding properties as well as their own.

It was moved by Adam Laviolette that the Committee approve the Minor Variance submitted by Jody Kelly on behalf of Jeremiah Thompson, File D-13-32, concerning the property described Lot **26**, Plan 200, McGarry Avenue.

The proposal was seconded by Sandi Heins and adopted unanimously, subject to the following conditions:

- a. That the applicant enter into a Development Agreement with the Department of Development and Works pertaining to:
 - grading the driveway to direct the water to the center of the lot and towards the street;
 - directing all eavesthrough towards the center of the lot/building;
 - directing all snow removal/clearing towards the center of the lot; and
 - installing swales along each side yards to direct water to the front yard/street.

The Committee of Adjustment considered all written and oral submissions received on this application, the effect of which helped the Committee to make an informed decision.

(SIGNED)

Mayor Eady

(SIGNED)

Adam Laviolette

Chair

Member

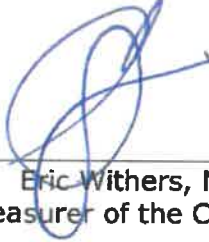
(SIGNED)

Sandi Heins

Member

Certified true copy of the decision by the Committee of Adjustment of the Corporation of the Town of Renfrew on February 5th, 2019.

**LAST DATE TO APPEAL THE DECISION:
February 25th, 2019**

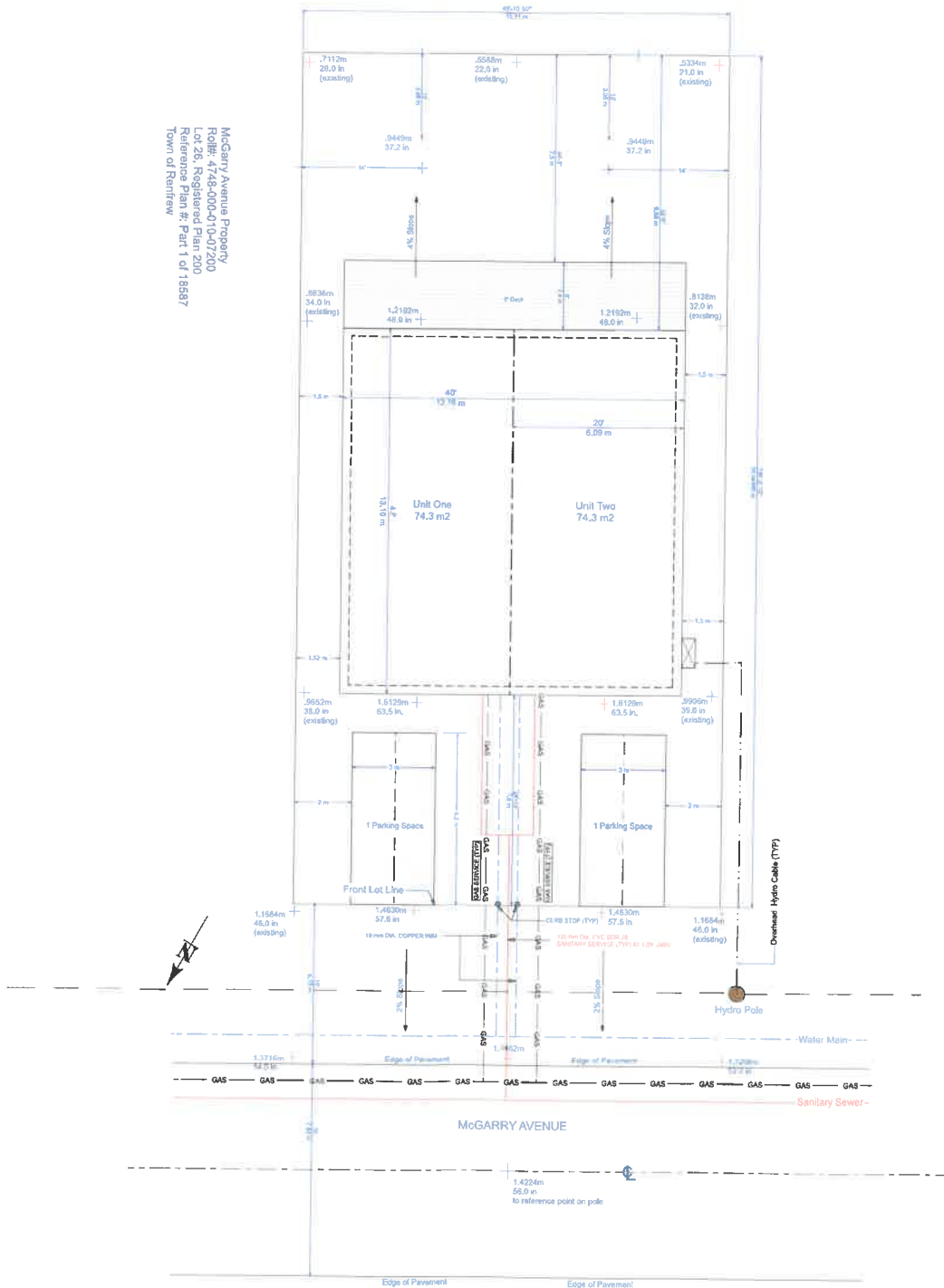


Eric Withers, MCIP, RPP
Secretary-Treasurer of the Committee of Adjustment

SCHEDULE "A"
APPENDIX "A"

SCHEDULE "A"

McGarry Avenue Property
 Roll#: 4748-000-010-07200
 Lot 26, Registered Plan 200
 Reference Plan #: Part 1 of 18587
 Town of Renfrew



S-1

SHEET:
 SCALE: 1/4" = 1'-0"
 DATE: 1/2/2019

DRAWINGS PROVIDED BY:
 Andy Boldt
 37 Erniecke Ave.
 Renfrew, ON K9V 4G3
 aboldt@sympatico.ca
 613-432-8528

KELLY SEMI-DETACHED
 PROPOSED

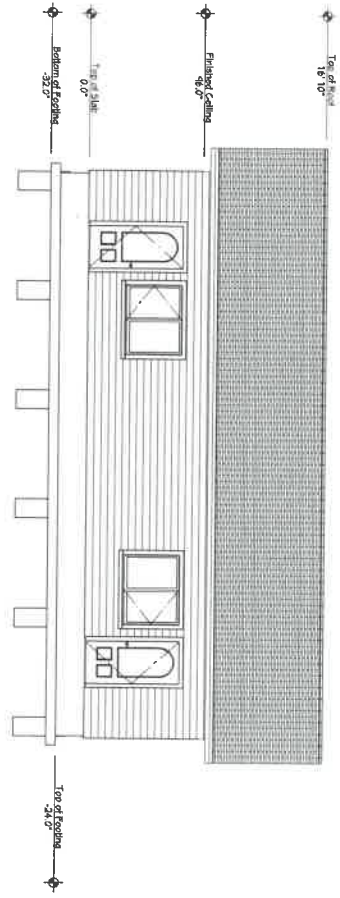
SITE PLAN

REVISION TABLE		
NUMBER	DATE	REVISION BY / DESCRIPTION

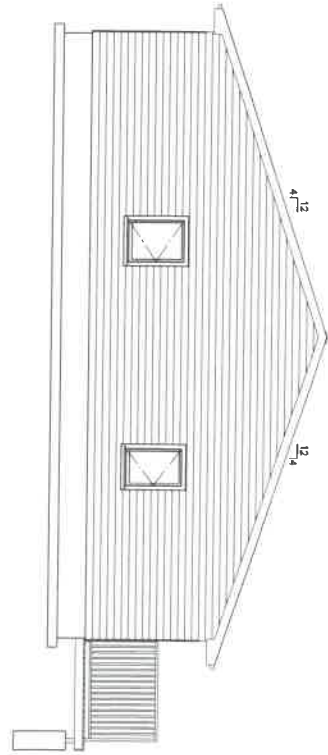


SCHEDULE "B"
APPENDIX "A"

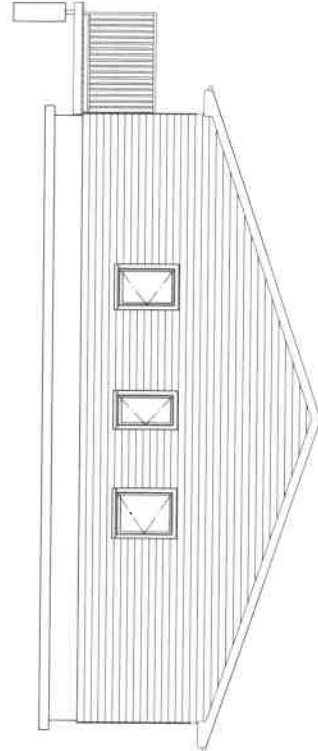
SCHEDULE "A"



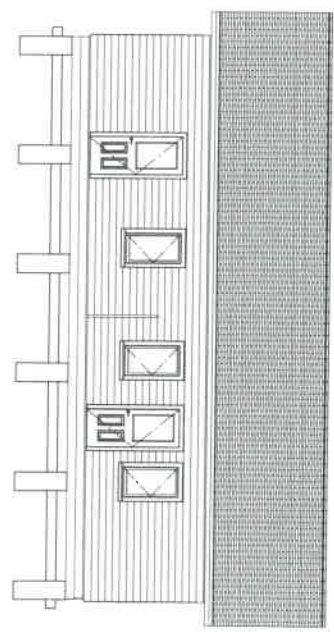
FRONT ELEVATION



RIGHT SIDE ELEVATION (EAST)



LEFT SIDE ELEVATION (WEST)



REAR ELEVATION (SOUTH)

DRAWINGS PROVIDED BY:
Andy Bolot
97 Erindale Ave.
Brenton, ON K7V 4G3
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613-432-8528

KELLY SEMI-DETACHED
PROPOSED

ELEVATION VIEWS

REVISION TABLE		
NUMBER	DATE	REVISION DESCRIPTION



DATE: 12/17/2018
SCALE: NTS
SHEET: A3