



**Corporation of the Town of Shelburne
Committee of Adjustment - Minutes**

October 3, 2022
6:30 pm
Electronic Participation

Members in attendance: Deputy Mayor Steve Anderson
Councillor Walter Benotto
Councillor Lynda Buffett
Councillor Kyle Fegan
Councillor Shane Hall
Councillor Lindsay Wegener

Members absent: Mayor Wade Mills (with notice)

Staff attending: Denyse Morrissey, CAO
Carey Holmes, Director of Financial
Services/Treasurer
Jennifer Willoughby, Director of Legislative
Services/Clerk
Jim Moss, Director of Development and Operations
Steve Wever, Town Planner
Alice Byl, Deputy Clerk, Committee Coordinator

Others present: Harold Arnold
Beverly Ford-Arnold
Jeff Hamilton
Kristine Loft, Loft Planning
Andrew Cunningham

1. Call to Order

Committee of Adjustment called to order at 6:31 pm by Deputy Mayor Anderson.

This meeting will be held electronically in accordance with Section 238(3.1) of the Municipal Act which provides that a member of Council, of a local board or of a committee of either of them, can participate electronically.

In-person attendance at this meeting will not be permitted. Members of the public may observe the proceedings by accessing the live webcast on the Town of Shelburne YouTube page:

<https://www.youtube.com/channel/UCsar-MwF8CXrgPbe2EVxh-w>

Tonight, we have a public meeting being held under Sections 45 and 53 of the Planning Act to consider a consent application and a minor variance application.

- 1) Consent Application B21-05 is for property located at 220 Owen Sound Street in the Town of Shelburne. The purpose and effect of the application is to sever a portion of the property to have a land area of approximately 305.7 square metres and 20.12 metres of frontage on Second Avenue West to create a new residential lot for a future single detached dwelling. The retained land will have an area of 525.4 square metres and is used for an existing converted dwelling with three (3) dwelling units.
- 2) Minor Variance Application A22-07 is for property located at 485387 Sideroad 30 in the Town of Shelburne. The purpose and effect of the application is to request relief from Section 3.2.3 of the Zoning By-law which limits the maximum accessory building height to 5 metres. The applicant is proposing a maximum building height of 8.5 metres. Additionally, relief from Section 3.2.2 of the by-law is required to allow the accessory buildings to be located closer to the south lot line than the main buildings on the property. This Minor Variance (File No. A22/07) will apply only to the two (2) proposed accessory buildings.
- 3) Minor Variance Application A22-08 is for property located at 715 Hammond Street in the Town of Shelburne. The purpose of the minor variance application is to request relief from Zoning By-law 38-2007, Sections 3.4.1 (ii) and 5.68 in order to construct a converted dwelling unit within the existing single-detached dwelling. The application is seeking relief from the regulation which prohibits

converted dwelling units within the cellar as defined in the Zoning By-law.

I will ask the Clerk for the method of notice for tonight's public meeting.

The Clerk indicated that notice of tonight's public meeting was advertised in local media sources, notice is posted on the Town of Shelburne website and property owners within a 60-metre radius have received notification.

We will have a presentation by the Town Planner with a summary of written comments received, following which there will be an opportunity for Committee members and members of the public to ask questions or provide comments.

- a. Report P2022-25 from the Town Planner Regarding Application for Consent B21-06 Jeff Hamilton - 220 Owen Sound Street

The Town Planner reviewed his report with the committee.

Committee members asked questions and received answers from the Town Planner regarding drainage concerns, intensification requirements from the province, heritage design guidelines, and parking concerns.

Mr. Harold Arnold and Ms. Beverly Ford-Arnold of 125 Second Ave W presented their concerns to the committee regarding drainage concerns in the area.

The applicant also answered questions of the committee and provided context to the questions asked of the committee.

Motion # 1

Moved By Councillor Benotto

Seconded By Councillor Buffett

BE IT RESOLVED THAT subject to comments received at the public meeting, the Committee of Adjustment grants conditional approval of Consent Application B21/05, as revised by the applicant, subject to the following:

- 1) That the Secretary-Treasurer's Certificate under subsection 53(42) of the Planning Act R.S.O. 1990, c.P13, as amended, shall be issued and the Secretary-Treasurer's fee be paid;
- 2) The payment of cash-in-lieu of parkland at the rate of 5% of the value of the newly created lot;
- 3) That the Owner enter into an agreement with the Town addressing the following matters:
 - a) site servicing and drainage requirements and the details of all servicing connections, modifications and improvements to existing services including sanitary sewers, water supply, storm sewers, roads, sidewalks, hydrants, utilities, and any required easements deemed necessary by the Town in accordance with Town standards and to the satisfaction of the Town's Director of Development and Operations and the Town's Engineer;
 - b) the requirement to remove the existing detached garage and to construct a new driveway and required parking spaces on the severed lot;
 - c) the requirement to provide drawings indicating the location and details of the driveway(s) including the requirement for replacement of any trees requiring removal, to the satisfaction of the Town;
 - d) design guidelines for the new dwelling to be constructed on the proposed severed lot with input from the Heritage Committee;
 - e) the dedication of any required easement(s) and/or modification of the existing overhead telecommunications lines to the satisfaction of applicable telecommunications provider(s); and,
 - f) the payment of required fees.
- 4) That the Owner obtain approval of a Zoning By-law Amendment for the two (2) resultant lots to a zone that will recognize the existing exterior side yard and porch encroachment of the existing dwelling on the retained lot and

that will accommodate appropriate minimum yards for a new single detached dwelling to be constructed on the severed lot;

- 5) Approval of the draft reference plan, as applicable, shall be obtained at the Committee of Adjustment office (Town of Shelburne) and the required number of prints (3) of the resultant deposited reference plan shall be received; and
- 6) The conditions are to be fulfilled and the consent is to be finalized on or before two (2) years from the date of the issuance of the Committee's notice of decision.

CARRIED, S. Anderson

- b. Report P2022-26 from the Town Planner Regarding Application for Minor Variance A21/07 Gott Enterprises Inc. - 485387 Sideroad 30, Shelburne

The Town Planner reviewed his report with the committee.

The Applicant's planner provided context to the application and answered questions of the committee.

Motion # 2

Moved By Councillor Buffett

Seconded By Councillor Hall

BE IT RESOLVED THAT the Committee of Adjustment receives report P2022-26 for information;

AND THAT subject to the consideration of any input received at the public meeting, it is recommended that the Committee of Adjustment grant approval of Minor Variance Application A22/07 for the property municipally known as 485387 Sideroad 30 and legally described as Concession 2, Part Lot 31 and further designated as Part 1 on Registered Plan 7T-4664 in the Town of Shelburne, County of Dufferin, to permit relief from the required height of 5 metres and from the requirement that accessory buildings shall not be located closer to the street than a principal building, subject to the following conditions:

- 1) That the relief from the Zoning By-law is only or a maximum of two (2) accessory storage buildings (Quonset Huts) having a maximum combined gross floor area not exceeding 2,000 square metres and a maximum height of 8.5 metres measured between the average finished grade to the median height of the roof, which shall be located no closer than 25 metres to the south lot line;
- 2) That the Owner shall obtain approval of a site plan amendment from the Town of Shelburne for the proposed development of the additional buildings on the subject property and related site improvements;
- 3) That the site plan amendment shall include tree plantings and/or similar landscape screening along the south limit of the property between the proposed accessory storage buildings and the north side of County Road 11 (Sideroad 30) to mitigate the visual impact of the proposed buildings; and,
- 4) That this approval does not include the allocation of any additional servicing (water and sanitary sewer/wastewater treatment) capacity for the existing industrial use of the property, the accessory buildings shall be used for dry uses only in conjunction with and subordinate to the existing industrial use of the property except that water service may be permitted if required for fire protection only.

CARRIED, S. Anderson

- c. Report P2022-27 from the Town's Planner Regarding Application for Minor Variance A22/08 Andrew and Melissa Cunningham - 715 Hammond Street, Shelburne

The Town Planner reviewed his report with the Committee.

Motion # 3

Moved By Councillor Benotto

Seconded By Councillor Buffett

BE IT RESOLVED THAT the Committee of Adjustment receives report P2022-27 for information;

AND THAT subject to the consideration of any comments and submissions received at the public meeting, the Committee of Adjustment grant approval of Minor Variance Application A22/08 for the property municipally known as 715 Hammond Street and legally described as All of Lot 41 on Plan 7M-69 to permit a converted dwelling with the second dwelling unit located in the lower level of the existing dwelling, notwithstanding that the Zoning By-law does not permit a dwelling unit within a "cellar" as defined in the by-law, subject to the following conditions:

- 1) That the owner shall obtain confirmation of sufficient reserve servicing capacity by the Town Engineer for the Stage 1 area and allocation of servicing for the additional residential unit prior to Municipal Approval of a building permit; and,
- 2) That the owner shall obtain a building permit for the additional residential unit within one (1) year of satisfying condition #1, failing which the servicing allocation shall be revoked and this Minor Variance shall lapse unless the Committee grants an extension prior to expiry.

Deputy Mayor Anderson abstained from voting.

CARRIED, S. Anderson

2. Motion to Adjourn

Motion # 4

Moved By Councillor Benotto

Seconded By Councillor Hall

THAT the Committee of Adjustment now adjourns.

CARRIED, S. Anderson

Committee of Adjustment Meeting adjourned at 7:44 pm.

Mayor

Clerk