



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

January 23, 2023  
6:30 pm  
Council Chambers  
203 Main St. E, Shelburne

Members in attendance: Mayor Wade Mills  
Deputy Mayor Shane Hall  
Councillor Walter Benotto  
Councillor Kyle Fegan  
Councillor Len Guchardi  
Councillor Lindsay Wegener

Members Absent                      Councillor Dan Sample

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

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**1. Call to Order**

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>

Meeting called to order at 6:31 pm by Mayor Wade Mills.

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. Minor Variance application A22/09 is for property located at 402 First Avenue East in the Town of Shelburne. The purpose and effect of the application is to request relief from Sections 4.2.2 of Zoning By-law 38-2007 in order to facilitate the lot severance through Consent Application B22/03. The application is seeking relief from the regulation which requires a minimum rear yard of 7.5 meters to permit a reduced rear yard of 7.2 metres.
2. Consent application B22/03 is for property located at 402 First Avenue East in the Town of Shelburne. The purpose and effect of the application is to create a new residential lot having a minimum lot area of 464 square metres and approximately 20.3 metres of frontage on Jelly Street to allow for the future construction of a new single detached dwelling.

The Mayor asked 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.

## **2. Motions for Decision**

- a. Report P2023-01 from the Town Planner regarding Application for Consent B22/03 and Application for Minor Variance A22/09 - 402 First Avenue East

The Town Planner presented his report and answered questions of Council.

## **Motion # 1**

**Moved By** Councillor Benotto

**Seconded By** Councillor Guchardi

After considering the application the Committee is satisfied with allowing this consent for the creation of a new residential lot, with an area of approximately 464 square metres, as shown on the attached reference plan. The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, c.P.13., as amended, resolves to grant provisional consent subject to the following conditions being fulfilled:

1. That the Secretary-Treasurer's Certificate under subsection 53(42) of the Planning Act R.S.O. 1990, c.P.13, 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 relocate the existing shed on the retained lot, if required to maintain compliance with the Zoning By-law;
  - c) the requirement to construct a new driveway and required parking spaces on the severed lot;
  - d) the requirement to provide drawings indicating the location and details of the driveway including the requirement for replacement of any trees requiring removal, to the satisfaction of the Town;

- e) design guidelines for the new dwelling to be constructed on the severed lot; and,
  - f) the payment of required fees.
4. That approval of Minor Variance application A22/09 shall be obtained from the Committee of Adjustment;
  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 years from the date of the issuance of the Committee's notice of decision.

Application APPROVED on conditions as stated.

**CARRIED, W. Mills**

**Motion # 2**

**Moved By** Councillor Benotto

**Seconded By** Councillor Fegan

After considering the application the Committee is satisfied that the request is minor in nature, desirable for the appropriate and continued use of the subject property and maintains the general intent and purpose of the Zoning By-law and Official Plan.

Accordingly, the Committee resolves to grant the request. The minor variance is granted in accordance with the sketch plan provided to the Committee and attached hereto, only to allow the proposed lot to have a rear yard of 7.2 metres, subject to the following condition:

1. That the owner shall obtain provisional and final approval of the related Consent Application, File No. B22/03, and the lands severed accordingly.

Application **APPROVED** on condition as stated.

**CARRIED, W. Mills**

**3. Motion to Adjourn**

Chair Wade Mills adjourned the meeting at 6:49 pm

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Mayor

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Clerk