



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date: Monday, February 08, 2021

To: Jennifer Willoughby, Secretary-Treasurer,
Committee of Adjustment

From: Steve Wever, Town Planner

Report: P2021-02

Subject: **Application for Minor Variance A21/01**
Reynal Menzis
885 O'Reilly Crescent, Shelburne

Recommendation

Be it Resolved that the Committee of Adjustment receive Report P2021-02 as information.

Be it resolved 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 A21/01 for the property municipally known as 885 O'Reilly Crescent and legally described as Lot 40 on Plan 7M-50 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.

Background

An application has been submitted for a minor variance for the property municipally known as 885 O'Reilly Crescent and legally as Lot 40 on Plan 7M-50 in the Town of Shelburne, County of Dufferin. The subject property is located near the intersection of O'Reilly Crescent and Davis Drive in the Greenbrook Village subdivision. The property currently contains a single-detached dwelling with a double car attached garage.

The purpose of the minor variance application is to request relief from Zoning By-law 30-2007, Sections 3.4.1 (ii) and 5.68 in order to construct a second dwelling unit within the existing single-detached dwelling. The application is seeking relief from the definition of a converted dwelling and a related regulation of the by-law which prohibits dwelling units within the cellar.

Analysis

The subject property is approximately 483 square metres (0.11 acres) in area and has a lot frontage of 12.20 metres on O'Reilly Crescent. The subject property is designated 'Residential' in the Town Official plan and is zoned Residential Type Three (R3) in the Zoning By-law 38-2007.

The application submitted requests a minor variance that would provide relief from Section 5.68 of the Zoning By-law which defines a converted dwelling unit as a dwelling which has been altered or converted as to provide therein two (2) dwelling units, none of which shall be located in the cellar of the dwelling. Relief from Section 3.4.1(ii) of the Zoning By-law is also required to permit a dwelling unit to be located entirely in a cellar.

Under Section 45(1) of the Planning Act, there are four tests that a minor variance must meet which includes:

1. Is the application minor?
2. Is the application desirable for the appropriate development of the lands in question?
3. Does the application conform to the general intent of the Zoning By-law?
4. Does the application conform to the general intent of the Official Plan?

For the application to be considered minor, it must meet all four tests as mentioned above. The applicant provided a letter from Loft Planning that considers the application under these tests and concludes that the requested variance meets the four tests and represents good planning.

1. Is the application minor?

Yes – The proposed converted dwelling will be located in the cellar of the home and will not change the appearance of the existing dwelling and will not impact the streetscape.

2. Is the application desirable for the appropriate development of the lands in question?

Yes – The site is located within a residential area and the proposed additional dwelling unit within the dwelling would not impact the exterior view of the

dwelling from the road, and converted dwellings are permitted in this area under the current zoning.

3. Does the application conform to the general intent of the Zoning By-law?

Yes – The subject property is zoned Residential Type Three (R3) Zone and the application conforms to the general intent of the Zoning By-law. As it relates to converted dwellings, the intent of the Zoning By-law is to permit single detached dwellings to be converted to include a second unit in an appropriately designed and finished, habitable space that meets building, fire and electrical safety code requirements. The Zoning By-law defines a “cellar” as being below the first floor and having more than 50% of its vertical space below grade and/or having a floor to ceiling height of less than 1.8m. A “basement” is defined as being partly underground but with more than 50% of its height above grade. Due to the way houses are generally designed where the majority of the lowest level of the dwelling is typically more than 50% below grade, most lower levels commonly referred to and conventionally considered to be “basements” which may be suitable for a dwelling unit actually fall under the definition of a “cellar” according to the zoning definition. The prohibition of dwelling units in a “cellar” in the Zoning By-law is therefore a significant limitation to the use of the lower level in many homes other than raised bungalows or basement walk-outs. However, the lower level of most new dwellings has adequate ceiling height and is capable of being finished to accommodate a dwelling unit without significant modification to the dwelling and in compliance with all code requirements.

The property contains a double car attached garage which will meet the parking regulations for the additional dwelling unit. No other variances would be required, therefore meeting the general intent of the Zoning By-law.

4. Does the application conform to the general intent of the Official Plan?

Yes – The lands are designated Low Density Residential in the Town of Shelburne Official Plan. The designation permits a variety of residential uses including single detached and converted dwellings/second units. An objective of this designation is to ensure a variety of housing types to accommodate the diverse economic and social needs and desires of the residents. The Official Plan does not restrict the use of the lower level of a dwelling for a second unit. Therefore, the Minor Variance should be considered in keeping with the general intent of the Town’s Official Plan.

Summary

The variance is requesting permission to construct a converted dwelling unit in the cellar of the home whereas the Zoning By-law only permits this use in

the basement or floor levels entirely above-grade. The Residential designation of the Official Plan contemplates a variety of dwelling types including converted dwellings/second units. When considering proposals for residential development, it should be demonstrated that the proposal is compatible and has regard for the character of adjacent development and respect to building location and form. The requested variance to consider relief from the location specification is in keeping with the land use pattern and built form found in the neighbourhood.

Financial Impact

The applicant has paid the required application fee to cover the costs of processing this application.

Policies & Implications (if any) Affecting Proposal

Town of Shelburne Official Plan
Town of Shelburne Zoning By-law 38-2007

Consultation and Communications

The application was circulated to the required agencies and the public meeting was advertised in accordance with the Planning Act. No objections to the approval of the application have been received as of the time of preparation of this report. Based on discussions with the County Building Department, the Zoning By-law restriction limiting dwelling units to floor spaces that are at least 50% above grade is not aligned with the Building Code which permits dwelling units below grade provided the code requirements for egress and all other applicable code requirements are met.

Supporting Documentation

Floor plans (main and converted dwelling)
Agency comments

Prepared by:

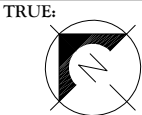
Jenna Daum, Planner

Reviewed by:

Steve Weber, Town Planner



NOTES:



THE UNDERSIGNED HAS REVIEWED AND
TAKES RESPONSIBILITY FOR THIS DESIGN,
AND HAS THE QUALIFICATIONS AND
MEETS THE REQUIREMENTS SET OUT IN
THE ONTARIO BUILDING CODE TO BE A
DESIGNER.

QUALIFICATION INFORMATION -
REQUIRED UNLESS DESIGN IS EXEMPT
UNDER 3.2.5.1 OF DIVISION "C" OF THE
ONTARIO BUILDING CODE

NAME: RAFAEL MARTINS

SIGNATURE: Robert Martin

BCIN: 112 144



RDA Designs

647-574-0220 / 647-518-3337

www.rdarchdesigns.com

rdarch.designs@gmail.com

PROJECT TITLE:

885 O'REILLY CRESCENT

DRAWING TITLE:

SITE PLAN

SCALE:

1:125

DATE: _____

2020/11/29

DESIGNED BY:

SINGH D.
MARTINS R.

REVISION:

Q

PROJECT NO.

22

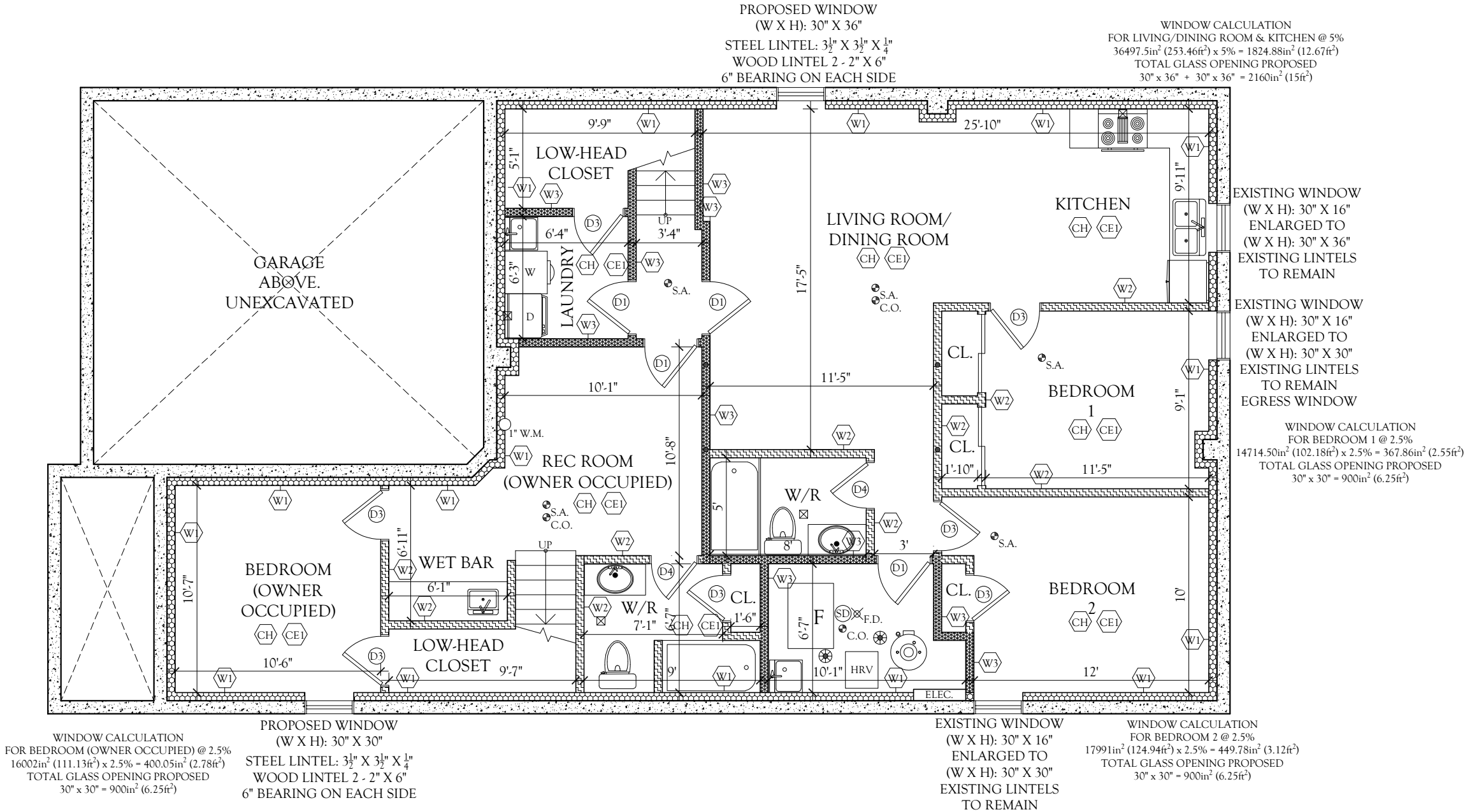
SHEET NO.

A-103

AREA OF BASEMENT: 116.06m² (1249.27ft²)
AREA OF BASEMENT (OWNER'S POSSESSION): 34.88m² (375.44ft²)
AREA OF BASEMENT (SECOND UNIT): 68.62m² (738.67ft²)
AREA OF BASEMENT (SHARED): 10.78m² (116.05ft²)

- SMOKE ALARMS:
- S.A. SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM.
 - SHALL HAVE BATTERY BACKUP.

- NOTES:
1. FOR WALL, CEILING, DOOR AND REFERENCE DETAILS SEE DESIGN GENERAL NOTES.
 2. ALL FIRE SEPARATIONS SHALL BE CONTINUOUS TO ANOTHER FIRE SEPARATION OR TO THE EXTERIOR
 3. ENSURE MINIMUM 15 MINUTES FIRE RESISTANCE RATING FOR BEAMS AND COLUMNS
 4. SPRINKLERS SHALL BE DESIGNED FOR RESIDENTIAL USE AND SHALL BE A FLOW THROUGH SYSTEM WITH A MINIMUM $\frac{3}{4}$ " COPPER PIPE CONNECTED TO THE SUPPLY TO THE HOT WATER TANK



1 PROPOSED BASEMENT FLOOR PLAN
A102 SCALE: 1:75

RDA Designs
647-574-0220 / 647-518-3376
www.rdarchdesigns.com
rdarch.designs@gmail.com

PROJECT TITLE:
885 O'REILLY CRESCENT

DRAWING TITLE:
PROPOSED BASEMENT PLAN

SCALE:
1:75

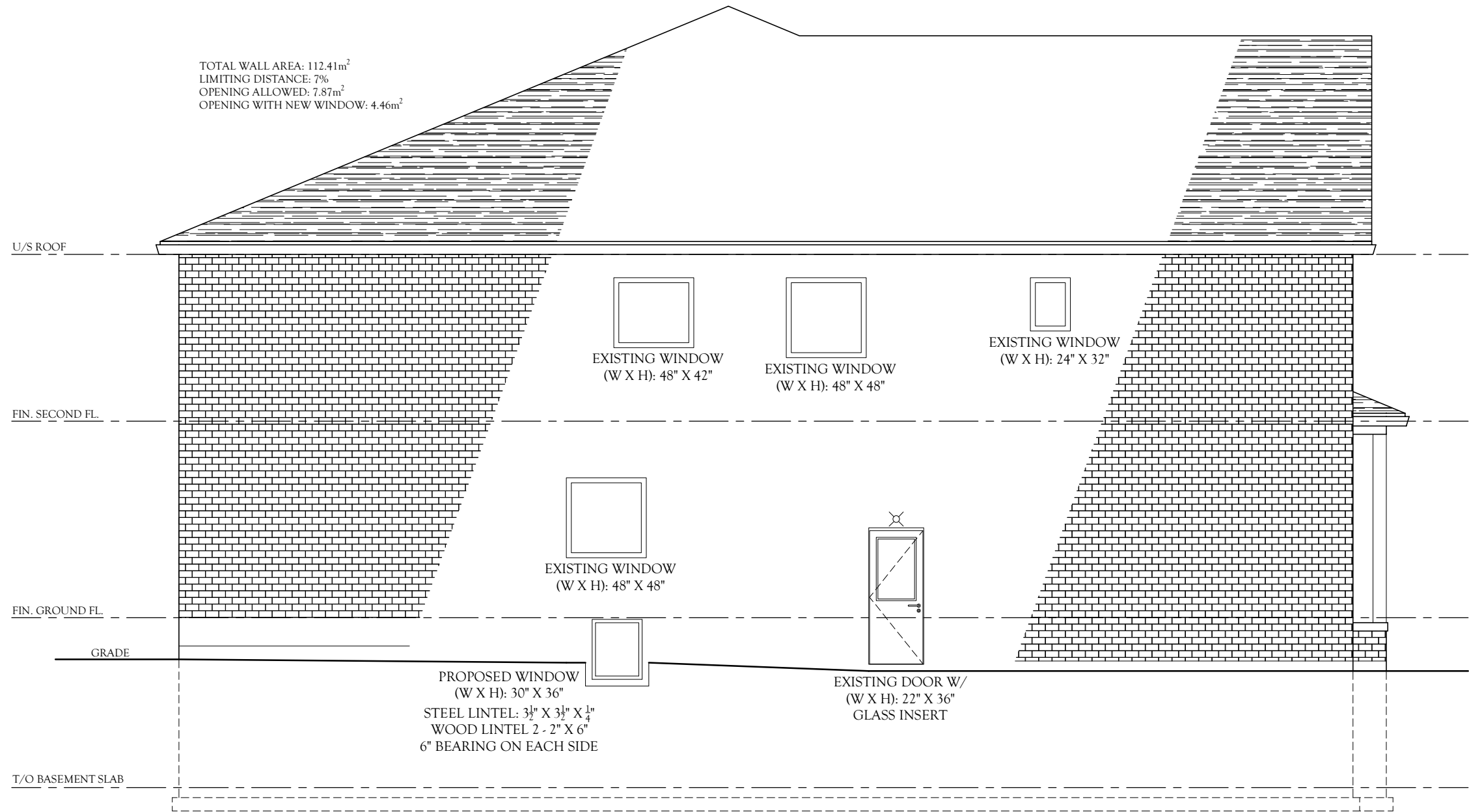
DATE:
2020/11/29

DESIGNED BY:
SINGH D.
MARTINS R.


REVISION:
0

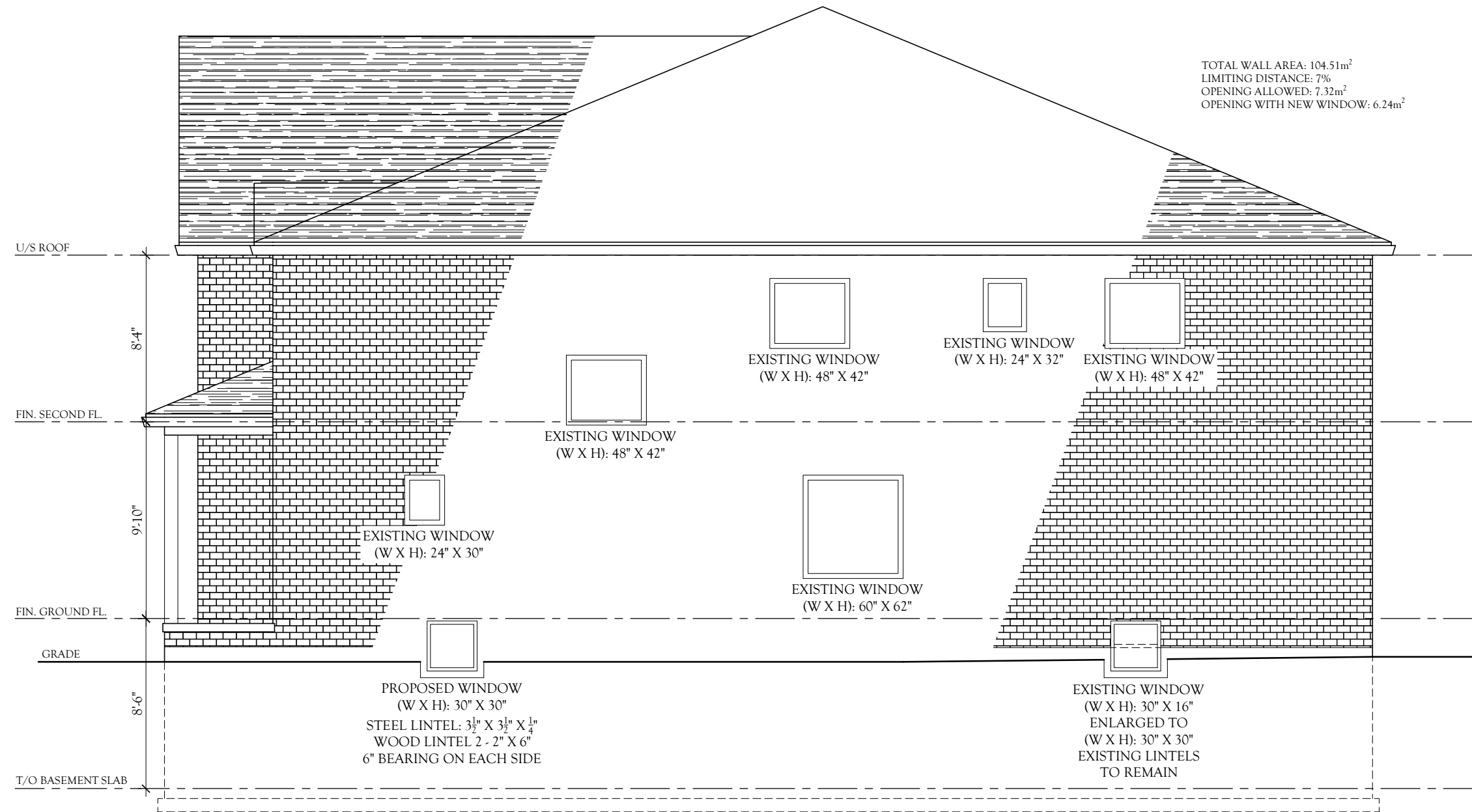
PROJECT NO.
~

SHEET NO.
A-102



1 LEFT ELEVATION
A201 SCALE: 1:75

NOTES:	
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.	
QUALIFICATION INFORMATION - REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF THE ONTARIO BUILDING CODE	
NAME: RAFAEL MARTINS	
SIGNATURE: <i>Rafael Martins</i>	
BCIN: 112 144	
<div><div></div><div>RDA Designs 647-574-0220 / 647-518-3376 www.rdarchdesigns.com rdarch.designs@gmail.com</div></div>	
PROJECT TITLE:	
885 O'REILLY CRESCENT	
DRAWING TITLE:	
LEFT ELEVATION	
SCALE:	DATE:
1:75	2020/11/29
DESIGNED BY:	REVISION:
SINGH D. MARTINS R.	0
PROJECT NO.	SHEET NO.
~	A-201



1
A202
RIGHT ELEVATION
SCALE: 1:75

NOTES:

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION - REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF THE ONTARIO BUILDING CODE

NAME: RAFAEL MARTINS

SIGNATURE: *Rafael Martins*

BCIN: 112 144



RDA Designs
647-574-0220 / 647-518-3376
www.rdarchdesigns.com
rdarch.designs@gmail.com

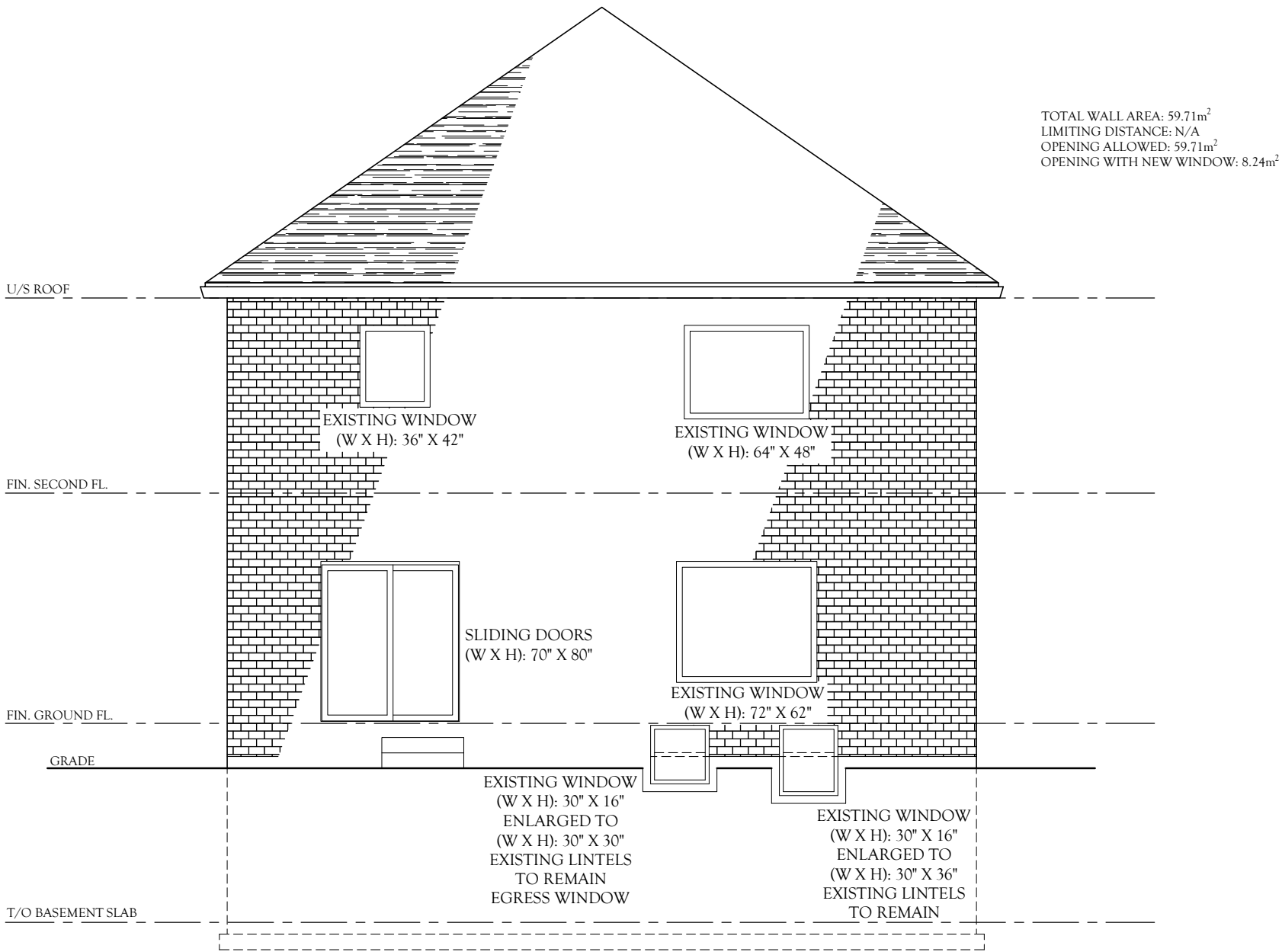
PROJECT TITLE:
885 O'REILLY CRESCENT


DRAWING TITLE:
RIGHT ELEVATION

SCALE: 1:75	DATE: 2020/11/29
----------------	---------------------

DESIGNED BY: SINGH D. MARTINS R.	REVISION: 0
--	----------------

PROJECT NO. ~	SHEET NO. A-202
------------------	--------------------



NOTES:	
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER. QUALIFICATION INFORMATION - REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF THE ONTARIO BUILDING CODE NAME: RAFAEL MARTINS SIGNATURE: <i>Rafael Martins</i> BCIN: 112 144	
<div> RDA Designs 647-574-0220 / 647-518-3376 www.rdarchdesigns.com rdarch.designs@gmail.com</div>	
PROJECT TITLE: 885 O'REILLY CRESCENT	
DRAWING TITLE: REAR ELEVATION	
SCALE: 1:75	DATE: 2020/11/29
DESIGNED BY: SINGH D. MARTINS R.	REVISION: 0
PROJECT NO. ~	SHEET NO. A-203



TOWN OF SHELburne

PLANNING & DEVELOPMENT

Minor Variance Application

Circulation Response Form

File: A21/01

Project: Application for Minor Variance
Property Located at 885 O'Reilly Crescent, Shelburne

If you have no comments or objection to the approval of the above noted application please complete this form and email it to the **Town Planner** at the Town of Shelburne by **February 4, 2021**.

Email: planning@shelburne.ca

By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.

TOWN OF SHELburne

Agency Name
(Please Print)

Jim Moss

Representative Name
(Please Print)

DIRECTOR OF DEVELOPMENT & OPERATIONS

Representative Title
(Please Print)

[Signature]

Signature

JAN 26th / 2021

Date



TOWN OF SHELBURNE

PLANNING & DEVELOPMENT

Minor Variance Application

Circulation Response Form

File: A21/01

Project: Application for Minor Variance
Property Located at 885 O'Reilly Crescent, Shelburne

If you have no comments or objection to the approval of the above noted application please complete this form and email it to the **Town Planner** at the Town of Shelburne by **February 4, 2021**.

Email: planning@shelburne.ca

By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.

Shelburne District F.D.

Agency Name
(Please Print)

Ralph Snyder

Representative Name
(Please Print)

Fire Chief

Representative Title
(Please Print)

Ralph Snyder

Signature

Jan 22/21

Date



TOWN OF SHELburne

PLANNING & DEVELOPMENT

Minor Variance Application

Circulation Response Form

File: A21/01

Project: Application for Minor Variance
Property Located at 885 O'Reilly Crescent, Shelburne

If you have no comments or objection to the approval of the above noted application please complete this form and email it to the **Town Planner** at the Town of Shelburne by **February 4, 2021**.

Email: planning@shelburne.ca

By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.

Township of Amaranth

Agency Name
(Please Print)

James Johnstone

Representative Name
(Please Print)

Township Planner

Representative Title
(Please Print)

James Johnstone

Signature

01/28/01

Date

Jan 23rd 2021

Committee of Adjustment Town of Shelburne

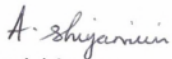
203 Main ST East,
Shelburne, ON L9V3K7

Attn: Jennifer Willoughby
Secretary-Treasurer, Committee of Adjustment

RE: Letter of Support
Minor Variance Application – A21/01 885 O'Reilly Crs Shelburne, ON
Reynal Menzis

I am the Owner of 881 O'Reilly Crs, Shelburne, ON, which is the left side of the property to the subject to the application noted above. I have reviewed the details of the minor variance application and I am writing herein to provide my support for this minor variance application for house 885 O'Reilly Crs Shelburne, ON.

Yours truly,



Shiyamini Antony
881 O'Reilly Crs, Shelburne, ON