



Corporation of the Town of Shelburne
Committee of Adjustment - Minutes

May 30, 2022
6:30 pm
Electronic Participation
203 Main St. E, Shelburne

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

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 Weber, Town Planner
Alice Byl, Deputy Clerk
Maryon English, Deputy Treasurer

Others Present: Angela Nichol (BDO)

1. Call to Order

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

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) Minor Variance application A22/05 is for property located at 246 Irwin Street in the Town of Shelburne. The purpose of the application is to request relief from Sections 3.4.1(ii) and 5.68 of Zoning By-law # 38-2007 in order to construct a converted dwelling with a second dwelling unit in the cellar of the existing single detached dwelling.

2) Consent application B22/01 is for property located at 250 Main St E. 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 303.25 square metres to create a new residential lot for a single detached dwelling on the subject land.

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 with 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 P2022-12 from the Town Planner regarding Application for Minor Variance A22/05 - 246 Irwin Street, Shelburne.

The Town Planner reviewed his report with the Committee.

A discussion ensued regarding the new side entrance, potential damage to the neighbours property, whether the yard would be fenced , privacy issues, and the installation of 2 bathrooms.

Motion # 1

Moved By Councillor Benotto

Seconded By Councillor Hall

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 existing single detached dwelling at 246 Irwin Street to be used as a converted dwelling with a maximum of two (2) dwelling units no more than one (1) of which may be located within the lowest floor level of the existing dwelling in an appropriately designed and finished, habitable space that meets building, fire and electrical safety code requirements, and subject to the following two (2) 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.

Application APPROVED on conditions as stated

CARRIED, W. Mills

- b. Report P2022-13 from the Town Planner regarding Application for Consent B22/01- 250 Main Street E, Shelburne.

The Town Planner reviewed his report with the Committee and provided public comment that had been received.

A discussion ensued regarding the design of the new dwelling to match the heritage style, the removal and replacement of trees, the possible realignment of the driveways if trees are an issue.

Motion # 2

Moved By Councillor Fegan

Seconded By Councillor Hall

After considering the application the Committee is satisfied with allowing this consent for the purpose of severing 303.25 square metres of land from the original 682 square metres of lot area. 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 remove the existing attached

garage and to construct a new driveway and required parking spaces on the retained lot and 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 an easement to the satisfaction of Bell Canada; 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 accommodate the proposed lot areas, yards and setbacks;

5. That 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. That 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.

Stipulated Consent – subject to Subsections 50(3) and (5) of the Planning Act. Yes [] or No [X].

Application APPROVED on conditions as stated.

CARRIED, W. Mills

2. Motion to Adjourn

Motion # 3

Moved By Councillor Buffett

Seconded By Councillor Wegener

THAT the Committee of Adjustment now adjourns.

CARRIED, W. Mills

Committee of Adjustment meeting adjourned at 7:10 pm.

Mayor

Clerk