



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

Meeting Date: Monday, June 27, 2022

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

From: Steve Wever, Town Planner

Report: P2022-18

Subject: **Application for Minor Variance A22/06**
Orville Findley
105 Morden Drive, Shelburne

Recommendation

Be it Resolved that the Committee of Adjustment receive Report P2022-18 as information.

Be it resolved 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 A22/06 for the property municipally known as 105 Morden Drive and legally described as All of Lot 40 on Plan 7M-62 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.

Background

An application has been submitted for a minor variance for the property municipally known as 105 Morden Drive and legally described as Lot 40 on Plan 7M-62 in the Town of Shelburne, County of Dufferin. The subject property is located 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 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.

Analysis

The subject property is approximately 423 square metres (0.10 acre) in area and has a lot frontage of approximately 11 metres on Morden Drive. The subject property is designated 'Residential' in the Town's Official Plan and is zoned Residential Type Three Exception One (R3-1) in the Zoning By-law 38-2007.

The application submitted seeks 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 include:

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.

1. Is the application minor?

Yes – The proposed converted dwelling unit 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. Thus, the application is minor in nature.

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

Yes – The site is appropriately designated and zoned within a residential area where an additional dwelling unit is permitted and would not impact the exterior view from the street, thus it would not be noticeable to those passing by. The existing lower level of the existing house is currently unfinished, and the proposed renovations will change the lower level to a two-bedroom dwelling unit with living/dining/kitchen area and a separate entrance via a new exterior stairwell (with handrail and guard rail) and door at the back of the house. One existing window is proposed to be enlarged and a new window is proposed to be added. The Municipal Approval will require that any excess fill from excavation shall be removed and properly disposed of, and that any disturbed areas are properly restored to maintain positive drainage. A lot grading deposit will be required to ensure this work is completed to the satisfaction of the Town. The addition of a second dwelling unit within the existing dwelling will provide additional housing without changing the size of the existing dwelling or requiring any new site services. Adequate parking is available for the main dwelling and the additional residential unit, with 2 spaces available within the attached garage and an additional 2 spaces available within the existing driveway in the front yard. Thus, the application is desirable for the appropriate development the lands in question.

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

Yes – The subject property is zoned Residential Type Three Exception One (R3-1) 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.

Due to the way houses are generally designed, it makes it difficult to construct a converted dwelling unit without requiring a variance.

The property contains a double car attached garage which will meet the parking regulations for the additional dwelling unit. No other variances are required. Therefore, the application meets 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 Low Density designation permits a variety of residential uses including single detached, semi-detached and duplex dwellings. 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, which would be achieved by permitting the converted dwelling unit.

Regarding servicing capacity:

- the subject property is within the Stage 1 area for servicing, in the Official Plan;
- the additional residential unit proposed will not have any significant servicing impacts, but the cumulative impact of the conversion of existing homes must be considered and all residential development and intensification is subject to the availability of uncommitted reserve capacity;
- the proposed additional residential unit is in keeping with criteria for determining preferred development proposals for servicing allocation, as it optimizes the use of existing infrastructure, and contributes to complete community development with additional rental housing options, and supports compact development;
- the additional residential unit may also contribute to housing affordability;
- conditions are recommended to require the owner to obtain confirmation of servicing capacity from the Town Engineer, prior to Municipal Approval of a building permit, and to require the owner to obtain a building permit for the additional residential unit within one (1) year.

The latest annual update regarding sewage capacity allocation was received by Town Council on March 14, 2022, and Council resolved to re-establish a servicing reserve of 10m³/day for residential and mixed-use infill and intensification in the Stage 1 and 2 area. This reserve will provide the equivalent of approximately 12 to 30 residential units of capacity for the Stage 1 and 2 areas depending on the types of housing and/or mixed use development. There is sufficient reserve capacity for the proposed converted dwelling at 105 Morden Drive. Conditions are recommended to establish the requirements for the owner to obtain final confirmation of servicing allocation and associated time limits (must be used within 1 year of allocation).

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. The Residential designation contemplates a variety of dwelling types and densities including secondary uses such as parks, open space and home occupations. 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 specified in the Zoning By-law is in keeping with the land use pattern and built form found in the neighbourhood. There is sufficient reserve servicing capacity within the Stage 1 area to permit the second dwelling unit within the existing home.

Financial Impact

The applicant has paid the required application fee to cover the costs of processing this application. As per the Development Charges Act, development charges are not applicable to the additional residential unit proposed.

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 concerns or objections have been received as of the writing of this report.

The Director of Development and Operations has indicated no comments or concerns.

Supporting Documentation

Floor plans (converted dwelling)

Elevation Plans

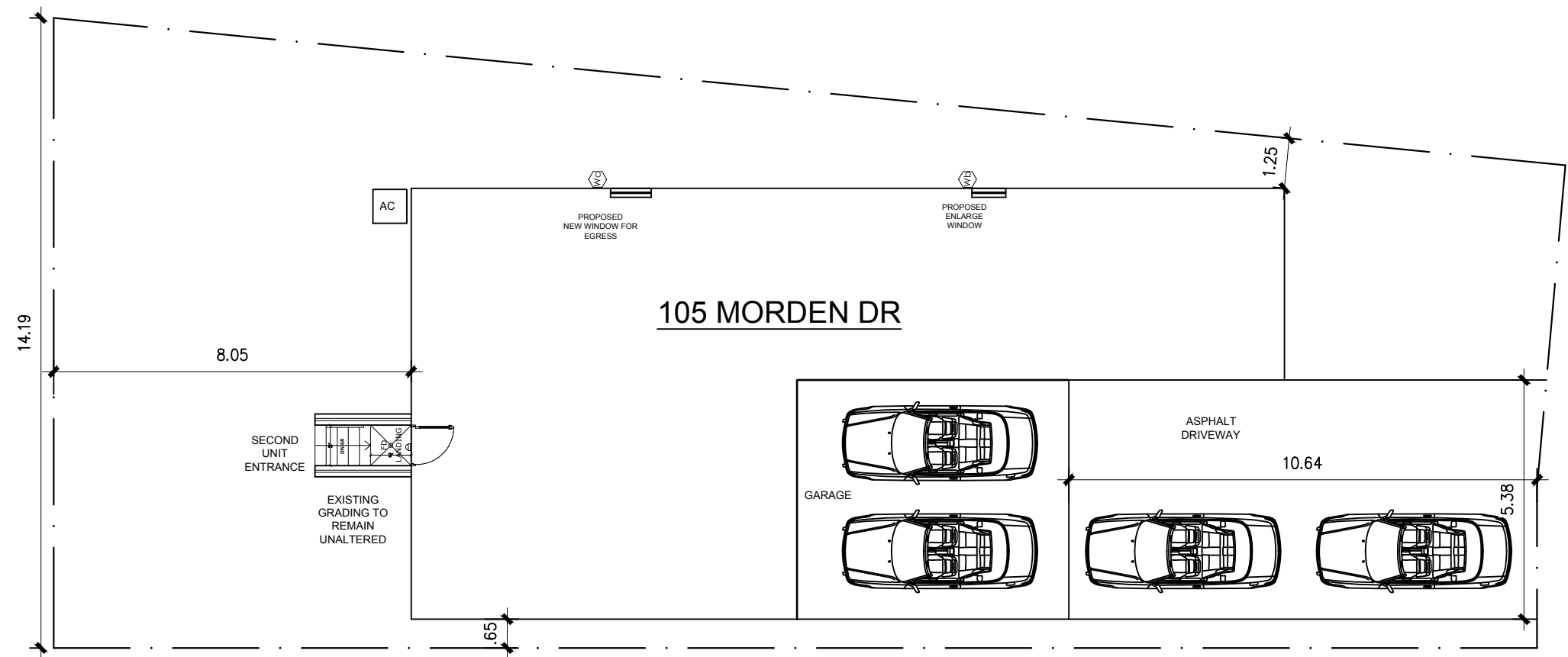
Site Plan

Prepared by:

Jenna Daum, Planning Coordinator

Reviewed by:

Steve Weber, Town Planner



SITE PLAN

SCALE- $\frac{3}{32}$ " = 1'0"

ALL DIMS ARE IN FEET/INCHES UNLESS NOTED OTHERWISE

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			XX
DATE:	NO.	DESCRIPTION	BY

REVISIONS:

PROJECT:

105 MORDEN DR

SHELBURNE

CLIENT:



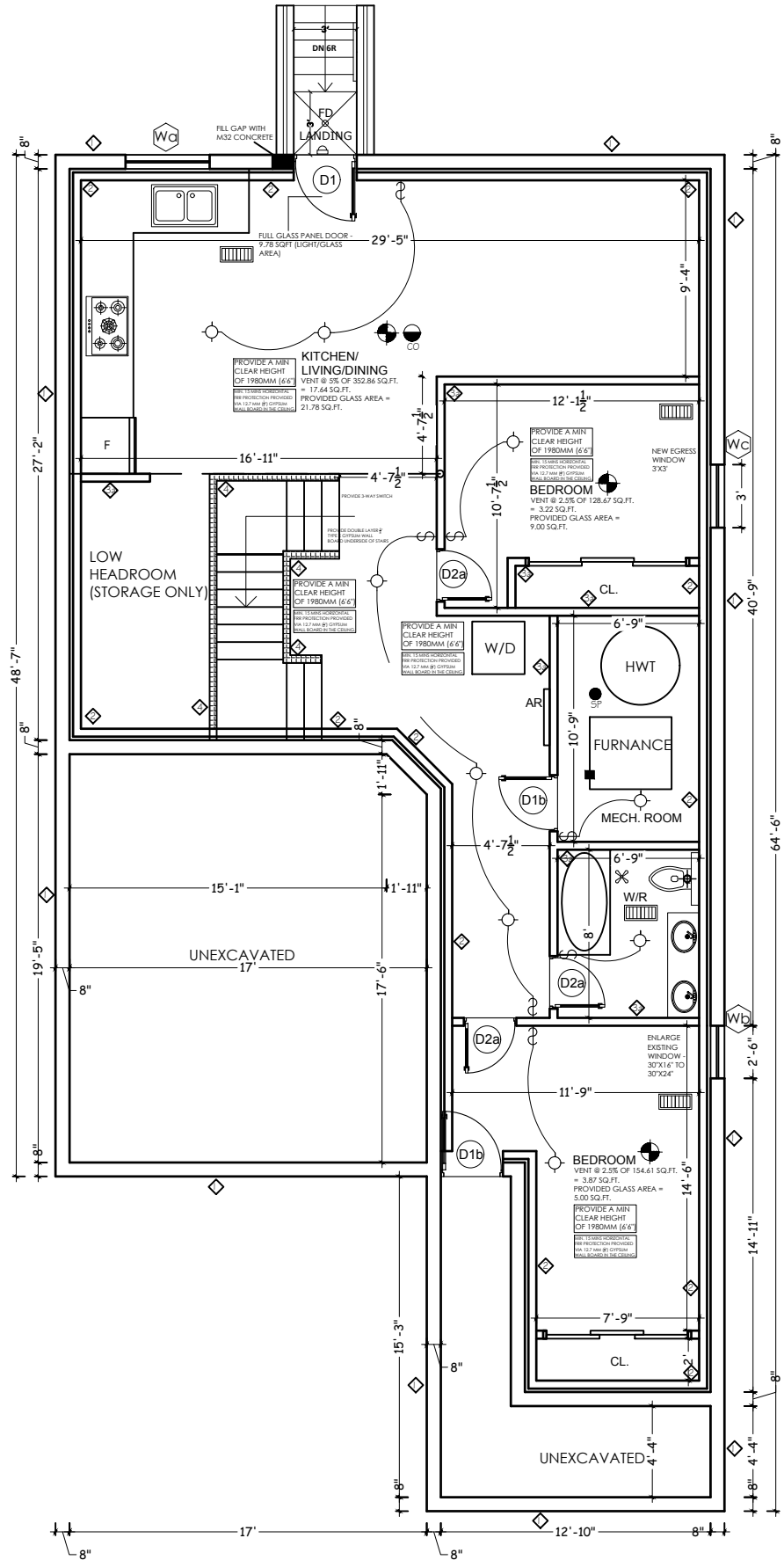
CONSULTING ENGINEERS

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BRAMPTON, ON L6W 3E7
Ph: 905-452-8200 Fax: 905-452-8285
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DRAWING TITLE:

SITE PLAN

DESIGN: AS	SCALE: AS NOTED	DRAWING NO: S1
DRAWN: AS	DATE: MAR, 2022	
CHECKED: AS	PROJECT NO DFL-2022-011	



MAX ALLOWABLE AREA FOR SECOND UNIT:
45% OF MAIN FLOOR + SECOND FLOOR.
45% X 2689.56 SQFT = 1210.30 SQFT
PROPOSED: 874.12 SQFT

- WALL SCHEDULE**
- PROPOSED INTERIOR 38 X 140 @406 O/C 12.7 MM $\frac{1}{2}$ " GYPSUM WALL BOARD ON BOTH SIDES WITH 89MM THICK ABSORPTIVE MATERIAL FOR 30 MIN FRR (SB-3, TABLE 1-W1c)
 - PROPOSED INTERIOR 38 X 140 @406 O/C 12.7 MM GYPSUM WALL BOARDS ON BOTH THE SIDES
 - EXISTING INTERIOR 38 X 140 @406 O/C 12.7 MM GYPSUM WALL BOARDS ON BOTH THE SIDES TO REMAIN AS IS
 - EXISTING 38 X 140 WOOD FRAMING @ 406 O.C. EXISTING INSULATION W/VAPOR BARRIER TO REMAIN
 - EXISTING FOUNDATION WALL

- LEGEND:**
- WIRED INTERCONNECTED SMOKE ALARM WITH VISUAL SIGNALING COMPONENT (STROBE)
 - PROVIDE DUCT TYPE SMOKE DETECTOR WHICH UPON ACTIVATION WILL TURN OFF FUEL SUPPLY AND ELECTRICAL TO THE HEATING SYSTEM
 - CLG. MTD. EXHAUST FAN POWERED BY ELECT. LIGHT SWITCH CONTD. TO O/S DAMPERED VENT
 - HEATING OUTLET
 - ELECTRIC OUTLET
 - SPRINKLER
 - CARBON MONOXIDE DETECTOR

- WINDOW SCHEDULE**
- (EXISTING WINDOW)
- Wa 48" X 36" WINDOW
- Wb LINTEL- EXISTING LINTEL TO REMAIN
- (PROPOSED WINDOW)
- Wb 30" X 24" WINDOW
- Wb LINTEL- EXISTING LINTEL TO REMAIN
- Wc 36" X 36" EGRESS WINDOW
- LINTEL- 3 $\frac{1}{2}$ " X 3 $\frac{1}{2}$ " X $\frac{1}{2}$ " STEEL ANGLE + 2" X 8" S.F.P. WITH MINIMUM 8" AND BEARING, TYPICAL
- DOOR SCHEDULE**
- (PROPOSED DOOR)
- D-1 815 X 2100 (32" X 80") EXTERIOR DOOR
- LINTEL- EXISTING WINDOW LINTEL TO REMAIN FOR NEW DOOR
- D-1a 815 X 2100 (32" X 80") 20 MIN FRR DOOR W/ SELF CLOSING DEVICE
- D-1b 815 X 2100 (32" X 80") INTERNAL DOOR
- D-2a 765 X 2100 (30" X 80") INTERNAL DOOR

- GENERAL NOTES:**
- ALL WORK SHALL CONFORM TO THE ONTARIO BUILDING CODE O. REG. 332 /12 AS AMENDED DIV. B. PART 7.
- ELECTRICAL NOTES:**
- ALL THE ELECTRICAL INSTALLATIONS MUST BE INSPECTED BY THE ELECTRICAL SAFETY AUTHORITY.
 - ALL SMOKE ALARMS ARE LOCATED WITH CONFORMATION OF OBC. DIV.B 9.10.19.3.
- PLUMBING NOTES:**
- ALL THE PLUMBING SHALL CONFORM TO THE ONTARIO BUILDING CODE O. REG. 332 /12 AS AMENDED DIV. B. PART 7.
 - PRESSURE BALANCE OR THERMOSTATIC MIXING VALVE REQUIRED ON SHOWER AS PER OBC DIV.B 7.6.5.2.(1)
 - THE MAXIMUM HOT WATER TEMPERATURE SUPPLIED TO THE FIXTURES IN RESIDENTIAL OCCUPANCIES SHALL NOT EXCEED 49° C (120° F) AS PER OBC ARTICLE 7.6.5.1. DISHWASHER AND CLOTHES WASHERS ARE EXEMPT FROM THIS REQUIREMENT.
 - ALL THERMOSTATIC VALVES SHALL CONFORM TO CAN/CSA-B125 "PLUMBING FIXTURES" AND BE LABELED ACCORDINGLY.
 - THE FIRE SPRINKLER SYSTEM SHALL BE A FLOW THROUGH SYSTEM WITH A MINIMUM $\frac{3}{4}$ " COPPER PIPE CONNECTED TO AT LEAST A $\frac{3}{4}$ " COPPER WATER PIPE OR DIRECTLY AFTER THE WATER METER.
- NOTE:THE INSTILLUTION OF CARBON MONOXIDE DETECTOR 5 SHALL COMPLY WITH OBC DIV B.9.33.4 REQUIREMENTS.
- : INSTALLATION OF HVAC EQUIPMENTS SHALL CONFORM TO MANUFACTURE'S SPECIFICATIONS AND MANUALS
- : MECHANICAL VENTILATION SHALL BE PROVIDED IN CONFORMANCE WITH OBC DIV B.9.32.3 REQUIREMENTS.

PROPOSED BASEMENT PLAN
SCALE- $\frac{1}{8}" = 1'0"$

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DATE:	NO.	DESCRIPTION	BY
			XX
REVISIONS:			

PROJECT:

105 MORDEN DR

SHELBURNE

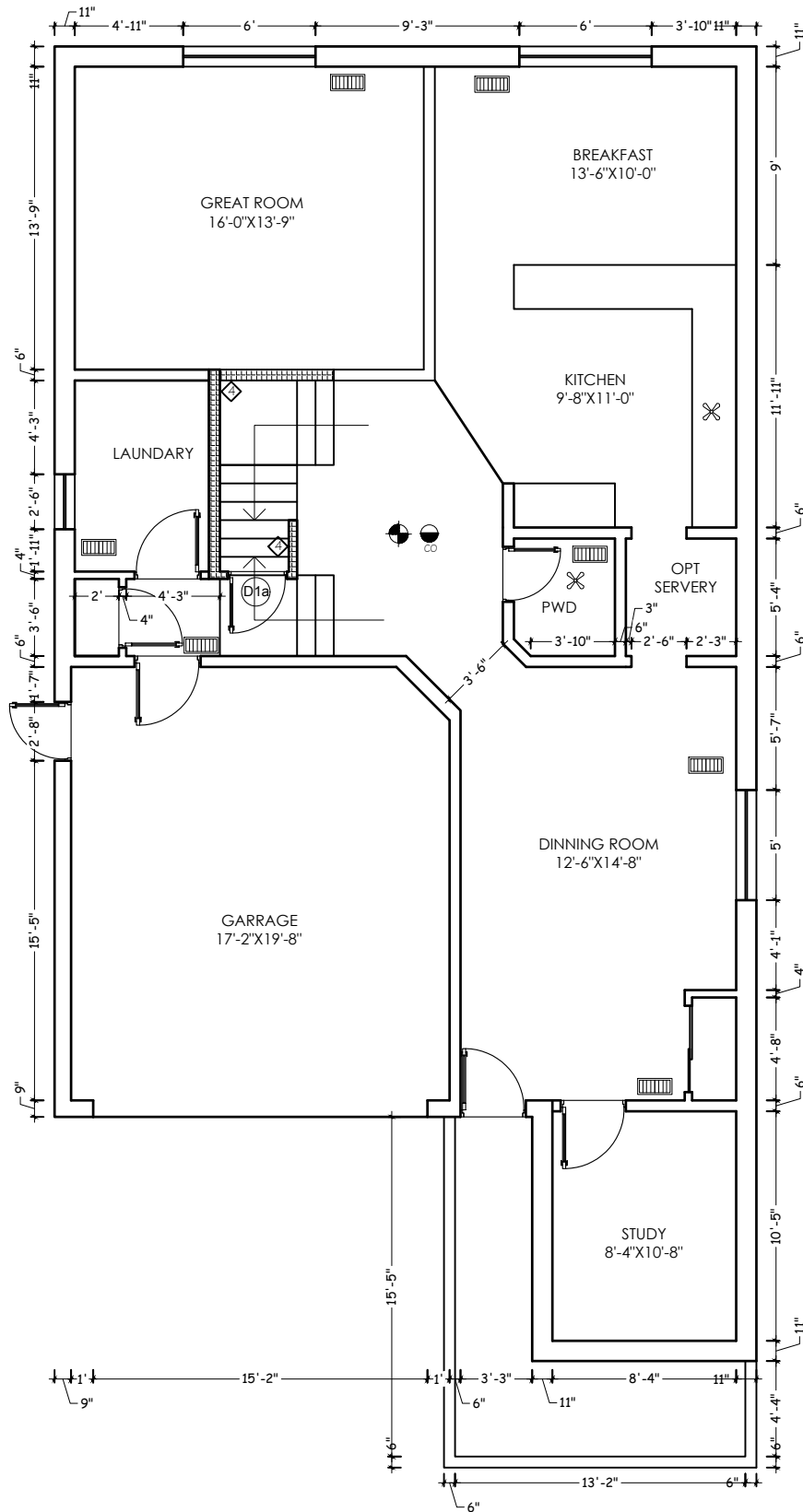
CLIENT:

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DRAWING TITLE:		
PROPOSED BASEMENT		
DESIGN: AS	SCALE: AS NOTED	DRAWING NO: A4
DRAWN: AS	DATE: MAR, 2022	
CHECKED: AS	PROJECT NO DFL-2022-011	



WALL SCHEDULE

- PROPOSED INTERIOR 38 X 140 @406 O/C 12.7 MM 1/2" GYPSUM WALL BOARD ON BOTH SIDES WITH 89MM THICK ABSORPTIVE MATERIAL FOR 30 MIN FRR (SB-3, TABLE 1-W1c)
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LEGEND:

- WIRED INTERCONNECTED SMOKE ALARM WITH VISUAL SIGNALING COMPONENT (STROBE)
- PROVIDE DUCT TYPE SMOKE DETECTOR WHICH UPON ACTIVATION WILL TURN OFF FUEL SUPPLY AND ELECTRICAL TO THE HEATING SYSTEM
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- HEATING OUTLET
- ELECTRIC OUTLET
- SPRINKLER
- CARBON MONO-OXIDE DETECTOR

WINDOW SCHEDULE

- (EXISTING WINDOW)
- Wa 48" X 36" WINDOW
- Wa LINTEL- EXISTING LINTEL TO REMAIN
- Wb 30" X 16" WINDOW
- Wb LINTEL- EXISTING LINTEL TO REMAIN
- (PROPOSED WINDOW)
- Wc 36" X 36" EGRESS WINDOW
- LINTEL- 3/4" X 3/4" X 1/2" STEEL ANGLE + 2" X 26" S-P-F WITH MINIMUM 6" AND BEARING, TYPICAL

DOOR SCHEDULE

- (PROPOSED DOOR)
- D-1 815 X 2100 (32" X 80") EXTERIOR DOOR
- LINTEL- EXISTING WINDOW LINTEL TO REMAIN FOR NEW DOOR
- D-1a 815 X 2100 (32" X 80") 20 MIN FRR DOOR W/ SELF CLOSING DEVICE
- D-1b 815 X 2100 (32" X 80") INTERNAL DOOR
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GENERAL NOTES:

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ELECTRICAL NOTES:

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- ALL SMOKE ALARMS ARE LOCATED WITH CONFORMATION OF OBC. DIV.B 9.10.19.3.

PROPOSED MAIN FLOOR PLAN
SCALE- 1/8" = 1'0"

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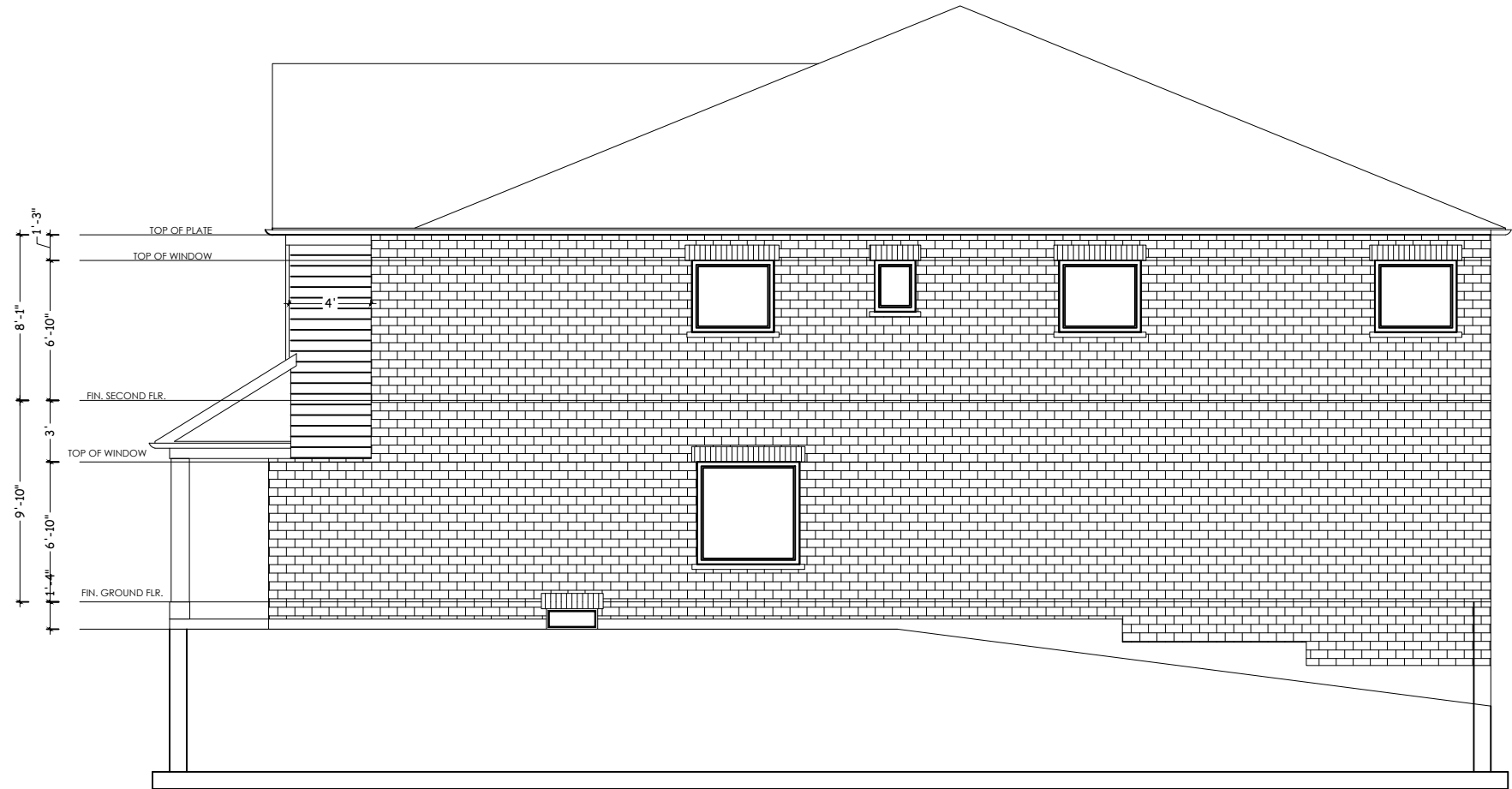
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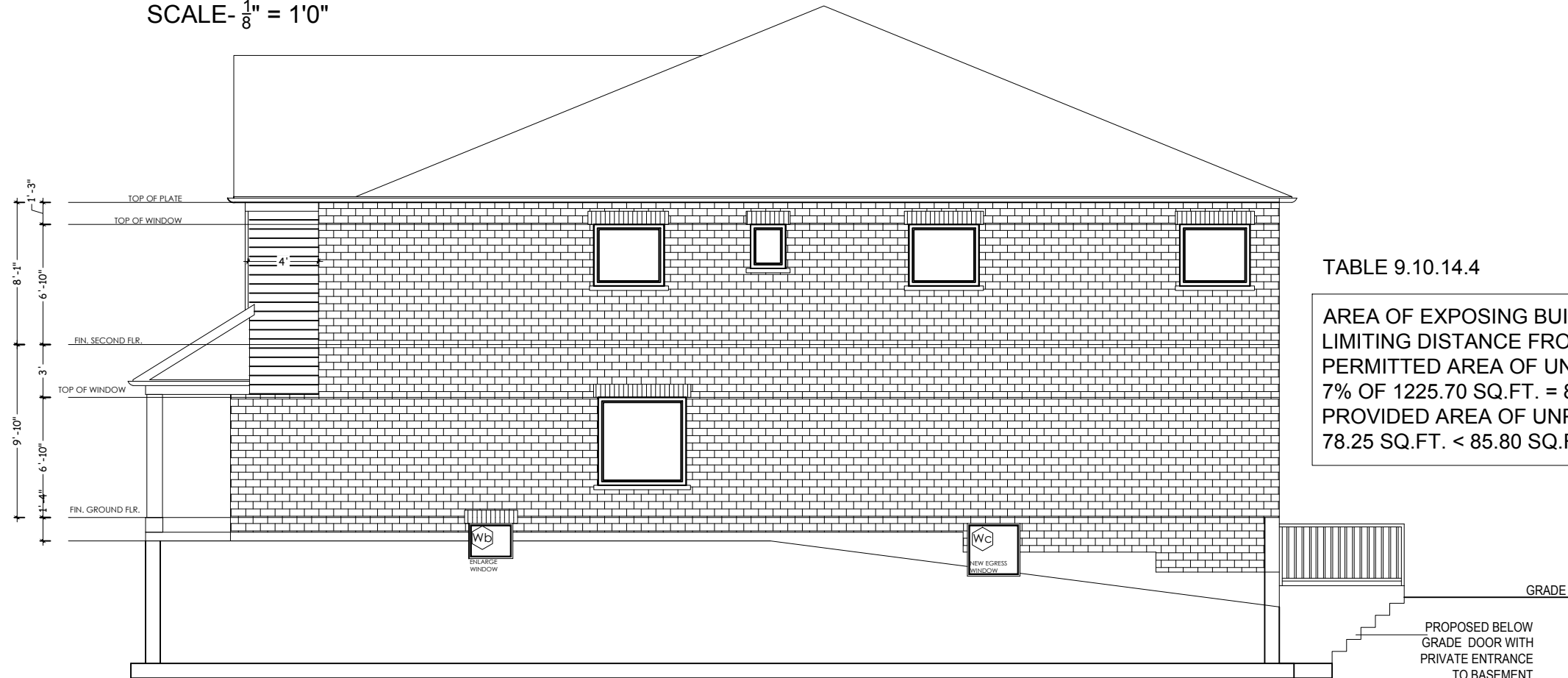
PROPOSED MAIN FLOOR

DESIGN: AS	SCALE: AS NOTED	DRAWING NO: A5
DRAWN: AS	DATE: MAR, 2022	
CHECKED: AS	PROJECT NO DFL-2022-011	

ALL DIMS ARE IN FEET/INCHES UNLESS NOTED OTHERWISE



EXISTING RIGHT ELEVATION
SCALE- $\frac{1}{8}$ " = 1'0"



PROPOSED RIGHT ELEVATION
SCALE- $\frac{1}{8}$ " = 1'0"

TABLE 9.10.14.4

AREA OF EXPOSING BUILDING FACE = 1225.70 SQ.FT.
LIMITING DISTANCE FROM LOT LINE = 4 FT
PERMITTED AREA OF UNPROTECTED OPENING =
7% OF 1225.70 SQ.FT. = 85.80 SQ.FT.
PROVIDED AREA OF UNPROTECTED OPENINGS =
78.25 SQ.FT. < 85.80 SQ.FT.

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DRAWING TITLE:

RIGHT ELEVATIONS

DESIGN:
AS

SCALE:
AS NOTED

DRAWING NO:

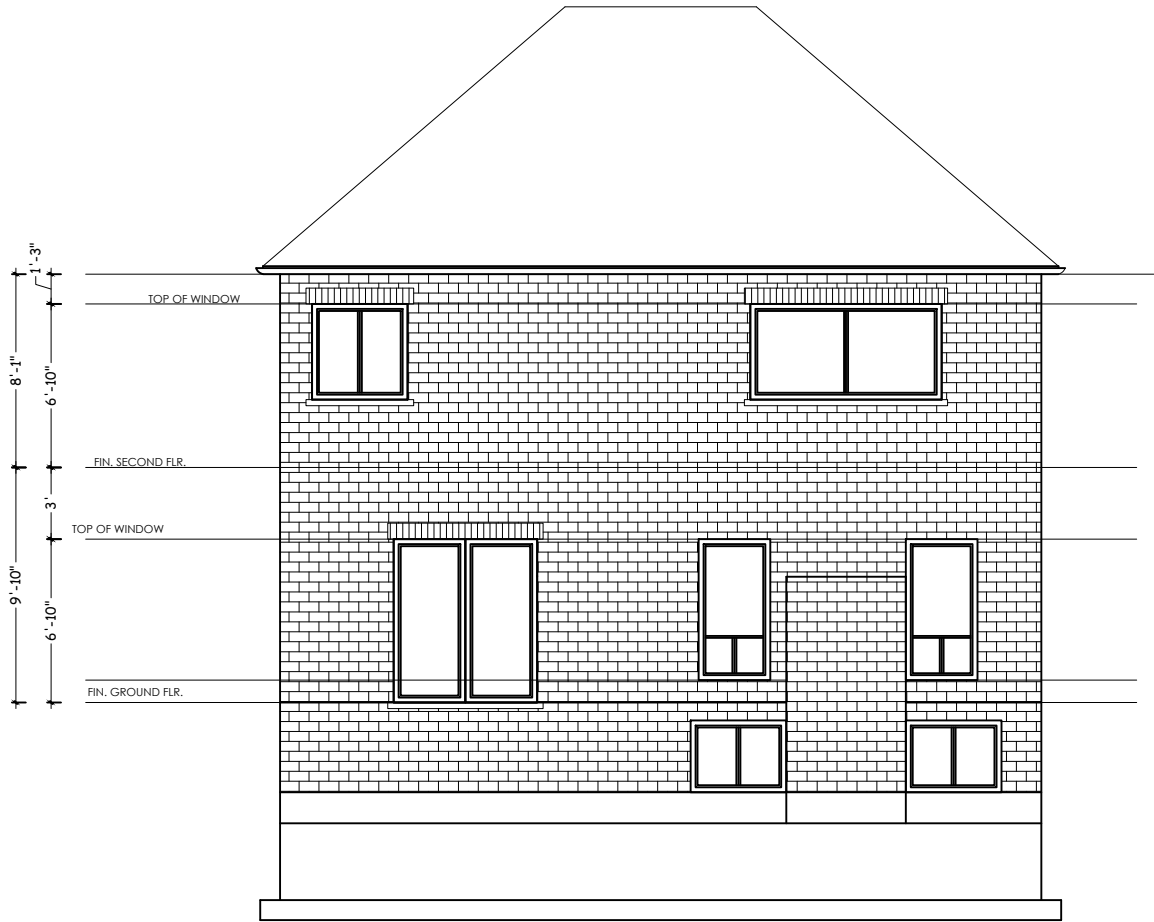
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DATE:
MAR, 2022

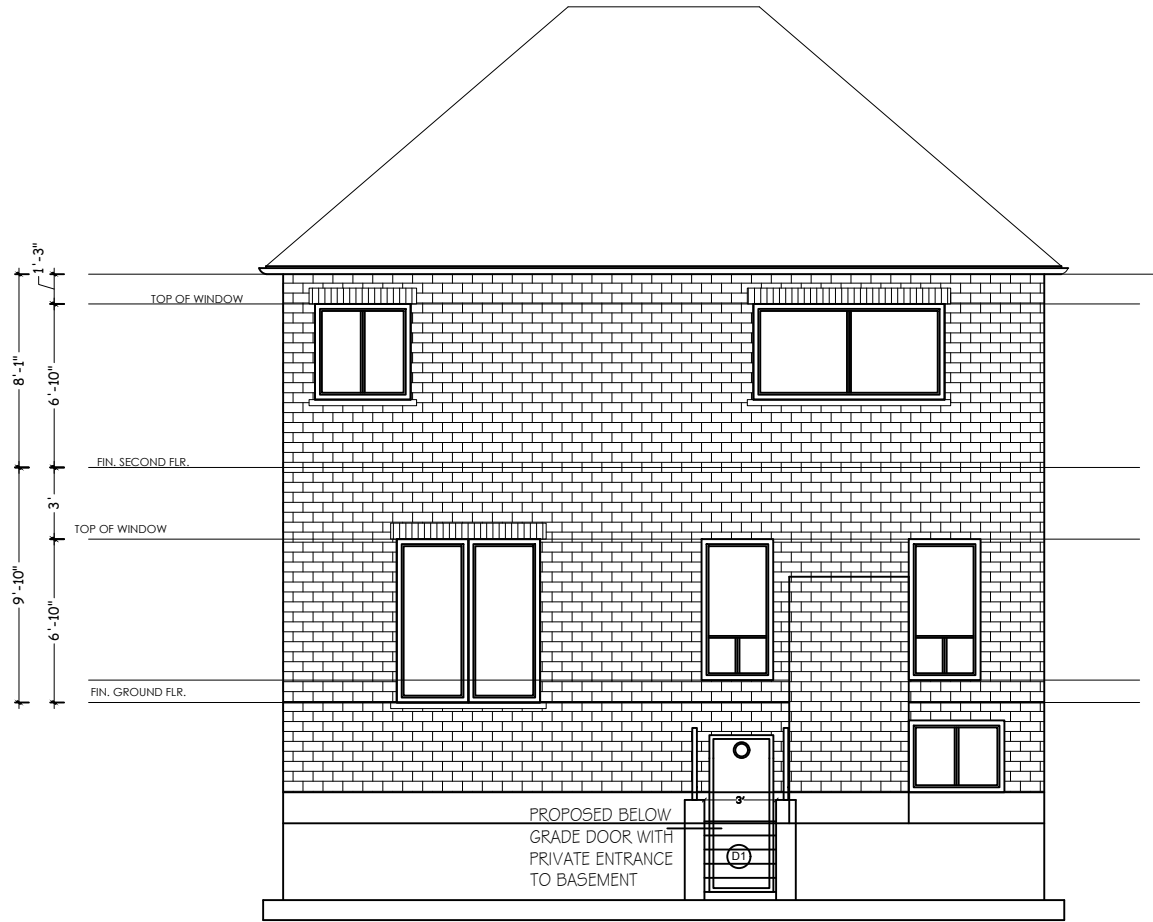
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PROJECT NO
DFL-2022-011

A6



EXISTING REAR ELEVATION
SCALE- $\frac{1}{8}$ " = 1'0"



PROPOSED REAR ELEVATION
SCALE- $\frac{1}{8}$ " = 1'0"

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DRAWING TITLE:

REAR ELEVATIONS

DESIGN: AS	SCALE: AS NOTED	DRAWING NO: A7
DRAWN: AS	DATE: MAR, 2022	
CHECKED: AS	PROJECT NO DFL-2022-011	