



Corporation of the Town of Shelburne
Committee of Adjustment - Minutes

June 27, 2022
6:30 pm
Electronic Participation

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

Members Absent: Deputy Mayor Steve Anderson

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
Alice Byl, Deputy Clerk

Others Present: Valerie Schmidt, Planner, GSP Group
Jenna Daum, Planning Coordinator, GSP Group

1. Call to Order

Committee of Adjustment called to order at 6:30 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 A22/06 is for property located at 105 Morden Drive in the Town of Shelburne. The purpose and effect 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. The application is seeking relief from the regulation which states that a dwelling unit shall not be located in the cellar of a dwelling.
- 2) Consent application B22/02 is for property located at 307 Victoria 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 392 square metres to create a new residential lot for a single detached dwelling on the subject land. The retained land will have an area of 440 square metres and is to be used for an existing single detached dwelling. The applicant has also submitted an application for Zoning By-law Amendment (Z22/02) concurrent with this application.

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 P2022-17 from the Town Planner Regarding Application for Consent B22/02 Anthony Matthew and Kristy Sarausky 307 Victoria Street, Shelburne

The Town Planner reviewed report P2022-17 with the Committee.

Committee members asked questions and received answers from the Town Planner regarding setback requirements, driveway location, tree removal and adding additional land to increase the lot size of the proposed severed lot. The applicants and owners of the subject property were able to provide context to the questions asked of the Committee.

Further discussion continued regarding designed guidelines, timelines associated to meet the requirements of the consent agreement and sewage allocation.

Motion # 1

Moved By Councillor Benotto

Seconded By Councillor Buffett

After considering the application the Committee is satisfied with allowing this consent for the purpose of severing 392 square metres of land from the original 831.24 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 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 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; and,
 - e) 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.

CARRIED, W. Mills

- b. Report P2022-18 From the Town Planner Regarding Application for Minor Variance A22/06 Orville Findley 105 Morden Drive, Shelburne

The Town Planner reviewed Report P2022-18 with the committee.

There were no questions or comments from Committee or public members in attendance.

Motion # 2

Moved By Councillor Hall

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 to permit a converted dwelling at 105 Morden Drive 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 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.

CARRIED, W. Mills

2. Motion to Adjourn

Moved By Councillor Fegan

Seconded By Councillor Hall

BE IT RESOLVED THAT the Committee of Adjustment now adjourns.

CARRIED, W. Mills

Committee of Adjustment Meeting adjourned at 7:06 pm

Mayor

Clerk