



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

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**Meeting Date:** Monday, October 03, 2022

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

**From:** Steve Wever, Town Planner

**Report:** P2022-26

**Subject:** **Application for Minor Variance A21/07  
Gott Enterprises Inc.  
485387 Sideroad 30, Shelburne**

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### Recommendation

Be it Resolved that the Committee of Adjustment receive Report P2022-26 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 A22/07 for the property municipally known as 485387 Sideroad 30 and legally described as Concession 2, Part Lot 31 and further designated as Part 1 on Registered Plan 7T-4664 in the Town of Shelburne, County of Dufferin, to permit relief from the required height of 5 metres and from the requirement that accessory buildings shall not be located closer to the street than a principal building, subject to the following conditions:

1. That the relief from the Zoning By-law is only or a maximum of two (2) accessory storage buildings (Quonset Huts) having a maximum combined gross floor area not exceeding 2,000 square metres and a maximum height of 8.5 metres measured between the average finished grade to the median height of the roof, which shall be located no closer than 25 metres to the south lot line;

2. That the Owner shall obtain approval of a site plan amendment from the Town of Shelburne for the proposed development of the additional buildings on the subject property and related site improvements;
3. That the site plan amendment shall include tree plantings and/or similar landscape screening along the south limit of the property between the proposed accessory storage buildings and the north side of County Road 11 (Sideroad 30) to mitigate the visual impact of the proposed buildings; and,
4. That this approval does not include the allocation of any additional servicing (water and sanitary sewer/wastewater treatment) capacity for the existing industrial use of the property, the accessory buildings shall be used for dry uses only in conjunction with and subordinate to the existing industrial use of the property except that water service may be permitted if required for fire protection only.

## Background

Loft Planning Inc., on behalf of the Owner (Gott Enterprises Inc.) has submitted an application for a Minor Variance for the property municipally known as 485387 Sideroad 30 (County Road 11) and legally as Concession 2, Part Lot 31 and further designated as Part 1 on Registered Plan 7T-4664 in the Town of Shelburne, County of Dufferin. The application requests relief from Zoning By-law 38-2007, Section 3.2.3 to permit a maximum building height of 8.5 metres for two (2) proposed accessory storage buildings (Quonset Huts) whereas a maximum of 5 metres is required. Additionally, based on the proposed location of the accessory buildings, relief is required from Section 3.2.2 of the by-law which requires that accessory buildings shall not be closer to the exterior side lot line (County Road 11 / Sideroad 30) than any principal building on the lot.

The subject property is located at the intersection of Sideroad 30 (County Road 11) and Second Line (County Road 11). There are two existing driveway entrances from the north side of Sideroad 30. The property contains a plastics recycling facility in one existing building with a footprint of approximately 17,560 square metres. A second building in the north-west corner of the property contains extrusion equipment and processes that required a taller building height to contain these operations inside the building. Two (2) previous Minor Variances (File Nos. A17/01 and A20/02) from the Town's Zoning By-law were requested and granted to permit a building height of 22.5 square metres for a portion of the second building on the property. The variance were granted conditional on the Owner obtaining site plan approval for the new building and building addition, and a site plan amendment was approved in 2017 for the extrusion building. The Owner entered into a Site Plan (Amending) Agreement with the Town dated May 15, 2017. The building

was constructed in 2018; however, the owners did not proceed with the building addition for which Minor Variance and Site Plan approvals were conditionally granted in 2020.

A further Minor Variance is requested to facilitate the construction of two (2) accessory storage buildings (Quonset Huts) in the southwest corner of the property. A related application has also been filed and is currently under review for a further amendment to the approved site plan and agreement to provide the details of the accessory buildings and related site improvements.

## Analysis

The subject property is currently designated 'Employment' in the Town Official Plan and is zoned 'Employment (M1)' in the Town Zoning By-law 38-2007. The lot is approximately 9.3 hectares in area with 306 metres of frontage on Sideroad 30 (County Road 11).

The enclosed site plan illustrates the proposed location and dimensions of the accessory storage buildings which will be used for the storage of plastic recyclables for processing at the existing recycling plant. The proposed buildings will have a combined gross floor area of approximately 2,000 square metres. As noted on the site plan, the proposed buildings will have a median height of 8.5 metres, which exceeds the maximum height required by the Zoning By-law for accessory buildings in an Industrial Zone. Also, the accessory buildings are proposed to be located closer to the south lot line along Sideroad 30 (County Road 11) than the existing main buildings on the property, which requires relief from the Zoning By-law.

Specifically, the application submitted requests a minor variance that would provide relief from Section 3.2.3 of the Zoning By-law that limits the maximum accessory building height to 5 metres. The applicant is proposing a maximum height of 8.5 metres (as measured based on the median roof height in accordance with the Zoning By-law – the total height to the peak of the roof is approximately 10.5 metres). Additionally, relief from Section 3.2.2 of the by-law required to allow the accessory buildings to be located closer to the south lot line than the main buildings on the property.

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 property is located within an industrial area, and the accessory buildings will be located on the west side of the property, away from the existing main buildings, setback 25.9 metres from the limit of Sideroad 30 (County Road 11), in an area where there are no nearby sensitive land uses or other land uses that could be negatively impacted. As the proposed buildings are on a large lot with industrial facilities immediately adjacent, the impact will be minimal. The property to the west has an existing stormwater management pond nearest to the proposed location of the accessory buildings, so there will be no impact to that property. Although the proposed buildings exceed the height by 3.5 metres, the impact of the increased height is mitigated by the design/shape of the building which is rounded, the proposed location of the buildings (no shadow, overlook or other impacts to adjoining streets or properties) and can be screened from view from the street with abundant space for landscaping around the buildings, and the buildings will be shorter than the main buildings on the property. The buildings will also enclose plastic recyclables which is a visual improvement and more desirable than open/outdoor storage of these materials. The proposed accessory buildings with municipal water and sanitary sewer services (except if/as required for fire protection) and therefore do not impact municipal infrastructure. As the buildings will be located closer to the south lot line than the existing main buildings on the property, it is recommended that tree planting or similar landscape measures be used to screen the view of the buildings from Sideroad 30 (County Road 11).

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

**Yes** – The lands are designated Employment in the Town Official Plan and zoned Employment (M1) in the Town's Zoning By-law. The proposed application will facilitate the enclosure of materials that would otherwise be stored in the open, and Loft Planning indicates that the additional height request for these structures would provide additional storage for the applicant's operation and further that two additional accessory structures at 8.5 metres, which is below the height of the main building, would be an appropriate use of land. The details and any required site improvements and/or external improvements to address drainage or other matters will be addressed through the required site plan amendment application. Therefore, the proposed development is appropriate for the lands.

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

**Yes** – The subject property is zoned Employment (M1) Zone and complies with the intent of the Zoning By-law with exception of the building height and the location of the proposed accessory buildings relative to the main building. The intent of the Zoning By-law as it relates to accessory buildings is to ensure that they are incidental and subordinate to the main use and buildings on the property, and do not impact the use and enjoyment of other properties in the area, and also that accessory buildings are appropriately scaled and located in the context of the area. As noted above, the impact of the increased height is mitigated by the proposed design and location of the buildings and the surrounding context, and the buildings are subordinate to the main buildings on the property which are taller. Additionally, although the location proposed for the accessory buildings is closer to Sideroad 30 (County Road 11) than the main buildings on the site, the accessory buildings will be setback 25.9 metres from the road allowance which is far greater than the exterior side yard requirement (7.5m) of the M1 Zone. The buildings are also well within the maximum coverage requirement for accessory buildings which is 10% in Industrial Zones whereas the proposed buildings will only occupy 2.2% of the property area. Based on the foregoing, and as the property is located within the Employment Zone, and the proposed accessory buildings are ancillary to and will be used in conjunction the existing industrial use and will not impact other properties in the area, the requested variance is in keeping with the intent of the Zoning By-law.

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

**Yes** – The lands are designated Employment in the Town of Shelburne Official Plan. The Employment designation permits a variety of industrial uses including manufacturing, processing, fabricating and assembly of materials as well as repair, servicing, distribution and storage of materials. The buildings will permit operational and capacity improvements for the existing industrial use as well as visual improvements with the increased capacity of enclosed storage space for raw materials / recyclables. Therefore, the Minor Variance should be considered in keeping with the general intent of the Town's Official Plan.

### **Summary**

The variance is requesting a maximum accessory building height of 8.5 metres where Section 3.2.3 of the Zoning By-law allows for a maximum of 5.0 metres. Relief is also required from Section 3.2.2 of the by-law to permit the proposed accessory buildings to be located closer to Sideroad 30 (County Road 11) than the existing main industrial buildings on the site. The variance is required to

facilitate the enclosed storage of additional recyclables to support the existing recycling facility on the property. The subject property is designated as Employment in the Official Plan and zoned Employment (M1) Zone in the Zoning By-law. It is our opinion that the proposed variance is minor and will not negatively impact any adjacent properties. All four tests as described by Section 45(1) of the Planning Act have been met. Conditions are recommended to limit this variance request to the two buildings currently proposed, to link the variance to the required amendment to the approved site plan (application in process), to require tree plantings or other landscape screening measures in the area between the proposed buildings and the north side of Sideroad 30 (County Road 11) and to require that the buildings shall be for dry use only with no additional municipal servicing allocation.

### Financial Impact

The applicant has paid the required application fee to cover the costs of processing this application. As the proposed buildings are accessory to the main use and are limited to dry use for storage purposes with no associated municipal servicing allocation and no other impacts to municipal infrastructure and services, Development Charges do not apply.

### 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.

The Director of Development and Operations has noted that the proposed buildings will be located partially over the newly installed 200mm raw water line (private water pipeline) that crosses the property and is used in conjunction with the water bottling plant (Ice River Springs) to the west. The pipeline runs on a 45-degree angle under the proposed accessory building location and parallel and very close to an existing private 250 mm watermain. This has been reviewed with the Director and the Town Engineer and has been addressed through a previous site plan amending agreement and an easement previously approved for the private water pipeline which establishes the requirements for repair of the water pipeline including the temporary removal/relocation of any existing buildings and structures if required to facilitate future repair work. The proximity of the proposed accessory storage buildings to the existing 250 mm watermain will be addressed in the required site plan amending agreement for the related site plan application for the new buildings.

No further circulation comments were received at the time of writing this report. The Site Plan application has also been circulated and any further comments will be obtained and addressed through that process.

### Supporting Documentation

Site Plan and drawings provided by applicant  
Letter from Loft Planning

Respectfully Submitted:

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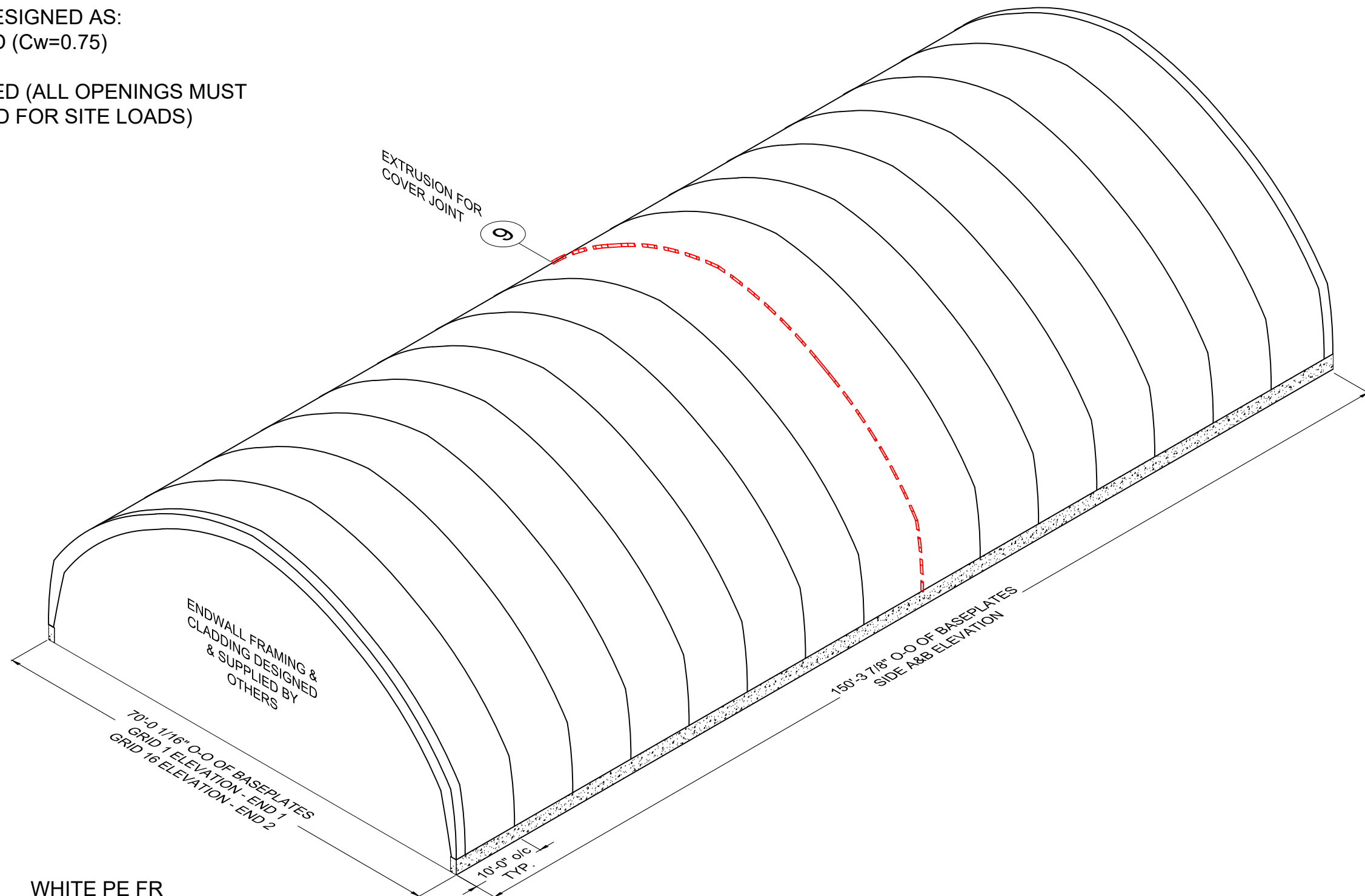
Steve Wever, Town Planner









NOTE:  
BUILDING IS DESIGNED AS:  
- EXPOSED (Cw=0.75)  
AND  
- ENCLOSED (ALL OPENINGS MUST  
BE RATED FOR SITE LOADS)



MAIN COVER: WHITE PE FR  
ENDFLAPS: WHITE PE FR

FOUNDATION  
DESIGNED &  
SUPPLIED BY  
OTHERS

<div><div>TF: 800-407-5846 www.britespanbuildings.com</div></div> <div>THIS DRAWING IS PROPERTY OF BRITESPAN BUILDING SYSTEMS INC.. ANY REPRODUCTION IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF BRITESPAN BUILDING SYSTEMS INC. IS PROHIBITED. THIS DRAWING IS NOT TO SCALE UNLESS OTHERWISE NOTED.</div>		DRAWN BY: NLW		<div><div>18/01/2022</div></div>			
		CHECKED BY: JKH					
REV #	CR #	DESCRIPTION:	DATE:	DEALER:		CUSTOMER:	
0		ISSUED FOR CONSTRUCTION	17.JAN.2022	PEAK BUILDERS 485 6TH AVE UNIT D HANOVER, ON. N4N 2G5		BLUE MOUNTAIN PLASTICS - BLDG 1&2 485387 30 SIDEROAD SHELBURNE, ON L9V 3N5	
				PROJECT:		ORDER ID:	DRAWING TITLE:
				APEX 2.0 70L10 x 150' 10' oc		SO# 9063 & 9064	PROJECT LAYOUT
						WIDTH-MOUNT-FABRIC 70-L10-220	SHEET NUMBER: ISO-1
							PAGE NUMBER: 05 /13





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September 9, 2022

Mr. Steve Wever, RPP, MCIP  
Town of Shelburne  
203 Main Street East  
Shelburne, Ontario  
L9V 3K7

Dear Mr. Wever:

**RE: Minor Variance – Gott Enterprises Inc. (Quonset Hut)**  
**485387 Sideroad 30 (County Road 11), Town of Shelburne**  
**Part East Half Lot 30, Concession 2, Registered Plan 7R4664, Pt 1, Town of Shelburne**  
**Role #222100000126000**  
**Our File: GOT.49121**

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We have been retained by the landowner, Gott Enterprises Inc., to act as planners for a Minor Variance to permit an increase in height for two proposed accessory structures on the Subject Lands. This Planning Justification Letter is required as part of a complete application for the Minor Variance to address the four tests of a Minor Variance.

This Planning Justification Letter provides an analysis of current land use planning policy to support the requested variance and to satisfy the four tests of a Minor Variance.

The following is the Variance request:

1. A Minor Variance is required to vary Section 3.2.3 where a maximum building height of 5 metres is permitted and 8.5 metres is requested.

### 1.0 Location

The Subject Lands are described municipally as 485387 Sideroad 30 (County Road 11) and legally known as Part East Half Lot 30, Concession 2, Registered Plan 7R4664, Pt 1, Town of Shelburne, County of Dufferin. The lands are located on the north side of County Road 11 and within an industrial area of Shelburne.

### 2.0 Site Description & Surrounding Uses

The Subject Lands have a lot area of 9.3 hectares and a lot frontage of 305 metres onto County Road 11. The property contains an existing plastics recycling industry in one existing building having a building footprint of approximately 17,560 square metres and a second more recently constructed building with a footprint of 3707 square metres. There are two existing driveway entrances from the north side of Sideroad 30. The main access on the site is located from Sideroad 30. The existing parking area located to the south of the building contains approximately 360 parking spaces including 3 barrier-free spaces.





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Existing loading spaces are located along the west wall of the building. The property abuts an existing municipal property to the north which contains an existing trail and sewer and water services. The existing water and sanitary sewer connections are located at the north-west corner of the property. There is an existing stormwater management facility in the easterly portion of the property which outlets to a ditch near the intersection of Sideroad 30 and Second Line. The property fronts onto County Road 11 which is under County jurisdiction for driveway access.

The Subject Lands are designated as a Primary Settlement Area in the County of Dufferin Official Plan. The Subject Lands are designated as Employment in the Town of Shelburne Official Plan. The Subject Lands are zoned Employment (M1) in the Town of Shelburne Zoning By-law No. 38-2007.

The proposal is for the construction of two additional accessory structures (Quonset huts) for the purposes of warehousing. The proposed structures will have a height of 8.5 metres.

### 3.0 Variance Request

The Subject Lands are zoned Employment (M1). The height requirements are contained in Section 3.2.3 under Accessory Structures in the zoning by-law.

Accessory Structures	Requirements	Proposed
Lot Coverage	10%	2.2%
Height	5 metres	8.5 metres

Based on a review of the Applications, a Minor Variance is required from the Table above.

1. A Minor Variance is required to vary Section 3.2.3 where a maximum building height of 5 metres is permitted and 8.5 metres is requested.

Accordingly, a Minor Variance application has been submitted to ensure that the proposed building meets the provisions of the Town of Shelburne Zoning By-law 38-2007.

### 4.0 Four Tests of A Minor Variance

Under Section 45 of the Planning Act, RSO, 1990, the Committee of Adjustment is given the power to approve minor variances to the provisions of the Zoning By-law where it is demonstrated that the proposed variance is desirable for the appropriate development of the land, and the general intent and purpose of the by-law and the official plan are maintained. These tests are summarized as follows:

1. *Is the variance in keeping with the general intent and purpose of the Town of Shelburne Official Plan?*





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2. *Is the variance in keeping with the general intent and purpose of the Town of Shelburne Zoning By-law?*
3. *Is the application minor in nature?*
4. *Is it desirable for the appropriate development or use of the land, building or structure?*

The Minor Variance to the By-law requirements will facilitate the construction of two additional accessory structures (Quonset huts). We submit that the four tests are met for the Minor Variance as follows:

**Test One: Is the variance in keeping with the general intent and purpose of the Town of Shelburne Official Plan?**

The Minor Variance maintains the general intent and purpose of the Town of Shelburne Official Plan. The lands are designated Employment in the Official Plan. The lands to the north and west of the property are also designated Employment in the Official Plan. Employment designation contemplates a variety of industrial uses including manufacturing, processing, fabricating and assembly of materials as well as repair, servicing, distribution and storage of materials, and offices.

Land use compatibility issues relating to noise, odor, traffic and vibration will be reviewed further at the time of site plan approval. On site mitigation measures will be adhered to, as standard practice for this use.

The proposal is related to an increase in the height allowance of an accessory structure, and does not propose a change to the land use designation on the Subject Lands. The proposed structures will be used for storage/warehousing of materials required for the main industrial use. The land use designation will remain Employment. It is our opinion that the requested variance is in keeping with the intent and purpose of the Official Plan.

**Test Two: Is the variance in keeping with the general intent and purpose of the Town of Shelburne Zoning By-law 38-2007?**

The requested variance maintains the general intent and purpose of the Town of Shelburne Zoning By-law 38-2007 which aims to protect properties from impacts associated with adjacent uses. The lands are located in an Employment area, with the majority of the surrounding land being used for industrial uses. The lands are 9.3 hectares in lot area, with over 300 metres of frontage on County Road 11, there are no negative impacts to the surrounding lands anticipated. The main building and accessory structures meet the setbacks and lot coverage required in the Zoning By-law.

Further, the permitted height of an accessory structure on the Subject Lands is 5 metres, and the variance is requesting a maximum height of 8.5 metres. It is our opinion that a 3.5 metre height increase allows the business to continue to grow, utilizes an existing industrial site, and is generally a use that would be compatible with adjacent land uses. As such, it is our opinion that the proposed height increase would generally maintain the intent and purpose of the Zoning By-law.

**Test Three: Is the application minor in nature?**

The proposed variance is minor in nature. The review of a Minor Variance application must consider the impact of the proposal on the adjacent properties, and the compatibility of the proposal with the surrounding land use of the area. The use of the word 'minor' must be reviewed on a site-specific





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basis relative to the immediate impact the approval of the variance would impose on the surrounding neighbourhood. The proposed structure would be considered minor. The proposed Quonset huts will be adjacent to the existing buildings, and they are not anticipated to impose any land use compatibility issues with abutting neighbours.

It is our opinion that the requested variance is minor in nature.

### **Test Four: Is it desirable for the appropriate development or use of land, building or structure?**

The proposed Minor Variance is desirable for the appropriate development of the Subject Lands. The lands are appropriately designated and zoned, and there is an approved Site Plan with the Town. The lands are used for industrial purposes, within an Employment area. The proposal is to construct two Quonset huts for raw material storage/warehousing which requires a variance for building height. The additional height request for these structures would provide additional storage for the applicant's operation. Two additional accessory structures at 8.5 metres, which is below the height of the main building, would be an appropriate use of land.

In our opinion, the Variance meets the four tests of a Minor Variance and represents good planning.

## 5.0 Conclusions

This Planning Letter has been prepared in support of an application for Minor Variance. The Variance would permit an increase in height for accessory structures on the Subject Lands. In our opinion the Minor Variance application meets the four tests of the Planning Act RSO, 1990.

Yours truly,

Kristine A. Loft BES BAA MCIP RPP  
Principal