



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

Meeting Date: Monday, October 03, 2022

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

From: Steve Wever, Town Planner

Report: P2022-27

Subject: **Application for Minor Variance A22/08**
Andrew and Melissa Cunningham
715 Hammond Street, Shelburne

Recommendation

Be it Resolved that the Committee of Adjustment receive Report P2022-27 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 A22/08 for the property municipally known as 715 Hammond Street and legally described as All of Lot 41 on Plan 7M-69 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 715 Hammond Street and legally described as Lot 41 on Plan 7M-69 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 410 square metres (0.10 acre) in area and has a lot frontage of approximately 12.3 metres on Hammond Street. The subject property is designated 'Residential' in the Town's Official Plan and is zoned Residential Type Three (R3) 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. Entrance to the proposed dwelling unit will be provided by a separate at-grade entrance available at the side of the home.

The owner has already obtained building permit approvals for the enlargement of three (3) existing windows for the proposed two (2) bedrooms, and two (2) new windows for the proposed lower-level living/dining room. 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 from the side of the home. 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 (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.

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 715 Hammond Street. 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 confirmed that there are four parking spaces on the property, although it was noted that the spaces appear to be used already. To comply with municipal parking requirements and

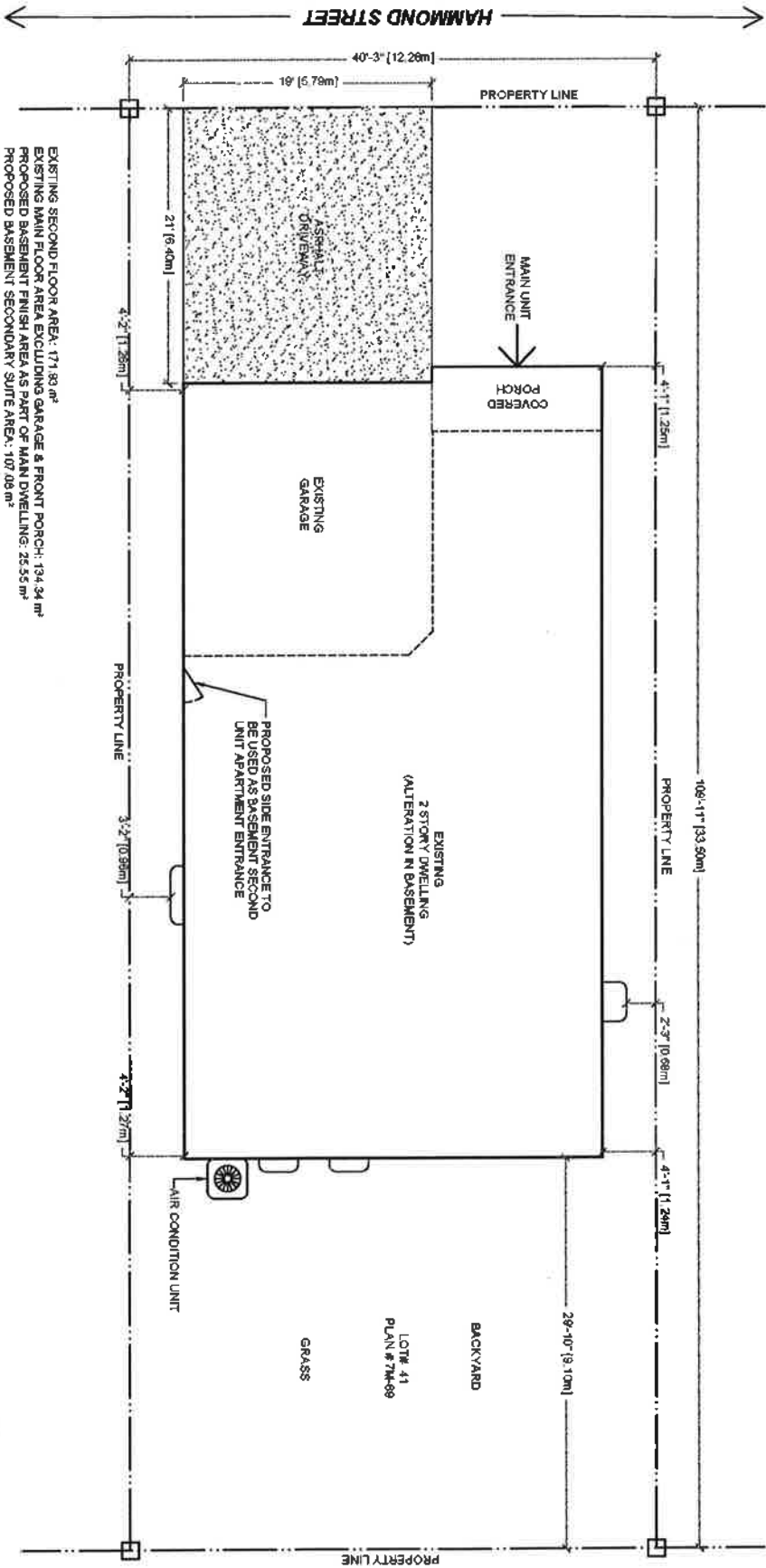
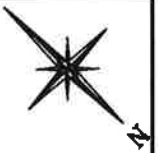
applicable by-laws, the owners will be required to provide adequate off-street parking for all occupants of the dwelling.

Supporting Documentation

Floor plans (converted dwelling)
Site Plan

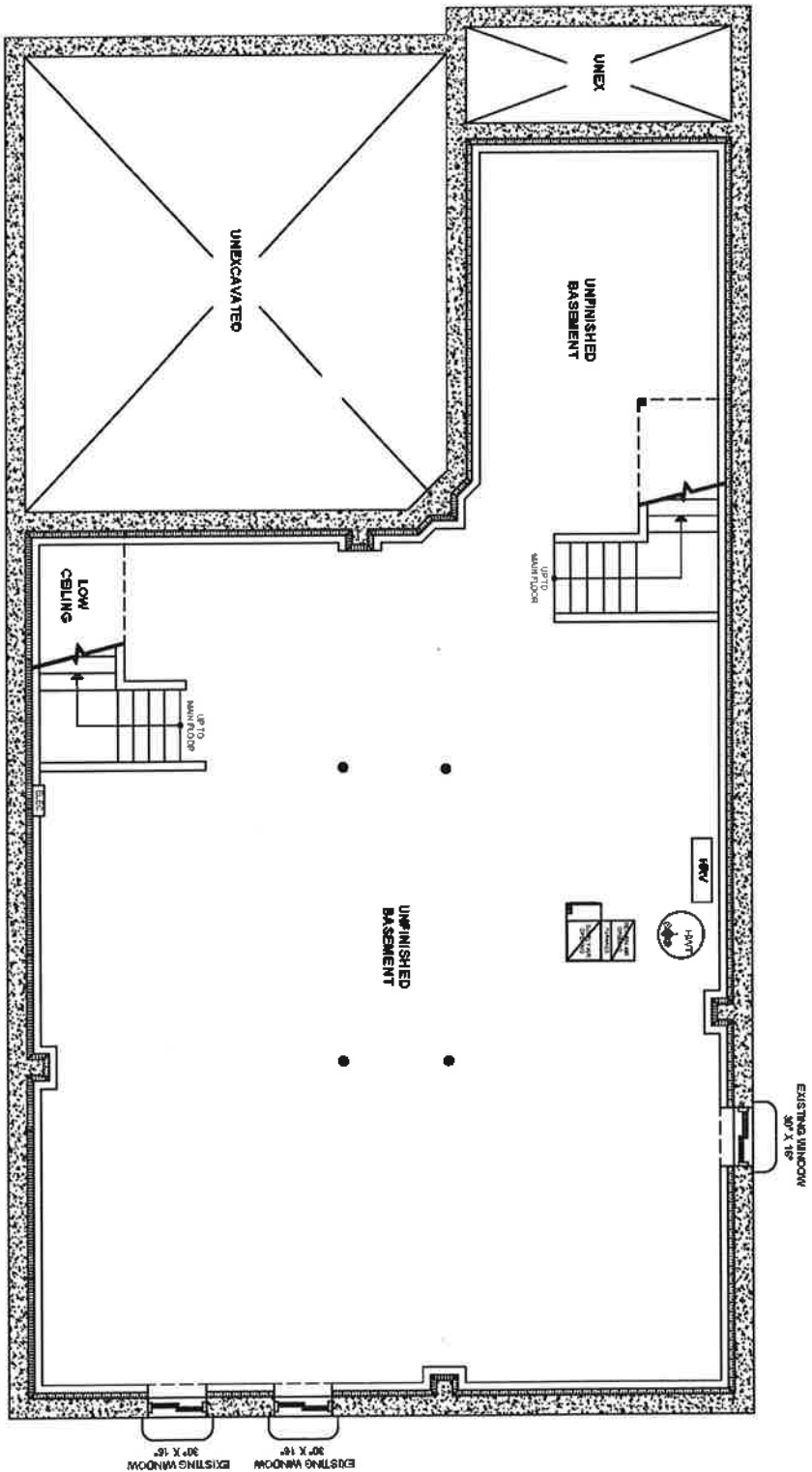
Prepared by:

Steve Weber, Town Planner

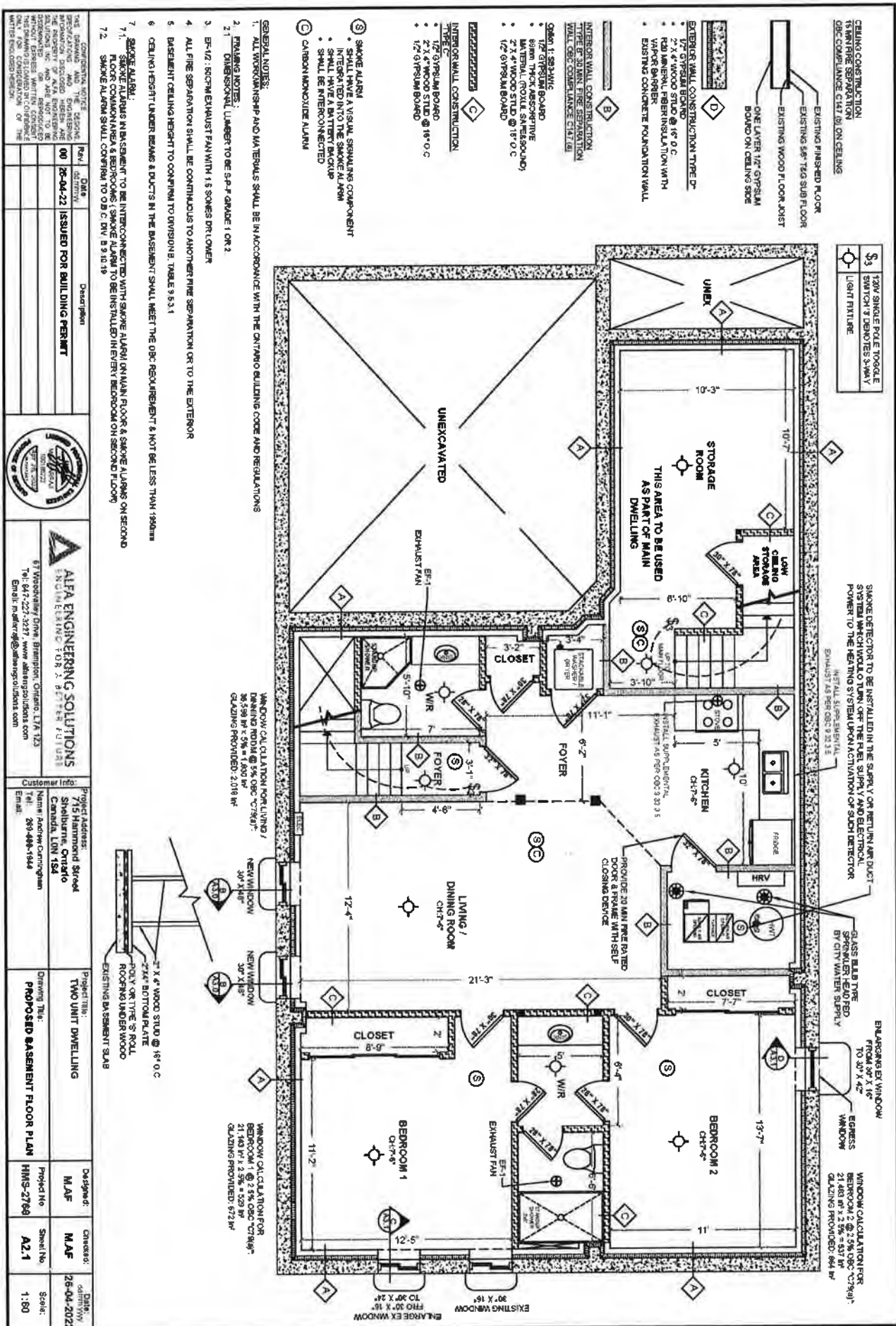


EXISTING SECOND FLOOR AREA: 171.83 m²
EXISTING MAIN FLOOR AREA EXCLUDING GARAGE & FRONT PORCH: 134.34 m²
PROPOSED BASEMENT FINISH AREA AS PART OF MAIN DWELLING: 25.35 m²
PROPOSED BASEMENT SECONDARY SUITE AREA: 109.08 m²
PARKING SPACES REQUIRED: 3 SPACES
PARKING SPACES PROVIDED / AVAILABLE: 2 SPACES INSIDE GARAGE
2 SPACES ON DRIVEWAY

Rev	Date	Description	Project Title	Design	Checked	Date
00	28-04-22	ISSUED FOR BUILDING PERMIT	TWO UNIT DWELLING	M.A.F.	M.A.F.	28-04-2022
Customer Info:						
Project Address:			Name:	Address:	City:	Post Code:
715 Hammond Street			Shabbar, Ontario	Canada, L0N 1S4		
Name: Andrew Campbell			Tel: 238-886-1444			
Email: andrew@campbell.ca						
Drawing Title:			Project Title:	Design:	Checked:	Date:
SITE PLAN			TWO UNIT DWELLING	M.A.F.	M.A.F.	28-04-2022
HMC-2708			Scale:	1:100		

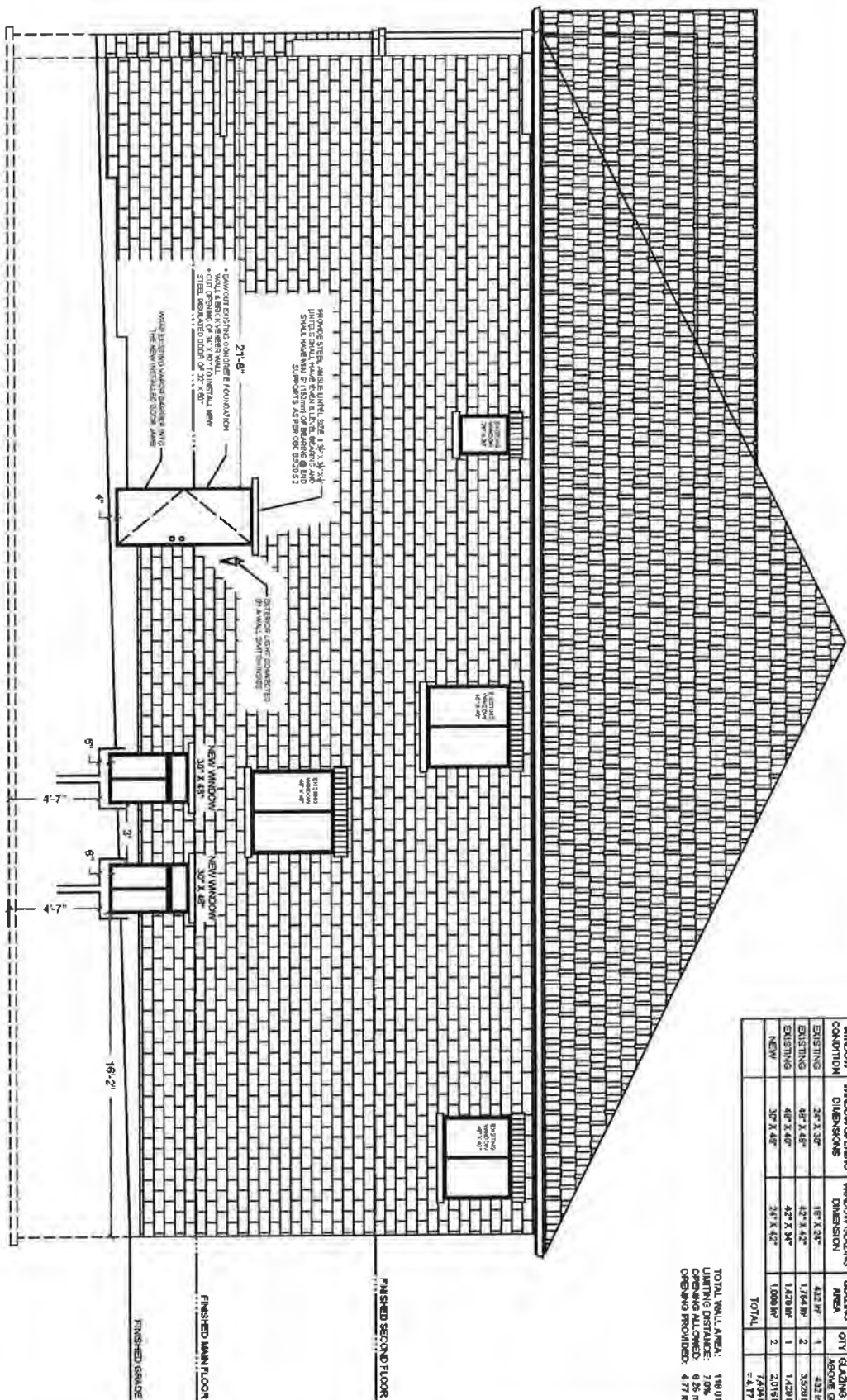


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Rev	Date	Description									
00	26-04-22	ISSUED FOR BUILDING PERMIT									
											
											
			67 Woodway Drive, Shelburne, Ontario, L7A 1Z3 Tel: 647-227-3227, www.alfasolutions.com Email: info@alfasolutions.com								
Customer Info:			Project Address: 715 Hammond Street Shelburne, Ontario Canada, L0N 1S4								
			Name: M.A.F. Tel: 647-227-3227 Email: info@alfasolutions.com								
			Drawing Title: EXISTING BASEMENT FLOOR PLAN			Project No: HHS-2755			Sheet No: A2.0		
						Scale: 1:50			Designed: M.A.F		
									Checked: M.A.F		
									Date: 26-04-2022		



WINDOW GLAZING AREA CALCULATION					TOTAL
WINDOW CONDITION	WINDOW OPENING DIMENSIONS	WINDOW GLAZING DIMENSION	GLAZING AREA	QTY	GLAZING AREA ABOVE GRADE
EXISTING	24" X 36"	18" X 30"	432 sq'	1	432 sq'
EXISTING	48" X 48"	42" X 42"	1,764 sq'	2	3,528 sq'
EXISTING	48" X 48"	42" X 42"	1,764 sq'	1	1,764 sq'
NEW	30" X 48"	24" X 42"	1,008 sq'	2	2,016 sq'
TOTAL					7,194 sq'
					+ 6.17 m ²

TOTAL WALL AREA: 118.01 m²
 LIMITING DISTANCE: 7.05 m
 OPENING ALLOWED: 8.25 m²
 OPENING PROVIDED: 4.77 m²



RIGHT ELEVATION

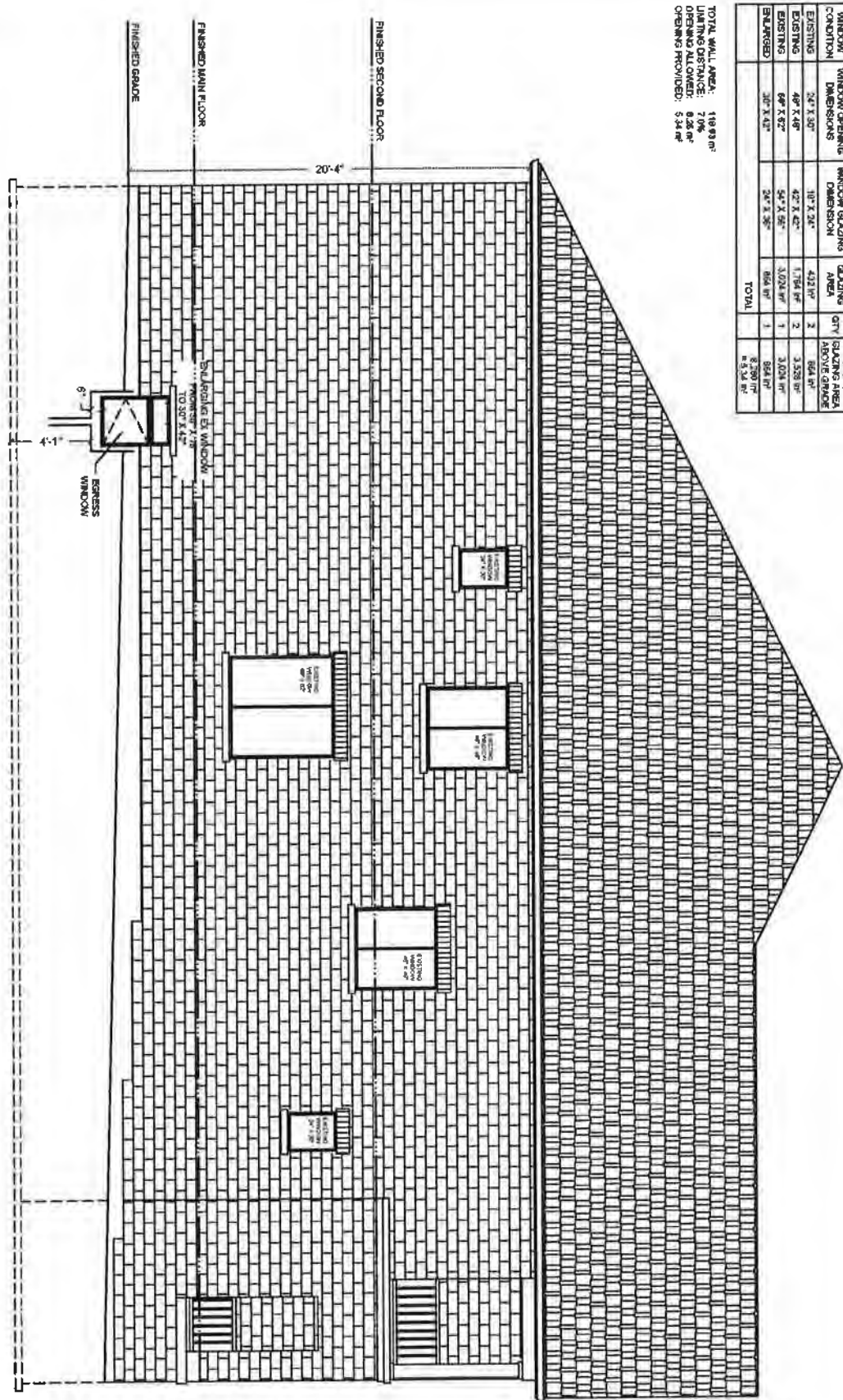
CONSTRUCTION NOTES: 1. ALL DIMENSIONS ARE IN METERS. 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 6. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 7. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 8. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.		Date: 26-04-22 Issued for Building Permit
Project Address: 715 Hammond Street Shelburne, Ontario Canada, L0N 1S4		Project Title: TWO UNIT DWELLING
Client Info: Name: Andrew Cunningham Tel: 299-484-1844 Email: acunning@shawmut.ca		Drawing Title: RIGHT SIDE ELEVATION
Designer: M.A.F.		Checked: M.A.F.
Project No: HNS-2766		Sheet No: A2.5
Scale: 1:30		Date: 26-04-2022



ALPHA ENGINEERING SOLUTIONS
 ENGINEERING CORPORATION
 67 Woodbine Drive, Brampton, Ontario, L7A 1K3
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WINDOW GLAZING AREA CALCULATION					
WINDOW CONDITION	WINDOW GLAZING DIMENSIONS	GLAZING AREA	QTY	TOTAL GLAZING AREA ABOVE GRADE	
EXISTING	3'4" X 3'0"	10' X 3'4"	432 sq'	2	864 sq'
EXISTING	4'4" X 4'4"	42' X 42"	1,764 sq'	2	3,528 sq'
EXISTING	6'4" X 6'2"	54' X 56"	3,024 sq'	1	3,024 sq'
BLANKETED	3'0" X 4'2"	24' X 36"	864 sq'	1	864 sq'
TOTAL				8,280 sq'	
				= 5.34 sq'	

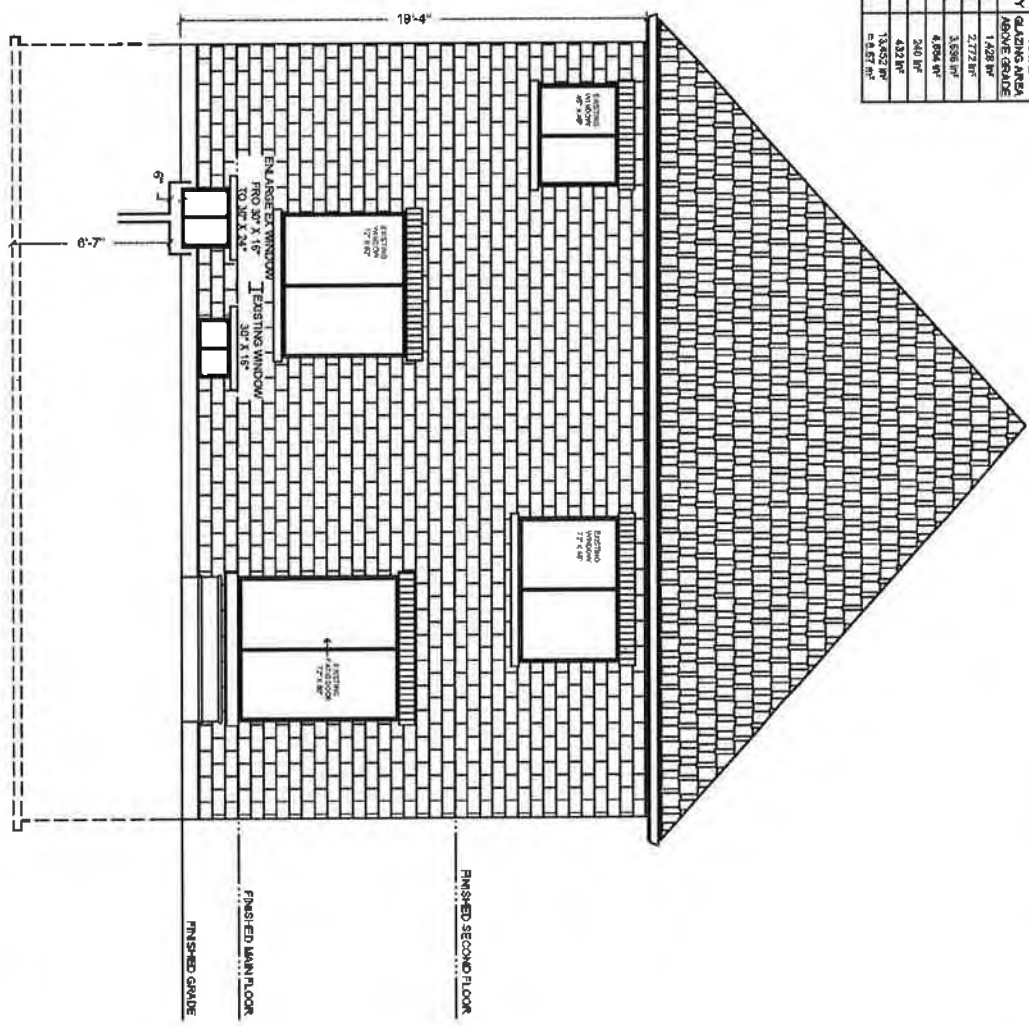
TOTAL WALL AREA: 118.83 m²
 LIMITING DISTANCE: 7.0%
 OPENING ALLOWED: 8.28 m²
 OPENINGS PROVIDED: 5.34 m²



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WINDOW GLAZING AREA CALCULATION				
WINDOW LOCATION	WINDOW GLAZING DIMENSION	GLAZING AREA	QTY	TOTAL GLAZING AREA ABOVE GRADE
EXISTING	40' X 40'	1,600 sq'	1	1,600 sq'
EXISTING	72' X 40'	2,880 sq'	1	2,880 sq'
EXISTING	72' X 60'	4,320 sq'	1	4,320 sq'
EXISTING	72' X 80'	5,760 sq'	1	5,760 sq'
EXISTING	30' X 15'	450 sq'	1	450 sq'
GLAZED	30' X 24'	720 sq'	1	720 sq'
TOTAL			5	15,630 sq'

TOTAL WALL AREA: 57,427 sq'
 LIMITING DISTANCE: 56.06'
 OPENING ALLOWED: 32.16 sq'
 OPENINGS PROVIDED: 9.87 sq'



REAR ELEVATION

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		<p>ALPHA ENGINEERING SOLUTIONS ENGINEERING FOR A BETTER FUTURE</p> <p>67 Woodbine Drive, Brampton, Ontario, L7A 1T3 Tel: 647-227-3227, www.alphaengsolutions.com Email: info@alphaengsolutions.com</p>
Project Address: 1511 Street Shelburne, Ontario Canada, L0M 1S4		Project Title: TWO UNIT DWELLING
Client: Name: Jason Cunningham Tel: 647-227-3227 Email: jason.c@alphaengsolutions.com		Drawing Title: REAR ELEVATION
Designer: MAF	Checker: MAF	Date: 26-04-2022
Project No. HHS-2759	Sheet No. A2.7	Scale: 1:50