



**Corporation of the Town of Shelburne**  
**Committee of Adjustment - Minutes**

April 12, 2021  
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 & Operations  
Steve Wever, Town Planner

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**1. Call to Order**

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>

Committee of Adjustment called to order at 6:30 pm by Mayor Mills.

Tonight, we have a public meeting being held under Sections 45(5) and 53 of the Planning Act to consider a minor variance application and 2 consent applications.

1. Minor variance application A21/02 is for property located at 201 Wellington Street. The purpose and effect of the application is to request relief from Section 3.2.2 of Zoning By-law 38-2007 in order to permit a proposed temporary accessory structure located 18.37m from the front property line (Main Street West).
2. Consent application B21/01 is for property located at 331 Victoria Street. The purpose and effect of the easement application is to create a 3.0m easement along the north property line, starting at the east property line (lane), across the entire length of the severed property (east lot), ending 9.5 m into the retained lot (west lot), for a total length of 32.2 m (96.6 square metres).
3. Consent application B21/02 is for property located along the west side of Victoria Street north of Sideroad 30. The purpose and effect of the application is to sever a portion of the property to have a land area of approximately 6.54 hectares, the retained lot will have an area of approximately 53.01 hectares. The proposed Consent would sever the portion of the subject property located within the Town of Shelburne (the proposed severed lot) from the balance of the land located in the Township of Amaranth (the proposed retained lot). The retained and severed lots are proposed to remain in agricultural use.

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 as of March 11, 2021, notice is posted on the Town's 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 P2021-08 from the Town Planner regarding application for consent - B21/01 - Sandy Brown - 331 Victoria Street.

The Town Planner reviewed his report with committee members.

A discussion ensued regarding current sanitary servicing versus newly constructed servicing.

**Moved By** Councillor Benotto  
**Seconded By** Councillor Buffett

After considering the application the Committee is satisfied with allowing this easement for the purpose of creating a private easement granting shared access to private sanitary sewers located within the proposed severed and retained lot (B20/03). 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. That approval of the easement documents and the draft reference plan 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;
3. That the Owner enter into an agreement with the Town which addresses the provision of an easement which be registered on title to the lands in priority to all other claims, encumbrances, or other item to the satisfaction of the Town solicitor; and,
4. That the conditions are to be fulfilled and the consent is to be finalized on or before one year from the date of the issuance of the Committee's notice of decision.

**CARRIED, W. Mills**

- b. Report P2021-09 from the Town Planner regarding application for consent - B21/02 - Besley Country Market Ltd.

The Town Planner reviewed his report with committee members.

**Moved By** Councillor Fegan

**Seconded By** Councillor Buffett

After considering the application the Committee is satisfied with allowing this consent for the purpose of severing approximately 6.54 hectares (16.16 acres) of land from the original 59.6 hectares (147.27 acres) 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. 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
3. That the conditions are to be fulfilled and the consent is to be finalized on or before one year from the date of the issuance of the Committee's notice of decision.

**CARRIED, W. Mills**

- c. Report P2021-10 from the Town Planner regarding application for minor variance - A21/02 - Glen Schnarr & Associates Inc. - 201 Wellington Street.

The Town Planner reviewed his report with committee members.

A discussion ensued regarding building and fire code requirements, the length of time for the temporary structure to

remain and the requirement for security deposits through the site plan agreement.

**Moved By** Councillor Hall

**Seconded By** Councillor Buffett

After considering the application the Committee is satisfied that the request is desirable for the appropriate and continued use of the subject property, maintains the general intent and purpose of the Zoning By-law and Official Plan, and is minor in nature.

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.

Application approved, subject to the following requirements and conditions:

1. A maximum of two (2) accessory buildings shall be permitted to be located closer to the front lot line (Main Street West) than the existing principal building on the property, including one (1) accessory storage building having a maximum gross floor area of 1,116 m<sup>2</sup> and one (1) accessory pumphouse building having a maximum gross floor area of 15 m<sup>2</sup>;
2. The accessory storage building shall be used only for the purposes of the temporary storage of lumber products in conjunction with the existing lumber products industry on the same lot and shall be removed on the earlier of April 12<sup>th</sup>, 2024 or the date specified in a Site Plan Agreement;
3. The accessory pumphouse building shall be used only for the purposes of pumping water from a stormwater retention pond to be constructed on the lot in accordance with an approved Site Plan;
4. The accessory buildings shall not be severed from the lot containing the existing principal building and the existing industrial use on the lot;
5. The accessory storage building shall be located no closer than 55 metres to the nearest adjacent lot line to the west, 35

metres to the nearest adjacent lot line to the south, 55 metres to the easterly lot line comprising the former CP railway, 60 metres to the front lot line (Main Street West), and 4.5 metres from the nearest lot line of the adjoining lots in a Commercial Zone;

6. The accessory pumphouse shall be located no closer than 18 metres from the nearest lot line of the adjoining lots in a Commercial Zone and no closer than 26 metres from the nearest property line of the lot(s) to the south and west;
7. Prior to the Town's Municipal Approval for construction of the temporary accessory storage building, an acoustical assessment memo addressing the potential noise impact on neighbouring dwellings shall be submitted to the satisfaction of the Town;
8. Prior to the Town's Municipal Approval for construction of an accessory building or structure, a siting and grading plan shall be submitted to the satisfaction of the Town, including adequate provisions for fire protection, and directing drainage and runoff away from Main Street West and into the existing drainage/culvert system; and,
9. The Owner shall obtain permission from the NVCA for works within the regulated area.

**CARRIED, W. Mills**

## **2. Motion to Adjourn**

**Motion #**

**Moved By** Councillor Benotto

**Seconded By** Councillor Hall

BE IT RESOLVED THAT the Committee of Adjustment now adjourns.

**CARRIED, W. Mills**

Committee of Adjustment now adjourns at 7:13 pm.

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Mayor

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Clerk



**Corporation of the Town of Shelburne**  
**Council Minutes**

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Councillor Lynda Buffett  
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Councillor Shane Hall  
Councillor Lindsay Wegener

Staff attending: Denyse Morrissey, CAO  
Carey Holmes, Director of Financial  
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Jim Moss, Director of Development & Operations  
Steve Wever, Town Planner

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**1. Call to Order**

Council meeting called to order at 7:13 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.

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Canadian National Anthem

Land Acknowledgement:

We would like to acknowledge the traditional territory of the Anishinaabe including the Ojibway, Potawatomi and Chippewa and the People of the Three Fires Confederacy.

**2. Disclosure of Pecuniary Interest and General Nature Thereof**

No Disclosures.

**3. Closed Session**

**Motion # 1**

**Moved By** Councillor Benotto

**Seconded By** Councillor Fegan

THAT Council enters closed session as per section 239(2)(b) and (f) to discuss personal matters about an identifiable individual, including municipal or local board employees and to discuss advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED, W. Mills**

Entered closed session at 7:16 pm.

**Motion # 2**

**Moved By** Councillor Benotto

**Seconded By** Councillor Hall

THAT we now rise from closed session to resume regular business.

**CARRIED, W. Mills**

Rose from closed session at 8:26 pm.

**Motion # 3**

**Moved By** Councillor Benotto

**Seconded By** Councillor Buffett

BE IT RESOLVED THAT Council receives the in-camera staff report FS 2021-01 with respect to the Shelburne Police Service Severance Contract Disbandment Costs;

AND THAT Council directs the Treasurer to fund the 2020 police severance liability and the estimated future 2021 police severance liability, as outlined in the report, by utilizing existing Police Reserves, including the Emergency Services Accommodation Levy (2020-2022) and the extra \$170,578 recognized as additional 2020 general surplus at year end for the town.

**CARRIED, W. Mills**

**Motion # 4**

**Moved By** Councillor Wegener

**Seconded By** Councillor Hall

THAT Council receives the information regarding wastewater servicing and allocation as presented by David Germain of Thomson Rogers.

**CARRIED, W. Mills**

**4. Adoption of Minutes**

1. Minutes from the March 15, 22 and 25th Council meetings.

**Motion # 5**

**Moved By** Councillor Benotto

**Seconded By** Councillor Hall

BE IT RESOLVED THAT the minutes from the Council meetings held March 15, 22 and 25th, 2021 be approved as presented and circulated.

**CARRIED, W. Mills**

## **5. Planning Public Meeting**

1. Report P2021-11 from the Town Planner regarding application for zoning by-law amendment - Z21/01 - Michael Leonardelli - 105 Mill Street and consideration of By-law #16-2021.

Tonight's public meeting under section 34 of the Planning Act is to consider an application for zoning by-law amendment, for lands municipally known as 105 Mill Street.

The purpose and effect of the Amendment is to rezone the property from Residential Type Two (R2) Zone to a new site-specific Residential Type Two Exception (R2-#) Zone. The application is proposing site-specific provisions to permit a converted dwelling with a total of 3 dwelling units, two converted dwellings in the lower level of the dwelling, which is defined as a "cellar" in the Zoning By-law, within the existing single detached dwelling, and parking within the first 6.0m of the front property line for the purposes of satisfying the parking requirements.

I will ask the Clerk for the method of notice for the public meeting.

The Clerk indicated that notice of tonight's public meeting was advertised in local media sources as of March 11, 2021. Notice has been posted on the Town's website and notice was provided to property owners within a 120-metre radius of the subject property.

We will have a presentation by the Town Planner, following which there will be an opportunity for members of the public and Council to ask questions or provide comments. The Clerk will also accept written submissions. All submissions, written and oral, will be given consideration by the Council prior to any decision being made.

The Town Planner reviewed his presentation and report with Council.

A discussion ensued regarding the close proximity to the McKelvie Burnside assisted living residence, the residents accessing the road way with their wheelchairs as there are no

sidewalks, traffic concerns, additional vehicular traffic and parking of tenants on the roadway, the expansion of the driveway to accommodate 6 cars for dedicated parking on site of the subject property, the planning policies and principles that apply to the application for the provision of accessory units, accommodation of servicing and allocation relating to accessory units, delaying/deferring a decision on the application until a better understanding of remaining allocation has been determined.

Mr. Richard Lewis - 101 Mill Street - questioned the location of his water shut off valve and the proposed driveway widening, snow storage, noise concerns, a 4-inch watermain with 5 fixes on it.

The Town Planner noted the driveway widening will not affect Mr. Lewis's property, a 4 foot setback is required between the driveway and the lot line.

The Director of Development and Operations noted that the additional units will not create added pressure to the watermain but rather additional volume of water and expressed no concerns with the additional units which was considered when comments were submitted.

A discussion ensued regarding timelines to make a decision regarding the application.

**Motion #6**

**Moved By** Councillor Benotto

**Seconded By** Councillor Buffett

BE IT RESOLVED THAT Council receives report P2021-11 for information;

AND THAT Council defers any decision until the first meeting May (May 10).

**CARRIED, W. Mills**

## **6. Public Participation**

### **1. Public Question Period**

Questions relating to agenda business can be submitted to the Clerk at [jwilloughby@shelburne.ca](mailto:jwilloughby@shelburne.ca) or 519-925-2600 Ext. 223 by 12:00 pm Monday April 12, 2021.

No Questions.

### **2. Presentations**

To register as a presenter please contact the Clerk directly at [jwilloughby@shelburne.ca](mailto:jwilloughby@shelburne.ca) or 519-925-2600 Ext. 223.

#### **1. Althea Alli - 2021 Shelburne Multicultural Event.**

Ms. Alli reviewed her presentation with Council.

#### **Motion # 7**

**Moved By** Deputy Mayor Anderson

**Seconded By** Councillor Fegan

THAT Council receives the presentation for information:

AND approves the requests noted in the presentation;

AND FURTHER authorizes the raising of the Multicultural Flag for the timeline covering June 15 to June 30, 2021.

**CARRIED, W. Mills**

### **3. Deputations on Agenda Items**

Mayor Mills called a short recess at 9:25 pm.

Council reconvened at 9:32 pm.

## **7. Council Inquiries**

Members of Council addressed inquiries to Town staff and received responses.

## **8. Motions and By-law for Decision**

1. Consideration of Items – all reports and By-laws in this section will be voted on separately

1. By-law #17-2021 is ready for Council's consideration being a by-law to enter into an agreement with Her Majesty the Queen as represented by the Ontario Fire Marshall.

The Town of Shelburne will be provided a total of \$6,600.00 to support increased training opportunities.

This aligns with the intended purpose of the Fire Safety Grant Program.

As part of this process, formalization of the grant allocation and the Transfer Payment Agreement is required and will be tabled by you for your municipal council at its next meeting.

### **Motion # 8**

**Moved By** Councillor Benotto

**Seconded By** Councillor Hall

BE IT RESOLVED THAT leave be given for the reading and enacting of By-law #17-2021 being a by-law to enter into an agreement with Her Majesty the Queen as represented by the Ontario Fire Marshall.

**CARRIED, W. Mills**

2. Notice of Motion Presented by Councillor Buffett at the March 22, 2021 Council Meeting.

A discussion ensued regarding the need for a formal policy and associated timelines once allocation has been dedicated to a development.

### **Motion # 9**

**Moved By** Councillor Buffett

**Seconded By** Deputy Mayor Anderson

THAT Council directs staff to undertake a review of policies of other municipalities regarding a more effective

management for servicing projects that ensure capacity allocations, once approved, follow the principle of “use it or lose it” regarding allocation.

**CARRIED, W. Mills**

3. Request for funding assistance from Headwaters Food and Farming Alliance.

**Motion # 10**

**Moved By** Councillor Benotto

**Seconded By** Councillor Wegener

THAT Council receives the letter from Headwaters Food and Farming Alliance for information;

AND THAT Council grants funding in the amount of \$500.00.

**CARRIED, W. Mills**

4. Consideration of a Community Excellence Award.

**Motion # 11**

**Moved By** Councillor Wegener

**Seconded By** Deputy Mayor Anderson

BE IT RESOLVED THAT Council receives the Community Excellence Award nomination;

AND FURTHER invites the recipient to the virtual presentation scheduled for April 26, 2021.

**CARRIED, W. Mills**

**9. Councillor Motions (Notice of Motion)**

**10. Communications**

1. Minutes from the Shelburne Public Board meeting held February 16, 2021.

2. Minutes from the Centre Dufferin Recreation Complex Board of Management meeting held February 24, 2021.
3. Public Message from the President - CEO of Headwaters Health Care Centre - one year later.
4. Letter from the Solicitor General regarding the OPP Detachment Board Framework.
5. Letter from the Ministry of the Solicitor General regarding the Emergency Management and Civil Protection Act Compliance results-2020 for the Town of Shelburne.
6. Letter from Ministry of Finance regarding the Cannabis Legalization Implementation Fund.
7. Letter from the Ontario Recreation Facilities Association to Members and Industry Employers.
8. Nottawasaga Valley Conservation Authority Communications.
9. Letter from the Town of Mono regarding Minister's Zoning Orders (MZO).
10. Letter from the Township of Melancthon - immediate increase to basic fines for speeding.

**Motion # 12**

**Moved By** Councillor Wegener

**Seconded By** Councillor Benotto

THAT the Council of the Corporation of the Town of Shelburne supports the resolutions from the Town of Mono and the Township of Melancthon for an immediate increase to basic fines for speeding.

**CARRIED, W. Mills**

11. Email from the Town of Orangeville regarding the withdrawal of Schedule 3 to Bill 257.
12. Letter from the Town of Kingsville regarding amendments to Bill C-21.
13. Letter from the Township of Pickle Lake regarding changes to the Municipal Elections Act.



14. Letter from the City of Kitchener regarding Planning Act Timelines.
15. Letter from Plympton-Wyoming regarding Carbon Tax.
16. Letter from Plympton-Wyoming regarding Support for Colour Coded Capacity Limits.
17. Letter from the Town of Fort Erie regarding COVID 19 Colour Coded Capacity System.
18. Letter from the Town of Fort Erie regarding Cannabis Licensing and Enforcement.
19. Letter from the City of Owen Sound regarding Municipal Insurance Rates.

**Motion # 13**

**Moved By** Councillor Benotto

**Seconded By** Councillor Wegener

THAT the Council of the Corporation of the Town of Shelburne supports the resolution from the City of Owen Sound regarding Municipal Insurance Rates.

**CARRIED, W. Mills**

20. Letter from the Township of Hudson regarding Support for Fire Departments.
21. Communications received from various municipalities regarding the closure of the Ontario Fire College.
22. AMO Communications.

**Motion # 14**

**Moved By** Councillor Buffett

**Seconded By** Councillor Hall

THAT Council receives the items listed under Communications for information.

**CARRIED, W. Mills**

## **11. Confirming By-law**

1. Confirming By-law #18-2021 - April 12, 2021.

### **Motion # 15**

**Moved By** Councillor Benotto

**Seconded By** Councillor Hall

BE IT RESOLVED THAT leave be given for the reading and enacting of By-law #18-2021 being a By-law to confirm certain proceedings of the Council of the Corporation of the Town of Shelburne for its regular council meeting held April 12, 2021.

**CARRIED, W. Mills**

## **12. Adjourn**

### **Motion # 16**

**Moved By** Deputy Mayor Anderson

**Seconded By** Councillor Wegener

BE IT RESOLVED THAT we now adjourn to meet at the call of the Mayor.

**CARRIED, W. Mills**

Council meeting adjourned at 9:52 pm.

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Mayor

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Clerk