



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

Meeting Date: Monday, May 31, 2021

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

From: Steve Wever, Town Planner

Report: P2021-14

Subject: **Application for Minor Variance A21/03**
Erica Osborne
741 Halbert Drive, Shelburne

Recommendation

Be it Resolved that the Committee of Adjustment receive Report P2021-14 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 A21/03 for the property municipally known as 741 Halbert Drive and legally described as Lot 20 on Plan 7M-55 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 741 Halbert Drive and legally described as Lot 20 on Plan 7M-55 in the Town of Shelburne, County of Dufferin. The subject property is located near the intersection of Halbert Drive and Tansley Street 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 30-2007, Sections 3.4.1 (ii) and 5.68 in order to construct a second dwelling unit within the existing single-detached dwelling. The application is seeking relief from the definition of a converted dwelling and a related regulation of the by-law which prohibits dwelling units within the cellar.

Analysis

The subject property is approximately 412 square metres (0.10 acres) in area and has a lot frontage of 12.20 metres on Halbert Drive. The subject property is designated 'Residential' in the Town Official Plan and is zoned Residential Type Three (R3) in the Zoning By-law 38-2007.

The application submitted requests a minor variance that would provide 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. These tests are considered below, and a brief planning analysis is provided.

1. Is the application minor?

Yes – The proposed converted dwelling 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.

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

Yes – The site is located within a residential area and the proposed additional dwelling unit within the dwelling would not impact the exterior view of the dwelling from the road, and converted dwellings are permitted in this area under the current zoning.

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.

The property contains a double car attached garage which will meet the parking regulations for the additional dwelling unit. No other variances would be required, therefore meeting the general intent of the Zoning By-law.

Section 3.19 of the Zoning By-law requires that “No person shall erect or use a building or structure for a residential use on any lands unless approved sewage disposal and water supply services are available to the lot.” The subject property is fully serviced with municipal water and sanitary services and does not require any new or upgraded service connections. Given that

remaining unallocated reserve servicing capacity is limited, conditions of approval are recommended to require the owner to obtain confirmation of sufficient reserve servicing capacity by the Town Engineer for the additional residential unit prior to Municipal Approval of a building permit and, if capacity is granted, to establish a timeline for obtaining a building permit.

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 designation permits a variety of residential uses including single detached and converted dwellings/second units. 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. The Official Plan does not restrict the use of the lower level of a dwelling for a second unit.

Development Staging policies are set out in Section 7.10 of the Official Plan, and the subject property is within the Stage 1 area for servicing. While the additional residential unit proposed will not have any significant servicing impacts, 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 also in keeping with criteria for determining preferred development proposals for servicing allocation, as it optimizes the use of existing infrastructure, and contributes to a complete community development with additional rental housing options, and supports compact development. The additional residential unit may also contribute to housing affordability. However, recognizing that a report on servicing reserves and allocations will be considered by Council at its regular meeting on May 31st, 2021, 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.

Therefore, based on the above, 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 or floor levels entirely above-grade. The Residential designation of the Official Plan contemplates a variety of dwelling types including converted dwellings/second units. 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

specification is in keeping with the land use pattern and built form found in the neighbourhood.

Financial Impact

The applicant has paid the required application fee to cover the costs of processing this application.

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 objections to the approval of the application have been received as of the time of preparation of this report. Based on discussions with the County Building Department, the Zoning By-law restriction limiting dwelling units to floor spaces that are at least 50% above grade is not aligned with the Building Code which permits dwelling units below grade provided the code requirements for egress and all other applicable code requirements are met. Based on discussions with the Director of Development and Operations and the Town Engineer, conditions of approval are recommended to require confirmation of adequate uncommitted reserve servicing capacity following Town Council's consideration of a report on servicing capacity and related recommendations for servicing reserves and allocations to be considered at the regular Council meeting on May 31, 2021.

Supporting Documentation

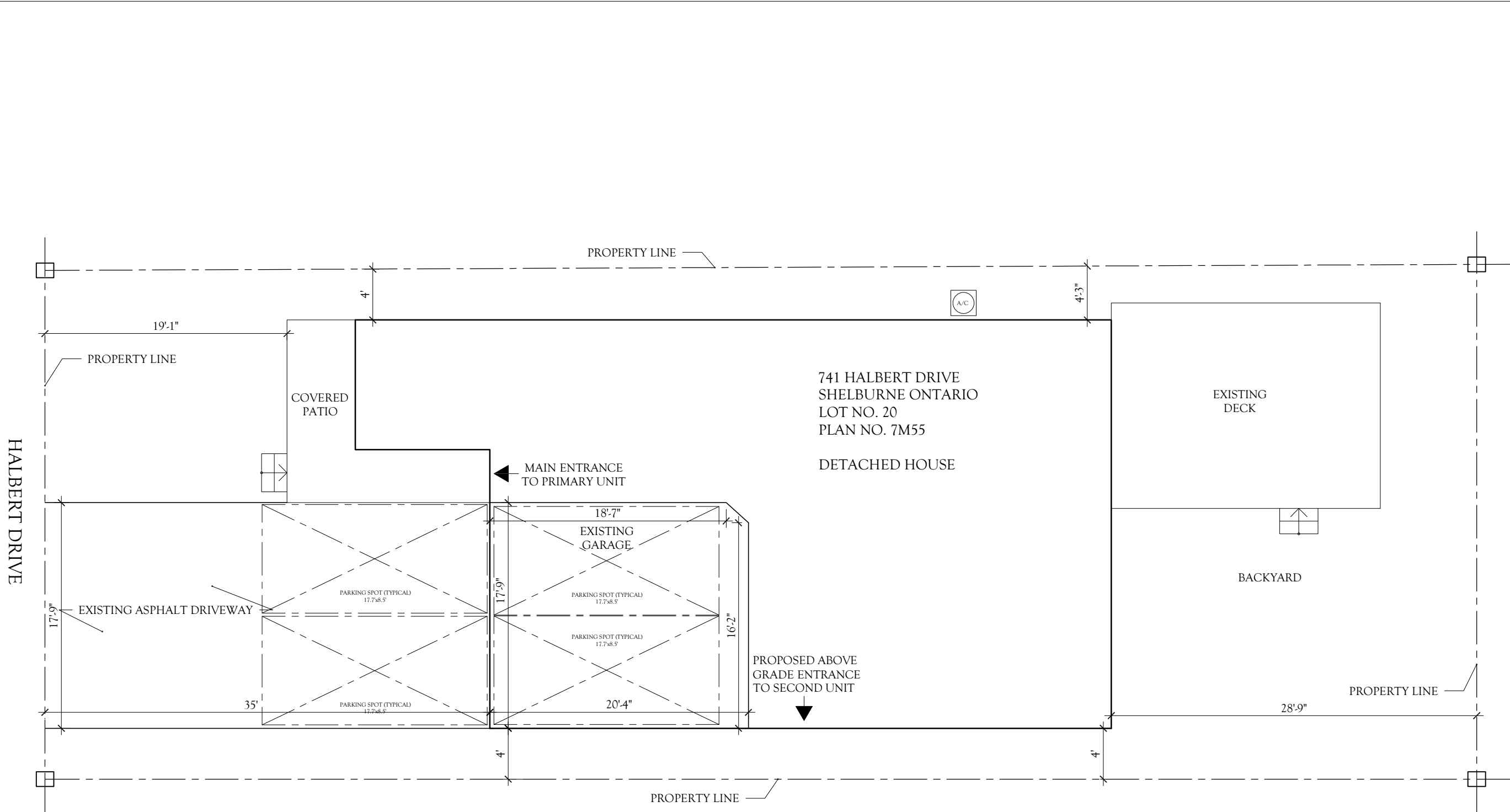
Floor plans and elevation drawings (main and converted dwelling)
Agency comments

Prepared by:

Reviewed by:

Jenna Daum, Planner

Steve Weber, Town Planner



HALBERT DRIVE

1 SITE PLAN
A101 SCALE: 1:100

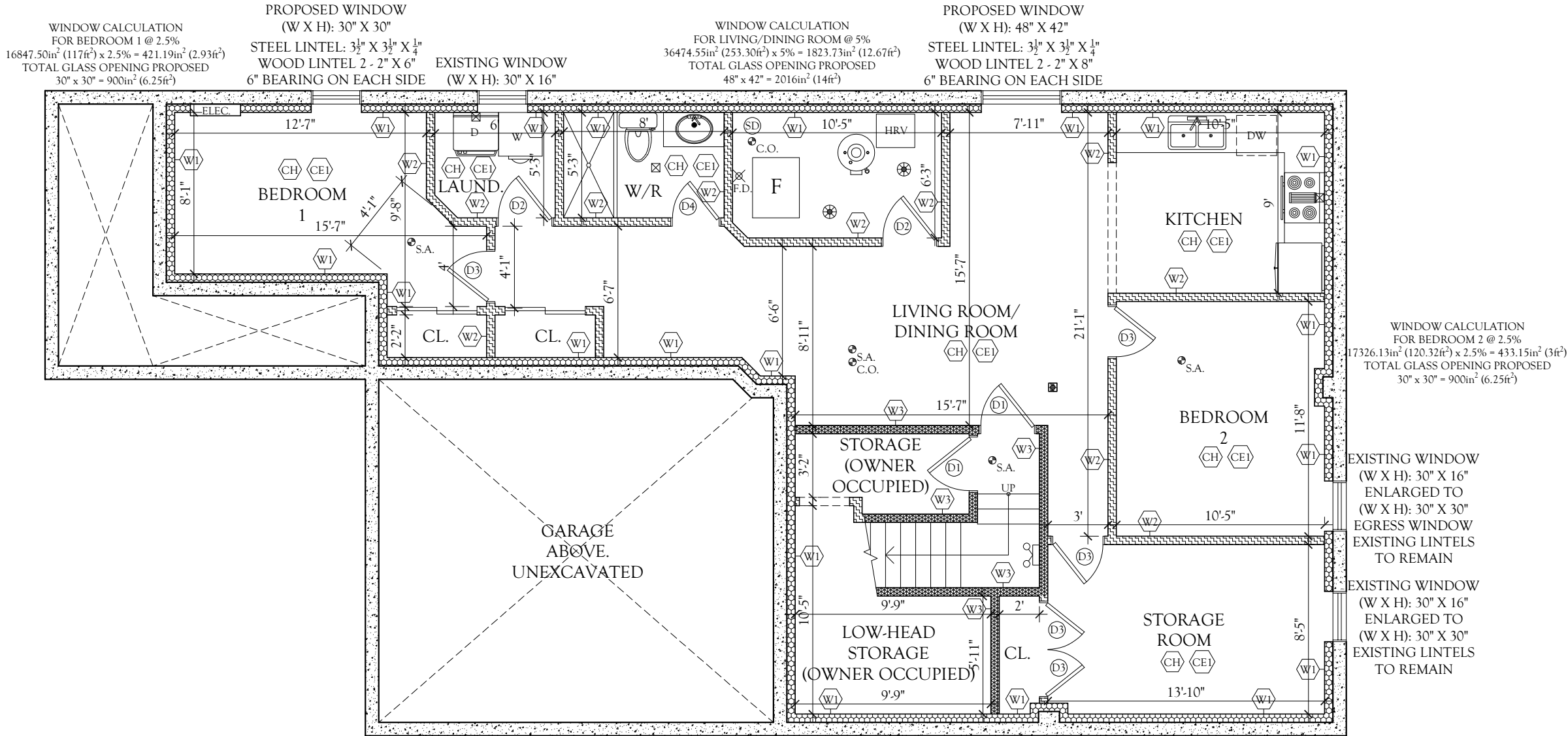
EXISTING MAIN FLOOR AREA: 113.06m²
EXISTING SECOND FLOOR AREA: 126.10m²
PROPOSED BASEMENT AREA: 104.61m²
- AREA OF BASEMENT (OWNER'S POSSESSION): 9.96m²
- AREA OF BASEMENT (SECOND UNIT): 88.89m²

NOTES:	
TRUE: 	PROJ:
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER. QUALIFICATION INFORMATION - REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF THE ONTARIO BUILDING CODE NAME: RAFAEL MARTINS SIGNATURE: <i>Rafael Martins</i> BCIN: 112 144	
RDA Designs 647-574-0220 / 647-518-3376 www.rdarchdesigns.com rdarch.designs@gmail.com	
PROJECT TITLE: 741 HALBERT DRIVE	
DRAWING TITLE: SITE PLAN	
SCALE: 1:100	DATE: 2021/04/21
DESIGNED BY: SINGH D. MARTINS R.	REVISION: 0
PROJECT NO. ~	SHEET NO. A-101

AREA OF BASEMENT: 104.61m² (1126.01ft²)
AREA OF BASEMENT (OWNER'S POSSESSION): 9.96m² (107.25ft²)
AREA OF BASEMENT (SECOND UNIT): 88.89m² (956.77ft²)

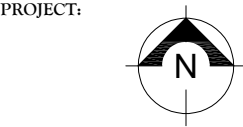


- SMOKE ALARMS:
- SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM.
 - SHALL HAVE BATTERY BACKUP.



1 PROPOSED BASEMENT FLOOR PLAN
A102 SCALE: 1:75

- NOTES:
1. FOR WALL, CEILING, DOOR AND REFERENCE DETAILS SEE DESIGN GENERAL NOTES.
 2. ALL FIRE SEPARATIONS SHALL BE CONTINUOUS TO ANOTHER FIRE SEPARATION OR TO THE EXTERIOR
 3. ENSURE MINIMUM 15 MINUTES FIRE RESISTANCE RATING FOR BEAMS AND COLUMNS
 4. SPRINKLERS SHALL BE DESIGNED FOR RESIDENTIAL USE AND SHALL BE A FLOW THROUGH SYSTEM WITH A MINIMUM ¾" COPPER PIPE CONNECTED TO THE SUPPLY TO THE HOT WATER TANK



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QUALIFICATION INFORMATION - REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF THE ONTARIO BUILDING CODE

NAME: RAFAEL MARTINS

SIGNATURE: *Rafael Martins*

BCIN: 112 144



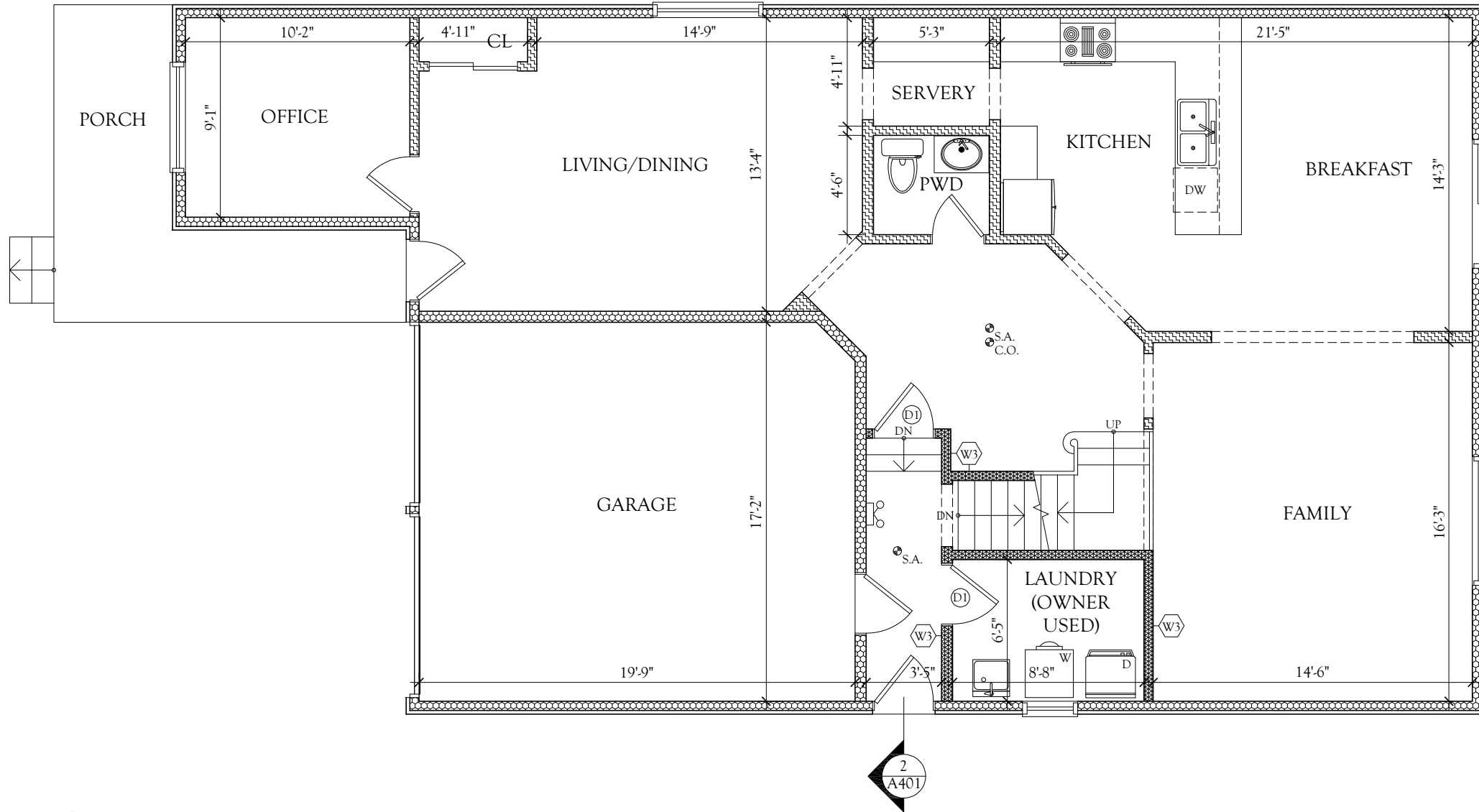
PROJECT TITLE:

741 HALBERT DRIVE

DRAWING TITLE:

PROPOSED BASEMENT PLAN

SCALE:	DATE:
1:75	2021/04/21
DESIGNED BY:	REVISION:
SINGH D. MARTINS R.	0
PROJECT NO.	SHEET NO.
-	A-102



1 GROUND FLOOR PLAN
A103 SCALE: 1:75



- SMOKE ALARMS:
- SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM.
 - SHALL HAVE BATTERY BACKUP.

- NOTES:
1. SMOKE ALARM ON MAIN FLOOR IS INTERCONNECTED WITH SMOKE ALARM IN BASEMENT.
 2. SMOKE ALARM SHALL CONFORM TO O.B.C. DIV. B 9.10.19
 3. EXISTING MAIN FLOOR WALL AND CEILING IS DRYWALL

PROJECT:

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SIGNATURE: *Rafael Martins*

BCIN: 112 144

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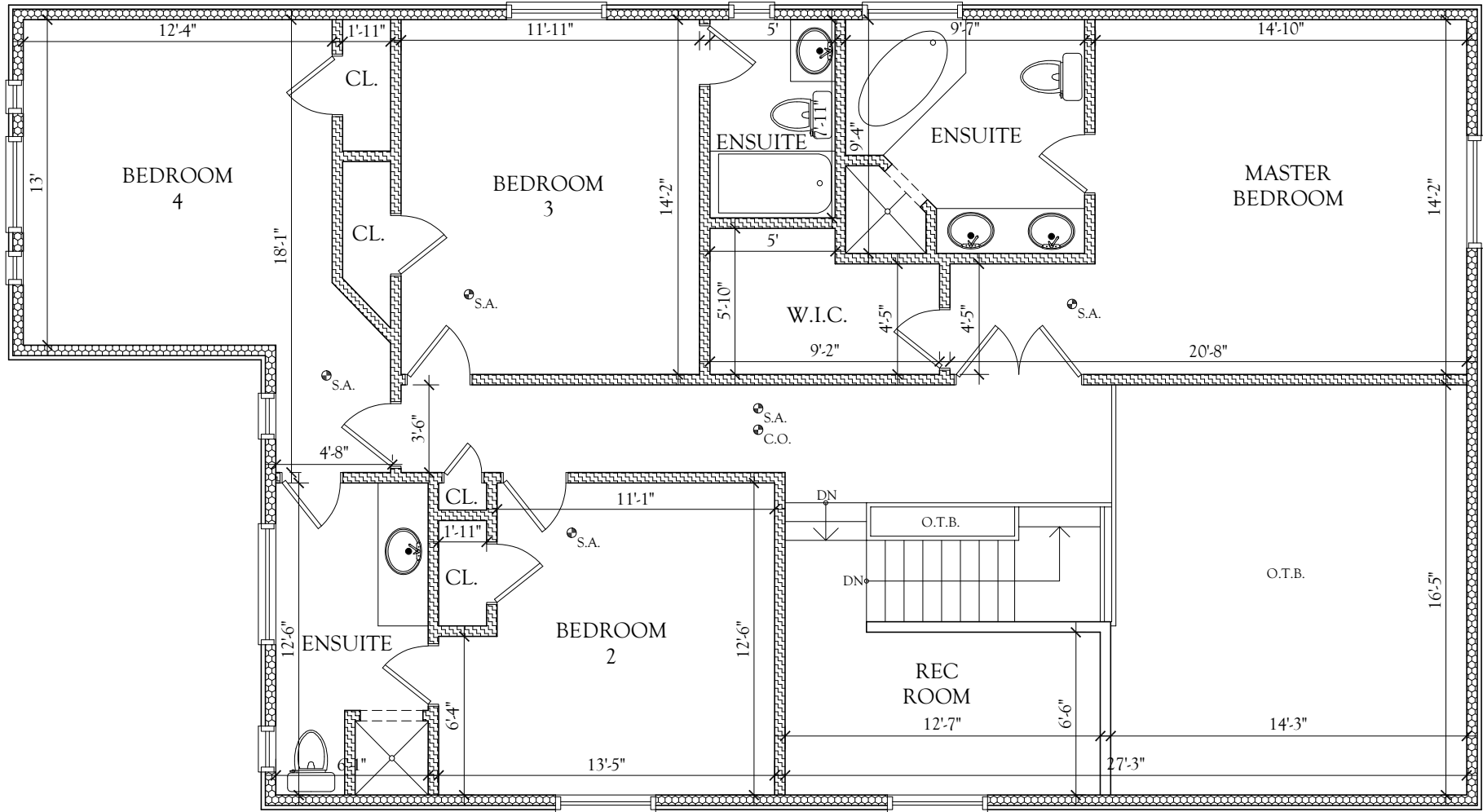
PROJECT TITLE:

741 HALBERT DRIVE

DRAWING TITLE:

GROUND FLOOR PLAN

SCALE:	DATE:
1:75	2021/04/21
DESIGNED BY:	REVISION:
SINGH D. MARTINS R.	0
PROJECT NO.	SHEET NO.
~	A-103



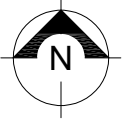
1
A104
SECOND FLOOR PLAN
SCALE: 1:75



- SMOKE ALARMS:
- SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM.
 - SHALL HAVE BATTERY BACKUP.

- NOTES:
1. INSTALL SMOKE ALARM IN EVERY BEDROOM ON SECOND FLOOR AND INTERCONNECT WITH SMOKE ALARM ON MAIN FLOOR AND BASEMENT.
 2. SMOKE ALARM SHALL CONFORM TO O.B.C. DIV. B 9.10.19.
 3. EXISTING SECOND FLOOR WALL AND CEILING IS 1/2" DRYWALLED.

PROJECT:



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BCIN: 112 144



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rdarch.designs@gmail.com

PROJECT TITLE:

741 HALBERT DRIVE

DRAWING TITLE:

SECOND FLOOR PLAN

SCALE:

1:75

DATE:

2021/04/21

DESIGNED BY:

SINGH D.
MARTINS R.

REVISION:

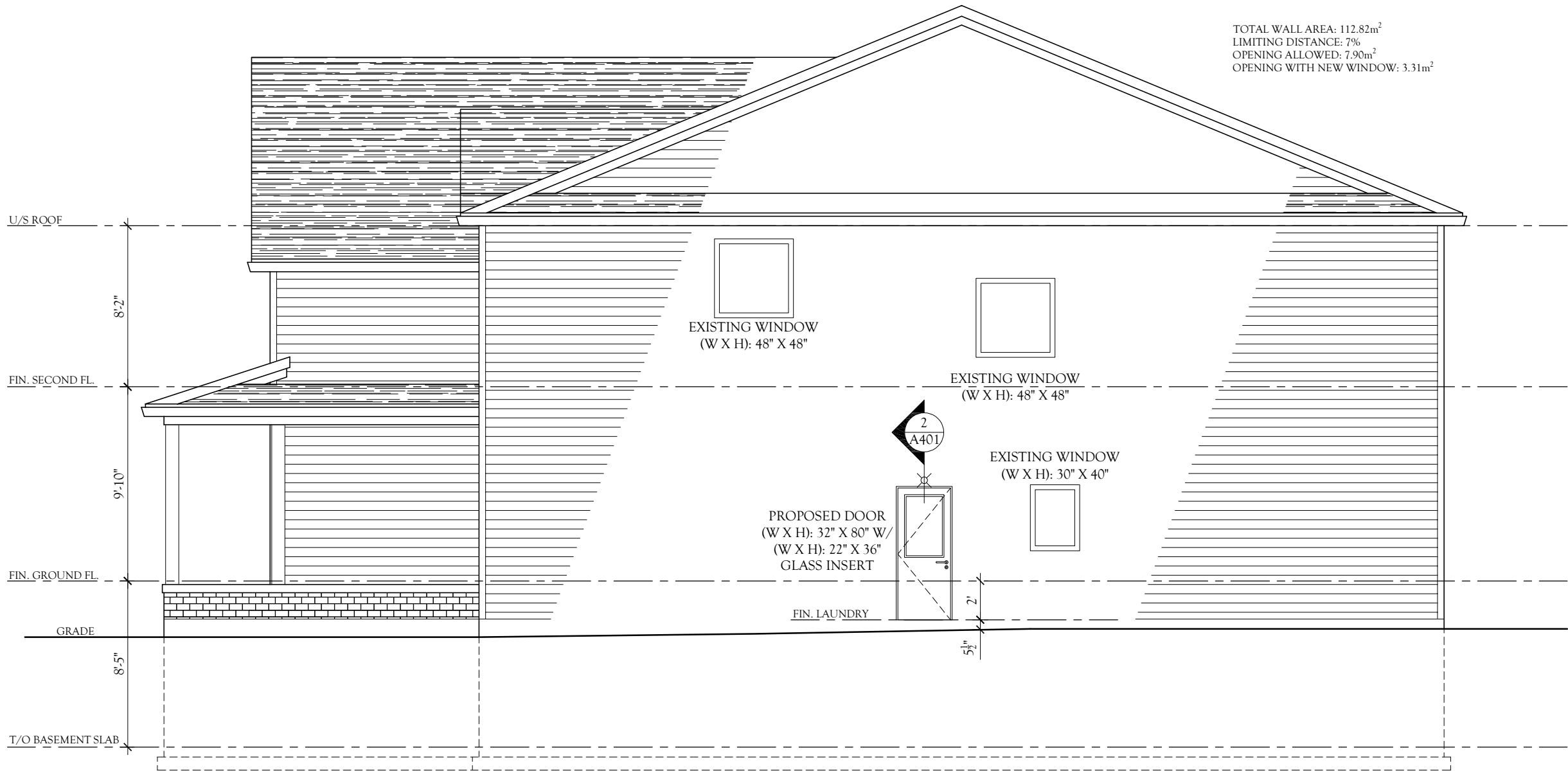
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PROJECT NO.

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SHEET NO.

A-104



NOTES:

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PROJECT TITLE:

741 HALBERT DRIVE

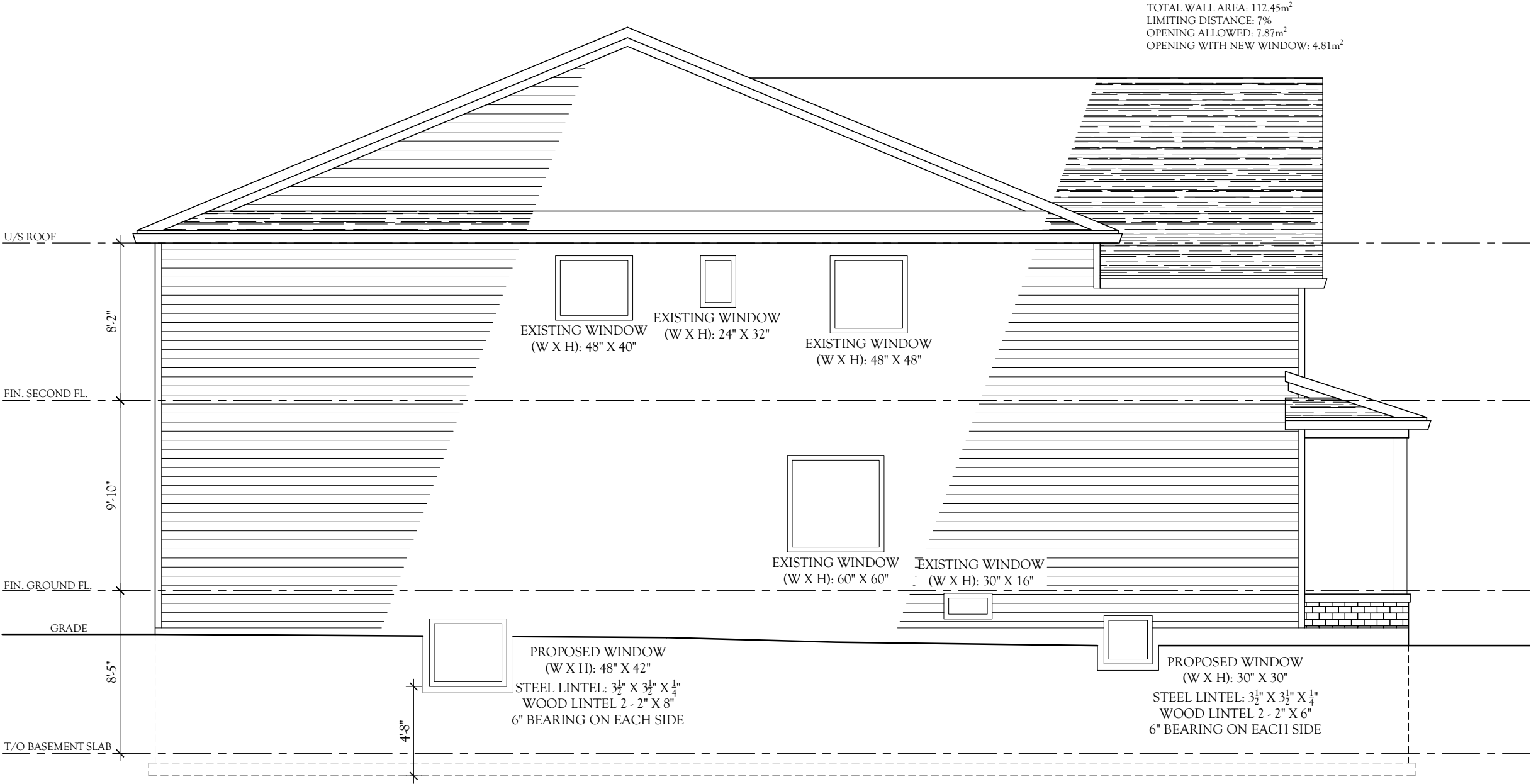
DRAWING TITLE:

RIGHT ELEVATION

SCALE: 1:75	DATE: 2021/04/21
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DESIGNED BY: SINGH D. MARTINS R.	REVISION: 0
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PROJECT NO. ~	SHEET NO. A-201
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TOTAL WALL AREA: 112.45m²
LIMITING DISTANCE: 7%
OPENING ALLOWED: 7.87m²
OPENING WITH NEW WINDOW: 4.81m²

NOTES:

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SIGNATURE: *Rafael Martins*

BCIN: 112 144



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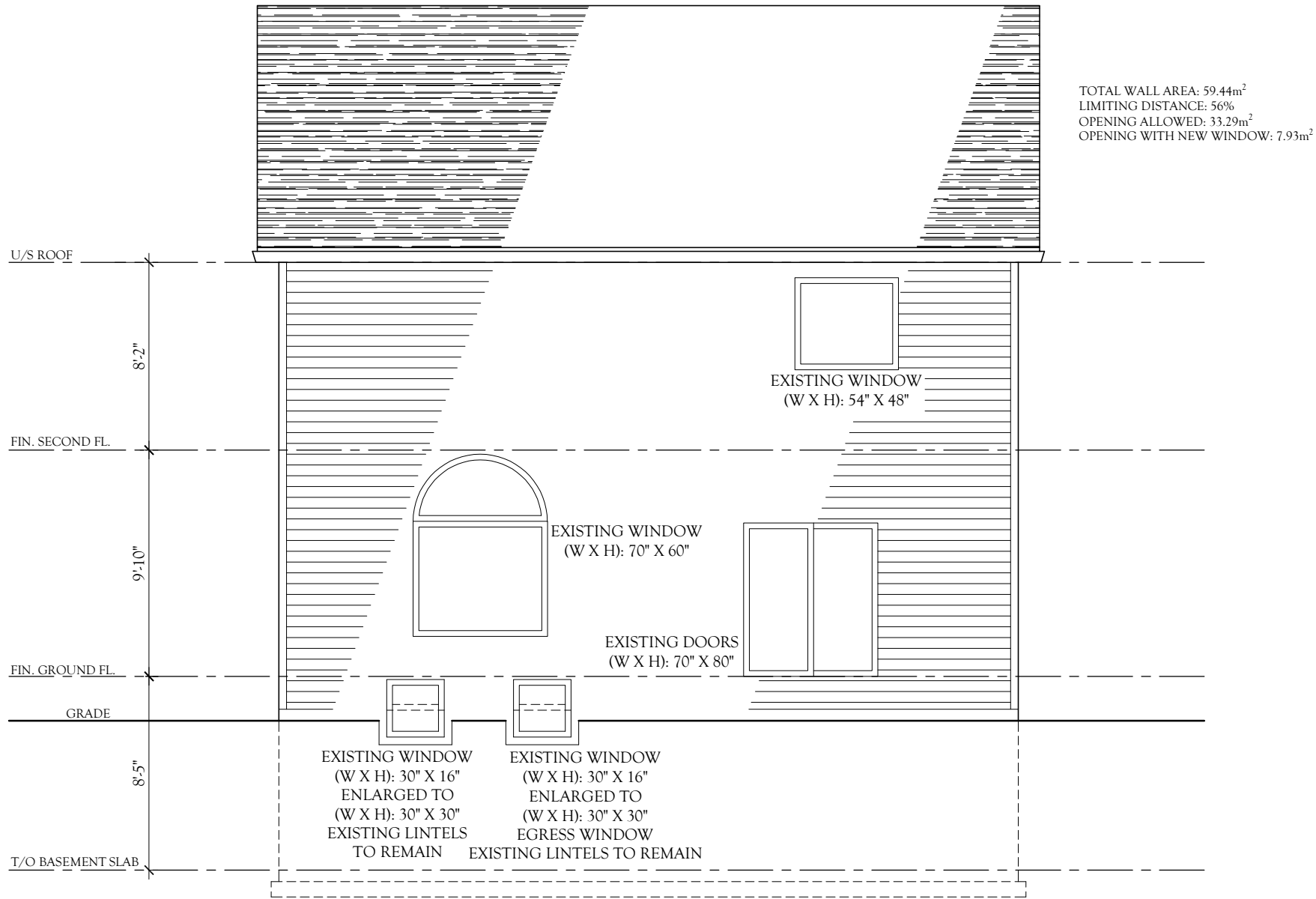
PROJECT TITLE:

741 HALBERT DRIVE

DRAWING TITLE:


LEFT ELEVATION

SCALE: 1:75	DATE: 2021/04/21
DESIGNED BY: SINGH D. MARTINS R.	REVISION: 0
PROJECT NO. ~	SHEET NO. A-202



TOTAL WALL AREA: 59.44m²
LIMITING DISTANCE: 56%
OPENING ALLOWED: 33.29m²
OPENING WITH NEW WINDOW: 7.93m²

1 REAR ELEVATION
A203 / SCALE: 1:75

NOTES:	
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NAME: RAFAEL MARTINS	
SIGNATURE: <i>Rafael Martins</i>	
BCIN: 112 144	
<div><div></div><div><div>RDA Designs</div><div>647-574-0220 / 647-518-3376</div><div>www.rdarchdesigns.com</div><div>rdarch.designs@gmail.com</div></div></div>	
PROJECT TITLE:	
741 HALBERT DRIVE	
DRAWING TITLE:	
REAR ELEVATION	
SCALE:	DATE:
1:75	2021/04/21
DESIGNED BY:	REVISION:
SINGH D. MARTINS R.	0
PROJECT NO.	SHEET NO.
~	A-203



MEMO

TO: County of Dufferin

FROM: Matt Alexander, Project Manager, WSP
Angela Zhao, Project Planner, WSP

SUBJECT: Minor Variance Application (File #: A21-03), 741 Halbert Drive, Town of Shelburne, ON

DATE: May 19, 2021

Recommendation

Based on our review, the proposal is consistent with the Urban Settlement Area designation and the related policies in the Dufferin County Official Plan.

Summary

The purpose of the Minor Variance Application is to permit 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.

The documents received by WSP on May 11th, 2021 include:

- Application Form;
- Public Meeting Notice;
- Circulation Response Form; and
- Site Drawings;

The circulation documents were reviewed against the County Official Plan.

Dufferin County Official Plan (2017)

The subject property falls within the Urban Settlement Area under Schedules A (Provincial Plan Areas) and B (Community Structure and Land Use) of the County Official Plan. The intent of the Urban Settlement Area designation is to function as the primary center for growth, development, and urban activities. Per Policy 3.3.2, Urban Settlement Areas accommodate a broad range of uses as established in the Town of Shelburne's Official Plan and in accordance with the policies of the County Official Plan. Local municipalities are also encouraged to promote mixed use development and redevelopment of vacant and/or underutilized sites within the Urban Settlement Area. Local municipalities are to encourage the integration and accessibility of community uses including schools, municipal facilities, institutional uses, parks and open spaces and recreational uses through pedestrian, cycling and trail linkages.

Section 3.4.2 of the County Official Plan permits small scale intensification through modifications of an existing dwelling to include a second unit, including the development of accessory residential dwellings, secondary dwelling units, and the development of

garden suites. Local municipal official plans will identify appropriate locations and the type and form of intensification to be promoted.

Section 3.7.4 of the County Official Plan states that local municipalities shall have consideration for the following matters when implementing policies relating to second residential units:

- land use permissions for second residential units
- parking requirements
- servicing
- compliance with other relevant municipal and provincial requirements.

The subject property is not located on a County road and as such the Town should provide any comments regarding access.

Recommendation

Based on our review, the proposal is consistent with the Urban Settlement Area designation and the related policies in the Dufferin County Official Plan.



TOWN OF SHELburne

PLANNING & DEVELOPMENT

Minor Variance Application

Circulation Response Form

File: A21/03

Project: Application for Minor Variance
Property Located at 741 Halbert Drive, Shelburne

If you have no comments or objection to the approval of the above noted application please complete this form and email it to the **Town Planner** at the Town of Shelburne by **May 27, 2021**.

Email: planning@shelburne.ca

By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.

TOWN OF SHELburne

Agency Name
(Please Print)

Jim Moss

Representative Name
(Please Print)

DIRECTOR OF DEVELOPMENT & OPERATIONS

Representative Title
(Please Print)

[Signature]
Signature

May 12th 2021
Date

741 Halbert Drive Minor Variance A21/03

Nathalie

Tue 2021-05-25 10:21 AM

To: Planning Account <planning@shelburne.ca>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the contents to be safe.

Good morning,

I received the meeting notice letter dated to May 10 regarding an application for a Minor Variance that my neighbour residing at 741 Halbert drive has submitted.

I unfortunately cannot attend the meeting but I do have strong reservations as an added unit would increase what seems to be an already busy home with her on-going from home aesthetics business which has remained open irrespective of the current provincial restrictions.

In addition, we have sold our property at 745 Halbert and will be moving on July 9th. With that said, I can only suggest to defer this meeting at a later time to allow the new owners to have a say in this change and it will impact them moving forward, not us.

I am happy to chat further at

Thank you.

- Nathalie

Sent from my iPhone



TOWN OF SHELburnE

PLANNING & DEVELOPMENT

Minor Variance Application

Circulation Response Form

File: A21/03

Project: Application for Minor Variance
Property Located at 741 Halbert Drive, Shelburne

If you have no comments or objection to the approval of the above noted application please complete this form and email it to the **Town Planner** at the Town of Shelburne by **May 27, 2021**.

Email: planning@shelburne.ca

By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.

RMO - Town of Shelburne

Agency Name
(Please Print)

Ryan Post

Representative Name
(Please Print)

Manager of Watershed Science, RMO - Town of Shelburne

Representative Title
(Please Print)

[Signature]

Signature

May 24, 2021

Date



TOWN OF SHELburne

PLANNING & DEVELOPMENT

Minor Variance Application

Circulation Response Form

File: A21/03

Project: Application for Minor Variance
Property Located at 741 Halbert Drive, Shelburne

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Email: planning@shelburne.ca

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Township of Amaranth

Agency Name
(Please Print)

James Johnstone

Representative Name
(Please Print)

Township Planner

Representative Title
(Please Print)

Jan GZ

Signature

05/17/21

Date