



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

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**Meeting Date:** Monday, May 31, 2021

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

**From:** Steve Wever, Town Planner

**Report:** P2021-15

**Subject:** **Application for Minor Variance A21/04  
Shelburne Commercial Developments  
Block 216 of Draft Plan of Subdivision  
(DPS 18/02) 900 Main Street East**

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### Recommendation

Be it resolved that the Committee of Adjustment receive Report P2021-15 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 A21/04 for the property municipally known as 900 Main Street East, legally described as Part of the West Half of Lot 1, Concession 1, Old Survey, Part 1, Reference Plan 7R-6553, and applicable to the area identified as Block 216 on Draft Plan of Subdivision File No. DPS 18/01, providing the following relief from Zoning By-law 38-2007:

1. Relief from Section 5.133 of the Zoning By-law to establish Highway 10/89 (Main Street East) as the Front Lot Line;
2. Relief from Section 4.7.2 of the Zoning By-law to permit a minimum rear yard of 5.0 metres, for enclosed loading spaces as part of a permitted commercial use, as shown on the Minor Variance Sketch provided and in accordance with an approved Site Plan; and,

3. Relief from Section 3.15.3 of the Zoning By-law to permit a maximum driveway width of 12m for the driveway on the south side of Potawatomi Crescent, 11m for the north driveway on Ojibway Road and 13.5m for the south driveway on Ojibway Road, as shown on the Minor Variance Sketch provided and in accordance with an approved Site Plan, and subject to the condition that all driveways shall be in accordance with MTO requirements where applicable.

## Background

An application has been submitted for a Minor Variance for the property municipally known as 900 Main Street and legally described as Part of the West Half of Lot 1, Concession 1, Old Survey, Part 1, Reference Plan 7R-6553 in the Town of Shelburne, County of Dufferin. The subject property is a proposed commercial development on land identified as Block 216 on Draft Plan of Subdivision (DPS18/01) otherwise known as the Fieldgate Subdivision.

The subject property is located northeast of the intersection of County Road 124 and Highway 10/89 (Main Street East). Block 216 is located in the southwest portion of the approved Draft Plan of Subdivision and adjacent to the existing Wigglesworth commercial plaza to the west. Vacant land to the north and east will be developed as part of the Draft Plan. To the south is Highway 10/89 (Main Street East).

A site-specific Zoning By-law Amendment (By-law 72-2019) was approved by Council on November 11, 2019 for the Fieldgate subdivision. The subject property (Block 216) is currently subject to a Site Plan Approval application (SPA20/01). An overview of the proposed Site Plan was provided via Report P2020-12 presented at the Council meeting on September 21, 2020, where Council resolved, "pursuant to subsection 45(1.4) of the Planning Act that the filing and processing of any proposed minor variance application(s) for the proposed commercial development on Block 216 of the Shelburne 89 Developments Limited Draft Plan will be permitted within the two year period following the approval of the site-specific Zoning By-law Amendment (By-law 72-2019) for the subject land." As anticipated at that time, a minor variance application has been filed by GSAI on behalf of Shelburne Commercial Developments Limited.

The purpose of the Minor Variance application is to: request relief from Zoning By-law 38-2007 to 1) designate the Front Lot Line along the boundary of Main Street East (Highway 10/89); 2) permit a minimum rear yard of 5.0m whereas 7.5m is required; and 3) permit a maximum driveway width of 14.0m whereas the Zoning By-law permits a maximum width of 9.0m.

A Planning Report will be presented to Town Council regarding the related Site Plan application for the commercial retail development of Block 216.

## Analysis

The subject land (Block 216) is approximately 3.12 hectares (7.71 acres) in area and has a lot frontage of 155 metres on Highway 10/89 (Main Street East). The subject land is designated "Mixed-Use" according to Schedule A and further designated as a "Mixed Use Centre" on Schedule B2 of the Town Official Plan. The subject property is zoned "Mixed-Use Commercial Exception Six (C2-6)" in the Town of Shelburne Zoning By-law.

The application submitted requests a minor variance that would provide relief from Section 5.133 of the Zoning By-law which by definition establishes the Front Lot Line as the lot line adjoining a future local road within the subdivision (Potawatomi Crescent). Relief is being requested to establish Highway 10/89 (Main Street East) as the Front Lot Line.

Secondly, relief from Section 4.7.2 of the Zoning By-law is also requested to permit a minimum rear yard of 5.0 metres whereas 7.5 metres is required.

Thirdly, the applicant is requesting relief from Section 3.15.3 of the Zoning By-law to permit a maximum driveway width of 14.0 metres whereas 9.0 metres is the maximum.

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. The applicant provided a letter that considers the application under these tests and concludes that the requested variance meets the four tests and represents good planning. A brief planning analysis of the application under the four tests is provided below.

### **1. Is the application minor?**

**Yes** – The variance to establish the Front Lot Line onto Highway 10/89 (Main Street East) is appropriate as the site and building design orients the front front façade of the buildings towards the south, whereas the future local road (Potawatomi Crescent) provides a secondary means of access primarily for functional purposes to service the development (loading and supplementary parking). This future local road has not been constructed. Furthermore, the proposed commercial development is a large-scale retail complex that has

been designed and oriented towards Highway 10/89 (Main Street East) to provide easy and efficient access to local and broader users in the community. Therefore, the designation of the south lot line along the provincial highway is logical and minor.

The requested reduced rear yard from the required 7.5 metres to 5.0 metres is only to accommodate the appropriate screening of the rear loading area for proposed Buildings A and B. To minimize impacts of the rear loading area on the future residential uses to the north, the design of Building A incorporates an enclosed loading space for the proposed food store. The nearest residential dwellings will be located across the street on the north side of Potawatomi Crescent providing additional separation between the proposed commercial and residential uses. Furthermore, only a small portion of the rear yard is reduced due to the angle/curvature of the lot line along the south side of Potawatomi Crescent, while the majority of the rear yard will meet and exceed the minimum rear yard of 7.5m. Therefore, the reduced rear yard is minor.

As required by the Ministry of Transportation (MTO) and the Shelburne East Area Transportation Study (SEATS), access to the development is required to be provided via the future local streets in the subdivision. A total of four (4) driveways are proposed to provide site access from the future local streets, including two (2) driveways on the south side of Potawatomi Crescent at the north end of the site, and two (2) driveways along the west side of Ojibway Road long the east side of the site.

The westerly driveway (8.19m) at the north end of the site is proposed for secondary two-way access for vehicles, delivery trucks and winter maintenance vehicles, and complies with the maximum driveway width required. The angle of approach from the north allows for a narrower driveway width in this location.

The easterly driveway (11.83m width) at the north end of the site is proposed for two-way vehicle access for employee parking, service vehicle access to waste enclosures and for winter maintenance, and delivery vehicle/truck access to required loading spaces from Potawatomi Crescent. As this driveway will provide transport truck delivery access for loading at the proposed food store, a wider driveway is necessary to accommodate the turning movements of these vehicles.

The northerly driveway (10.57m width) on the east side of the site is proposed for two-way vehicle access and is the primary customer access to the site and is also required for fire route and delivery access to Buildings D and E. A wider driveway is proposed to ensure all turning movements can be accommodated for consumer vehicles as well as all of the service, delivery and emergency vehicles required. This driveway will complete the west leg of the intersection

of Ojibway Road and Red Elm Road and for safe traffic operations the traffic lanes and width are designed to align with those on Red Elm Road to the east.

The southerly driveway (13.37m width) on the east side of the site is proposed for right-in / right-out vehicle access as a secondary consumer access to and egress from the site as well as service and delivery vehicle egress to Ojibway Road.

In accordance with the Zoning By-law, the driveway widths are measured along the property line which will be the limits of Block 216 for this site, upon registration of the plan of subdivision. To assess whether the proposed increased driveway widths are minor, a review of other existing commercial driveway widths in the area was completed. The existing commercial plaza adjoining the property has driveway widths ranging between 10m and 12m, while the No Frills plaza to the south has existing driveway widths between 12m and 14m.

Relief from the maximum width of 9.0 metres to permit the proposed driveway widths would facilitate efficient and safe vehicle circulation for larger trucks related to waste and snow removal, as well as emergency vehicles, and the proposed driveways are similar in width to other existing commercial driveways in the area, and can be considered minor in nature. However, the requested variance to permit a maximum driveway width of 14.0 metres proposes greater relief for wider driveways than appears to be necessary based on the Site Plan and information provided in support of the application. Based on the information submitted, the widest driveway proposed is 13.37m and two other driveways are shown at 10.57m wide and 11.83m wide, respectively. To address this test, the variance should limit the driveway widths to the minimum driveway widths required for the necessary vehicle movements and traffic operations, and therefore it is recommended that the maximum driveway widths be limited to 12m for the east driveway on Potawatomi Crescent, 11m for the north driveway on Ojibway Road and 13.5m for the south driveway on Ojibway Road.

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

**Yes** – The proposed commercial development has been planned to be compatible with the future residential development with regard to building design, massing, screening, site circulation, pedestrian movement and landscaping. The buildings have been oriented towards Highway 10/89 (Main Street East) to create less impact on the residential community. There is adequate space provided with the proposed development to buffer adjacent properties of any negative impacts from the proposed development. The applicant has provided sufficient information to demonstrate the need for wider driveways to permit the safe and efficient movement of vehicles at three

(3) of the proposed driveways. The site design incorporates pavement markings for pedestrian crossings where sidewalks intersect with the two (2) driveways along Ojibway Road, and has designed the site to incorporate pedestrian access from the north without crossing the proposed driveways on the south side of Potawatomi Crescent. Overall, the proposed variance will facilitate an efficient use, site design, and circulation network that is desirable and appropriate for the subject lands.

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

**Yes** – The subject property is zoned Mixed-Use Commercial Exception Six (C2-6) and is subject to the general provisions of the Town Zoning By-law. The intent of the Zoning By-law is to regulate the placement of buildings in order to maintain consistent building façade orientation along visible frontages. In this application, it is more appropriate to orient the commercial buildings towards Highway 10/89 (Main Street East) than onto a local road. The intent of the rear yard to provide additional space for privacy and landscaping from adjacent land uses. The reduced rear yard will accommodate a loading area as well as appropriate screening from the adjacent future residential area. The intent of the maximum driveway width in the Zoning By-law is to ensure a safe ingress and egress to and from the site. In this application, the widening of the maximum driveway widths is required to ensure larger trucks are able ingress and egress to and from the site as illustrated in the Vehicle Movement Diagrams that have been attached to this Report.

Based on the reasons provided above, it is our opinion that the Minor Variance application conforms to 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 Mixed Use in the Town of Shelburne Official Plan. The designation permits a range of compatible commercial, residential and employment uses appropriate to the Mixed use area. The objective of the Mixed Use Centre is to orient permitted uses of the Arterial Commercial area and the Community Commercial area to Provincial Highway 89. The proposed development will include a range of commercial uses of a larger scale that can not be accommodated in the Commercial Core. For these reasons, it is our opinion that the request variances conform to the general intent of the Official Plan.

### **Summary**

The proposed Minor Variance will establish the Front Lot Line on Highway 10/89 (Main Street East), permit a reduced rear yard of 5.0 metres whereas 7.5 metres is required and to increase the maximum driveway width from the

required 9.0 metres to the recommended widths of 11m, 12m and 13.5m to provide a safe and efficient site circulation for larger delivery, service, maintenance and emergency vehicles. The Mixed Use designation of the Official Plan permits compatible commercial uses and encourages larger retail commercial uses to be orientated toward Highway 89/10 (Main Street East). It has been demonstrated that the proposal is compatible and has regard for adjacent future development with respect to building location and form. The proposed variance is minor in nature (with the driveway widths limited to the minimum required for vehicle movements, as noted), desirable for the appropriate development of the subject and, and are in keeping with the intent of the Zoning By-law and the Official Plan.

### 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.

### Supporting Documentation

Variance Sketch  
Vehicle Movement Diagrams  
Agency comments

Prepared by:

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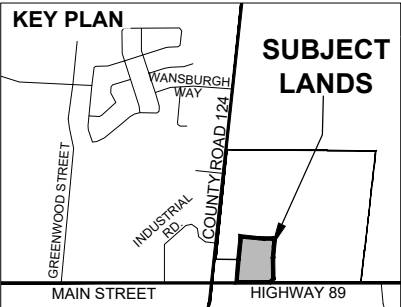
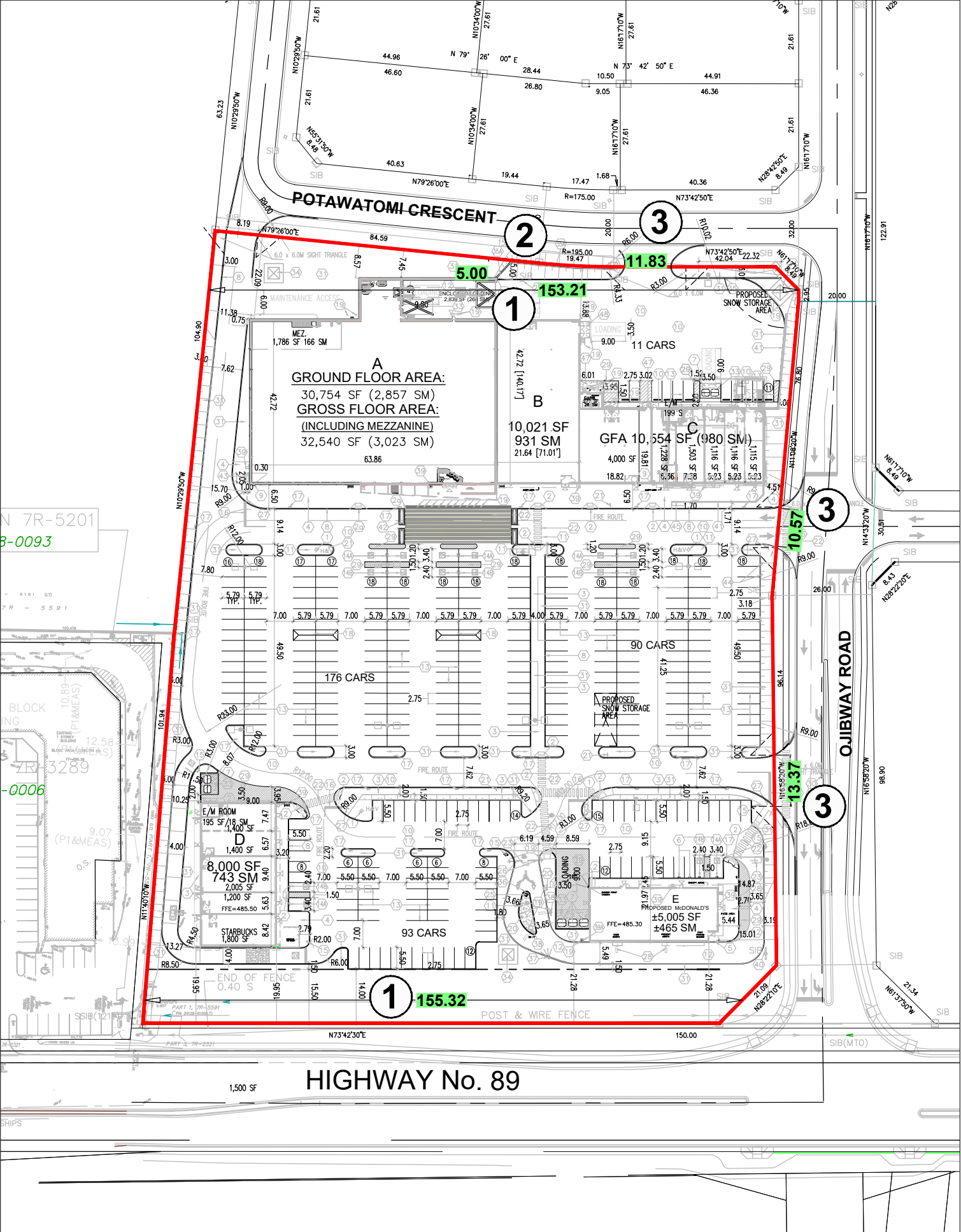
Valerie Schmidt, Senior Planner

Reviewed by:

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Steve Weber, Town Planner





**MINOR VARIANCE SKETCH  
SHELBURNE COMMERCIAL  
DEVELOPMENTS LIMITED**

WEST HALF OF LOT 1,  
CONCESSION 1, OLD SURVEY  
FORMERLY IN THE GEOGRAPHIC  
TOWNSHIP OF MELANCTON,  
TOWN OF SHELBURNE  
COUNTY OF DUFFERIN

**Subject Lands: ±3.12ha (7.71ac)**

**Required Variances:**

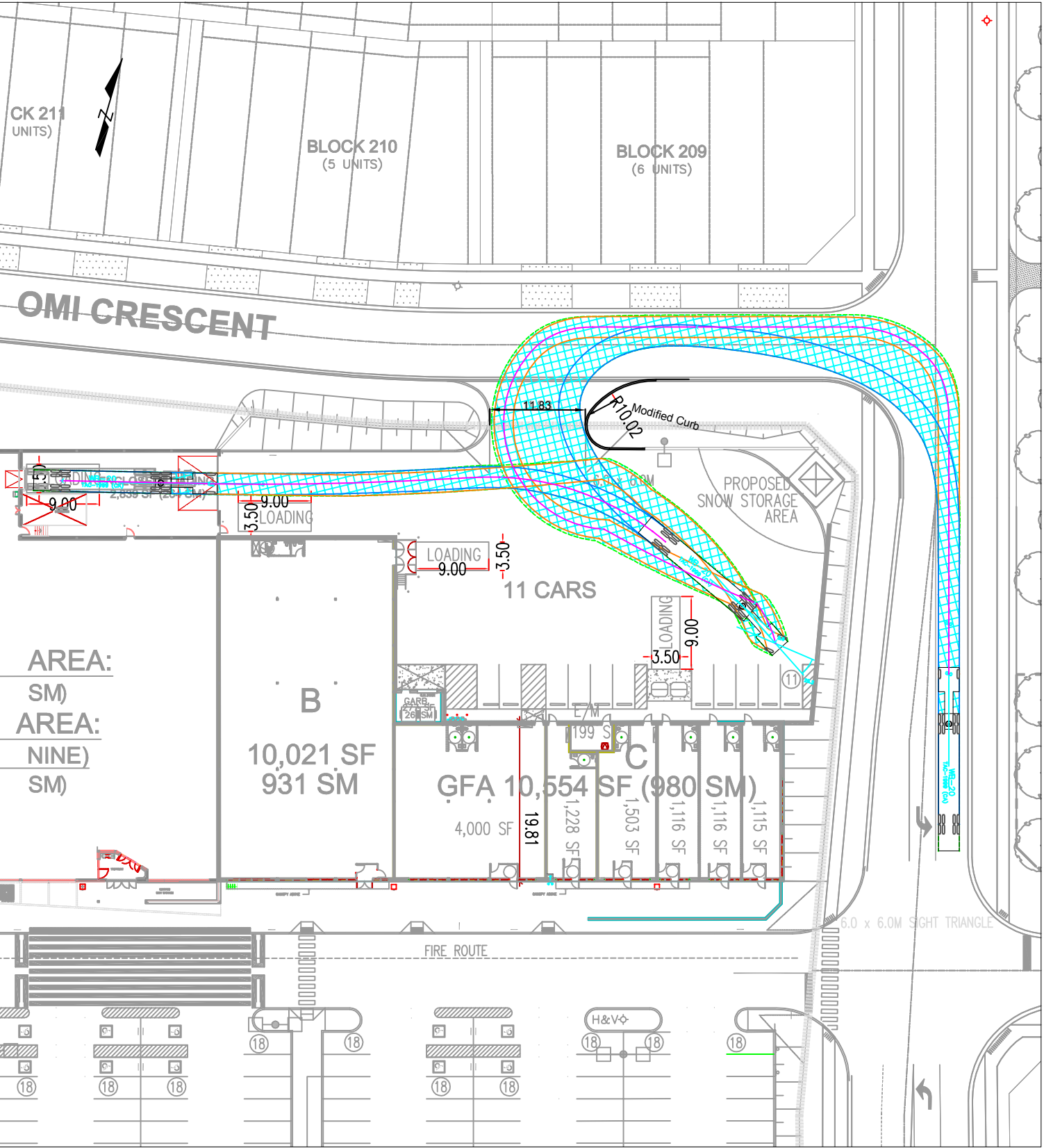
- 1 To establish the Provincial highway of Main Street East (Highway 10/89) to be deemed as the Front Lot Line' whereas the definition of "Lot Line, Front" in Zoning By-law 28-2007 would establish Potawatomi Crescent as the front lot line.
- 2 To permit a minimum rear yard setback of 5.0 metres; whereas Section 4.7 Mixed Use Commercial (C2) Zone of Zoning By-law 28-2007 requires a minimum rear yard of 7.5 metres.
- 3 To permit a maximum driveway width of 14.0 metres; whereas Section 3.15.3 of Zoning By-law 28-2007 permits a maximum width of 9.0 metres for any joint ingress and egress driveway ramp measured along the streetline.



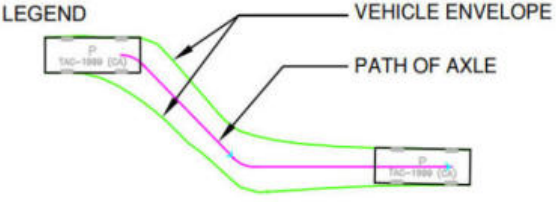
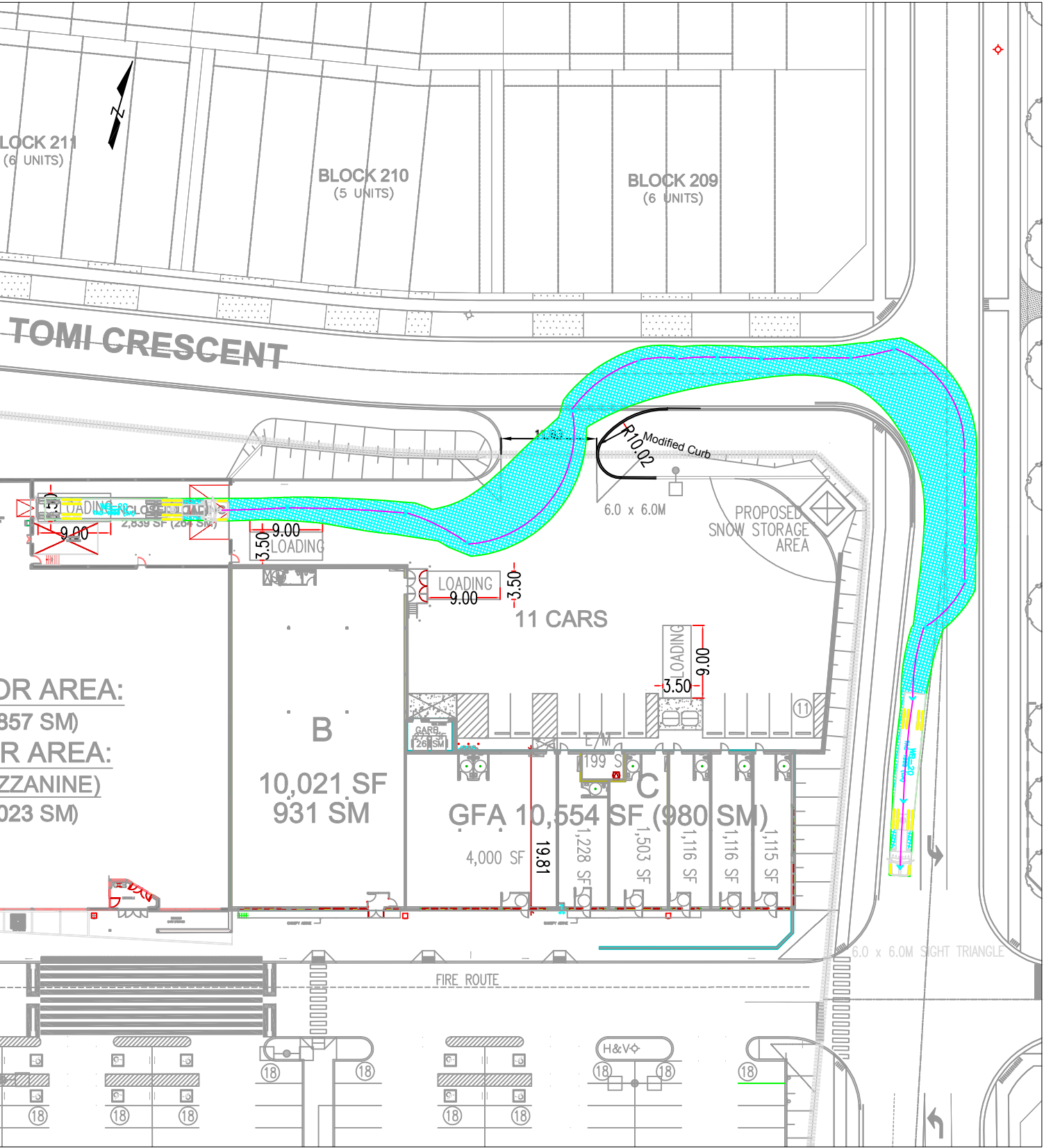
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April 26, 2021



BUILDING 'A' - INGRESS



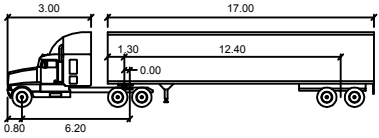
BUILDING 'A' - EGRESS



DESIGN VEHICLE

WB-20

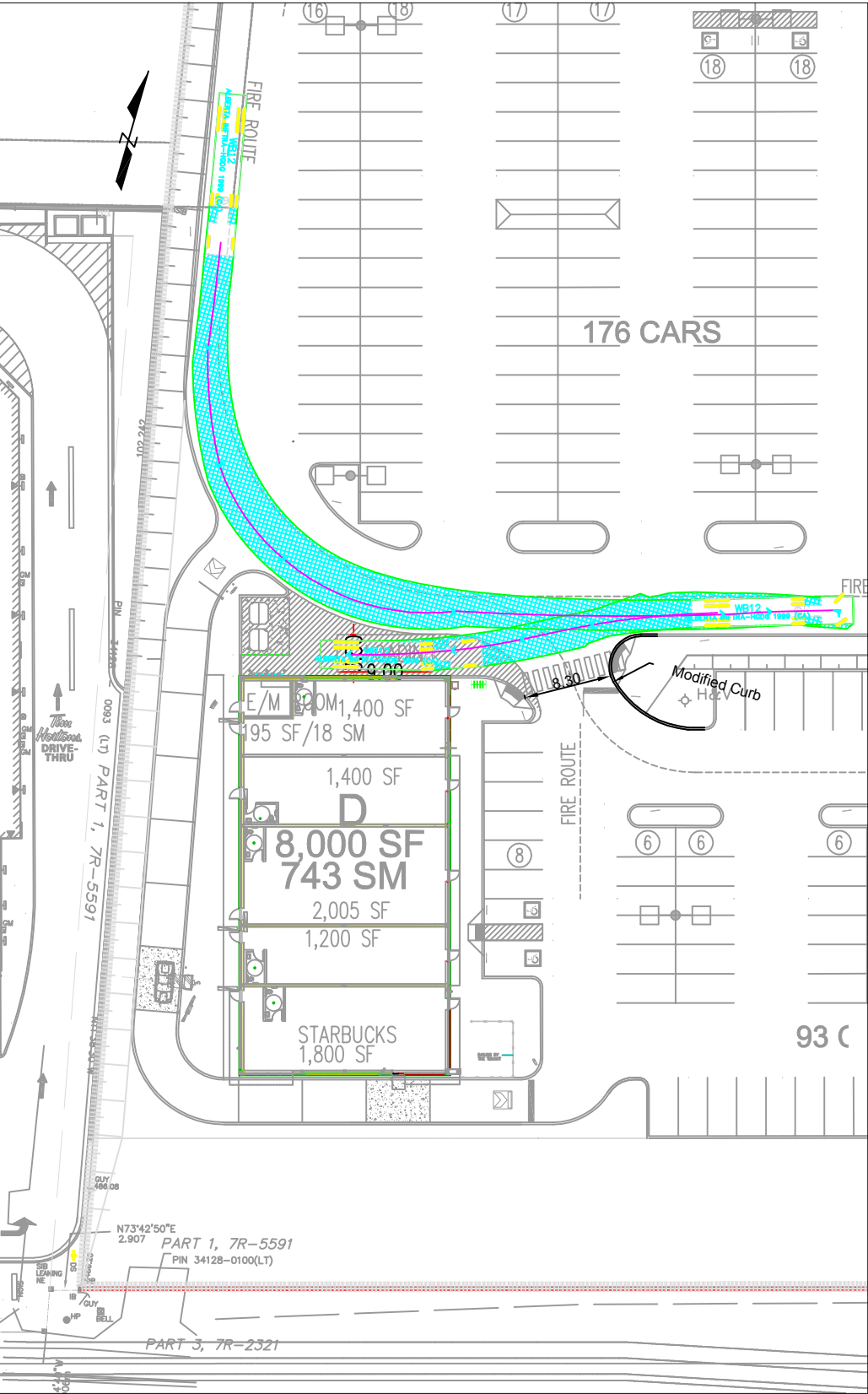
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Tractor Track	2.60	Steering Angle	28.2
Tractor Track	2.60	Articulating Angle	70.0
Tractor Track	2.60		



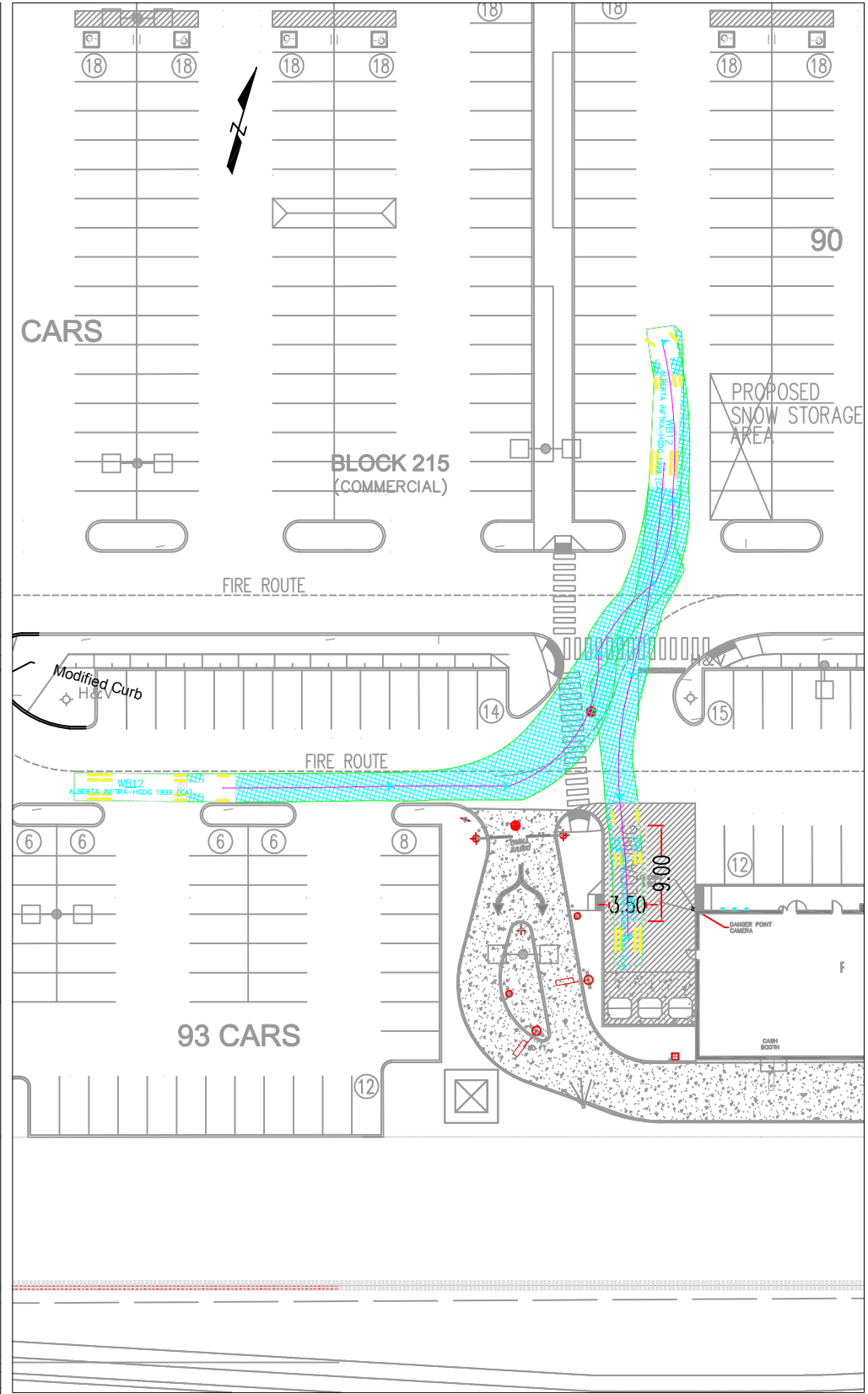
WB-20 MANEUVERING DIAGRAM - BUILDING 'A'  
PROPOSED COMMERCIAL DEVELOPMENT  
BLOCK 215, PART OF THE WEST HALF OF LOT 1, CONCESSION 1  
TOWN OF SHELburne

DATE:	APRIL 2020	PROJECT No.:	2020-0094
SCALE:	1:650	FIGURE No.:	4-1

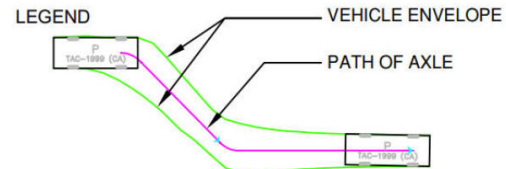
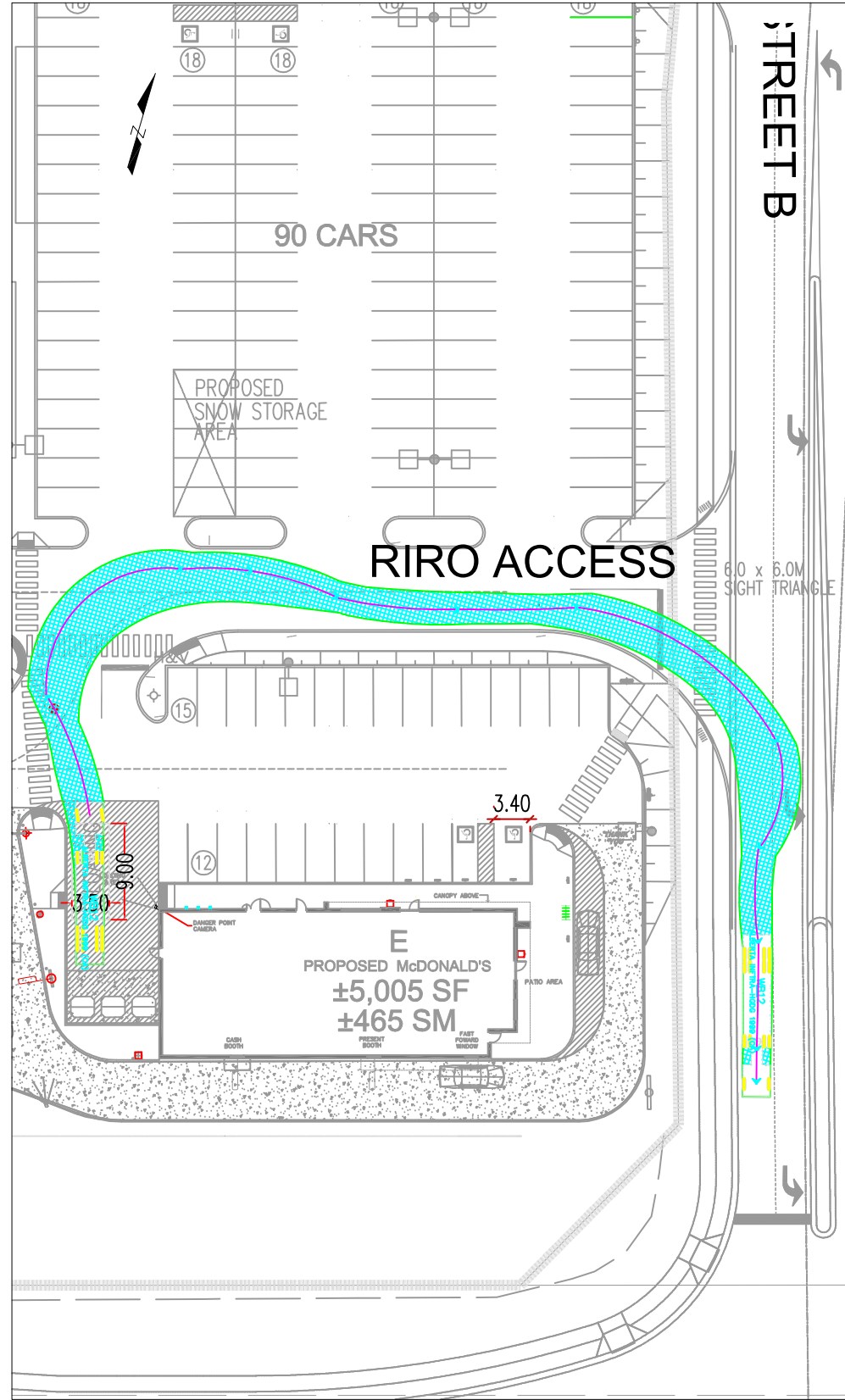
BUILDING 'D' - INGRESS



BUILDING 'E' - INGRESS

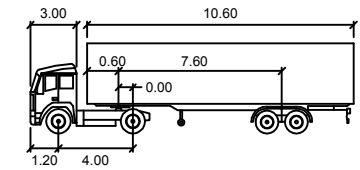


BUILDING 'E' AND RIRO ACCESS - EGRESS



DESIGN VEHICLE  
WB12

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Tractor Track	2.60	Steering Angle	21.3
Tractor Track	2.60	Articulating Angle	70.0

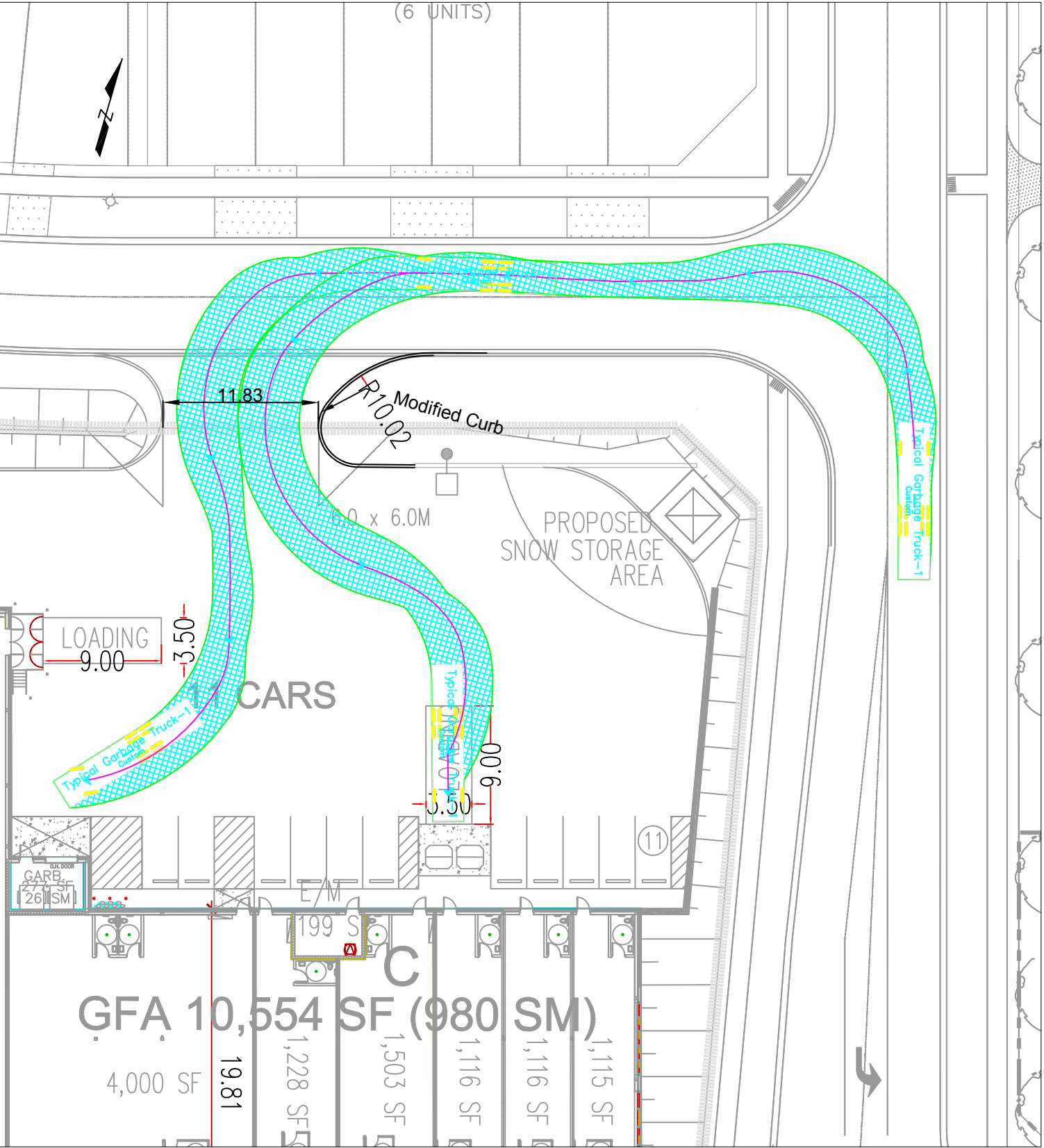


WB-12 MANEUVERING DIAGRAM - BUILDING 'D' AND 'E'  
PROPOSED COMMERCIAL DEVELOPMENT  
BLOCK 215, PART OF THE WEST HALF OF LOT 1, CONCESSION 1  
TOWN OF SHELBURNE

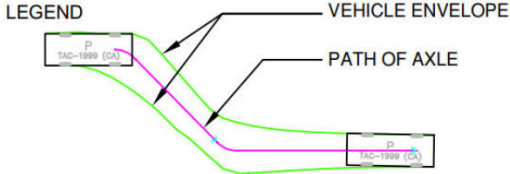
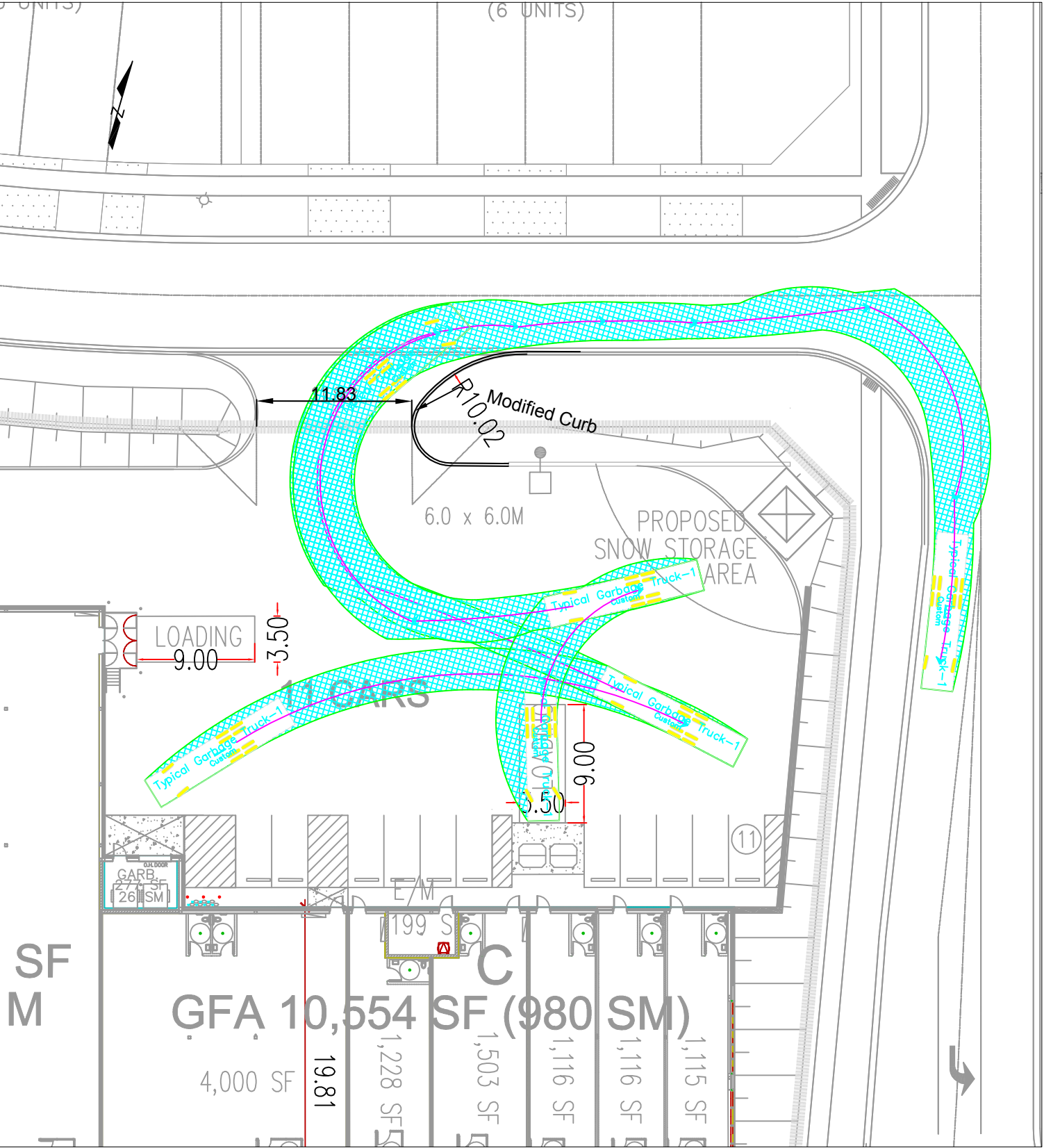
DATE:	APRIL 2021	PROJECT No.:	2020-0094
SCALE:	1:600	FIGURE No.:	4-2



BUILDING 'C' - INGRESS



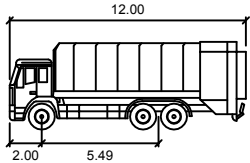
BUILDING 'C' - EGRESS



DESIGN VEHICLE

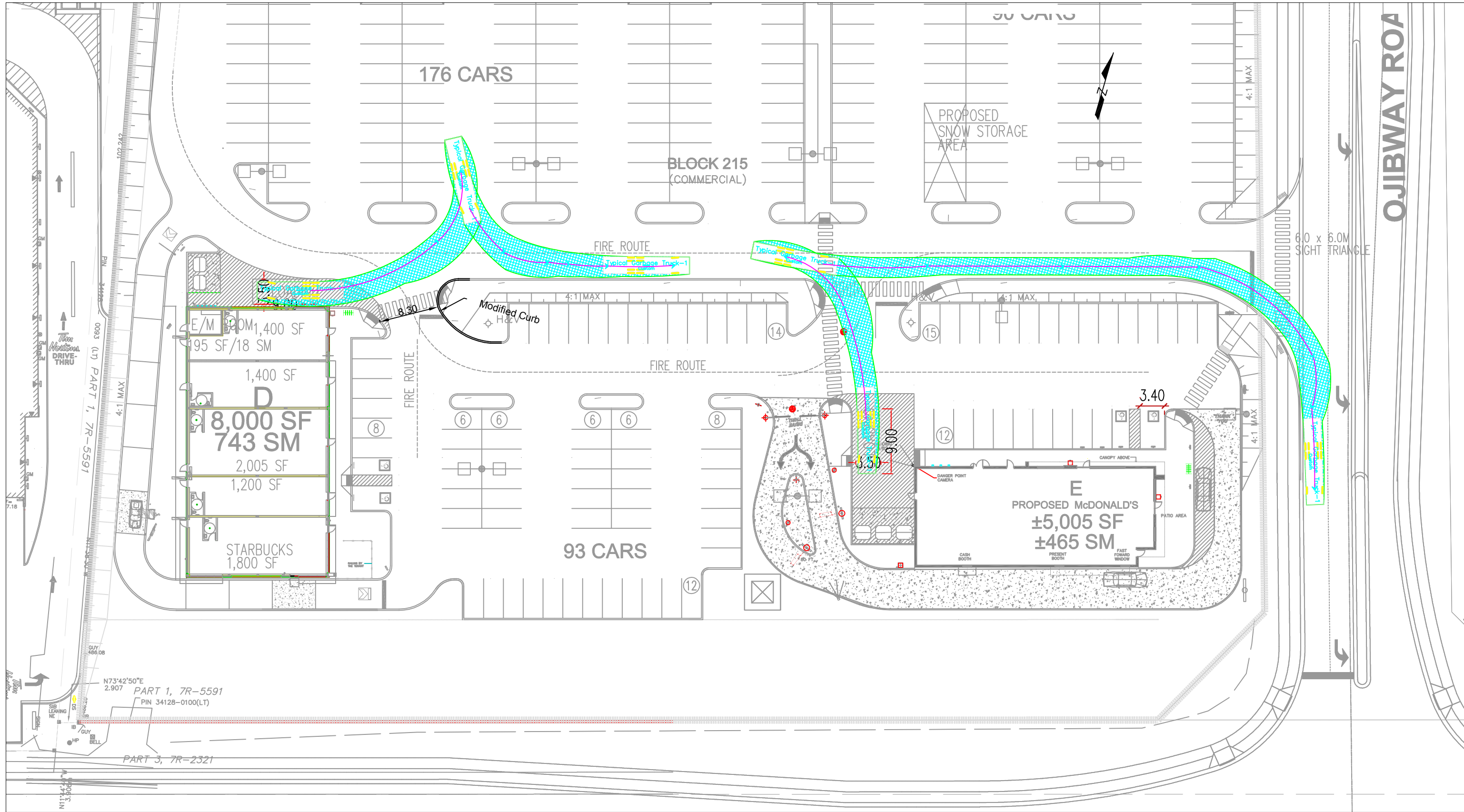
Typical Garbage Truck-1

	meters
Width	: 2.40
Track	: 2.40
Lock to Lock Time	: 6.0
Steering Angle	: 28.3

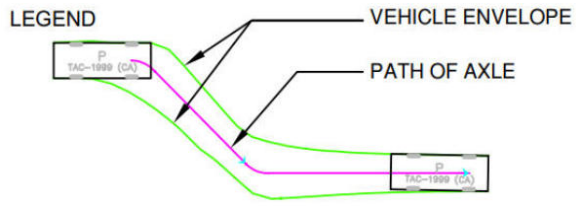


GARBAGE TRUCK MANEUVERING - BUILDING 'C'  
PROPOSED COMMERCIAL DEVELOPMENT  
BLOCK 215, PART OF THE WEST HALF OF LOT 1, CONCESSION 1  
TOWN OF SHELBURNE

DATE:	APRIL 2021	PROJECT No.:	2020-0094
SCALE:	1:650	FIGURE No.:	4-3

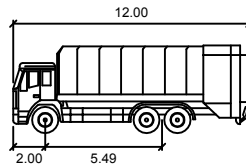


OJIBWAY ROAD



DESIGN VEHICLE  
Typical Garbage Truck-1

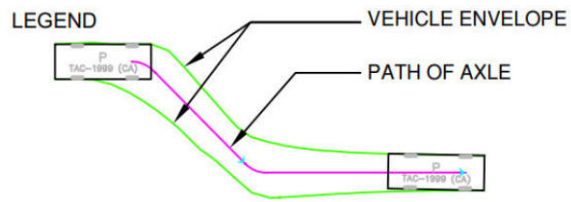
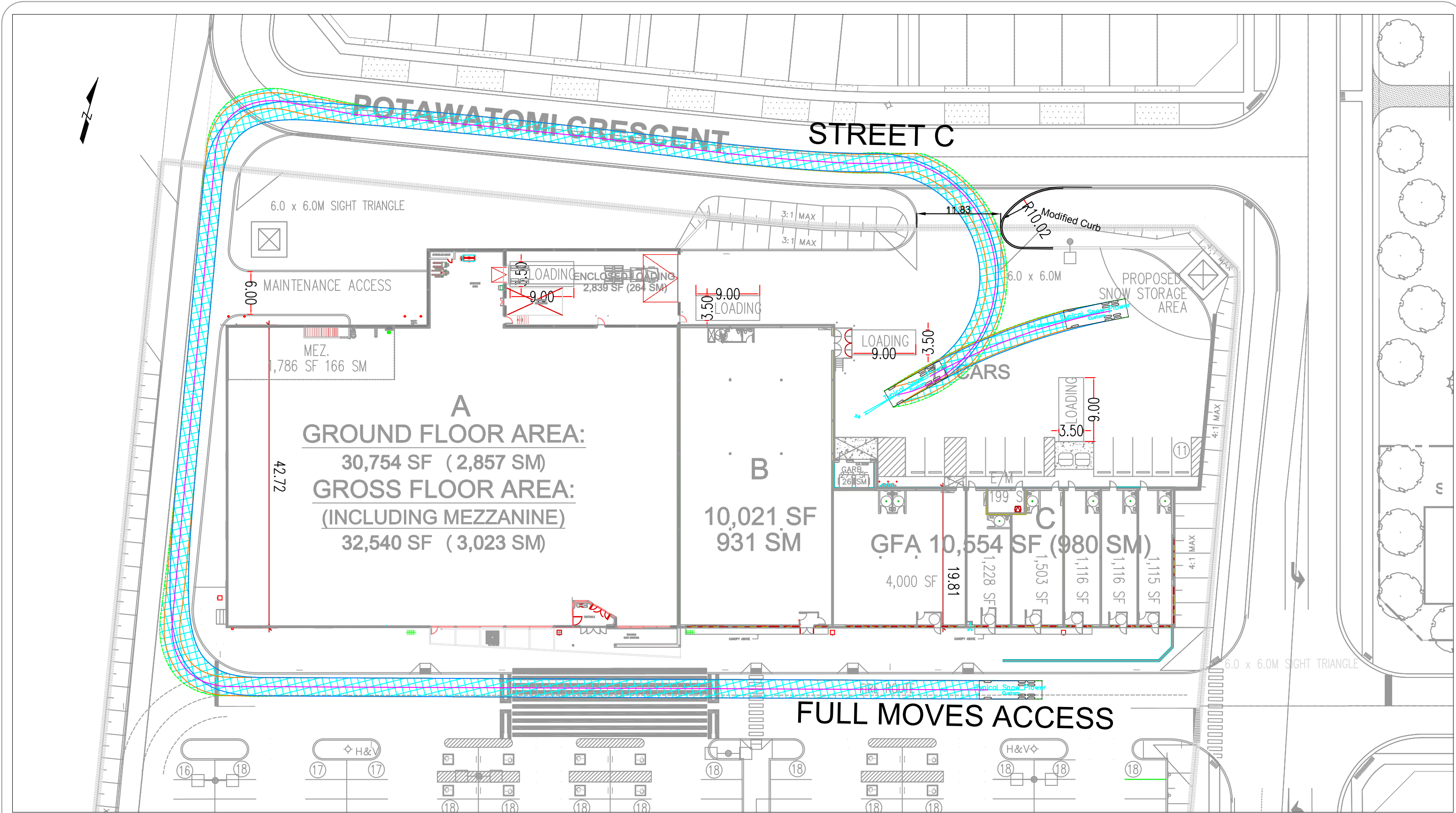
Width : 2.40  
Track : 2.40  
Lock to Lock Time : 6.0  
Steering Angle : 28.3



GARBAGE TRUCK MANEUVERING - BUILDING 'D' AND 'E'  
PROPOSED COMMERCIAL DEVELOPMENT  
BLOCK 215, PART OF THE WEST HALF OF LOT 1, CONCESSION 1  
TOWN OF SHELBURNE

DATE:	APRIL 2021	PROJECT No.:	2020-0094
SCALE:	1:500	FIGURE No.:	4-5





DESIGN VEHICLE

Typical Snow Plower

meters

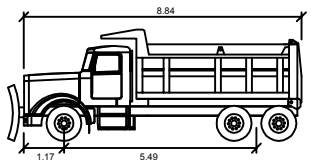
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Track : 2.59

Lock to Lock Time : 6.0

Steering Angle : 35.0

Articulating Angle : AA



SNOW REMOVAL TRUCK MANEUVERING - BUILDING 'A'

PROPOSED COMMERCIAL DEVELOPMENT

BLOCK 215, PART OF THE WEST HALF OF LOT 1, CONCESSION 1

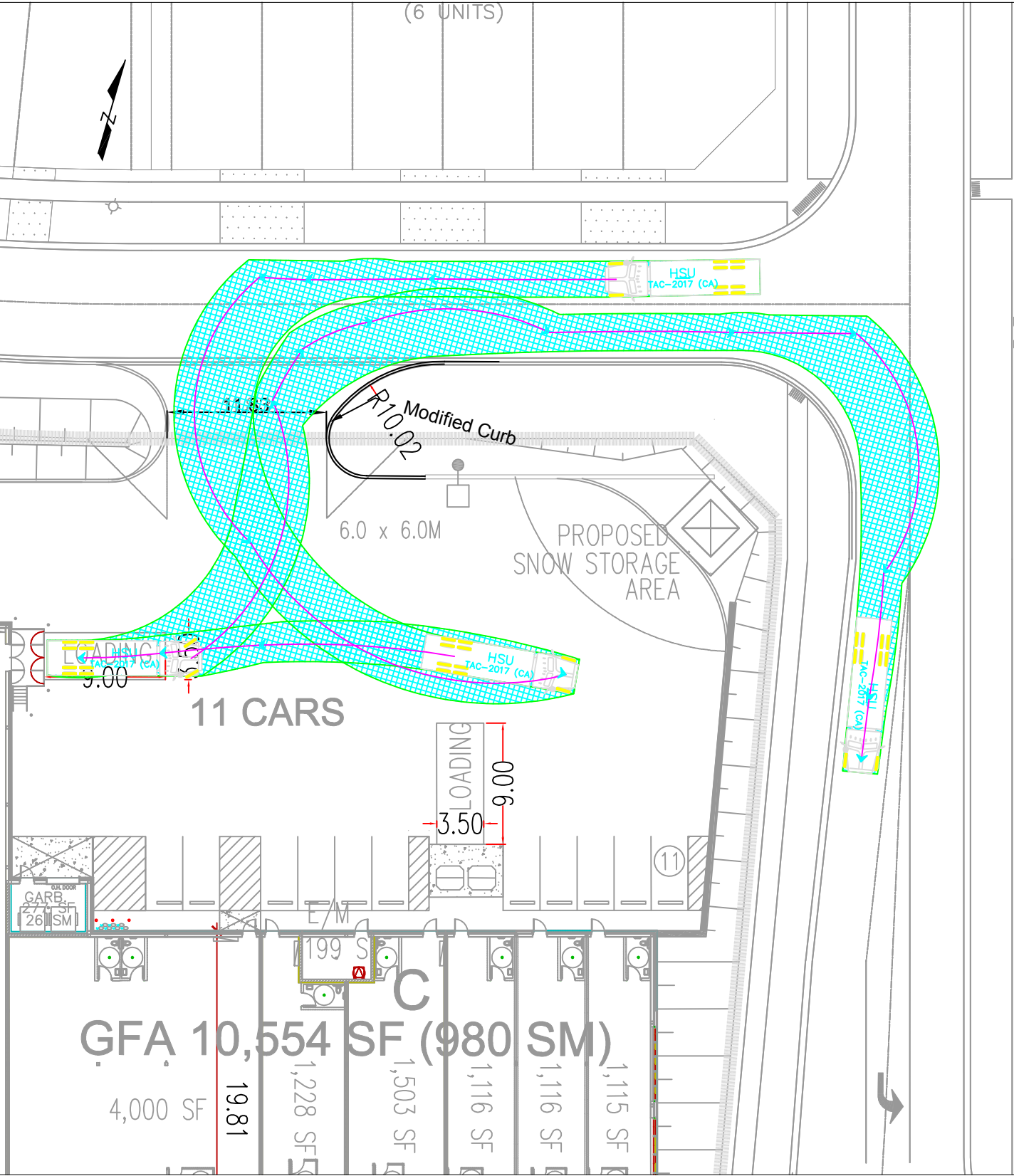
TOWN OF SHELBURNE

DATE:	APRIL 2021	PROJECT No.:	2020-0094
SCALE:	1:500	FIGURE No.:	4-6

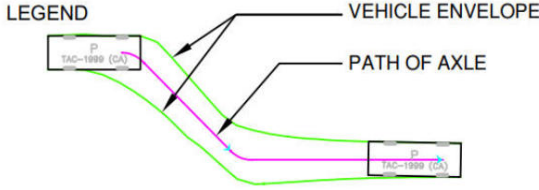
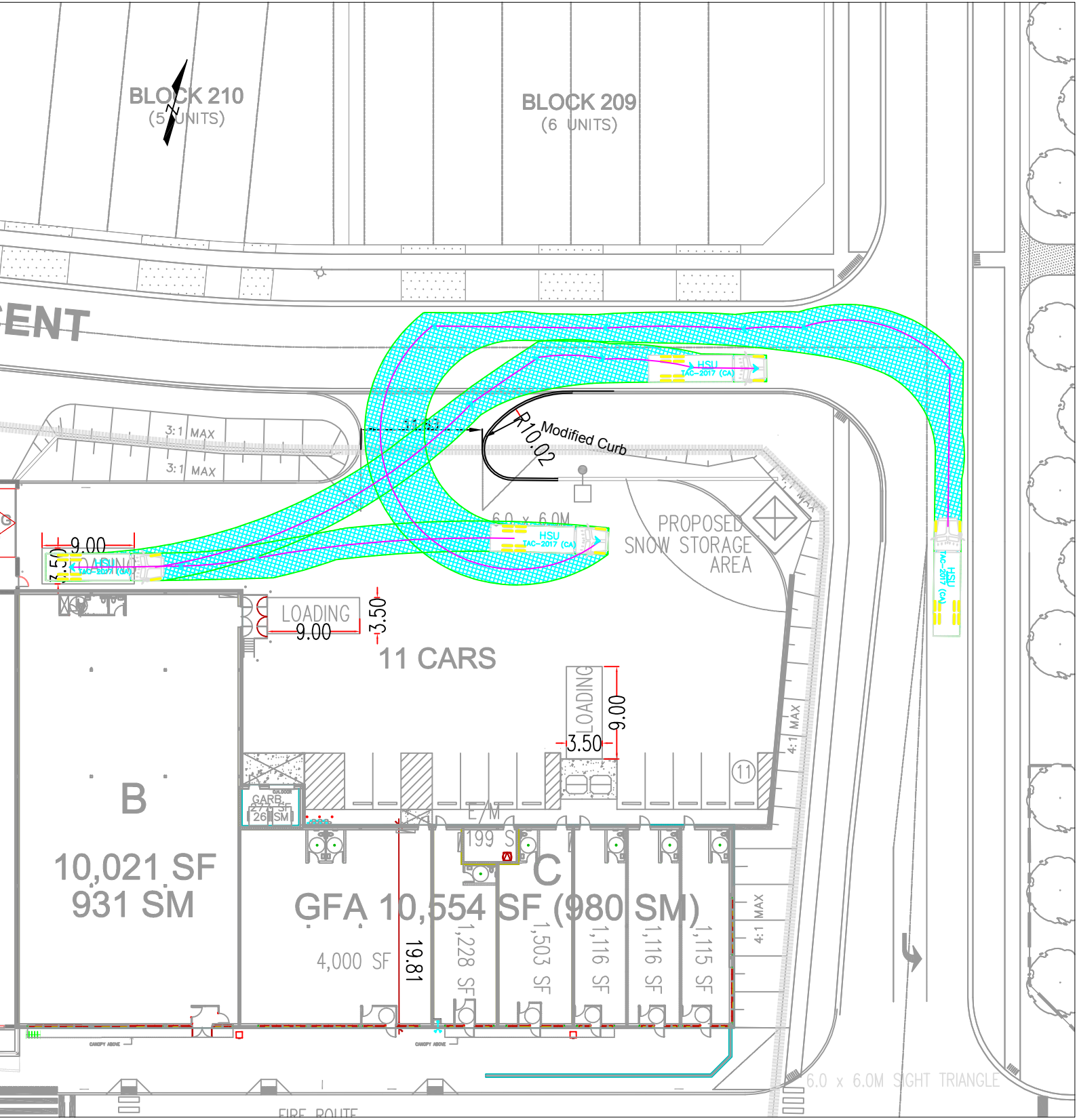




BUILDING 'B' - INGRESS AND EGRESS



BUILDING 'B' - INGRESS AND EGRESS



DESIGN VEHICLE

HSU

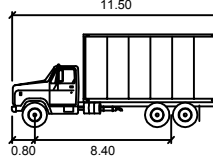
meters

Width : 2.60

Track : 2.60

Lock to Lock Time : 6.0

Steering Angle : 40.0



HSU TRUCK MANEUVERING - BUILDING 'B'  
PROPOSED COMMERCIAL DEVELOPMENT  
BLOCK 215, PART OF THE WEST HALF OF LOT 1, CONCESSION 1  
TOWN OF SHELburne

DATE:	APRIL 2021	PROJECT No.:	2020-0094
SCALE:	1:500	FIGURE No.:	4-11





## MEMO

**TO:** County of Dufferin

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

**SUBJECT:** Minor Variance Application (File #: A21-04), 900 Main Street, Town of Shelburne, ON

**DATE:** May 19, 2021

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### 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. It is recommended that:

- Consultation occur with the Town of Shelburne the Nottawasaga Conservation Authority (NVCA) related to the potential impacts to source water because the subject properties are located within a source water protection area (Significant Groundwater Recharge Area and Low & High Aquifer Vulnerability).
- Consultation occur with the Town of Shelburne and Ministry of Transportation (MTO) related to the proposed variances and its proximity to Highway 89.

### Summary

The purpose of the Minor Variance Application is to establish the lot boundary adjoining Main Street East (Highway 10/89) as the Front Lot Line, to permit a minimum rear yard of 5.0m whereas Section 4.7 requires a minimum rear yard of 7.5m; and, to permit a maximum driveway width of 14.0m whereas Section 3.15.3 permits a maximum width of 9.0m.

The documents received by WSP on May 11<sup>th</sup>, 2021 include:

- Application Form;
- Cover Letter;
- Public Meeting Notice;
- Variance Sketch 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.

Under Appendix 2 (Source Water Protection) the subject property is located within a source water protection area (Significant Ground Water Recharge Area and Low & High Aquifer Vulnerability). Policy 5.4.2(c) states that prior to the approval of development applications within designated vulnerable areas, the proponents shall demonstrate to the satisfaction of the County, local municipality, Conservation Authority and Province, where necessary, that the quality and quantity of municipal drinking water sources will not be negatively impacted. It is anticipated that the Nottawasaga Valley Conservation Authority (NVCA) will provide further review and comments with respect to the requirements for Source Water Protection as it relates to the changes proposed on the subject properties.

The subject property is located on a Provincial Highway and as such the Ministry of Transportation (MTO) 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. It is recommended that:

- Consultation occur with the Town of Shelburne the Nottawasaga Conservation Authority (NVCA) related to the potential impacts to source water because the subject properties are located within a source water protection area (Significant Groundwater Recharge Area and Low & High Aquifer Vulnerability).
- Consultation occur with the Town of Shelburne and Ministry of Transportation (MTO) related to the proposed variances and its proximity to Highway 89.



## TOWN OF SHELburne

### PLANNING & DEVELOPMENT

#### Minor Variance Application

#### Circulation Response Form

**File:** A21/04

**Project:** Minor Variance  
900 Main Street East – Block 216  
Lot 1, Concession 1, Part of West Half on 7R-6553, Town of Shelburne

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

**Email:** [planning@shelburne.ca](mailto:planning@shelburne.ca)

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*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

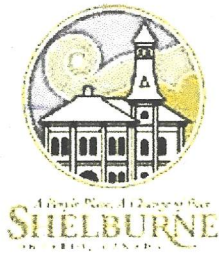
Representative Name  
(Please Print)

DIRECTOR OF DEVELOPMENT & OPERATIONS

Representative Title  
(Please Print)

[Signature]  
Signature

May 12<sup>th</sup> 2021  
Date



# TOWN OF SHELburne

## PLANNING & DEVELOPMENT

### Minor Variance Application

### Circulation Response Form

**File:** A21/04

**Project:** Minor Variance  
900 Main Street East – Block 216  
Lot 1, Concession 1, Part of West Half on 7R-6553, Town of Shelburne

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

**Email:** [planning@shelburne.ca](mailto:planning@shelburne.ca)

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***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**